CITY OF SAN JOSE 2023-2031 HOUSING ELEMENT UPDATE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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List of Acronyms and Abbreviations and Glossary

µg/m^3	Microgram(s) per cubic meter
°C	Celsius
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
ACS	American Community Survey
ADT	average daily traffic
ADU	accessory dwelling unit
AFY	Acre-feet per year
AHO	Affordable Housing Overlay
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
AMI	Area Median Income
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BHC	Bridge Housing Communities
BMPs	Best Management Practices
BRT	Bus Rapid Transit
Btu	British thermal units
C&D	Construction and Demolition
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards
CalRecycle	California Department of Resources Recycling and Recovery

Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBC	California Building Code; CCR Title 24
CBSC	California Building Standards Commission
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFA	California Department of Food and Agriculture
CDTFA	California Department of Tax and Fee Administration
CEC	California Energy Commission
CEQA	California Environmental Quality Act (Public Resources Code 21000-21189)
CEQA Guidelines	California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387
CFC	chlorofluorocarbon compound
CFR	Code of Federal Regulations
CIP	Capital Improvement Program
City	City of San José
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CNRA	California Natural Resources Agency
COGs	Councils of Governments
CO_2	Carbon Dioxide
CO_2e	carbon dioxide equivalent
COPA	Community Opportunity to Purchase Program/Ordinance
CPTED	Community Policing Through Environmental Design
CSW	Candidate Solid Waste
dB	decibel(s)
dBA	A-weighted decibel(s)
DNL	Day Night Average Sound Level
DOF	Department of Finance
DPM	diesel particulate matter
EIH	Emergency Interim Housing
EIR	Environmental Impact Report
EO	Executive Order
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEHA	Fair Employment and Housing Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration

General Plan	Envision San José 2040 General Plan
GHG	Greenhouse gas emissions
GPA	Long Range Traffic Analysis
GWP	Global Warming Potentials
H&SC	Health and Safety Code
HCA	Housing Crisis Act of 2019
HCD	California Department of Housing and Community Development
HEU	Housing Element Update
HFCs	hydrofluorocarbons
HOME	California Housing Opportunity and More Efficiency Act
HOS	Housing Opportunity Study
HOV	High Occupancy Vehicle
Hp	horsepower
HUD	U.S. Department of Housing and Urban Development
HVAC	Air Conditioning
Hz	Hertz
in/sec	Inch(es) per second
IPCC	Intergovernmental Panel on Climate Change
L_{eq}	Equivalent Continuous Sound Level
L_{max}	Maximum Sound Level
LAFCO	Local Agency Formation Commission
LEV	Low-Emission Vehicle Program
LGBTQ+	lesbian, gay, bisexual, transgender, and queer
Lmax	Maximum Sound Level
LOS	Level of Service
LRT	Light Rail Transit
LSAT	Land-Surface Air Temperature
LTA	Local Transportation Analysis
MERV	Minimum Efficiency Reporting Value
mgd	million gallons of wastewater per day
MIHO	Mixed Income Housing Overlay
MMT	million metric ton(s)
MOE	measure of effectiveness
mpg	mile(s) per gallon
MRP	Municipal Regional Permit
MS4s	municipal separate storm sewer systems
MTC	Metropolitan Transportation Commission
N2O	nitrous oxides
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NBDs	Neighborhood Business Districts
NHTSA	National Highway Transit Safety Administration
NOAA	National Oceanic and Atmospheric Association

NOP	Notice of Preparation
NOx	nitrogen oxide(s)
NPDES	National Pollutant Discharge Elimination System
OPR	Office of Planning and Research
OSPH	Open Space, Parklands, and Habitat
PDO	Parkland Dedication Ordinance
PFCs	perfluorocarbons
PFCs	perfluorocarbons
PG&E	Pacific Gas & Electric Company
PIO	Parkland Impact Ordinance
PM	particulate matter
$PM_{2.5}$	particulate matter with a diameter of up to 2.5 microns
PM_{10}	particulate matter with a diameter of up to ten microns
ppm	part(s) per million
PPV	Peak Particle Velocity
PRNS	Parks, Recreation and Neighborhood Services'
RCCC	Red Cross Red Crescent Climate Centre
RHNA	Regional Housing Needs Allocation
RMS	root mean square
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RTP	Regional Transportation Plan
SAFE	Safer Affordable Fuel Efficient
SB	Senate Bill
SCS	Sustainable Communities Strategy
SCVWD	Santa Clara Valley Water District
SDBL	State Density Bonus Law
SEIR	Supplemental Environmental Impact Report
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJMC	San José Municipal Code
SJMWS	San José Municipal Water System
SJPD	San José Police Department
SIP	State Implementation Plan
SJW	San José Water
SJWC	San José Water Company
SSMP	Sewer System Management Plan
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants

TAZ	Transportation analysis zones
TDF	travel demand forecasting
TERO	Transit Employment Residential Overlay
THOW	tiny homes on wheels
U.S.	United States
U.S. EPA	U.S. Environmental Protection Agency
UPRR	Union Pacific Railroad
USC	United State Code
USEIA	United States Energy Information Administration
UWMP	Urban Water Management Plan
Vdb	Decibel notation
VMT	vehicle miles traveled
VOC	volatile organic compound
WPCP	Water Pollution Control Plant
WSA	Water Supply Assessment
YIGBY	Yes in God's Background
YIMBY	Yes in my Backyard
ZEVZNC	Zero Net carbon

1 INTRODUCTION AND PURPOSE

This Draft Supplemental Environmental Impact Report (SEIR) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines to analyze potential physical environmental impacts of the proposed City of San José Housing Element Update (HEU), referred to in this SEIR as the "Project".[1] This document is an SEIR to the Envision San José 2040 General Plan (2040 General Plan) Final Program Environmental Impact Report (EIR) (2040 General Plan EIR) certified by the San José City Council in 2011 (Resolution 76041). As such, this SEIR focuses on changes to the land use and development capacity assumptions included in the 2040 General Plan and does not analyze resource topics for which no relevant change is anticipated. A brief overview of the Project and the environmental review process, and a description of the purpose of this Draft SEIR and opportunities for public comment, are provided below, along with an explanation of how this Draft SEIR is organized.

1.1 Project Overview

As described in Section 3.2.6 Regional Housing Needs Allocation (RHNA) of this document, the City must plan for 62,200 housing units during the 2023-2031 planning period (the 6th Housing Element Cycle). The City will meet its RHNA goals through the following methods: 1. Pipeline Approved Units, 2. Projected ADU's 3. Alternative Sites (Project Homekey[2] sites), and 4. Opportunity Sites[3], also known as the Site Inventory. Table 1-1 below summarizes the units in each category.

Table 1-1. Summary of Residential Capacity to Accommodate 2023-2031 RHNA

Unit Category	Lower	Moderate	Above Moderate	Total
Pipeline Approved Units	5,424	206	12,666	18,296
Projected ADUs	2,131	1,066	355	3,552
Alternative Sites	204	0	0	204
Opportunity Sites	19,780	10,223	20,877	50,880
Total	**27,539**	**11,495**	**33,898**	**72,935**

Approximately 18,296 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.

[1] The California Environmental Quality Act can be found in the California Public Resources Code, Section 21000 et seq. The State CEQA Guidelines, formally known as the Guidelines for California Environmental Quality Act, can be found in the CCR, Title 14, Division 6, Chapter 3, Section 15000 et seq.

[2] Homekey is an opportunity for state, regional and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing for the target population.

[3] State law (Government Code Section 65583(a)(3)) requires local governments to prepare an inventory of land (also known as sites inventory or opportunity sites) suitable for residential development, including vacant sites and sites having the potential for redevelopment. The land must be zoned (or planned to be rezoned) to provide housing capacity that is adequate to meet the RHNA for each income level.

The following provides a summary and overview of the HEU. Chapter 3, Project Description, of this SEIR includes a detailed description of the Project, including maps and graphics.

The Project would:

- Update the City's Envision 2040 General Plan's (2040 General Plan) Housing Element to comply with State-mandated housing requirements.
- Address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites (opportunity sites) and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer of 15 to 30 percent beyond the City's RHNA goal.
- Make 2040 General Plan Amendments and Rezonings in a manner that affirmatively furthers fair housing while preserving the character of the City and perpetuating the safety and welfare of both existing and future residents.
- Meet the community's need of housing production, rehabilitation, and preservation.
- Allow for compliance with and implementation of Senate Bill (SB) 9.
- Promote the creation of deed-restricted accessory dwelling units (ADUs) that can be offered at affordable rent for very low to moderate-income households per the California Health and Safety Code (HSC), Section 65583(c)(7). This includes tiny homes on wheels (THOWs), a type of detached ADU that the City added to the zoning code in April 2020.
- Provide housing throughout the City in a range of residential densities, especially at higher densities (30 dwelling units to the acre or greater), and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population per 2040 General Plan Goal H-1 Housing – Social Equity and Diversity.
- Preserve and improve the City's existing affordable housing stock and increase its supply such that 15 percent or more of the new housing stock developed is affordable to low, very low and extremely low-income households per 2040 General Plan Goal H-2 Affordable Housing.
- Create and maintain safe and high-quality housing that contributes to the creation of great neighborhoods and great places per 2040 General Plan Goal H-3 Housing – High Quality Housing and Great Places.
- Provide housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals per 2040 General Plan Goal H-4 Housing - Environmental Sustainability.

1.2 Purpose of the Draft SEIR

This SEIR is intended as an informational document and does not determine whether the proposed action will be approved. The SEIR aids the planning and decision-making process by disclosing the potential for significant and adverse impacts of the proposed action. In conformance with CEQA, this SEIR provides objective information for addressing the environmental consequences of the proposed action and identifies the means for reducing or avoiding its significant impacts where feasible.

The CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) help define the role and expectations of an EIR as follows:

- **Information Document.** An EIR is an informational document that informs public agency decision makers and the public of the significant environmental effect(s) of a project, identifies feasible ways to minimize significant effects, and describes reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information contained in the administrative record (Section 15121(a)).
- **Degree of Specificity.** An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment; the EIR need not be as detailed as an EIR on the specific construction projects that might follow (Section 15146(b)). This EIR is a program-level EIR, pursuant to CEQA Guidelines Section 15168, discussed in more detail below.
- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good-faith effort at full disclosure (Section 15151).

CEQA Guidelines Section 15163 state that a Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if an EIR is required but "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation" (Section 15163(a)(2)). As described in Section 3.5.2 , 2040 General Plan Amendments and Zoning Code Amendments, below, the Project would involve the reallocation of planned housing development capacity between Growth Areas that were previously identified in the 2040 General Plan, but would not involve a net increase in citywide development capacity. Therefore, the City has determined that the Project would only require minor additions and changes to the 2040 General Plan EIR, and that an SEIR is the appropriate document under CEQA.

CEQA Guidelines Section 15382 defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." Therefore, in identifying the significant impacts of the proposed action, this SEIR concentrates on its substantial physical effects and on mitigation measures to avoid or reduce those effects.

1.3 Scope of this Draft SEIR

Sections 4.1 through 4.10 of this SEIR address the resource areas outlined below. Section 5 discusses population and economic growth inducing effects of the Project. Section 6, discusses irreversible environmental changes, and Section 7 discusses significant and unavoidable impacts. Environmental topic areas addressed in this SEIR include:

Section	Resource Area
4.1	Air Quality
4.2	Energy
4.3	Greenhouse Gas Emissions
4.4	Land Use and Planning
4.5	Noise
4.6	Population and Housing
4.7	Public Services
4.8	Recreation
4.9	Transportation
4.10	Utilities and Service Systems

In preparing the SEIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list can be found in Section 9, References, of this document.

The alternatives section of the SEIR (Section 8) was prepared in accordance with CEQA Guidelines Section 15126.6 and focuses on alternatives capable of eliminating or reducing significant adverse effects associated with the Project while feasibly attaining most of the basic Project objectives. In addition, the alternatives section identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative.

1.4 Report Organization

This Draft SEIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 4, Environmental Impacts and Mitigation Measures and Section 4.2, Energy).

Chapter 1. Introduction and Purpose: This chapter provides the legal authority and purpose for the document, and the public review process.

Chapter 2. Executive Summary: This chapter introduces the Project; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce significant impacts to below significance thresholds.

Chapter 3. **Project Description:** This chapter describes the location, background, and goals and objectives for the Project, and describes the Project elements in detail.

Chapter 4. Environmental Impacts and Mitigation Measures: The sections within this chapter evaluate the expected environmental impacts generated by the Project, arranged by resource area (e.g., Air Quality, Energy and Land Use and Planning). Within each subsection of Chapter 4, the regulatory background, existing conditions, analysis methodology, and thresholds of significance are described. The

anticipated changes to the existing conditions after development of the Project are then evaluated for each subject area. For any significant or potentially significant impact that would result from Project implementation, mitigation measures are presented and the level of impact significance after mitigation is identified. Environmental impacts are numbered sequentially within each section (e.g., Impact 4.2-1, Impact 4.2-2, Impact 4.2-3 and so forth and so on). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 4.2-2 would be Mitigation Measure 4.2-2.

Chapter 5 Growth Inducing Impacts: This chapter evaluates the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Chapter 6. Significant and Irreversible Impacts: This chapter discusses significant irreversible environmental changes that would be caused by the Project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. In addition, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources are evaluated to ensure that such current consumption is justified.

Chapter 7. Significant and Unavoidable Impacts: This chapter highlights impacts of the Project that would be significant and unavoidable despite the implementation of mitigation measures.

Chapter 8. Alternatives: This chapter evaluates alternatives to the Project, including alternatives considered but eliminated from further consideration, the No Project Alternative, and other alternative development options. The environmentally superior alternative is identified.

Chapter 9. References: This chapter identifies the organizations and persons consulted during preparation of this Draft SEIR, and the documents and individuals used as sources for the analysis.

Chapter 10. List of Preparers: This chapter identifies the authors of the Draft SEIR.

1.5 Environmental Review Process of the Draft SEIR

The City determined that preparation of a SEIR was needed to evaluate potentially significant effects that could result from the proposed action. CEQA requires that before a decision can be made to approve a project or action that would result in potentially adverse physical effects, an SEIR must be prepared that fully describes the environmental effects of the project. An EIR is a public information document for use by governmental agencies and the public to identify and evaluate potential environmental impacts of a project, identify mitigation measures to lessen or eliminate significant adverse impacts, and examine feasible alternatives to the project. The information contained in this SEIR will be reviewed and considered by the decision makers prior to a decision to approve, disapprove, or modify the proposed action.

CEQA requires that the lead agency neither approve nor implement a project unless its significant environmental effects have been reduced to less-than-significant levels, essentially “eliminating, avoiding, or substantially lessening” the expected impact(s), except when certain findings are made. If the lead agency approves a project that would result in the occurrence of significant adverse impacts that cannot be mitigated to less-than-significant levels, the agency must state the reasons for its action

in writing in a statement of overriding considerations. A statement of overriding considerations sets forth the reasons an agency has determined to approve a project based on economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, despite the project's unavoidable environmental risks.

2 EXECUTIVE SUMMARY

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), "an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical." As required by the guidelines, this chapter includes (1) a summary description of the City of San José 2023-2031 Housing Element Update (Project), (2) a synopsis of environmental impacts and recommended mitigation measures, (3) identification of the alternatives evaluated and of the environmentally superior alternative, and (4) a discussion of the areas of controversy associated with the Project.

2.1 Project Under Review

This document is an SEIR to the Envision San José 2040 General Plan (2040 General Plan) Final Program Environmental Impact Report (EIR) (2040 General Plan EIR) certified by the San José City Council in 2011 (Resolution 76041). As such, this SEIR focuses on changes to the land use and development capacity assumptions included in the 2040 General Plan and does not analyze resource topics for which no relevant change is anticipated.

2.1.1 Project Background and History

State law requires each city and county to adopt a general plan containing at least eight elements including a housing element. The housing element, required to be updated regularly, is subject to detailed statutory requirements and mandatory review by the State Department of Housing and Community Development (HCD). This Housing Element Update is an update of the City's previous housing element, which was adopted by the City Council on January 27, 2015 and certified by HCD on April 30, 2015 (City of San José, 2022a).

Housing element law requires local governments to plan adequately to accommodate their existing and projected housing needs, including their share of the regional housing need. Housing element law is the State's primary market-based strategy to increase housing supply, choice, and affordability. The law recognizes that in order for the private for-profit and non-profit sectors to adequately address housing needs and demand, local governments must adopt land use plans and regulatory requirements that provide opportunities for, and do not unduly constrain, housing development.

The timing for jurisdictions to update their housing elements is based on the update schedule of the regional transportation plans (RTPs) by the federally designated metropolitan planning organizations (MPOs). The City is a member of the Association of Bay Area Governments (ABAG), which is the designated MPO for the region. ABAG is required to update its Regional Transportation Plan/Sustainable Communities Strategy (MTP/SCS) every four years, which puts all member jurisdictions on a schedule to update their housing elements every eight years. The ABAG board adopted the Plan Bay Area 2050 and accompanying documents at a special board meeting on October 21, 2021 (MTC and ABAG 2023).

2.1.2 Project Objectives

The purpose of the Housing Element Update is to address the housing needs of the City and to meet the requirements of State law. The HEU includes the following goals:

- Update the City's Envision 2040 General Plan's (2040 General Plan) Housing Element to comply with State-mandated housing requirements.
- Address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites (opportunity sites) and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer of 15 to 30 percent beyond the City's RHNA goal.
- Make 2040 General Plan Amendments and Rezonings in a manner that affirmatively furthers fair housing while preserving the character of the City and perpetuating the safety and welfare of both existing and future residents.
- Meet the community's need of housing production, rehabilitation, and preservation.
- Allow for compliance with and implementation of SB 9 (2022).
- Promote the creation of deed-restricted accessory dwelling units (ADUs) that can be offered at affordable rent for very low to moderate-income households per the HSC, Section 65583(c)(7). This includes THOWs, a type of detached ADU that the City added to the zoning code in April 2020.
- Provide housing throughout the City in a range of residential densities, especially at higher densities (30 dwelling units to the acre or greater), and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population per 2040 General Plan Goal H-1 Housing – Social Equity and Diversity.
- Preserve and improve the City's existing affordable housing stock and increase its supply such that 15 percent or more of the new housing stock developed is affordable to low, very low and extremely low-income households per 2040 General Plan Goal H-2 Affordable Housing.
- Create and maintain safe and high-quality housing that contributes to the creation of great neighborhoods and great places per 2040 General Plan Goal H-3 Housing – High Quality Housing and Great Places.
- Provide housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals per 2040 General Plan Goal H-4 Housing - Environmental Sustainability.

2.1.3 Project Location

The City 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. It is the population center of Silicon Valley. According to the Joint Venture Silicon Valley website, Silicon Valley has seen a significant growth in the economy even during the COVID-19 pandemic, with Silicon Valley tech companies exceeding $14 trillion in market capitalization in 2022 (Joint Venture Silicon Valley, 2022).

The City continues to be one of the most expensive places to live in the country. In the first quarter of 2022, the median single-family home was $1.7 million, the median condo/townhome was $900,000, and median monthly rent was $2,595 (City of San José, 2022).Summary of Impacts and Mitigation Measures

This SEIR has been prepared pursuant to CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) to evaluate the physical environmental effects of the proposed Project. The City is the lead agency for the Project. The City Council has the principal responsibility for approving the Project and for ensuring that the requirements of CEQA have been met.

The Project would not have any impacts itself, but would contribute to significant and unavoidable impacts previously identified in the 2040 General Plan EIR. For detailed discussions of all Project impacts and mitigation measures, the reader is referred to the topical environmental analysis in Section 4, Environmental Setting, Impacts, and Mitigation Measures. Cumulative impacts are discussed at the end of each resource topic analysis.

2.2 Potential Area of Controversy

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify the areas of controversy known to the lead agency, including issues raised by agencies and the public. The areas of controversy associated with the Project are potential increases in traffic noise and air quality emissions in Growth Areas receiving development capacity from North San José.

These issues are each addressed in this Draft SEIR. Any impacts related to these issues are identified either as less than significant or as less than significant after mitigation with the exception of the impacts identified under the heading “Significant and Unavoidable Impacts,” below. Issues related to impacts identified as significant and unavoidable remain areas of controversy.

2.3 Issues to be Resolved

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify issues to be resolved related to the proposed project. Issues to be resolved by the City are identified below, including issues that will not necessarily be resolved through the SEIR:

- Should the Housing Element and Safety Element Update be approved as proposed?
- Should the existing or candidate housing sites identified in the Housing Element Update be modified?
- Are there any additional policy provisions that should be considered in both element updates?

2.4 Significant Unavoidable Impacts

Because the Project would facilitate the construction of new housing planned as part of the 2040 General Plan, the Project would contribute to the significant unavoidable impacts identified in the 2040 General Plan EIR, including those related to aesthetics, agricultural farmland and forestland, air quality, biological resources, greenhouse gas (GHG) emissions, noise, population and housing/growth

inducement, and transportation. The Project would not introduce any new significant impacts, nor would it substantially increase the severity of impacts identified in the 2040 General Plan EIR.

2.5 Alternatives to the Project

The following alternatives are evaluated in this Draft SEIR. The reader is referred to Chapter 5, "Alternatives," for a further discussion of alternatives.

- Alternative 1 (No Project): Under the No Project Alternative, the 2023-2031 Housing Element would not be adopted and the goals and policies within the City's existing Housing Element would remain unchanged. The 2040 General Plan land use designations and zoning districts currently in place would remain as the development parameters for the City. No new General Plan overlays or Zoning District overlays would be established. Because the Project would not increase net-development capacity within the City, the No Project Alternative would be identical to the Project in terms of the total amount of planned housing within the City, but no shift in 2040 General Plan residential capacity from North San José and the Rincon South Urban Village to other growth areas would occur. However, since neither a housing sites inventory nor the programs necessary to implement the housing sites inventory would be adopted under the No Project Alternative, the 6th Cycle RHNA requirements would not be met and the City's Housing Element would not comply with the requirements of State law.
- Alternative 2 (Reduced Density in High-VMT Areas): Alternative 2 would eliminate the addition of housing development capacity to Immitigable VMT areas planned as part of the Project. That housing development capacity would be removed from the total citywide development capacity, resulting in a net decrease of 680 units. By only reallocating development capacity to Growth Areas in Mitigatable VMT Areas or better, Alternative 2 would result in a citywide per capita VMT of 27,007,460 compared to 27,021,232 under the Project. Although Alternative 2 would decrease VMT slightly more than the Project, both scenarios would represent a similar reduction of -0.02 compared to levels anticipated under buildout of the 2040 General Plan. Both would reduce the severity of 2040 General Plan transportation impacts (Section 7.8 of this SEIR) but a significant unavoidable impact would remain in both cases.

2.5.1 Environmentally Superior Alternative

Based on the analysis in Sections 8.2.2 and 8.2.3, the Alternative 2 would be the environmentally superior alternative because it would achieve many objectives of the Project while slightly reducing VMT and associated air quality and GHG impacts. However, it would do so at the cost of reducing citywide housing development capacity by 680 units. As stated, a housing reduction of 680 units, would fail to meet the City's RHNA goals and achieve compliance with state-mandated housing requirements.

3 PROJECT DESCRIPTION

3.1 Introduction

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. Because housing needs are recognized as a matter of statewide concern, the State, through the California Department of Housing and Community Development (HCD), must certify the compliance of every jurisdiction's Housing Element upon adoption. The legislature has adopted two bills that have implications for Housing Element compliance.

Assembly Bill (AB) 686 (2019) creates new requirements in Housing Element law: Housing Elements must include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law. Additionally, all housing elements due on or after January 1, 2021, must contain an Assessment of Fair Housing consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing Final Rule of July 16, 2015. The five components include a summary of fair housing enforcement and outreach capacity, integration and segregation patterns, and trends related to people with protected characteristics, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.[4]

Pursuant to Assembly Bill (AB) 72 (2017)[5], HCD also has statutory authority to revoke Housing Element compliance if the local government's actions do not comply with state law. In addition, HCD may notify the California Office of the Attorney General that the local jurisdiction is in violation of state law for non-compliance with Housing Element law or other state housing laws.

The City last updated its Housing Element for the 2014-2023 planning period in 2015. The City's 2014-2023 Housing Element was adopted by the City Council on January 27, 2015 (Resolution No. 77271), and certified by HCD on April 30, 2015. The present 2023-2031 HEU ("the Project") has been developed to comply with the state law requirements discussed above 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.

3.2 Summary of City Outreach Performed to Date

In 2019, the City developed and implemented a robust public and key stakeholder participation strategy making diligent efforts to include all demographic segments of the community and/or their representatives. This public outreach strategy was implemented in four major phases, which are summarized below.

[4] California Government Code, Title 2, Division 1, Sections 65583, 65583.2, and 8899.50.
[5] California Government Code, Title 2, Division 1, Section 65585.

3.2.1 Phase 1: Assessment of Fair Housing

The first phase of outreach (Fall 2019 to Spring 2020) focused on establishing existing conditions for the Assessment of Fair Housing in accordance with AB 686 (refer to Section 3.1). During this phase, City Housing Department staff engaged the community through print media, social media, surveys, and the establishment of a countywide Santa Clara Assessment of Fair Housing Advisory Committee. Phase 1 of outreach also included 48 meetings, including 2 public hearings, 2 advisory group meetings, 12 focus groups, 27 stakeholder meetings, and 5 intergovernmental agency meetings. Community meetings included Spanish and Vietnamese interpreters.

3.2.2 Phase 2: Housing Element Kick-off and Part 2 of Assessment of Fair Housing

During the second phase of outreach (September 2021 to January 2022), the City focused on informing the public about the HEU process and fair housing concepts, given the new State requirements and the City Council's direction to engage the community on the City's history of segregation and need for fair housing. Another objective was to gather public input on housing needs, issues, and goals. Public outreach during this phase included:

- Two virtual community meetings
- Four focus groups with members of protected classes, including disability, veterans, lesbian, gay, bisexual, transgender, and queer (LGBTQ+), and African ancestry
- One strategy working group meeting concerning access to rental housing
- Eight stakeholder meetings, including South Bay Yes in My Backyard (YIMBY) and League of Women Voters
- Setting up an information table at five community events
- A panel discussion on the history of segregation in the City at San José State University's Racial Justice Symposium
- A special screening of the documentary "A Reckoning in Boston" followed by a discussion with the producers
- A City-sponsored podcast about housing elements and fair housing
- An online survey asking about housing priorities; the survey was advertised in English, Spanish, and Vietnamese, which received 335 responses in English, 155 in Spanish, and 150 in Vietnamese (640 total)

3.2.3 Phase 3: Draft Goals, Strategies, and Policies

Phase 3 of outreach (January 2022 to June 2022) focused on gathering feedback on draft goals, strategies, policies, programs, and actions. Public outreach during this phase included:

- Four focus groups with people of protected classes, including formerly homeless, LGBTQ+, affordable housing residents and Indigenous Peoples
- Ten working group meetings corresponding to four fair housing strategy areas
- One in-person meeting and two virtual community meetings

- Four stakeholder meetings
- An online survey that was posted in April 2022, which was advertised in English, Spanish, and Vietnamese and received 713 responses in English, 92 in Spanish, and 10 in Vietnamese (815 total)

3.2.4 Phase 4: Public Review Draft of the Housing Element

Phase 4 began in July 2022 and consisted of a variety of ways to gather feedback on the draft HEU, which was circulated publicly from July 22, 2022 through August 21, 2022. The City received 34 public comments during this time, all of which were considered during preparation of the draft HEU submitted to HCD on September 16, 2022. The comments are available for review on the City's website at https://www.sanjoseca.gov/home/showpublisheddocument/95097. Public outreach and engagement during this phase included:

- One virtual community meeting
- One in-person, open house style community meeting
- Five stakeholder meetings (including Equity Advisory Group, Sacred Heart Action Committee Meeting, and California Apartment Association)
- One tabling event at Vietnamese American Organization's Community Day
- An online comment forum

3.2.5 General Plan Four-Year Review

In December 2021, the City concluded the second General Plan Four-Year Review in compliance with General Plan Policy IP-2.4 , which evaluated changes in the planning context and achievement of key General Plan goals. Starting in November 2019, the 40-member Task Force convened over ten public meetings. All meeting materials including agendas, recorded meetings, synopsis, presentations, reports, and Task Force and public correspondence are available on the Planning Division website: http://www.sanjoseca.gov/GeneralPlanReview.

The scope of the work included, among other items, evaluating strategies to achieve the City's housing goals. While there was support for the City to facilitate affordable housing, such as through the elimination of commercial requirements for these types of developments, there was also concerns from the public regarding the increase in density in single-family neighborhoods, parking impacts, and elimination of single-family zoning that implementation of the locally proposed "Opportunity Housing" framework and SB 9[6] (2022)would cause. Opportunity Housing[7] similar to SB 9, is a City development framework that would allow up to four residential units on existing single-family parcels currently designated "Residential Neighborhood" in the General Plan. Areas of Known Controversy

[6] SB 9, the California Housing Opportunity and More Efficiency (HOME) Act, is a California state law that aims to alleviate the housing crisis facing cities across California by providing new ways to increase housing supply and diversify the types of housing available. California Government Code, Sections 66452.6, 65852.21, and 66411.7 (2022).

[7] "Opportunity Housing" is a City proposed development framework different from "opportunity sites" described previously which is a State development regulation (Government Code Section 655583(a)).

CEQA Guidelines Section 15123 requires the summary section of a Draft SEIR to identify the areas of controversy known to the lead agency, including issues raised by agencies and the public. Issues that were raised by the public during outreach activities described in Section 3.2, Summary of City Outreach Performed to Date, of this document, include concerns regarding housing segregation and discrimination, displacement of residents, increasing homelessness, high cost of living in the City, and access to affordable housing for all. Other issues that were raised concerned the time it takes to build housing and a desire for reparations to redlined neighborhoods. Additionally, members of the public raised the issue that when housing is required to remain affordable, this may not allow wealth building opportunities for homeowners, and the distribution of funding for more housing.

In accordance with CEQA Guidelines Section 15063 and 15082, a Notice of Preparation (NOP) for the SEIR was publicly circulated to federal, State, local agencies, and interested parties from November 14, 2022 through December 14, 2022 and a scoping meeting was held virtually via Zoom on December 1, 2022. The NOP and the comments received on the NOP are included in Appendix A of this SEIR. As discussed in the NOP and pursuant to the provisions of CEQA, the City did not prepare a CEQA Initial Study prior to preparation of the SEIR, because the City determined that it was clear at the time of the issuance of the NOP that an SEIR was required (CEQA Guidelines Section 15060[d]).

The City received comments on cultural resources, hazards and hazardous materials, transportation, and public services. Comments regarding public services and transportation are discussed in Section 4.7, Public Services, and Section 4.9, Transportation of this document. The City received scoping comments from the Native American Heritage Commission (NAHC) which recommended, pursuant to Assembly Bill (AB) 52 (2015)[8], that the City conduct consultation with tribes that are traditionally and culturally affiliated with the geographic area of the Project. The Project would not add any development capacity or new development sites beyond what was analyzed under the 2040 General Plan EIR, and thus would not result in potential effects on cultural resources beyond those addressed in the 2040 General Plan EIR. The NOP for the SEIR was circulated on November 14, 2022 to all tribes that are traditionally and culturally affiliated with the City of San José and all future developments will comply with AB 52 during the individual project level environmental review process. Given that effects on cultural resources are addressed under the 2040 General Plan EIR, the setting has not changed, and the Project would not result in an expanded development footprint beyond the 2040 General Plan EIR, the topic is not discussed further in this SEIR. The City also received comments from the Department of Toxic Substances Control which recommended 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[9]. Given that the Project would not add development capacity beyond what was analyzed under the 2040 General Plan EIR, the Project would not result in potential effects relating to hazards and hazardous materials beyond those discussed in the 2040 General Plan EIR. Furthermore, future development will be required to comply with the City's 2040 General Plan Environmental Contamination Policies EC-7.1 through EC-7.11 which address evaluation required to identify and mitigate potential hazardous materials on future sites. These policies will require Phase I Environmental Site Assessments to be performed and reviewed by the City. Based on the

[8] Public Resources Code Section 21080.3 (2015).

[9] The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5.

Phase I, a Phase II Site Investigation may be required to evaluate environmental risks that will help the City develop mitigation measures that would then ensure the Project is safe for the public and the environment. The City required analysis includes all sites that are potentially hazardous and therefore, is more conservative than the Cortese List. Thus, hazards and hazardous materials are not addressed further in this SEIR.

3.2.6 Regional Housing Needs Allocation

This HEU covers the planning period[10] of January 31, 2023, to January 31, 2031[11]. It is closely aligned with the RHNA projection period[12], which runs January 1, 2023, to October 31, 2031[13]. The determination of regional housing need begins with HCD and the California Department of Finance (DOF), which first calculate statewide housing need based on population projections and regional population forecasts used in preparing regional transportation plans. The statewide need is then distributed to regional Councils of Governments (COGs) throughout California, who work with cities and counties within their respective purview to assign each jurisdiction its share of the regional housing need, known as the RHNA. The RHNA itself is divided into five income categories that encompass all levels of housing need. The City is a member of the Association of Bay Area Governments (ABAG), which stands as the Bay Area's COG and comprises nine counties and 101 cities. 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 Table 3-1.

Table 3-1. Final RHNA Allocation for the City's 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

3.3 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the project in an EIR to state the objectives sought by the project:

> *A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.*

[10] "Planning Period" shall be the time period between the due date for one housing element and the due date for the next housing element. [Government Code Section 65588(f)(1)]

[12] "Projection Period" shall be the time period for which the regional housing need is calculated. [Government Code Section 65588(f)(2)]

Consistent with this requirement, the City's Project objectives are as follows:

- Update the City's Envision 2040 General Plan's (2040 General Plan) Housing Element to comply with State-mandated housing requirements.
- Address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites (opportunity sites) and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer of 15 to 30 percent beyond the City's RHNA goal.
- Make 2040 General Plan Amendments and Rezonings in a manner that affirmatively furthers fair housing while preserving the character of the City and perpetuating the safety and welfare of both existing and future residents.
- Meet the community's need of housing production, rehabilitation, and preservation.
- Allow for compliance with and implementation of SB 9 (2022).
- Promote the creation of deed-restricted accessory dwelling units (ADUs) that can be offered at affordable rent for very low to moderate-income households per the HSC, Section 65583(c)(7). This includes THOWs, a type of detached ADU that the City added to the zoning code in April 2020.
- Provide housing throughout the City in a range of residential densities, especially at higher densities (30 dwelling units to the acre or greater), and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population per 2040 General Plan Goal H-1 Housing – Social Equity and Diversity.
- Preserve and improve the City's existing affordable housing stock and increase its supply such that 15 percent or more of the new housing stock developed is affordable to low, very low and extremely low-income households per 2040 General Plan Goal H-2 Affordable Housing.
- Create and maintain safe and high-quality housing that contributes to the creation of great neighborhoods and great places per 2040 General Plan Goal H-3 Housing – High Quality Housing and Great Places.
- Provide housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals per 2040 General Plan Goal H-4 Housing - Environmental Sustainability.

3.4 Project Location and Setting

The City 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. It is the population center of Silicon Valley. According to the Joint Venture Silicon Valley website, Silicon Valley has seen a significant growth in the economy even during the COVID-19 pandemic, with Silicon Valley tech companies exceeding $14 trillion in market capitalization in 2022 (Joint Venture Silicon Valley, 2022).

The City continues to be one of the most expensive places to live in the country. In the first quarter of 2022, the median single-family home was $1.7 million, the median condo/townhome was $900,000, and median monthly rent was $2,595 (City of San José, 2022).[14] Figure 3-1 shows how these housing costs are unaffordable for a cross-section of workers who are essential for the continued functioning of our economy and society.

Figure 3-1 Annual Incomes vs. Incomes Need to Afford Housing in the City

SOURCE: Employment Development Department (EDD) – First Quarter 2021 Wages;; Income to afford average rent calculation uses Costar Q1 2022 Average Effective Rents, rent at 30% of income and a single-income household; Income to afford mortgage uses SCCOAR March 2022 median home sales prices; payments at 30% of income, 20% down, March 2022 Freddie Mac 30 Year Fixed interest Rate, 1.1% Property Tax, $300 HOA dues for condos and a single-income household.

As discussed in Chapter 2 of the HEU, despite a thriving and growing economy along with decades of population growth, the most recent U.S. census data indicates that the City has lost population in the past few years (City of San José, 2022a). In community outreach and engagement around the Housing Element and in prior community engagement around the Citywide Anti-Displacement Strategies, City staff heard from many community members who want to continue to live in the City but worry about being priced out of the market, and who report that family and neighbors have already been displaced.

Sections 3.4.2 through Section 3.4.4 below describe the existing population, housing, and employment conditions and trends in the City, all of which inform the RHNA allocation described in Section 3.2.6, Regional Housing Needs Allocation. The City's proposed actions to meet this allocation is described in Section 3, Project Description, of this document.

3.4.1 Project Baseline

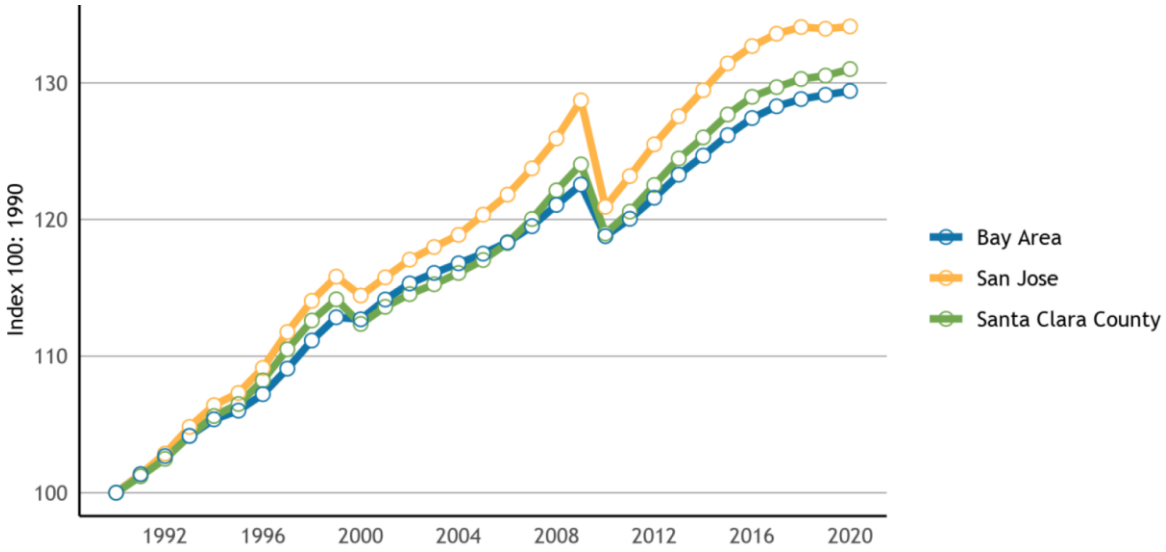
State CEQA Guidelines Section 15125 provides guidance for establishing the baseline against which Project impacts can be evaluated. Baseline conditions for the 2040 General Plan EIR were existing conditions in 2008, when the NOP was published. At that time, the City's population was 985,307 and there were 369,450 jobs and 309,350 residences. The jobs to employed residents ratio was about 0.8 jobs to employed residents, so that during working hours the number of people in the City was reduced because many residents traveled outside of the City for work.

Baseline conditions for this SEIR have been updated to reflect changes within the City since 2008. Ordinarily, the appropriate baseline would be the actual environmental conditions existing at the time of CEQA analysis (typically when the NOP is published). However, due to complications from the COVID-19 pandemic, collection of 2020 Census data was disrupted and complete demographic data for 2020-2022 is not available to meet the timeline for completion of the HEU set by the State of California. The most recent complete data set available as of March 2023 was the 2019 American Community Survey (ACS) estimates. There is no confirmed date for when the 2022 data will be released. Therefore, 2019 is the baseline for the purposes of this CEQA analysis; unless otherwise stated, demographic data presented in the following sections comes from the 2019 ACS estimates. In some cases, data from before or after 2019 is presented to provide historical context and to highlight past and projected trends.

3.4.2 Population

The total population of the City has increased dramatically during the last 60 years, especially during the 1960s and 1970s. Although the rate of growth has slowed since the 1970s, the City is still experiencing substantial growth. Despite a dip in population growth during the Great Recession starting in 2008, the City added an average of 12,795 residents per year since 2000, an increase of 14.3 percent since 2000, for a total population of 945,942 at the beginning of 2010. As of 2019, total population of the City was estimated to be 1,021,786, nearly an 11 percent increase from 2010. Population growth in the City since 1990 is shown in Figure 3-2, below.

Figure 3-2 Population Growth Trends



Source: California Department of Finance, E-5 series (California Department of Finance 2022)

Rapid population growth is expected to continue for Santa Clara County and for the City into the future. According to ABAG's Plan Bay Area Projections 2040, Santa Clara County's population is projected by ABAG to increase from approximately 2 million in 2020 to 2.5 million by 2040, representing growth of approximately 25 percent over the existing population (ABAG, 2018). This is faster than the Bay Area region's projected growth of 22 percent over the same period.

3.4.3 Housing

There exists a diverse range of housing types and densities in the City to serve its diverse population. Single-family detached units constituted 54.6 percent of the housing stock in 2008. However, multifamily development (which includes apartments, condominiums, and townhouses) has been the fastest growing housing type in recent years, adding over twice as many units since 2000 and accounting for 75 percent of all residential construction in the City. This suggests an increase in higher-density, smaller, more affordable (though not necessarily subsidized) units. The City's housing stock in 2020 was made up of 52.6 percent single-family detached homes, 9.7 percent single-family attached homes, 6.9 percent multifamily homes with 2 to 4 units, 27.5 percent multifamily homes with 5 or more units, and 3.3 percent mobile homes. The housing type that experienced the most growth between 2010 and 2020 was Multiple Family, 5+ Units per Building, up 25 percent. The primary housing types in the City's housing stock in 2020 are shown in Table 3-2, below.

Table 3-2. Housing Units by Type (2020)

Housing Type	No. of Units	Percent of Total
Single-Family* Detached	176,908	52.5%
Single-Family* Attached	32,620	9.7%
Multiple Family, 2-4 Units per Building	23,353	7.0%
Multiple Family, 5+ Units per Building	92,667	27.5%
Mobile Homes	10,959	3.3%
Total	**336,507**	**100%**

Source: E-5 series (California Department of Finance, 2022)

** A single-family housing unit is a separate building that either has open spaces on all sides or is separated from other units by dividing walls that extend from ground to roof, such as a townhouse.*

Existing and projected population households are shown in Table 3-3 for both the City and Santa Clara County. In 2019, there were approximately 325,114 households within the City. Looking forward, ABAG projects that approximately 117,215 additional households will be added in the City by 2040. This rate of growth is relatively consistent with the anticipated rate in the County as a whole.

Table 3-3. Population and Housing Estimates and Projections

Source	Population		Households	
	2019	2040	2019	2040
Santa Clara County	1,927,852	2,538,320	640,215	860,810
City of San José	1,021,786	1,377,145	325,114	448,310
City as a Percent of County	53.0%	54.3 %	50.7%	32 %

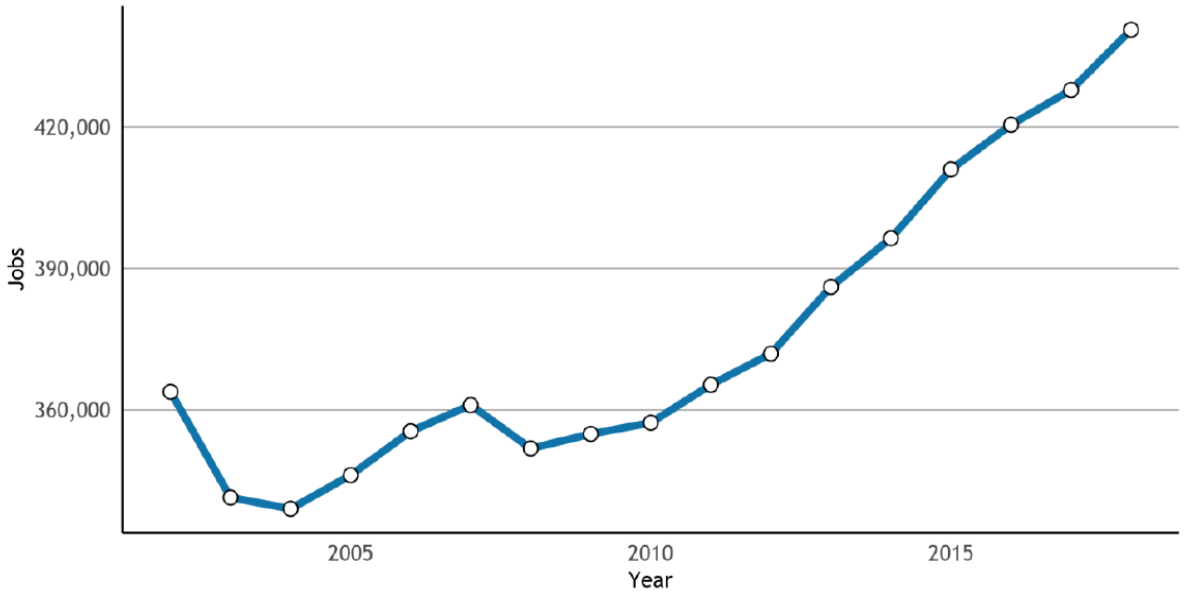
Source: ABAG Projections, 2020. American Census Survey, 5-year Estimate, 2019

3.4.4 Employment

According to Plan Bay Area 2050, as of 2015, there are a total of 1,099,000 jobs in Santa Clara County, which accounts for approximately 27 percent of the jobs in the Bay Area. By 2050, Santa Clara County is projected to have 1,610,000 jobs, contributing to 36 percent of the regional growth (Association of Bay Area Governments; Metropolitan Transportation Commission, 2021).

Between 1990 and 2000, the City saw an increase of approximately 103,390 jobs, growing from approximately 329,090 to nearly 432,480 jobs (a 31 percent increase). Following the "dot-com" collapse, ABAG estimates show reductions in jobs across all sectors in 2005, with employment in the City decreasing by about 69,100 jobs. However, since that time the number of jobs in the City has continued to increase, as shown in Figure 3-3. By the baseline year of 2019, there were approximately 369,500 -jobs in the City.

Figure 3-3 Jobs in the City of San José



Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018

As shown in Table 3-4, ABAG anticipates jobs within Santa Clara County to reach 1.4 million by 2040, an increase of nearly 55 percent over 2019 levels. During the same time period, ABAG projects that the employment within the City will nearly double from approximately 369,500 to 708,980. With these projections, the City's share of total jobs in the County will increase from approximately 41 percent to 50 percent in the 2019 through 2040 time period.

Table 3-4. ABAG Employment Projections

Jurisdiction(s)	Employed Residents 2019	Percent of		Employed Residents 2040	Percent of	
		County Employment	Bay Area Employment		County Employment	Bay Area Employment
City of San José	369,500	41%	11%	708,980	50%	14%
Santa Clara County	906,270	--	26%	1,412,620	55%	28%

Source: American Community Survey, 5-year Estimates, 2019. ABAG Projections, 2020

Employed residents are expected to increase steadily in the County, growing from 906,270 to 1,412,620 between 2019 and 2040 (an increase of 56 percent). Employment in the City (under the existing 2040 General Plan) is projected to grow even faster, with the number of employed residents growing from 369,500 in 2019 to 708,980 in 2040, which is an increase of 92 percent.

3.5 Project Description

The HEU is the City's eight-year housing strategy and commitment for how it will meet the housing needs of everyone in the community. This HEU intends to address the housing crisis in San José through several goals, policies, and programs that focus on expanding the housing stock and offer a wider range of housing choices for everyone in the City. Equity, inclusion, and anti-displacement are themes that are woven throughout the document and reflected in several policies and programs. The City aims to ensure that San José is an equitable and inclusive city by protecting and providing opportunities to those residents who are most vulnerable, and prioritizing community resources towards historically disadvantaged communities. The purpose of this Housing Element is to:

- Identify the City's housing needs;
- State the community's goals and objectives with regard to housing production, rehabilitation, and preservation to meet those needs; and
- Define the policies and programs that will be implemented to achieve goals and objectives.

The HEU includes five goals that create the framework for how the City of San José will address housing needs during the planning period. Linked to each goal, strategies provide direction for how the City will achieve that goal. They reflect the City's ambition to provide opportunities for a variety of housing at all levels of affordability and types to meet the current and future needs of all residents, and to create equitable and inclusive neighborhoods that support housing choice. Strategies are used here as a general way to describe actions the City will undertake during the planning period. They consist of policies, programs, and activities that the City would do either alone or in partnership with other organizations and the community.

The City's five goals are as follows:

Goal 1: An abundant and affordable housing stock

Goal 2: Sufficient housing for people experiencing homelessness

Goal 3: Housing stability and opportunities to build wealth for all residents

Goal 4: Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources

Goal 5: Racially and socially inclusive neighborhoods that overcome past and present discrimination

The HEU includes over 125 strategies that would help to achieve these goals. These strategies are listed in tables in Chapter 3 of the Draft HEU.[15] Strategies are also tied to the barriers and needs they would address, the input and other plans that supported inclusion of each strategy, City departments involved, type of action, timelines, and metrics by which to measure progress.

Some strategies reflect a variety of actions, including statutory requirements and include actions needed to achieve the fair housing and RHNA goals of the HEU. Other actions are more preliminary or exploratory in nature and will serve as a basis for future actions.

As described in Section 3.2.6 Regional Housing Needs Allocation, the City must plan for 62,200 housing units during the 2023-2031 planning period (i.e., the 6th Cycle). Table 3-5 summarizes the City's approach to meeting the assigned RHNA, broken out by type of housing units and income level.

As shown in Table 3-5, approximately 20,399 units have been planned or approved for development consistent with existing 2040 General Plan land use designations and zoning districts since the 6th cycle RHNA projection period began on June 30, 2022. Additionally, 3,552 ADU permits are forecasted to be issued during the planning period given recent development trends. A total of 204 alternative housing units have also been identified through HCD's project Homekey.[16] 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. The list of opportunity sites and a map showing the locations are included in Appendix F. Per HCD's guidelines, the City also included a buffer (approximately 14% of the 62,200 RHNA), for a total of 50,880 units in opportunity sites. As Table 3-5 demonstrates, the HEU can accommodate the City's share of RHNA at all income levels.

Changes to the 2040 General Plan land use designations and zoning districts 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, described in Sections 3.5.1 and 3.5.2 below, are the primary components of the Project and are the subject of this SEIR.

[15] City of San José, 2022. Draft 2023-2031 Housing Element. Available at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element/2023-2031-draft-housing-element. Accessed March 8, 2023.

[16] Project Homekey seeks to sustain and rapidly expand permanent and interim housing for persons experiencing homelessness or at risk of homelessness, and who are inherently impacted by, or at increased risk for, medical conditions due to the COVID-19 pandemic. For more information on Project Homekey in San José please visit https://www.sanjoseca.gov/your-government/departments-offices/housing/homelessness-response/project-homekey.

Table 3-5. Planned and Projected Housing Units

Type of Housing Unit	Low	Moderate	Above Moderate	Total
Planned and Approved	5,424	206	12,666	18,296
ADUs	2,131	1,066	355	3,552
Alternative Sites	204	0	0	204
Opportunity Sites	19,780	10,223	20,877	50,880
Total	27,539	11,495	33,898	72,932
Buffer	*13.7%*	*6.8%*	*18.2%*	*14.7%*

Source: City of San José 2022

3.5.1 Changes to General Plan 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. As described and analyzed in the 2040 General Plan FEIR and described in Appendix 5 of the 2040 General Plan, 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 South 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 3-4.

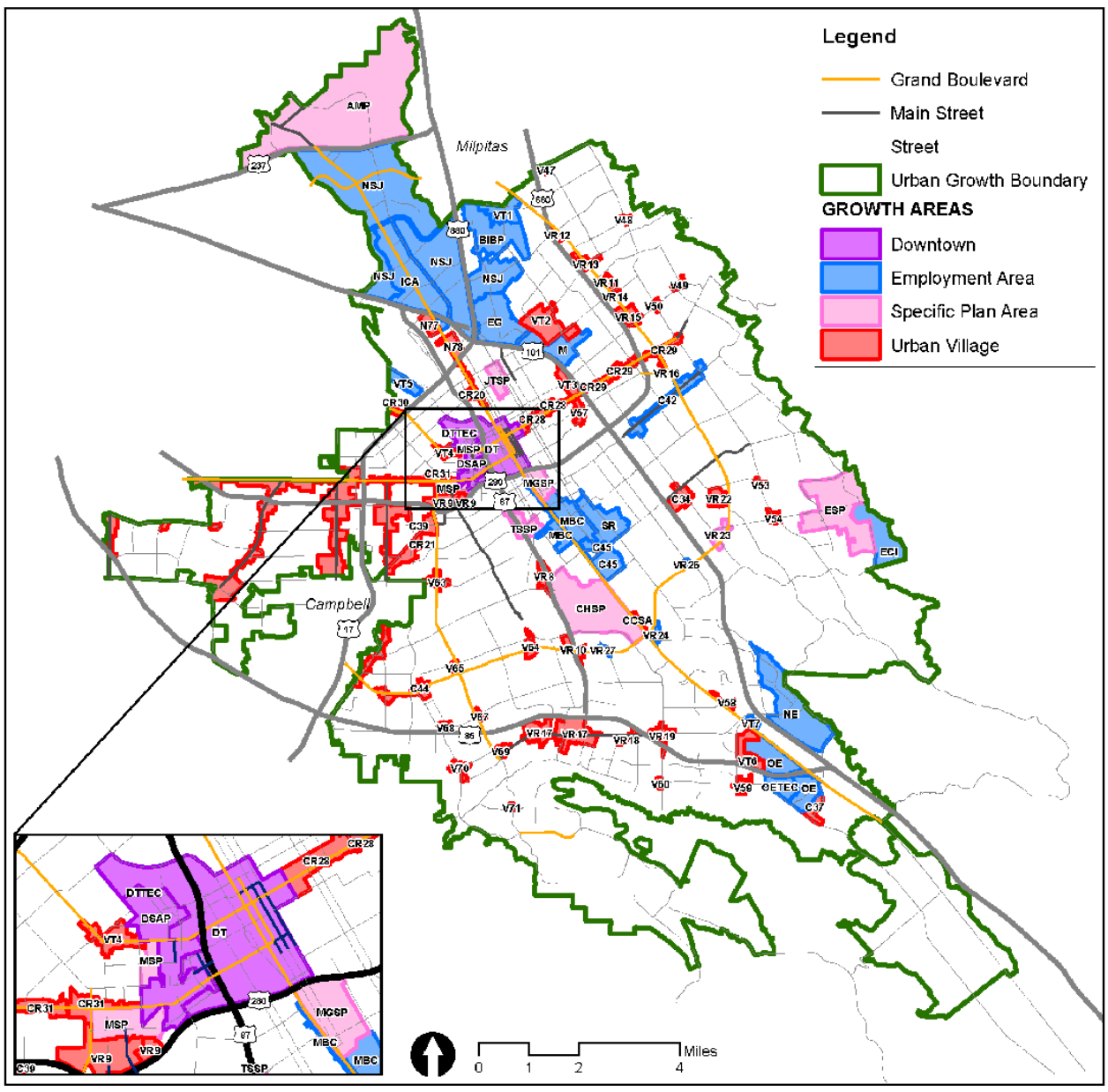
To facilitate the development of the 50,880 opportunity site housing units identified in the Housing Element Site Inventory (Table 3-5F)**,** the City conducted a comprehensive inventory of remaining 2040 General Plan development capacity in previously identified Growth Areas and of land suitable and 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 HEU). Through this exercise, the City determined that most Growth Areas have sufficient 2040 General Plan development capacity to facilitate residential development at the anticipated densities on

the opportunity sites. As discussed in the City of San José, Draft 2023-2031 Housing Element, the City also found that some Growth Areas have an excess of available land suitable for residential development but lack residential development capacity because they do not have adopted Urban Village Plans and therefore, have predominantly commercial land use designations which do not outright allow for residential uses. While the City allows for some flexibility to develop residential uses through 2040 General Plan Policies IP-5.10 and IP-5.12, Urban Village planning is the critical path to opening the Growth Areas to greater residential potential. [17].

Conversely, some Growth Areas have an excess of unused residential development capacity, such as North San José. Table 3-6 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 excess units from the North San José and Rincon South Urban Village Growth Area to Growth Areas in need of additional units. The North San José and Rincon South Urban Village Growth Areas currently have a residential capacity of 32,640 units; with the proposed reallocation of 3,095 units to other urban villages (as noted in Table 3-6), the North San José and Rincon South Urban Village areas will have 29,545 units left in capacity. The total planned housing units for the City at buildout of the 2040 General Plan would remain unchanged as no additional growth beyond what was analyzed under the 2040 General Plan EIR would occur.

[17] City of San José, 2022. Draft 2023-2031 Housing Element. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element/2023-2031-draft-housing-element. Accessed March 5, 2023.

San José 2023-2031 Housing Element Update EIR



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 CaltrainStation 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 Maill 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

Planned Growth Areas Figure **4**

Source: City of San José, 2022

Table 3-6. Reallocation of Growth Capacity (Units) in 2040 General Plan

Urban Villages/Growth Areas	Current Growth Capacity in 2040 General Plan (Units)	Units to be Reallocated from North San José	Growth Capacity in 2040 General Plan after the HEU Update (Units)
Saratoga Avenue	225	455	680
Blossom Hill Road/Snell Avenue	209	544	753
Camden Avenue/Hillsdale Avenue	450	147	597
Capitol Expressway/Highway 87 Light Rail	531	723	1,254
North San José and Rincon South	20,928	-3,095	29,545
Curtner Light Rail Station	435	28	463
S. Bascom Avenue (South)	195	499	694
S. De Anza Boulevard	463	291	754
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)	1430	408	1,838

Source: City of San José 2022

3.5.2 2040 General Plan Amendments, Text Amendments and Zoning Code Changes

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 above in Section 3.5.1, Changes to General Plan Growth Areas. These would occur within the North San José and Rincon South 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.

Transit Employment Residential Overlay changes in North San José

The TERO General Plan designation is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers in North San José. 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 has continued to be primarily employment-related despite the residential overlay, resulting in the residential development capacity surplus referenced in Section 3.5.1, Changes to General Plan Growth Areas.

To facilitate housing development within the North San José Growth Area, one site (1601 Technology Drive) would be added to the TERO General Plan and Zoning Overlay District; nine other sites would be removed from the TERO General Plan and Zoning Overlay District because the sites are no longer feasible residential properties due to changed circumstances such as the issuance of recent planning, building, and public project permits. These sites are identified in Table 3-7.

New Zoning Overlays in North San José – Affordable Housing Overlay and Mixed-Income Housing Overlay

Similar to the TERO land use designation, two new General Plan land use designation overlays would be proposed in the North San José and Rincon Urban Village Growth Area: the Affordable Housing Overlay and Mixed Income Housing Overlay. These proposed overlays are described below:

- Affordable Housing Overlay (AHO): The AHO overlay would support residential development as an alternate use to the current underlying land use designation. The residential development would require a minimum average net density of 75 units per acre and residential uses would be required to be100 percent affordable at incomes at or below eighty percent of area median income (AMI) with such restrictions memorialized in a recorded agreement between the developer and the City. Sites with this overlay could also continue to be developed with uses consistent with the current underlying land use designation.
- Mixed-Income Housing Overlay (MIHO): The MIHO overlay would support residential development as an alternate use to the underlying land use designation. The residential development would require a minimum average net density of 75 units per acre and would require at least twenty-five percent (25 percent) of the units be affordable at or below eighty percent (80 percent) of AMI with such restrictions also to be memorialized in a recorded agreement between the developer and the City. Sites with this overlay could also continue to be developed with uses consistent with the current underlying land use designation.

In addition to the proposed General Plan land use designation overlays, Zoning District overlays would be introduced consistent with the new land use overlays designations (AHO and MIHO), that would specify development standards. Table 3-8 identifies the sites proposed to be part of these new overlays.

In addition to reallocating 3,095 units to other Growth Areas as shown in Table 3-6, the City proposes to expand the TERO areas within the North San José and Rincon South Urban Village growth area to encourage more residential development, as part of the implementation of the Project. Zoning Districts in these areas would also be updated, consistent with the expanded General Plan overlays. New TERO

sites and accompanying rezonings are shown in Table 3-7 and Table 3-8. The accommodation of the expanded and new zoning overlay designations includes a shift of 10,951 housing units within the North San José and Rincon Urban Village Area growth areas. However, the proposed residential shifts will not result in an increase in the 2040 General Plan allocated residential capacity (minus the 3,095 units proposed to be shifted to other growth areas) for North San José and Rincon Urban Village Area Growth Areas.

Table 3-7. 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 3-8. New Affordable Housing Overlay and Mixed Income Housing Overlay Sites

ID#	Location	Current Zoning	Proposed New Zoning Overlay
1	3331 N 1st Street, San José, CA, 95134	Industrial Park	MIHO
2	255 Baypointe Parkway, San José, CA, 95134	Industrial Park, TERO Overlay	AHO
3	111 Baypointe Parkway, San José, CA, 95134	Industrial Park	AHO
4	3550 N 1st Street, San José, CA, 95134	Industrial Park	MIHO
5	240 Baypointe Parkway, San José, CA, 95134	Industrial Park, TERO Overlay	AHO
6	APN: 097-07-063, Address Not Assigned, San José, CA	Industrial Park, TERO Overlay	AHO
7	APN: 097-07-085 Address Not Assigned, San José, CA	Industrial Park, TERO Overlay	AHO
8	71 Vista Montana, San José, CA, 95134	Industrial Park, TERO Overlay	AH
9	4001 N 1st Street, San José, CA, 95134	Industrial Park	AHO
10	3939 N 1st Street, San José, CA, 95134	Industrial Park	MIHO
11	2347 N 1st Street, San José, CA, 95131	Transit Employment Center	MIH
12	3011 N 1st Street, San José, CA, 95134	Transit Employment Center	MIH
13	3000 Orchard Parkway, San José, CA, 95134	Transit Employment Center	MIHO
14	3003 N 1st Street, San José, CA, 95134	Transit Employment Center	MIHO
15	2820 Orchard Parkway, San José, CA, 95134	Transit Employment Center	MIHO
16	2904 Orchard Parkway, San José, CA, 95134	Transit Employment Center	MIHO
17	3 W Plumeria Drive, San José, CA, 95134	Transit Employment Center	MIHO
18	2825 N 1st Street, San José, CA, 95134	Transit Employment Center	MIHO
19	101 Daggett Drive, San José, CA, 95134	Transit Employment Center	MIHO
20	2865 Zanker Road, San José, CA, 95134	Transit Employment Center	MIHO
21	1488 N 1st Street, San José, CA, 95112	Urban Village	AHO
22	1550 N 1st Street, San José, CA, 95112	Urban Village	AHO
23	1490 N 1st Street, San José, CA, 95112	Urban Village	AHO

Source: City of San José 2022

3.5.3 Other Strategies to Facilitate Housing Development

In addition to the main actions discussed above, the City has developed a range of other strategies to facilitate the development of its RHNA allotment by 2031. As described in Section 3, Project Description, this SEIR assumes that all planned development will in fact be developed and therefore analyzes a maximum development capacity scenario. However, strategies developed by the City are summarized in Table 3-9 for informational purposes.

Table 3-9. Strategies to Facilitate Housing Development

Strategy	Description
Expand City Ministerial Ordinance	The City will develop a ministerial process for approving infill housing development that conforms to its 2040 General Plan and adheres to certain objective standards. Based on recently compiled data from the City, this analysis will assume 12 percent of residential applications submitted for entitlement will be subject to ministerial review.
City-Initiated CEQA Analysis for Urban Villages	The City will conduct program-level CEQA analysis prior to approval of urban village plans to allow future projects to use this analysis to speed up the environmental review and processing of future individual projects.
Affordable Housing Building Permit Assistance	The City will create a new staff position to serve as a single point of contact to help assist affordable housing projects obtain the necessary permits to start construction post entitlement.
Fee Estimation and Administration	The City will develop clear information on fee estimates based on square feet and make this findable in one location.

Source: City of San José 2022

3.5.4 Compliance with Housing-Related Laws and Regulations

In addition to the strategies listed above, the HEU is intended to ensure the City's compliance with the following laws and regulations that promote housing development:

SB 9: SB 9 (2022)[18] provides for the ministerial approval of converting existing single-family homes occupied by a homeowner into a duplex if certain eligibility restrictions are satisfied. It also allows a single-family lot to be split into two lots, and a duplex to be built on each resulting lot, provided that the initial home is occupied by an owner who attests that the owner will continue to live in a unit on the property as their primary residence for at least three years. The most notable exceptions to duplex and lot split by right approvals are 1) the property could not have been used as a rental for the past three years, 2) the property cannot already have an ADU or junior ADU[19], 3) the new lot may not be less than 40 percent of the area of the property and must be at least 1,200 square feet, 4) modifications to the existing home may not require the demolition of more than 25 percent of an exterior wall, and 5) neither the new duplex nor the lot split with up to four new units (a duplex on each) may not result in a significant adverse impact to the physical environment.

[18] California Government Code Sections 65852.21 and 66411.7

[19] Junior ADUs are less than 500 square feet and located within the footprint of a single-family home.

SB 10: SB 10[20] (California Government Code Section 65913.5)provides that if local agencies choose to adopt an ordinance to allow up to 10 dwelling units on any parcel within a transit-rich area or urban infill site, the rezoning will be exempt from environmental review pursuant to CEQA, but subsequent individual project approvals would not necessarily be exempt from CEQA, unless the local agency adopts a ministerial approval process or there is another exemption or local law that exempts the project.

SB 290: The State Density Bonus Law (SDBL) (California Government Code Section 65915) grants density bonuses, incentives, concessions, waivers, and parking reductions to projects with qualifying affordable housing. The SDBL continues to be the most commonly used tool to increase housing density and production. SB 290 builds upon a 2018 revision of the State Density Bonus Law , SB 1227 (Skinner 2018), that allows density bonuses for projects that included student housing pursuant to the SDBL. SB 290 adds the ability for developers to request one concession or incentive for projects that include at least 20 percent of the total units for lower-income students in a student housing development. It also requires the agency to report on student housing projects receiving density bonuses as part of a housing element annual report.

AB 345: AB 345 further facilitates ADUs by removing the requirement for a local agency to first pass an ordinance allowing the conveyance of an ADU separately from a primary residence (which can be an extended process) before such conveyance occurs and permits an ADU to be sold or conveyed separately from the primary residence to a qualified buyer (low- and moderate-income individuals and families as defined in California Health and Safety Code Section 50093) and if certain conditions are met, including that the primary residence or ADU was built by a qualified nonprofit corporation and that the property is held pursuant to a recorded tenancy in common agreement. Agreements recorded after December 31, 2021, must also include 1) a delineation of all areas of the property that are for the exclusive use of a co-tenant, 2) delineation of each co-tenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair and improvements associated with the property, and 3) procedures for dispute resolution among co-tenants before resorting to legal action.

SB 8 and SB 330[21]: Also known as the Housing Crisis Act of 2019 (HCA), this bill 1) limits a locality's ability to prolong the housing approval process, 2) gives housing applicants an opportunity to invoke vesting rights against later-adopted changes to local ordinances, 3) limits cities' ability to impose or enforce housing caps and development moratoria and 4) requires developers who demolish existing housing to provide replacement housing and relocation benefits. Many of these provisions were originally due to sunset in 2025.

AB 1174[22]: (California Government Code Section 65913.4) This law reforms to SB 35's Streamlined Ministerial Approval Process for Post-Approval Modifications and Permits. SB 35 of 2017 provides for streamlined ministerial approval of qualifying infill affordable housing developments. In order to qualify, the housing development must meet or comply with a number of requirements, especially 1) consistency with all of the locality's applicable

[20] California Government Code Sections 65852.2 and 65852.26

[21] California Government Code Sections 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, and 66301and Section 2 of Chapter 654 of the Statutes of 2019

[22] California Government Code Sections 65583, 65583.2, and 65588

objective zoning, subdivision and design review standards, 2) the housing development will not require the demolition of affordable housing or rent controlled units, units that have been occupied in the preceding 10 years or a historic structure, 3) either 10 percent or 50 percent of the units (depending upon the jurisdiction's performance permitting enough housing to meet its share if its state-assigned regional housing need targets) are designated at below market rate rents or housing costs, 4) prevailing wage and "skilled and trained" workforce requirements for contractors and subcontractors, and 5) other locational requirements generally targeting infill housing locations.

AB 1398: One provision of Housing Element Law is the requirement that, if a city cannot identify sufficient sites adequate to accommodate its regional housing need, the Housing Element must commit to rezone properties within three years to allow "by right" development of 20 percent below market rate projects. AB 1398 requires a locality that fails to adopt a housing element that the California Department of Housing and Community Development (HCD) has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this required rezoning no later than one year from the deadline for adoption of the housing element – and prohibits the Housing Element from being found in substantial compliance until that rezoning is completed. Previously, an agency had three years to rezone. This accelerated rezoning requirement, combined with other recent laws requiring agencies to make more realistic housing production assumptions and meet ever-increasing housing targets, present an important opportunity for by right processing within jurisdictions that do not meet housing targets.

AB 2011[23]: This bill creates a ministerial, streamlined approval process for 100 percent affordable housing project in commercial zones and for mixed-income housing projects along commercial corridors, with numerous criteria and labor standards requirements.

SB 6[24]: Authorizes a development project that is at least 50 percent residential to be allowed within an area zoned for office, retail, or parking if it complies with several criteria, including labor and local government restrictions.

3.5.5 Interim Housing Communities

In addition to the actions required to implement the Project listed above, this SEIR also covers City programs for the purpose of interim housing serving previously unhoused individuals and families. Some examples of these programs include Bridge Housing Communities, Emergency Interim Housing, and Safe Parking as explained in more detail below.

3.5.5.1 Bridge Housing Communities

In September 2016, the State Legislature passed AB 2176[25], allowing the City to declare a shelter crisis and create emergency Bridge Housing Communities (BHCs). This law allows San José to develop communities of small sleeping cabins, along with common buildings which could include meeting space, showers, and laundry facilities. The law also allows San José to adopt local standards in lieu of State and

[23] California Government Code Sections 65400 and 65585

[24] California Government Code Sections 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300, and 66301

[25] California Government Code Section 8698

local building codes and requirements that may hinder or delay development of BHCs. Potential BHCs sites must be either City-owned or leased. AB 2176 describes an “emergency sleeping cabin” as a relocatable hard-sided structure that may be used for occupancy, with a raised floor area of at least 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant, with no plumbing or gas service. Additionally, AB 2176 requires emergency sleeping cabins to provide light, heat, and ventilation, and to comply with minimum emergency bridge housing design standards. The City operates five interim housing communities, which are sometimes called Bridge Housing Communities . The first BHC opened in January 2020 to provide interim housing for formerly unhoused individuals. The purpose of interim housing is to give participants an opportunity to stabilize their lives and work toward self-sufficiency. The first two BHC sites are located on Mabury Road near the Berryessa Bay Area Rapid Transit (BART) station, and on Felipe Avenue near Story Road.

3.5.5.2 Emergency Interim Housing

During the coronavirus pandemic, the City constructed three Emergency Interim Housing (EIH) communities. These communities are similar to the two BHCs although the site design and construction are slightly different. The EIH communities have been used to house medically vulnerable unhoused residents who are at risk of severe illness or death if they contract COVID-19. As the pandemic subsides, the EIH communities are being rolled into a broader interim housing program with the BHCs. The three EIH sites are located at the intersection of Bernal Road and Monterey Road; on Rue Ferrari near the entrance to Highway 101; and on Evans Lane near the entrance to Almaden Expressway. A fourth EIH community is under construction near San José Police Department (SJPD) headquarters at the “Lot E” site located at the northwest corner of East Taylor and North San Pedro Streets.

3.5.5.3 Safe Parking Program

The City provides opportunities for homeless families and individuals living in cars and recreational vehicles to park overnight in designated City parcels and places of assembly. Amenities such as access to restrooms, potable water, refuse disposal, and sufficient trash and recycling receptables are provided. The Safe Parking Program also provides access to City sponsored services to help unhoused families and individuals transition out of homelessness.

3.5.5.4 Transitional Housing Program

The City provides additional housing options by purchasing hotels and motels that are underperforming and converting them to transitional housing units. This program provides housing and services for unhoused individuals while they transition into permanent housing.

3.6 Future Development Applications and this SEIR

The Project establishes policies, goals and guidelines, and reallocations of planned 2040 General Plan housing development capacities within the City to facilitate future housing development on identified opportunity sites. Housing may or may not be built on any particular opportunity site depending on factors such as the willingness of the property owner to develop and market conditions. Therefore, this programmatic environmental document is general and does not evaluate project-specific impacts of individual development. The CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a specific construction project. For

example, CEQA Guidelines, Section 15146 states that “the degree of specificity required will correspond to the degree of specificity involved in the underlying activity”.

The City’s sites inventory (also known as opportunity sites, see Appendix F) is a State-mandated requirement (California Government Code Section 65583, subdivision (a)(3))to ensure that the City’s RHNA can be accommodated. In other words, the sites inventory demonstrates that there is enough land zoned at appropriate densities to accommodate the RHNA allocation. However, this sites inventory does not include all potential residential development sites within the City limits, and does not mean that all the sites in the inventory will be developed at the allowable densities. In addition, information about the design and placement of buildings on the sites inventory will not be available unless/until a specific development is proposed.

It is important to note that while the law requires the City’s HEU to include an inventory of housing sites and requires the City to zone those sites for multifamily housing, the City is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

Future development proposals will be reviewed to determine whether their impacts fall within the scope of the analysis in this SEIR or if additional site-specific environmental review will be required. As provided for in CEQA Guidelines Sections 15152 and 15385, any subsequent environmental document that might be required could “tier” from this SEIR and focus its analysis on new significant impacts not covered in this SEIR.

3.6.1 Identification of EIR Type and Issues

Pursuant to State CEQA Guidelines Section 15162, an SEIR should be prepared if an EIR has been certified for a project, but one or more of the following conditions are met.

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    - The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
    - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of

the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The City updated its Housing Element for the 2014-2023 planning period in 2015. The City's 2014-2023 Housing Element was adopted by City Council on January 27, 2015 and certified by HCD on April 30, 2015. The 2023-2031 HEU has been developed to comply with the State law requirements discussed above 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. This Project represents an update to the 2013-2021 Housing Element and, by extension, the adopted 2040 General Plan. Because the Project proposes changes to the land uses evaluated in the 2040 General Plan EIR that could involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, the City has determined that the preparation of a SEIR is the appropriate environmental review document for this Project, pursuant to the requirements of State CEQA Guidelines Section 15162.

The 2040 General Plan and the associated 2040 General Plan Draft EIR and Final EIR are available for review through the City and online at the following locations:

- 2040 General plan: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040-general-plan
- 2040 General Plan EIR: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/completed-eirs/envision-san-jos-2040-general-plan

An EIR is a public informational document used in the planning and decision-making process. An EIR assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid significant environmental impacts. An EIR also discloses significant environmental impacts that cannot be avoided; any growth-inducing impacts of a project; effects found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects in combination with the impacts of the Project.

Mitigation is recommended where feasible to reduce or avoid the Project's significant impacts. Mitigation measures from the 2040 General Plan EIR that are adopted and apply to proposed HEU are identified. As an informational document for decision makers, a Draft SEIR is not intended to recommend either approval or denial of a project. CEQA requires the decision maker to balance the benefits of a project against its unavoidable environmental impacts. If environmental impacts are identified as significant and unavoidable (i.e., no feasible mitigation is available to reduce the impact to a less-than-significant level), the City may still approve the Project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. Significant and unavoidable impacts of this Project are identified in Section 7 of this SEIR. The City Council would then be required to make findings and state in

writing, the specific reasons for approving the Project, based on information in the Draft SEIR and other information in the administrative record. In accordance with Section 15093 of the State CEQA Guidelines, the document containing such reasons is called a "statement of overriding considerations."

The program-level analysis in this SEIR considers the broad environmental effects of the Project. This SEIR will be used to evaluate subsequent individual projects and activities under the Project. This SEIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the Project. Additional environmental review under CEQA may be required for subsequent individual project applications and would be generally based on the subsequent individual project's consistency with the Project and the analysis in this SEIR, as required under CEQA. It may be determined that some future projects or activities under the Project may be exempt from further environmental review. When subsequent individual projects or activities under the Project are proposed, the City will examine the projects or activities to determine whether their effects were adequately analyzed in the 2040 General Plan EIR and this SEIR (CEQA Guidelines Section 15168(c)). If the projects or activities would have no effects beyond those disclosed in this SEIR, no further CEQA compliance would be required.

3.7 Implementation and Use of the SEIR

The City is the Lead Agency for the Project, consistent with CEQA Guidelines Section 15065(b). As such, this SEIR will be used by the City to evaluate the potential environmental impacts that could result from implementation of the Project and develop conditions of approval and adopt mitigation measures which would address those impacts. While the City's proposed HEU is subject to review and certification by the HCD, adoption and implementation of the HEU would require a series of planning and regulatory approvals by the Lead Agency. Specifically, the City would take the following approval actions to adopt the HEU:

- Adoption of a resolution certifying this SEIR pursuant to CEQA.
- Adoption of a resolution for 2040 General Plan Amendments and Text Amendments to update the Housing Element, make corresponding changes to the Land Use Element required to preserve internal consistency, addition of new land use overlays, and changes to 2040 General Plan land use designations.
- Adoption of an ordinance amending the City's zoning ordinance (San José Municipal Code Title 20) and the City's zoning map to include the addition of new Zoning District overlays and rezonings to reflect the location and density of land uses permitted by the 2040 General Plan Amendment.

In addition to actions required to implement the HEU, this SEIR can be used for the following actions:

- Adoption of ordinances, policies, and plans for ongoing implementation of the HEU. This includes but is not limited to: adoption of policies for the production of EIH, and Municipal Code changes to implement HEU strategies.
- Actions by the City to facilitate development of housing on opportunity sites identified in the HEU, including but not limited to: real estate transactions with the intent for future affordable housing development, application and acceptance of funds (including grants) for

the purpose of affordable housing development, agreements with affordable housing developers, and preliminary environmental investigation studies (such as archeological resource reports and Phase I Environmental Site Assessments).

Instead, this document focuses on the following relevant environmental topics:

Table 3-10 HEU Impact Summary

Resource Area	2040 General Plan EIR Impact	Project Impacts
Aesthetics	Less than Significant	Same as the 2040 General Plan EIR—all sites are located on the valley floor and would not adversely affect scenic hillside resources, all new development would be required to implement existing regulations and adopted Policies to prevent significant aesthetics impacts.
Agriculture and Forestry	Significant Unavoidable	Same as the 2040 General Plan EIR—some sites considered in the HEU may result in impacts to Prime Farmland within the City's Urban Growth Boundary.
Biological Resources	Significant Unavoidable	Same as the 2040 General Plan EIR— housing development facilitated by the Project would be concentrated in existing developed areas that do not support habitats for special-status plants, or serve as corridors for wildlife movement. As with the 2040 General Plan EIR, new development and redevelopment allowed under the proposed General Plan would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands. Implementation of existing regulations and 2040 General Plan Policies for VMT reduction would reduce or offset indirect effects to serpentine grassland communities; however there currently is no assurance that a system of managed preserves would be established to offset new nitrogen deposition impacts from vehicular emissions.
Cultural Resources	Less than Significant	Same as the 2040 General Plan EIR—Similar to the General Plan, any new development would be subject to existing regulations and adopted Policies to prevent significant impacts to the City's cultural resources including discovery of human remains.
Geology and Soils	Less than Significant	Same as the 2040 General Plan EIR—The entire City is in a seismically active area of the State, and all sites considered would be subject to seismic impacts. Similar to the 2040 General Plan, any new development would be subject to existing regulations and adopted Policies to prevent significant geologic and soils impacts.

Hazards and Hazardous Materials	Less than Significant	Same as the 2040 General Plan EIR—Similar to the 2040 General Plan, any new development would be subjected to adopted policies and existing regulations to prevent aviation hazards to people and property, hazards associated with soil or groundwater contamination or involve demolition of buildings containing hazardous building materials. Similar to the General Plan, any new development and redevelopment could place sensitive uses in proximity to industrial, commercial or institutional hazardous materials users. An accidental release of hazardous materials that travels off-site or causes an explosion or fire could pose health or safety risks to these sensitive land uses. New developments would comply with adopted policies for adequate mitigation or separation buffers between uses and existing regulations and adopted plans would substantially reduce hazards to people and the environment.
Hydrology and Water Quality	Less than Significant	Same as the 2040 General Plan EIR—Similar to the 2040 General Plan, any new development would be subject to existing regulations and adopted Policies to prevent significant hydrology and water quality impacts.
Mineral Resources	Less than Significant	No Impact—the reallocation of housing development capacity under the HEU does not impact the Communications Hill area, the only area in the City that supports mineral resources.
Tribal Cultural Resources	Less than Significant	Same as the 2040 General Plan EIR—Similar to the General Plan, any new development could result in changes to traditional cultural properties or cultural landscapes because the Santa Clara Valley was inhabited by Native American Tribes. Any new development would be subject to the regulations and adopted Policies to prevent impacts to Tribal Cultural Resources.

4 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Topics Addressed in the Draft SEIR

Given that the Project would not add development capacity to the City beyond what was analyzed under the 2040 General Plan EIR, but would reallocate that planned capacity to areas already planned for development within the City, many of the environmental resources listed in CEQA Guidelines Appendix G do not have the potential to be affected by the Project; these resources have already been adequately analyzed by the 2040 General Plan EIR. For this reason, the following topics are not discussed further in this SEIR:

- Air Quality
- Energy
- Greenhouse Gas Emissions
- Land Use / Planning
- Noise and Vibration
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Format of Topic Sections

In general, the analysis of each environmental topic consists of five subsections: Existing Conditions, Regulatory Setting, Impacts and Mitigation Measures, Cumulative Impacts, and References. An overview of the information included in these sections is provided below.

Existing Conditions

This section describes the resource-specific environmental setting and highlights changes that have occurred since the 2008 baseline year of the 2040 General Plan EIR.

Regulatory Setting

The regulatory setting section provides a description of the relevant regulations and guidelines that pertain to the topical area. This section could contain information from a variety of sources, such as the 2040 General Plan, or other local, regional, state, or federal agency guidelines or regulations. Like the Existing Conditions section, the Regulatory Setting highlights changes and updates that have occurred since the 2008 baseline year of the 2040 General Plan EIR.

Impacts and Mitigation Measures

This subsection lists significance criteria used to evaluate impacts, followed by a discussion of the impacts that would result from the Project. Thresholds of Significance subsections define and list specific criteria used to determine impact significance in accordance with adopted criteria.

Significance Criteria

Under CEQA, Public Resources Code Section 21068, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment. The CEQA Guidelines direct that this determination be based on scientific and factual data. Appendix G of the CEQA Guidelines is used as a foundation for the significance criteria used in this SEIR, with some refinement based applicable Federal, State, and local guidelines and regulations.

Evaluation of Impacts

The evaluation of impacts considers the significance criteria and the level of environmental impact to determine the level of effect. Impacts are classified with three levels of intensity: (1) no impact, (2) a less-than-significant impact, and (3) a significant impact.

A "no impact" designation is used for an issue that would not be affected by Project implementation. For example, since the Project site is not located in an area designated to have mineral resources, the Project would not result in the loss of any known mineral resources. No impact would occur.

"Less-than-significant" impacts are Project-related effects that would not reach or exceed a significance criteria. For example, Project impacts to a sensitive listed biological species would be significant if there was a potential to harm members of the species or reduce habitat. Conversely, impacts would usually be considered less than significant if the habitats and species affected were widespread in the region and in the state and ample habitat remained.

A "significant" designation is used where the environmental impacts would meet or exceed one of the significance criteria specified in the SEIR.

Impacts are numbered and shown in bold type. For significant impacts, mitigation measures are provided that would reduce the effects of these impacts. Following the discussion of mitigation measures, there is an evaluation of the "Significance after Mitigation." This is the level of significance after implementation of the proposed mitigation measure(s).

Cumulative Impacts

CEQA requires an evaluation of a project's contribution to cumulative environmental impacts. According to Section 15355 of the CEQA Guidelines, cumulative impacts are defined as "two or more individual effects which, when taken together, are considerable, or which can compound or increase other environmental impacts." As stated in the CEQA Guidelines, an individual project may not have significant impacts; however, in combination with other related projects, these cumulative effects may be considerable. When evaluating cumulative impacts, CEQA recommends one of two methods:

- Consider past, present, and probable future projects within the region that could result in related or cumulative environmental impacts, including projects outside the control of the lead agency;
    - or
- Consider projections contained in an adopted local, regional, or statewide plan, or use a prior environmental document which has been adopted or certified for such a plan.

This SEIR considers the cumulative impact of past, present and probable future projects within the City as projected by the 2040 General Plan and in consideration of the development capacity changes proposed as part of the Project. Cumulative discussions attached to the end of each resource topic discussion discuss relevant cumulative impacts that this Project may contribute to. They also address policies and/or measures that future individual project-level documents may have to address to prevent cumulative impacts (for example, from many housing projects being built all in the same place at the same time).

4.1 Air Quality

4.1.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on air quality. This section first includes a description of the existing environmental setting as it relates to air quality and provides a regulatory framework that discusses applicable federal, State, and local regulations. The analysis in this section is based on the Air Quality and Greenhous Gas Emissions Technical Study prepared by Rincon Consultants in 2023, which is included as Appendix B.

No comments relating to air quality were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.1.2 Existing Conditions

4.1.2.1 Local Climate and Meteorology

The Project site is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

The City is in the southern portion of the SFBAAB and the proximity to the San Francisco Bay influences the climate in the city and surrounding region. As most of SFBAAB's topography is below 200 feet, marine air can flow easily across the city, making its climate cool and windy. The annual high temperature is approximately 72°F, while the annual low temperature is approximately 45°F. Winds play a large role in controlling climate in the area, and annual average winds range between five and ten miles per hour in this region.

4.1.2.2 Air Pollutants of Primary Concern

Pollutants may be emitted directly from a source (e.g., a vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere; these pollutants include carbon monoxide, nitrogen dioxide, particulate matter with a diameter of up to ten microns (PM_{10}) and up to 2.5 microns ($PM_{2.5}$), sulfur dioxide, and lead.

Additionally, pollutants may be created indirectly through chemical reactions in the atmosphere. Ozone is created by atmospheric chemical and photochemical reactions between reactive organic gases[26] (ROG) and nitrogen oxides (NOx). The following subsections describe the characteristics, sources, and health and atmospheric effects of air pollutants of primary concern.

Ozone

Ozone is produced by a photochemical reaction (triggered by sunlight) between NOx and ROG. ROG are composed of non-methane hydrocarbons (with some specific exclusions), and NOx is composed of different chemical combinations of nitrogen and oxygen, mainly nitric oxide and nitrogen dioxide. NOx are formed during the combustion of fuels, while ROG are formed during combustion and evaporation of organic solvents. As a highly reactive molecule, ozone readily combines with many different components of the atmosphere. Consequently, high levels of ozone tend to exist only while high ROG and NOx levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Because these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant. In addition, because ozone requires sunlight to form, it mostly occurs in concentrations considered serious between the months of April and October. Ozone is a pungent, colorless, toxic gas with direct health effects on humans, including changes in breathing patterns, reduction of breathing capacity, increased susceptibility to infections, inflammation of lung tissue, and some immunological change. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors.

Carbon Monoxide

Carbon monoxide is a localized pollutant that is found in high concentrations only near its source. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is the incomplete combustion of petroleum fuels by automobile traffic. Therefore, elevated concentrations are usually only found near areas of high traffic volumes or proximate to locations of vehicle idling, such as parking structures or congested high-capacity roadway intersections. Other sources of carbon monoxide include the incomplete combustion of petroleum fuels at power plants and fuel combustion from wood stoves and fireplaces during the winter. The health effects of carbon monoxide are related to its affinity for hemoglobin in the blood. Carbon monoxide causes several health problems, including aggravation of some heart diseases (e.g., angina), reduced tolerance for exercise, impaired mental function, and impaired fetal development. At high levels of exposure, carbon monoxide reduces the amount of oxygen in the blood, leading to mortality. Carbon monoxide tends to dissipate rapidly into the atmosphere; consequently, violations of the National Ambient Air Quality Standards (NAAQS) and/or California Ambient Air Quality Standards (CAAQS) for carbon monoxide are generally associated with localized carbon monoxide “hotspots” that can occur at major roadway intersections during congested peak-hour traffic conditions.

[26]CARB defines volatile organic compounds (VOC) and ROG similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this analysis.

Nitrogen Dioxide

Nitrogen dioxide is a by-product of fuel combustion; the primary sources are motor vehicles and industrial boilers and furnaces. The principal form of NOx produced by combustion is nitric oxide, but nitric oxide reacts rapidly to form nitrogen dioxide, creating the mixture of nitric oxide and nitrogen dioxide commonly referred to as NOx. Nitrogen dioxide is an acute irritant that can aggravate respiratory illnesses and symptoms, particularly in sensitive groups. A relationship between nitrogen dioxide and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 parts per million (ppm) may occur. Nitrogen dioxide absorbs blue light, gives a reddish-brown cast to the atmosphere, and reduces visibility. It can also contribute to the formation of PM_{10} and acid rain.

Sulfur Dioxide

Sulfur dioxide is included in a group of highly reactive gases known as “oxides of sulfur.” The largest sources of sulfur dioxide emissions are from fossil fuel combustion at power plants (73 percent) and other industrial facilities (20 percent). Smaller sources of sulfur dioxide emissions include industrial processes such as extracting metal from ore and the burning of fuels with a high sulfur content by locomotives, large ships, and off-road equipment. Sulfur dioxide is linked to a number of adverse effects on the respiratory system, including aggravation of respiratory diseases, such as asthma and emphysema, and reduced lung function.

Particulate Matter

Suspended atmospheric PM_{10} and $PM_{2.5}$ are comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Both PM_{10} and $PM_{2.5}$ are directly emitted into the atmosphere as by-products of fuel combustion and wind erosion of soil and unpaved roads. Particulate matter is also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with PM_{10} and $PM_{2.5}$ can be very different. PM_{10} is generally associated with dust mobilized by wind and vehicles while $PM_{2.5}$ is generally associated with combustion processes as well as formation in the atmosphere as a secondary pollutant through chemical reactions. $PM_{2.5}$ is more likely to penetrate deeply into the lungs and poses a health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of $PM_{2.5}$ that is inhaled into the lungs remains there. These materials can damage health by interfering with the body’s mechanisms for clearing the respiratory tract or by acting as carriers of an absorbed toxic substance Suspended particulates can also reduce lung function, aggravate respiratory and cardiovascular diseases, increase mortality rates, and reduce lung function growth in children.

Lead

Lead is a metal found naturally in the environment, as well as in manufacturing products. The major sources of lead emissions historically have been mobile and industrial sources. However, as a result of the U.S. Environmental Protection Agency’s (U.S. EPA) regulatory efforts to remove lead from gasoline, atmospheric lead concentrations have declined substantially over the past several decades. The most dramatic reductions in lead emissions occurred prior to 1990 due to the removal of lead from gasoline sold for most highway vehicles. Lead emissions were further reduced substantially between 1990 and 2008, with reductions occurring in the metals industries at least in part as a result of national emissions

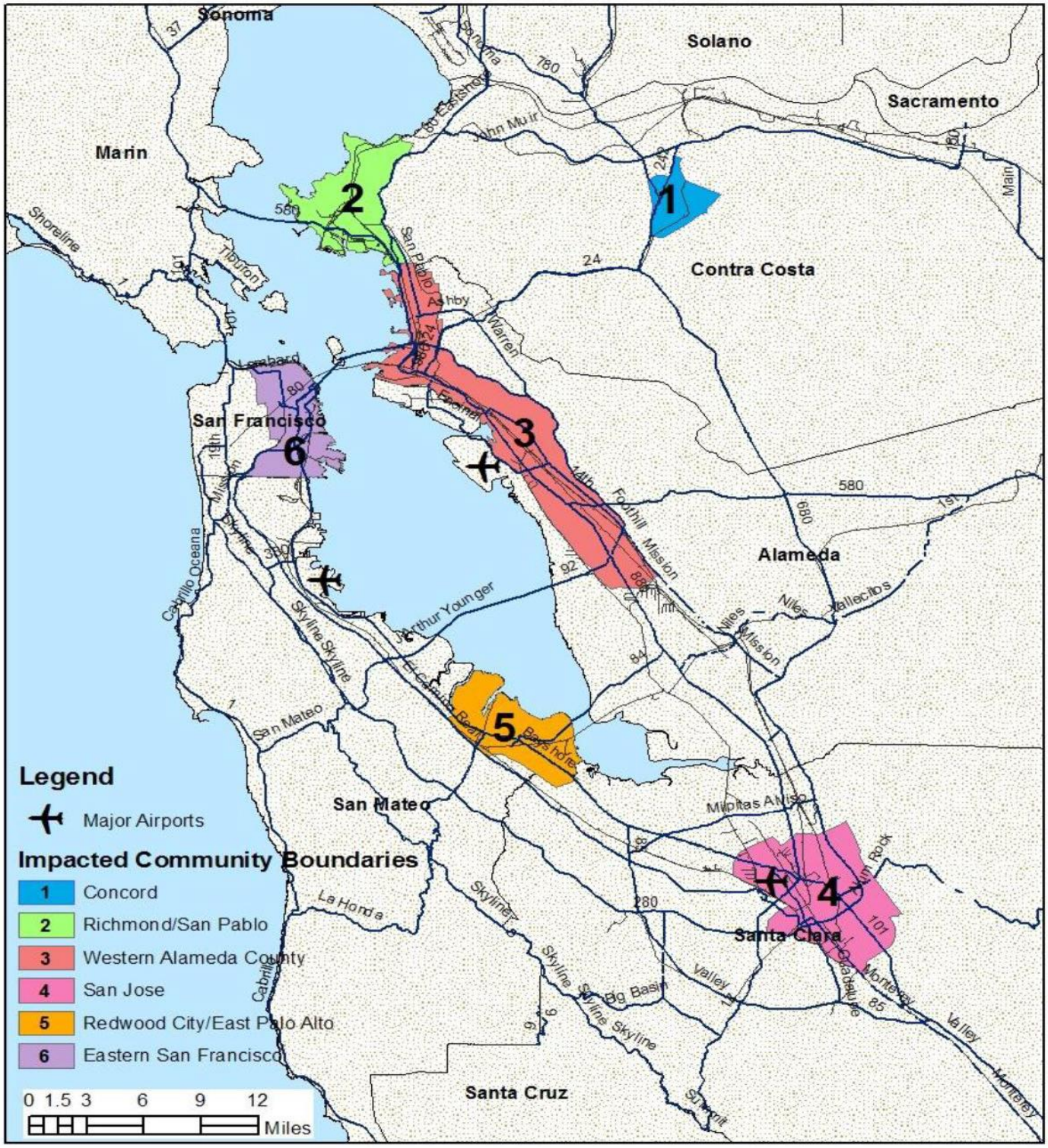
standards for hazardous air pollutants. As a result of phasing out leaded gasoline, metal processing currently is the primary source of lead emissions. The highest level of lead in the air is generally found near lead smelters. Other stationary sources include waste incinerators, utilities, and lead-acid battery manufacturers. The health impacts of lead include behavioral and hearing disabilities in children and nervous system impairment.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths or serious illness, or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micron in diameter (about 1/70th the diameter of a human hair) and thus is a subset of $PM_{2.5}$. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs. Within the SFBAAB, DPM accounted for approximately 85 percent of the cancer risk from air toxics in the region with mobile sources being one of the top contributors.

TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health.

In the Bay Area, there are several urban or industrialized communities where the exposure to TACs is relatively high in comparison to others. As shown in Figure 4-1, most of the city is located in an impacted community for 24-hour $PM_{2.5}$ due to its proximity to the freeway, rail, and industry. Sources of TACs include, but are not limited to, land uses such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. BAAQMD employs the Community Air Risk Evaluation (CARE) Program, which applies strategies to reduce health impacts in impacted communities. According to the Community Air Risk Evaluation Program Report, CARE is currently activated in the City since it is an impacted community (BAAQMD 2022a).



Impacted Communities Figure 6

Source: BAAQMD, 2012

4.1.2.3 Ambient Air Quality

The BAAQMD operates a network of air quality monitoring stations throughout the SFBAAB. The purpose of the monitoring stations is to measure ambient concentrations of pollutants and to determine whether ambient air quality meets the California and federal standards. The SFBAAB monitoring station that serves the City is the San José Jackson Street Station. This monitoring station measures ozone, NOx, $PM_{2.5}$, and PM_{10}.

Table 4-1 indicates the number of days that each of the federal and State standards has been exceeded at this station in each year from 2019 to 2021. One-hour ozone exceeded State thresholds once in 2019, once in 2020, and three times in 2021. Eight-hour ozone exceeded both federal and State thresholds twice in 2019, twice in 2020, and four times in 2021. $PM_{2.5}$ exceeded federal thresholds 12 times in 2020 and once in 2021. PM_{10} exceeded State thresholds four times in 2019 and 10 times in 2020. No other thresholds were exceeded in the years 2019 through 2021.

Table 4-1. Ambient Air Quality – Monitoring Station Measurements (2019-2021)

Pollutant	2019	2020	2021
San José Jackson Station			
Ozone (ppm), Worst 1-Hour	0.095	0.106	0.098
Number of days above CAAQS (>0.09 ppm)	1	1	3
Number of days above NAAQS (>0.12 ppm)	0	0	0
Ozone (ppm), Worst 8-Hour Average	0.082	0.086	0.085
Number of days above CAAQS (>0.070 ppm)	2	2	4
Number of days above NAAQS (>0.070 ppm)	2	2	4
Nitrogen Dioxide (ppm), Worst 1-Hour	59.8	51.9	47.8
Number of days above CAAQS (>0.180 ppm)	0	0	0
Number of days above NAAQS (>0.100 ppm)	0	0	0
Particulate Matter <2.5 microns (µg/m^3), Worst 24 Hours	34.4	120.5	38.1
Number of days above NAAQS (>35 µg/m^3)	0	12	1

Pollutant	2019	2020	2021
San José Jackson Station			
Particulate Matter <10 microns (µg/m³), Worst 24 Hours	77.1	137.1	45.1
Number of days above CAAQS (>50 µg/m³)	4	10	0
Number of days above NAAQS (>150 µg/m³)	0	0	0

ppm = parts per million; µg/m³ = micrograms per cubic meter; CAAQS = California Ambient Air Quality Standard; NAAQS = National Ambient Air Quality Standard

Source: Air Quality Data Statistics Top 4 Summary (CARB 2023)

4.1.2.4 Sensitive Receptors

Ambient air quality standards have been established to represent the levels of air quality considered sufficient, with an adequate margin of safety, to protect public health and welfare. They are designed to protect people most susceptible to respiratory distress, such as children under 14; persons over 65; persons engaged in strenuous work or exercise; and people with cardiovascular and chronic respiratory diseases. Therefore, most of the sensitive receptor locations are schools, hospitals, senior living centers, and residential areas.

The City currently includes a mix of residential, industrial, commercial, and retail uses. Sensitive receptors within the city include residential uses, schools, hospitals, and nursing homes.

4.1.3 Regulatory Setting

4.1.3.1 Federal

The following federal policies are applicable to the project:

Clean Air Act

The Clean Air Act (CAA) was enacted in 1970 and amended in 1977 and 1990 [42 United States Code (USC) 7401] for the purposes of protecting and enhancing the quality of the nation's air resources to benefit public health, welfare, and productivity. In 1971, to achieve the purposes of Section 109 of the CAA [42 USC 7409], the U.S. EPA developed Ambient Air Quality Standards which represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect the public health and welfare. NAAQS have been designated for the following criteria pollutants of primary concern: ozone, carbon monoxide, nitrogen dioxide, lead, sulfur dioxide, PM_{10}, and $PM_{2.5}$.

The U.S. EPA classifies specific geographic areas as either "attainment" or "nonattainment" areas for each pollutant based on the comparison of measured data with the NAAQS. States are required to adopt enforceable plans, known as a State Implementation Plan (SIP), to achieve and maintain air quality meeting the NAAQS. SIP also must control emissions that drift across state lines and harm air quality in downwind states. Table 4-2 lists the current federal standards for regulated pollutants.

Table 4-2. Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	NAAQS	CAAQS
Ozone	1-Hour	–	0.09 ppm
	8-Hour	0.070 ppm	0.070 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	–	–
	24-Hour	–	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM_{10}	Annual	–	20 µg/m^3
	24-Hour	150 µg/m^3	50 µg/m^3
$PM_{2.5}$	Annual	12 µg/m^3	12 µg/m^3
	24-Hour	35 µg/m^3	–
Lead	30-Day Average	–	1.5 µg/m^3
	3-Month Average	0.15 µg/m^3	–

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m^3 = micrograms per cubic meter
Source: CARB Air Quality Standards (CARB 2023a)

4.1.3.2 State Requirements

The following state policies are applicable to the project:

California Clean Air Act

The California Clean Air Act (CCAA) was enacted in 1988 (California Health & Safety Code (H&SC) sections 39000 et seq.). Under the CCAA, the State has developed the CAAQS, which are generally more stringent than the NAAQS. Table 4-2 lists the current state standards for regulated pollutants. In addition to the federal criteria pollutants, the CAAQS also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. Like the federal CAA, the CCAA classifies specific geographic areas as either "attainment" or "nonattainment" areas for each pollutant, based on the comparison of measured data within the CAAQS.

California is divided geographically into 15 air basins for managing the air resources of the state on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. As discussed in Section 4.1.3.1, the U.S. EPA classifies specific geographic areas as either "attainment" or "nonattainment" areas for NAAQS for each pollutant. If an air basin is not in either federal or state attainment for a particular pollutant, the basin is

classified as a nonattainment area for that pollutant. Under the federal and state Clean Air Acts, once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the federal CAA. Areas that have been redesignated to attainment are called maintenance areas.

Toxic Air Contaminants

In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (AB 1807: H&SC Sections 39650–39674). The Legislature established a two-step process to address the potential health effects from TACs. The first step is the risk assessment (or identification) phase. The second step is the risk management (or control) phase of the process.

The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. Additionally, the Air Toxics “Hot Spots” Information and Assessment Act (AB 2588) was enacted in 1987 and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics “Hot Spots” Act are to collect emission data, identify facilities having localized impacts, ascertain health risks, notify nearby residents of significant risks, and reduce those significant risks to acceptable levels. The Children's Environmental Health Protection Act, Senate Bill 25 (Escutia, 1999), focuses on children's exposure to air pollutants. The act requires the California Air Resources Board (CARB) to review its air quality standards from a children's health perspective, evaluate the statewide air quality monitoring network, and develop any additional air toxic control measures needed to protect children's health.

State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that set forth the state’s strategies for achieving the NAAQS and CAAQS. The SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, and permitting), district rules, state regulations, and federal controls. CARB is the lead agency for all purposes related to the SIP under state law. Local air districts are responsible for preparing and implementing air quality attainment plans for pollutants for which the district is in non-compliance; the plans are incorporated into the SIP. Additionally, other agencies such as the Department of Pesticide Regulation and the Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the U.S. EPA for approval and publication in the Federal Register. All of the items included in the California SIP are listed in the Code of Federal Regulations (CFR) at 40 CFR 52.220.

Title 24, California Code of Regulations

The California Code of Regulations (CCR), Title 24, is referred to as the California Building Code, or CBC. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. The CBC’s energy efficiency and green building standards are outlined in the City of San José 2023-2031 Housing Element Update Energy Study, which is included Appendix C to this SEIR.

4.1.3.3 Local Requirements

Bay Area Air Quality Management District

The BAAQMD is responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

According to the BAAQMD website, the SFBAAB is designated nonattainment for the federal standards for ozone and $PM_{2.5}$ and in nonattainment for the State standard for ozone, $PM_{2.5}$, and PM_{10}. The SFBAAB is designated unclassifiable or in attainment for all other federal and state standards (BAAQMD 2022).

The BAAQMD adopted the 2017 Clean Air Plan (2017 Plan) as an update to the 2010 Clean Air Plan in April 2017. The 2017 Plan provides a regional strategy to protect public health and the climate. Consistent with the greenhouse gas (GHG) reduction targets adopted by the state, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. To fulfill State ozone planning requirements, the 2017 Plan includes all feasible measures to reduce emissions of ozone precursors—ROG and NOx—and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and TAC.

The 2017 Plan focuses on two paramount goals:

- Protect air quality and health at the regional and local scale by attaining all State and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs; and
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Would not disrupt or hinder implementation of any control measures in the 2017 Clean Air Plan.

BAAQMD Rules

The BAAQMD implements rules and regulations for emissions that may be generated by various uses and activities. The rules and regulations detail pollution-reduction measures that must be implemented during construction and operation of projects. Rules and regulations relevant to the Project include the following:

- Regulation 8, Rule 3 (Architectural Coatings): This rule limits the quantity of volatile organic compounds (VOC) that can supplied, sold, applied, and manufactured within the BAAQMD region.
- Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing): This rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities.
- CEQA Air Quality Guidelines: The BAAQMD recommends the following fugitive dust control Best Management Practices (BMPs) during construction for all projects (BAAQMD 2017):
    - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
    - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
    - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
    - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure in 13 CCR Section 2485). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number and person to contact at the County regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Envision San José 2040 General Plan

The 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, outlines the City's following air quality goals and policies that are applicable to the Project:

Policy CD-3.2 Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy LU-9.3 Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.

Goal MS-1 Green Building Policy Leadership. Demonstrate San José's commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040.

Policy MS-1.2 Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Goal MS-2 Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Goal MS-3 Water Conservation and Quality. Maximize the use of green building practices in new and existing development to minimize use of potable water and to reduce water pollution.

Policy MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

Policy MS-3.2 Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3 Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

Goal MS-10 Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

Policy MS-10.1 Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.10 Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-11 Toxic Air Contaminants. Minimize exposure of people to air pollution and TACs such as ozone, carbon monoxide, lead, and particulate matter.

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 TACs to avoid significant risks to health and safety.

Policy MS-11.2 For projects that emit TACs, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.3 Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

Policy MS-11.4 Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-11.7 Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

Gola MS-12 Objectionable Odors. Minimize and avoid exposure of residents to objectionable odors.

Policy MS-12.2 Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance will be determined based upon the type, size and operations of the facility.

Goal MS-13 Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1 Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-14.1 Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

Policy MS-14.4 Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy MS-15.3 Facilitate the installation of at least 100,000 solar roofs in San José by 2022 and at least 200,000 solar roofs by 2040.

San José Municipal Code

The San José Municipal Code (SJMC) includes the following regulations designed to reduce air quality impacts from future development:

- Bicycle Parking Requirements (Chapter 20.90, Part 2.5)
- Prohibited Natural Gas Infrastructure in Newly Constructed Buildings (Section 17.845.030)

4.1.4 Impacts and Mitigation Measures

4.1.4.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. The Project would have a significant impact if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of an criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

BAAQMD Significance Thresholds

The plan-level thresholds specified in the May 2017 BAAQMD CEQA Air Quality Guidelines were used to determine whether the Project impacts exceed the thresholds identified in CEQA Guidelines Appendix G.

Methodology

Construction Emissions

Construction-related emissions are temporary but may still result in adverse air quality impacts. Construction of development associated with the Project would generate temporary emissions from three primary sources: the operation of construction vehicles (e.g., scrapers, loaders, dump trucks, etc.); ground disturbance during site preparation and grading, which creates fugitive dust; and the application of asphalt, paint, or other oil-based substances.

At this time, there is not sufficient detail to allow individual project-level analysis and thus it would be speculative to analyze development project-level impacts. Rather, consistent with the programmatic nature of the Project, construction impacts for the Project are discussed qualitatively and emissions are not compared to the individual project-level thresholds.

Operation Emissions

Based on plan-level guidance from the BAAQMD 2017 CEQA Air Quality Guidelines, long-term operational emissions associated with implementation of the Project are discussed qualitatively by comparing the Project to the 2017 Clean Air Plan goals, policies, and control measures. In addition, comparing the rate of increase of plan Vehicle Miles Traveled (VMT) and population is recommended by BAAQMD for determining significance of criteria pollutants. If the Project does not meet either criterion then impacts would be potentially significant.

Consistency with the Air Quality Plan

Under BAAQMD's methodology, a determination of consistency with CEQA Guidelines thresholds should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Does not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

Construction Emissions Thresholds

The BAAQMD's May 2017 CEQA Air Quality Guidelines have no plan-level significance thresholds for construction air pollutants emissions. However, they do include individual project-level screening and emissions thresholds for temporary construction-related emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions and are discussed in detail below (BAAQMD 2017). Construction emissions associated with plan implementation are discussed qualitatively to evaluate potential air quality impacts.

The BAAQMD developed screening criteria in the 2017 CEQA Air Quality Guidelines to provide lead agencies and project applicants with a conservative indication of whether an individual development project could result in potentially significant air quality impacts. The screening criteria for residential land uses are shown in Table 4-3.

Table 4-3 BAAQMD Criteria Air Pollutant Screening Levels

Land Use Type	Operational Criteria Pollutant Screening Size (du)	Construction Criteria Pollutant Screening Size (du)
Single-family	325 (NOx)	114 (ROG)
Apartment, low-rise	451 (ROG)	240 (ROG)
Apartment, mid-rise	494 (ROG)	240 (ROG)
Apartment, high-rise	510 (ROG)	249 (ROG)
Condo/townhouse, general	451 (ROG)	240 (ROG)
Condo/townhouse, high-rise	511 (ROG)	252 (ROG)
Mobile home park	450 (ROG)	114 (ROG)
Retirement community	487 (ROG)	114 (ROG)
Congregate care facility	657 (ROG)	240 (ROG)

du = dwelling unit; NOx = oxides of nitrogen; ROG = reactive organic gases
Source: 2017 CEQA Air Quality Guidelines (BAAQMD 2017)

If an individual development project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration (BAAQMD 2017).

In addition to the screening levels above, several additional factors are outlined in the 2017 CEQA Air Quality Guidelines that construction activities must satisfy for a project to meet the construction screening criteria:

- All basic construction measures from the 2017 CEQA Guidelines must be included in project design and implemented during construction
- Construction-related activities would not include any of the following:
    - Demolition
    - Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously)
    - Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development) Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity

For individual development projects that do not meet the screening criteria above, the BAAQMD construction significance thresholds for criteria air pollutants, shown in Table 4-4, are used to evaluate a project's potential air quality impacts.

Table 4-4. BAAQMD Criteria Air Pollutant Significance Thresholds

Pollutant	Construction Thresholds Average Daily Emissions (lbs/day)	Operational Threshold Average Daily Emissions (lbs/day)	Operational Threshold Maximum Annual (lbs/day)
ROG	54	54	10
NOx	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	Not Applicable

lbs = pounds; NOx = oxides of nitrogen; ROG = reactive organic gases; $PM_{2.5}$ = particulate matter with an aerodynamic diameter equal to or less than 2.5 microns
Source: California Environmental Quality Act: Air Quality Guidelines, BAAQMD 2017

For all individual development projects in the SFBAAB, the BAAQMD 2017 CEQA Air Quality Guidelines recommends implementation of the following Basic Construction Mitigation Measures, listed in Table 8-2 of the Guidelines (BAAQMD 2017):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.

The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

For individual development projects that exceed the thresholds in Table 4-4, the BAAQMD 2017 CEQA Air Quality Guidelines recommends implementation of the following Additional Construction Mitigation Measures, listed in Table 8-3 of the BAAQMD California Environmental Quality Act: Air Quality Guidelines (BAAQMD 2017):

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimizing the idling time of diesel-powered construction equipment to two minutes.
- The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction Project (i.e., owned, leased, and subcontractor vehicles) would achieve a Project wide fleet-average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

Operation Emissions Thresholds

The BAAQMD's 2017 CEQA Air Quality Guidelines contain specific operational plan-level significance thresholds for criteria air pollutants. Plans must show the following over the planning period:

- Consistency with current air quality plan control measures, and
- VMT or vehicle trips increase is less than or equal to the plan's projected population increase.

If a plan can demonstrate consistency with both criteria, then impacts would be less than significant. The current air quality plan is the 2017 Clean Air Plan.

For individual development project-level thresholds, the screening criteria for operational emissions are shown in Table 4-3. For projects that do not meet the screening criteria, the BAAQMD operational significance thresholds for criteria air pollutants, shown in Table 4-4, are used to evaluate a project's potential air quality impacts.

Carbon Monoxide Hotspots

BAAQMD provides a preliminary screening methodology to conservatively determine whether a project would exceed carbon monoxide thresholds. If the following criteria are met, the individual development project would result in a less than significant impact related to local carbon monoxide concentrations:

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

Toxic Air Contaminants

For health risks associated with TAC and $PM_{2.5}$ emissions, the BAAQMD May 2017 CEQA Air Quality Guidelines state that a project would result in a significant impact if the any of the following thresholds are exceeded (BAAQMD 2017):

- Non-compliance with Qualified Community Risk Reduction Plan; Increased cancer risk of > 10.0 in a million; or
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or Ambient $PM_{2.5}$ increase of>0.3 $\mu g/m^3$ annual average.

Lead

Projects would be required to comply with BAAQMD Regulation 11, Rule 1 (Lead), which is intended to control the emission of lead into the atmosphere.

Asbestos

Demolition of buildings would be subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). BAAQMD Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition and the associated disturbance of asbestos-containing waste material generated or handled during these activities. This rule requires notification of BAAQMD of any regulated demolition activity, and contains specific requirements for surveying, notification, removal, and disposal of material containing asbestos. Impacts related to asbestos emissions from projects that comply with Regulation 11, Rule 2 are considered to be less than significant since the regulation would ensure the proper and safe disposal of asbestos containing material.

Odors

The BAAQMD provides minimum distances for siting of new odor sources shown in Table 4-5. A significant impact would occur if the Project would result in other emissions (such as odors) affecting substantial numbers of people or would site a new odor source as shown in Table 4-5 within the specified distances of existing receptors.

Table 4-5. BAAQMD Odor Source Thresholds

Odor Source	Minimum Distance for Less than Significant Odor Impacts (in miles)
Wastewater Treatment Plant	2
Wastewater Pumping Facilities	1
Sanitary Landfill	2
Transfer Station	1
Composting Facility	1
Petroleum Refinery	2
Asphalt Batch Plant	2
Chemical Manufacturing	2
Fiberglass Manufacturing	1
Painting/Coating Operations	1
Rendering Plant	2

Source: Final 2017 Clean Air Plan (BAAQMD 2017a)

4.1.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would contribute to an existing significant unavoidable impact identified in the 2040 General Plan EIR, when considering the following threshold.

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

(including releasing emissions which exceed quantitative thresholds for ozone precursors).

Construction

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that implementation of 2040 General Plan policies and adherence to existing regulations would reduce construction emissions to a less-than-significant level.

As described in Section 3.5.1, Changes to General Plan Growth Areas, the project would reallocate development capacity within the City such that some Growth Areas would experience more construction and some (specifically in North San José) would experience less. Because total citywide development capacity would not be increased, the total amount of anticipated construction would not increase compared to what was analyzed in the 2040 General Plan EIR. Construction activities such as demolition, grading, construction worker travel, delivery and hauling of construction supplies and debris, and fuel combustion by on-site construction equipment would continue to generate pollutant emissions. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants, particularly during site preparation and grading. The extent of daily emissions, particularly ROGs and NO_x emissions, generated by construction equipment, would depend on the quantity of equipment used and the hours of operation for each individual development project. The extent of $PM_{2.5}$ and PM_{10} emissions would depend upon the following factors: 1) the amount of disturbed soils; 2) the length of disturbance time; 3) whether existing structures are demolished; 4) whether excavation is involved; and 5) whether transporting excavated materials offsite is necessary. Dust emissions can lead to both nuisance and health impacts. According to the 2017 BAAQMD CEQA Air Quality Guidelines, PM_{10} is the greatest pollutant of concern during construction.

As discussed above, BAAQMD's 2017 CEQA Air Quality Guidelines have no plan-level significance thresholds for construction air pollutant emissions that would apply to the Project. However, the guidelines include individual project-level thresholds for construction emissions. If an individual project is subject to CEQA and has construction emissions that fall below the individual development project-level thresholds, the project's impacts on regional air quality would be individually and cumulatively less than significant. The BAAQMD has identified feasible fugitive dust control measures for construction activities and recommends implementation of eight Basic Construction Mitigation Measures to reduce fugitive dust levels. Future development facilitated by the Project would be required to comply with 2040 General Plan Goals MS-11 (TACs), and MS-13 (Construction Air Emissions) of the Environmental Leadership Element. 2040 General Plan Policy MS-11.3 requires projects that generate heavy duty truck traffic avoid sensitive land uses to minimize exposure to dust and exhaust emissions from trucks; and 2040 General Plan Policy MS-13.1 requires inclusion of dust, particulate matter, and construction equipment exhaust control measures, as well as conformation with BAAQMD's Basic Construction Mitigation Measures to reduce pollution from dust and exhaust.

Site preparation and grading during construction activities facilitated by development under the Project may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The BAAQMD has not established a quantitative threshold for fugitive dust emissions but rather states that projects that incorporate BMPs for fugitive dust control during construction would have a less than significant impact related to fugitive dust emissions. As described above, future development facilitated by the Project would be required to comply with Goals MS-11 and MS-13 and associated 2040 General

Plan Policies MS-11.3 and MS-13.1 which requires implementation of dust abatement actions and BAAQMD's Basic Construction Mitigation Measures. Therefore, construction criteria pollutant emission impacts would continue to be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Operation

Significant Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR concluded that projected rates of VMT and vehicle trip growth at full buildout of the 2040 General Plan would be greater than the rate of population growth. The associated increased emissions of criteria pollutants from this increase in VMT was determined to be a significant unavoidable impact.

The Project would include the reallocation of 2040 General Plan residential capacity from the North San José and Rincon South Urban Village Growth Area to other Urban Villages and Growth Areas as well as expansion of TERO areas within the North San José and Rincon South Urban Village Growth Area. Long-term criteria pollutant emissions would result from the operation of residential units supported by the Project, but these long-term emissions are similar to those evaluated in the 2040 General Plan EIR as the total residential development capacity remains unchanged Citywide.

Operational air quality emissions are evaluated in terms of SFBAAB source emissions, energy demand emissions, and mobile emissions. SFBAAB source emissions are the combination of many small emission sources that include use of outdoor landscape maintenance equipment, use of consumer products such as cleaning products, and periodic repainting of a project. Energy demand emissions result from use of electricity and natural gas. Mobile emissions result from automobile and other vehicle sources associated with daily trips to and from the development project vicinity.

Operation of the Project would result in increased localized emissions in certain Growth Areas due to emissions associated with increased residential development, such as those from vehicle trips. But there would be commensurate decreases in emissions from residential development in North San José. Therefore, there would be no net increase in citywide emissions as identified in the 2040 General Plan FEIR. Additionally, future development under the Project would be required to comply with 2040 General Plan Goals MS-10 (Air Pollutant Emission Reduction), MS-14 (Reduce Consumption and Increase Efficiency), and MS-15 (Renewable Energy). The 2040 General Plan Policy MS-10.1 requires future development to conform with BAAQMD CEQA Guidelines and implement feasible air emission reduction measures; 2040 General Plan Policy MS-10.7 encourages air pollutant emission reduction through energy conservation; 2040 General Plan Policy MS-14.1 promotes housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance; and 2040 General Plan Policy MS-15.3 which encourages homeowners to install solar roofs. Future development would also be required to be consistent with the 2040 General Plan's Land Use and Transportation Diagram, which will provide air quality benefits from sustainable land use planning and design consideration, complete streets and other mobility considerations that would reduce vehicle trips, and infrastructure planning to support alternative means of transportation.

According to the BAAQMD 2017 CEQA Air Quality Guidelines, the threshold for criteria air pollutants and precursors includes an assessment of the rate of increase of plan VMT versus population growth. The Project would reallocate 3,095 residential units from the North San José and Rincon South Urban Village

growth area to other Urban Villages and Growth Areas in order to facilitate residential development on opportunity sites identified in the HEU Sites Inventory. To result in a less than significant impact, the analysis must show that the Project's projected VMT increase would be less than or equal to its projected population increase. Table 4-7 summarizes the net increase in population versus VMT based on VMT modeling included in Appendix E of this SEIR. The VMT associated with Project buildout would decrease by approximately 0.2 percent from baseline 2040 General Plan conditions since the forecast population growth is the same as the baseline (i.e., population would increase zero percent over baseline conditions). VMT increases at a lower percentage because the Project would shift planned housing development capacity from North San José and the Rincon South Urban Village to concentrate increased residential units in proximity to jobs and services to reduce singular vehicle trips and encourage alternative models of travel. Therefore, the Project's VMT would not conflict with the BAAQMD's 2017 CEQA Air Quality Guidelines operational plan-level significance thresholds for criteria air pollutants and would be consistent with the 2017 Clean Air Plan because the Project results in no increase in population and there is a projected reduction in VMT. Although the Project would contribute to the significant unavoidable cumulative net increase in criteria pollutant emissions identified in the 2040 General Plan EIR, the overall increase would be less than that anticipated in the 2040 General Plan EIR and the Project would not create new sources of emissions that were not anticipated in the 2040 General Plan EIR.

Table 4-6. Increase in Population Compared to VMT Under Project

Scenario	Baseline (2040 General Plan)	Project	Net Increase	Percent Change
Population	2,041,659	2,041,659	0	0
Vehicle Miles Traveled	27,062,221	27,021,232	-40,989	-0.2

Source: Hexagon Transportation Consultants Inc, 2023

Less Than Significant with Mitigation

The Project would not result in a significant impact on air quality that would require mitigation because it does not meet any of the significance thresholds specified above or such thresholds do not apply to the Project as explained above.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

4.1.4.2.1 Conflict with or obstruct implementation of the applicable air quality plan

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan concluded that 2040 General Plan would reasonably implement applicable 2010 Clean Air Plan Transportation Control Measures, Mobile Source Control Measures, Land Use and Local Impact Control Measures, and Energy and Climate Control Measures.

Since certification of the 2040 General Plan EIR, BAAQMD has adopted a new 2017 Clean Air Plan in April 2017. As described in Section 4.1.4.1, Methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Would not disrupt or hinder implementation of any control measures in the 2017 Clean Air Plan.

A project that would not support the 2017 Clean Air Plan's goals would not be considered consistent with the plan. The Project would redistribute residential units from the North San José Growth Area to other Urban Villages and Growth Areas as well as expand TERO areas within the North San José and Rincon South Urban Village Growth Area, which would encourage denser residential development and an increased number of multifamily housing units in proximity to transit such as the Berryessa/North San José BART Station, the Caltrain Diridon Station, the Santa Clara Transit Center, the Eastridge Transit Center, and bus stops. By allowing for the easier use of alternative modes of transportation through proximity to services, jobs, bus stops, BART and Caltrain stations, and bicycle routes, development facilitated by the Project would reduce the use of personal vehicles and subsequent mobile emissions than if development were placed further from transit.

In addition, development facilitated by the Project would be required to comply with the latest California Clean Energy Code (24 CCR section Part 6 et seq.) regulations, including requirements for residential indoor air quality. The analysis is based on compliance with 2022 Title 24 requirements although individual development projects developed under the plan would be required to comply with the most current version of Title 24 at the time of project construction. These requirements currently mandate Minimum Efficiency Reporting Value (MERV) 13 (or equivalent) filters for heating/cooling systems and ventilation systems in residences (Title 24, Section 150.0[m]) or implementation of future standards that would be anticipated to be equal to or more stringent than current standards. Therefore, the Project would improve air quality compared to development farther from transit and services through reducing VMT. The reduction in VMT along with the installation of MERV-13 filters or equivalent indoor air quality measures would be consistent with the primary goals of the 2017 Clean Air Plan.

The Project's consistency with applicable control measures in the 2017 Clean Air Plan is shown in Table 4-7.

Table 4-7. Project Consistency with Applicable 2017 Plan Control Measures

Clean Air Plan Control Measures	Consistency
Transportation	
TR9: Bicycle and Pedestrian Access and Facilities. Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	**Consistent**: The Project would reallocate residential units from the North San José and Rincon South Urban Village growth area to other urban villages and growth areas which aim to provide walkable, bicycle-friendly, and transit-oriented settings for new housing. 2040 General Plan Policy CD-3.2 aims to ensure design of new facilities could accommodate future increases in

Clean Air Plan Control Measures	Consistency
	bicycle and pedestrian activity, and 2040 General Plan Policy LU-9.3 aims to integrate housing development with the city's transportation, including transit, bicycle, and pedestrian facilities. By placing future residents in urban villages and growth areas in proximity to bicycle lanes, the Project would facilitate pedestrian and bicycle circulation and minimize automobile trip generation. Furthermore, future development facilitated by the Project would be required to comply with Chapter 20.90, Part 2.5 of the SJMC, which lists requirements for bicycle parking and bicycle parking space design standards.
Energy	
EN2: Decrease Electricity Demand. Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	**Consistent**: Future development facilitated under the Project would be required to comply with Section 17.845.030 of the SJMC, which would prohibit natural gas infrastructure and require all-electric new construction. Additionally, the City provides incentives for electric vehicles and encourages the installation of home electric vehicle charging systems through implementing a streamlined residential permitting process. Future development would be required to comply with 2040 General Plan Goals MS-1 through MS-3 and associated Policies that lists sustainability guidelines for green building design, energy conservation, and water conservation and quality.
Water	
WR2: Support Water Conservation. Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	**Consistent**: Depending on the location, future development requiring new or expanded water service would be required to comply with either the San José Municipal Water System's (Muni Water) water efficiency regulations, the San José Water Company's water efficiency regulations, of the Great Oaks Water Company's water efficiency regulations, which include water use restrictions and water efficient irrigation rules. Additionally, 2040 General Plan Policy MS-3.1 requires water-efficient landscaping for future development, which conforms to the State's Model Water Efficient Landscape Ordinance; 2040 General Plan Policy MS-3.2 promotes the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable

Clean Air Plan Control Measures	Consistency
	water needs such as irrigation and building cooling; and 2040 General Plan Policy MS-3.3 promotes the use of drought tolerant plants and landscaping materials.

As shown in Table 4-7, the Project would be consistent with the applicable measures in the 2017 Clean Air Plan as development would be required to comply with the latest Title 24 regulations and would increase density in urban areas, allowing for greater use of alternative modes of transportation. Development facilitated by the Project does not contain elements that would disrupt or hinder implementation of a 2017 Clean Air Plan control measures. Therefore, the Project would be consistent with the 2017 Clean Air Plan and would not result in new or substantially more significant impacts than those identified in the 2040 General Plan EIR.

4.1.4.2.3 Expose sensitive receptors to substantial pollutant concentrations.

Carbon Monoxide Hotspots

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify any significant impacts related to the creation of carbon monoxide hotspots. A carbon monoxide hotspot is a localized concentration of carbon monoxide that is above a carbon monoxide ambient air quality standard. The entire SFBAAB is in conformance with State and federal carbon monoxide standards, as indicated by the recent air quality monitoring. There are no current exceedances of carbon monoxide standards within the BAAQMD and the Bay Area has not exceeded carbon monoxide standards since before 1994.[27] According to the 2019 Bay Area Air Pollution Summary, the Bay Area's reported maximum 1-hour and average daily concentrations of carbon monoxide were 5.6 ppm and 1.7 ppm respectively (BAAQMD 2019).[28] These are well below the respective 1-hour and 8-hour standards of 20 ppm and 9 ppm. -Therefore, impacts to carbon monoxide hotspots would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Toxic Air Contaminants

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR determined that implementation of 2040 General Plan policies and compliance with existing regulations would reduce impacts to sensitive receptors from substantial pollutant concentrations of TACs and $PM_{2.5}$. As described in Section 4.1.2.2 and shown in Figure 4-1, most of the city is located in an impacted community for 24-hour $PM_{2.5}$ due to its proximity to the freeway, rail, and industry. Sources of TACs include, but are not limited to, land uses such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. Operation of residential development facilitated by the Project would not involve these uses; therefore, it is not considered a source of TACs. In addition, residences do not typically include new stationary sources onsite, such as emergency diesel generators. However, if residences did include a new stationary source onsite, it would be subject to BAAQMD Regulation 2, Rule 2, New Source Review,

[27] BAAQMD only has records for annual air quality summaries dating back to 1994.
[28] Data for 2019 was used as the data for 2020 and 2021 are not currently available.

and require permitting. This process would ensure that the stationary source does not exceed applicable BAAQMD health risk thresholds. Additionally, BAAQMD employs the CARE Program, which applies strategies to reduce health impacts in impacted communities. CARE is currently activated in San José since it is an impacted community.

Future development would be required to comply with Goal MS-11 (TACs) of the 2040 General Plan, which states guidelines for reducing potential TAC emissions and associated adverse health risk impacts to a less than significant level. The 2040 General Plan Policy MS-11.1 requires completion of air quality modeling for new residential developments located near sources of pollution such as industrial uses and freeways, and requires incorporation of effective mitigation or be located an adequate distance from sources of TACs; 2040 General Plan Policy MS-11.3 ensures projects that generate heavy duty truck traffic avoid sensitive land uses to minimize exposure to TACs and particulate matter; 2040 General Plan Policy MS-11.4 encourages the installation of appropriate air filtration at residences; and 2040 General Plan Policy MS-11.5 encourages the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses. Therefore, operational impacts from TAC emissions would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Asbestos

Less than Significant (Same as 2040 General Plan EIR). The 2040 General EIR did not identify any significant impacts related to asbestos exposure. As described in Section 4.1.3.3, BAAQMD Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. The rule addresses the national emissions standards for asbestos along with some additional requirements. The rule requires the Lead Agency and its contractors to notify BAAQMD of any regulated renovation or demolition activity. This notification includes a description of structures and methods utilized to determine whether asbestos-containing materials are potentially present. All asbestos-containing material found on the site must be removed prior to demolition or renovation activity in accordance with BAAQMD Regulation 11, Rule 2, including specific requirements for surveying, notification, removal, and disposal of material containing asbestos. Therefore, individual development projects that comply with Regulation 11, Rule 2 would ensure that asbestos-containing materials would be disposed of appropriately and safely. By complying with BAAQMD Regulation 11, Rule 2, thereby minimizing the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality. Therefore, the impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

4.1.4.2.4 Create objectionable odors affecting a substantial number of people.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR determined that with adherence to BAAQMD-recommended buffer zones, 2040 General Plan policies, and existing regulations, impacts related to odors would be less than significant. The Project would not facilitate the development of new odor sources in the City. During construction activities, heavy equipment and vehicles would emit odors vehicle and engine exhaust both during normal use and when idling. However, these odors associated with would be temporary and transitory and would cease upon completion. Furthermore, the Project would not facilitate construction beyond what was already

anticipated under the 2040 General Plan. Therefore, construction of development facilitated by the Project would not generate objectionable odors affecting a substantial number of people.

Table 4-5 provides BAAQMD odor screening distances for land uses with the potential to generate substantial odor complaints. Those uses include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants. Since the Project would only include residential development, none of the uses identified in the table would occur on the sites. Additionally, 2040 General Plan Goal MS-12 (Objectionable Odors) and 2040 General Plan Policy MS-12.2 would minimize and avoid exposure of residents to odors by requiring new residential development to be located an adequate distance from facilities that are existing and potential sources of odors. Therefore, development facilitated by the Project would not generate objectionable odors affecting a substantial number of people during operation, and impacts would be less than significant. The Project would not increase the severity of impacts identified in the 2040 General Plan EIR.

4.1.5 Cumulative Impacts

Less than Significant. By its nature, air pollution is a largely cumulative impact. The geographic context for cumulative air quality impacts is the City. A significant cumulative air quality impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects planned for under the 2040 General Plan would expose sensitive receptors with substantial level of particulate matter or TACs, conflict with or obstruct implementation of the applicable air quality plan, result in a cumulatively considerable net increase of an criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or create objectionable odors affecting a substantial number of people. As discussed in Section 3.4 of the 2040 General Plan EIR and Section 4.1.4 of this SEIR, the 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan Policies, buildout of the 2040 General Plan EIR would result in significant citywide air quality impacts under CEQA. The 2016 EIR Addendum completed for the 2040 General Plan Four-Year Review in 2021, determined that 2040 General Plan Amendment would not result in any new or substantially more severe air quality impacts than previously identified in the 2040 General Plan EIR. Air emissions associated with vehicle trips and their effects on air emissions within the air basin would be reduced, but not to a less than significant level. The Project would not result in new or substantially worse impacts to air quality than those identified in the 2040 General Plan EIR because there would be no net increase in development capacity within the SFBAAB and total development citywide will be within the capacity anticipated in the 2040 General Plan. Additionally, the Project would concentrate growth identified in the 2040 General Plan around transit and employment opportunities, leading to a decrease in VMT and associated personal vehicle emissions citywide. Therefore, the Project would not substantially increase the severity of an existing cumulative air quality impact nor would a new cumulative impact occur.

Future residential development facilitated by the Project could contribute to cumulative impacts on sensitive receptors by generating substantial construction emissions (i.e., dust, TACS, and odors) that affect sensitive receptors throughout the City. Construction emissions could also combine to result in significant short-term impacts to sensitive receptors due to dust fall or elevated concentrations of TACs. The potential for combined construction activities to cause a cumulative local air quality impact would be greatest if multiple construction projects occur simultaneously in the vicinity.

The timing of individual development projects will be considered when the applicants for these projects apply for building permits to ensure that a given sensitive receptor will not be significantly affected by multiple projects. Furthermore, all future development and transportation projects will be required to implement dust and exhaust control measures during demolition and construction activities (per General Plan Policy MS-13.1 and BAAQMD CEQA Guidelines). For these reasons, the Project would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified construction-related air quality impact.

4.2 Energy

4.2.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on energy use and conservation. This section first includes a description of the existing environmental setting as it relates to energy, and provides a regulatory framework that discusses applicable federal, State, and local regulations. The analysis in this section is based on the Energy Study, which was prepared by Rincon Consultants in 2023 and is included as Appendix C.

No comments relating to energy were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.2.2 Existing Conditions

4.2.2.1 Regional and Local Energy Setting

Energy use relates directly to environmental quality because energy use can adversely affect air quality and can generate GHG emissions that contribute to climate change. Fossil fuels are burned to create electricity that powers residences, heats and cools buildings, and powers vehicles. Transportation energy use corresponds to the fuel efficiency of cars, trucks, and public transportation; the different travel modes such as single-passenger automobile, carpool, and public transit; and the miles traveled using these modes.

Energy Supply

Petroleum

California is one of the top producers of petroleum in the nation with drilling operations occurring throughout the state but concentrated primarily in Kern and Los Angeles counties. A network of crude oil pipelines connects production areas to oil refineries in the Los Angeles area, the San Francisco Bay area, and the Central Valley. California oil refineries also process Alaskan and foreign crude oil received at ports in Los Angeles, Long Beach, and the San Francisco Bay area. Crude oil production in California and Alaska is in decline, and California refineries depend increasingly on foreign imports. According to the U.S. Energy Information Administration's Field Production data page, California's field production of crude oil totaled 134.6 million barrels in 2021 (U.S. Energy Information Administration 2023).

City of San José Petroleum Infrastructure

In general, individual users, such as residents and employees, purchase petroleum fuels. There are over 50 gasoline stations but no petroleum refineries in the City. According to the California Department of Conservation online interactive well finder map, there are no oil and gas wells in the City (CDC, 2023).

Alternative Fuels

A variety of alternative fuels are used to reduce petroleum-based fuel demand. Their use is encouraged through various statewide regulations and plans, such as the Low Carbon Fuel Standard and SB 32 (adopted in 2016). According to the U.S. Department of Energy, conventional gasoline and diesel may be replaced, depending on the capability of the vehicle, with alternative fuels such as hydrogen, biodiesel, and electricity. Currently, 54 hydrogen and 35 biodiesel refueling stations are located in California (U.S. Department of Energy 2023). Two hydrogen refueling stations are located in the City. Dozens of vehicle charging stations exist in the City.

Electricity

In 2021, California's overall electric generation including imported energy from throughout the northwestern and southwestern United States, totaled 277,764 GWh (California Energy Commission [CEC] 2023). Primary fuel sources for the State's power mix in 2021 included the following:

- Natural gas (37.9 percent)
- Large hydroelectric (9.2 percent)
- Solar (14.2 percent)
- Nuclear (9.3 percent)
- Wind (11.4 percent)
- Geothermal (4.8 percent)
- Small hydroelectric (1.0 percent)
- Biomass (2.3 percent)
- Coal (3.0 percent)
- Petroleum coke (<1 percent)
- Waste heat (<1 percent)
- Oil (<1 percent)
- Other Unspecified (6.8 percent

According to the 2022 Integrated Energy Policy Report prepared by the CEC, California's electric grid relies increasingly on clean sources of energy such as solar, wind, geothermal, hydroelectricity, and biomass. As this transition advances, the grid is also expanding to serve new sectors including electric vehicles, rail, and space and water heating (CEC 2021). California has installed more renewable energy than any other state in the United States with 67,461 GW of generation (CEC, 2022).

City of San José Electricity Providers

Pacific Gas & Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City. The San José City Council created San José Clean Energy (SJCE), which provides clean electricity to the city as an alternative to PG&E; however, residents and businesses may opt out and continue to receive electricity from PG&E.

City of San José Electric Power Infrastructure

There is one petroleum power plant, 17 natural gas power plants, two biomass plants, and three solar farms in the City. Additionally, the City is served by a number of electricity substations.

Energy Demand

Petroleum

State

In 2020, transportation accounted for 34 percent of California's total energy demand, amounting to approximately 2,356 trillion British thermal units (Btu). According to the CEC, California's 2020 fuel sales totaled 11.2 billion gallons of gasoline and 1.6 billion gallons of diesel (CEC 2021a).

Santa Clara County

According to the CEC, Santa Clara County fuel sales are compared to statewide sales in this SEIR to provide regional and statewide context for fuel consumption. As shown in Table 4-8, Santa Clara County consumed an estimated 511 million gallons of gasoline and 35 million gallons of diesel fuel in 2020, which was approximately 4.1 percent of statewide gasoline consumption and approximately 2.0 percent of statewide diesel fuel consumption (CEC, 2023a).

Table 4-8. 2020 Annual Gasoline and Diesel Consumption

Natural Gas	Santa Clara County (gallons)	California (Gallons)	Proportion of Statewide Consumption
Gasoline	511,000,000	12,572,00,00	4.1%
Diesel	35,000,000	1,744,000,000	2.0%

Source: Rincon 2023

Electricity

State

California consumed approximately 277,763 GWh in 2021. Residential electricity demand accounted for approximately 36 percent of California's electricity consumption in 2020, and non-residential demand account for approximately 64 percent (CEC, 2022a).

Santa Clara County

Electricity consumption in Santa Clara County is compared to statewide consumption in this SEIR to provide regional and statewide context. As shown in Table 4-9, Santa Clara County consumed approximately 16,436 GWh in 2020, which was approximately 20 percent of the combined electricity consumption by Pacific Gas & Electric (PG&E) and SVP (the two major electricity providers in Santa Clara County) and approximately six percent of statewide electricity consumption (Rincon, 2023).

Table 4-9. 2019 Electricity Consumption

Energy Type	Santa Clara County (GWh)	PG&E and SVP (GWh)	California (GWh)	Proportion of PG&E and SVP Consumption	Proportion of Statewide Consumption
Electricity	16,665	82,241	279,510	20%	6.0%

Source: City of San José 2023-2031 Housing Element Update Energy Study (Rincon 2023)

4.2.3 Regulatory Setting

4.2.3.1 Federal

The following federal policies and standards intended to promote the efficient use of energy are applicable to the project.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act (Federal Register 13423 [January 2007]), enacted by Congress in 2007, is designed to improve vehicle fuel economy and help reduce the United States' dependence on foreign oil. The Energy Independence and Security Act includes provisions that pertain to expanding the production of renewable fuels, reducing dependence on oil, and confronting climate change within the City. Specifically, it does the following:

- Increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard, requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over 2007 levels
    - Reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon (mpg) by 2020 – an increase in fuel economy standards of 40 percent relative to 2007 levels

The Energy Independence and Security Act of 2007 also set energy efficiency standards for lighting (specifically light bulbs) and appliances. Development would also be required to install photosensors and energy-efficient lighting fixtures consistent with the requirements of 42 USC Section 17001 et seq.

Energy Policy and Conservation Act

Enacted in 1975, the Energy Policy and Conservation Act (Pub. L. 94-163 [December 1975]) established fuel economy standards for new light-duty vehicles sold in the United States. The law placed responsibility on the National Highway Traffic and Safety Administration (NHTSA), a part of the United States Department of Transportation, for establishing and regularly updating vehicle standards. The United States Environmental Protection Agency (U.S. EPA) administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards.

Construction Equipment Fuel Efficiency Standard

The U.S. EPA sets emission standards for construction equipment. The first federal standards (Tier 1) were adopted in 1994 for all off-road engines over 50 horsepower (hp) and were phased in by 2000. A new standard was adopted in 1998 that introduced Tier 1 requirements for all equipment below 50 hp

and established the Tier 2 and Tier 3 standards. The Tier 2 and Tier 3 standards were phased in by 2008 for all equipment. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements are contained in 40 CFR Parts 1039, 1065, and 1068 (originally adopted in 69 Federal Register 38958 [June 29, 2004], and most recently updated in 2014 [79 Federal Register 46356]). Emissions requirements for new off-road Tier 4 vehicles were to be completely phased in by the end of 2015.

Energy Star Program

In 1992, the U.S. EPA introduced Energy Star as a voluntary labeling program designed to identify and promote energy-efficient products to reduce GHG emissions. The program applies to major household appliances, lighting, computers, and building components such as windows, doors, roofs, and heating and cooling systems. Under this program, appliances that meet specification for maximum energy use established under the program are certified to display the Energy Star label. In 1996, the U.S. EPA joined with the U.S. DOE to expand the program, which now also includes qualifying commercial and industrial buildings, as well as homes.

Corporate Average Fuel Economy Standards

First enacted by Congress in 1975, the purpose of CAFE is to reduce energy consumption by increasing the fuel economy of cars and light trucks. CAFE standards regulate how far our vehicles must travel on a gallon of fuel. NHTSA sets CAFE standards for passenger cars and for light trucks (collectively, light-duty vehicles), and separately sets fuel consumption standards for medium- and heavy-duty trucks and engines. The CAFE standards generally become more stringent with time, reaching an estimated 38.3 mpg for the combined industry-wide fleet for model year 2020 (77 Federal Register 62624 et seq. [October 15, 2012 Table I-1). CAFE standards are expected to lower CO2 emissions by approximately 1.1 billion MT of CO2 and reduce oil consumption by up to two billion barrels over the lifetime of the vehicles sold under the program.

Safe Affordable Fuel Efficient Vehicles Rule

In September 2018, the NHSTA and U.S. EPA proposed the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule for vehicle model years 2021-2026 Passenger Cars and Light Trucks. The SAFE Vehicles Rule would amend the existing CAFE standards such that the requirements for model years 2021 through 2026 are lowered to the 2020 standards of 43.7 mpg and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light duty trucks. In September 2019, the U.S. EPA and NHTSA published a final action, the SAFE Vehicles Rule Part One: One National Program, in the Federal Register (84 FR 51310 [September 2019]). The action withdraws California's waiver for its GHG and zero-emission vehicles programs under the CAA and clarifies federal authority to preempt other state programs related to fuel economy standards. The joint action officially took effect November 26, 2019. In April 2021, the Biden administration, U.S. EPA, and Department of Transportation began the process of dropping limitations on California's waiver. In December 2021, NHTSA issued a repealing of the SAFE Vehicle Rule Part One. In March 2022, USEPA did the same, thereby reinstating California's waiver and the ability of other states to adopt the California standards.

4.2.3.2 State

The following state policies related to energy are applicable to the project:

California Energy Plan

The California Energy Commission (CEC) is responsible for preparing the California Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The 2008 California Energy Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

Reducing California's Petroleum Dependence (Assembly Bill 2076)

Pursuant to AB 2076 (Section 131240 and 71361, Statutes of 2000), the CEC and CARB prepared and adopted a joint-agency report, Reducing California's Petroleum Dependence, in 2003. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT. One of the performance-based goals of AB 2076 is to reduce petroleum demand to 15 percent below 2003 demand. Furthermore, in response to the CEC's 2003 and 2005 Integrated Energy Policy Reports, the Governor directed the CEC to take the lead in developing a long-term plan to increase alternative fuel use (Rincon 2023).

Integrated Energy Policy Report

Senate Bill 1389 (Section 25301, 2002) required the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC uses these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety. The most recent assessment, the 2018 Integrated Energy Policy Report, contains two volumes. Volume I highlights the implementation of California's innovative policies and the role they have played in establishing a clean energy economy. Volume II, adopted February 20, 2019, provides more detail on several key energy policies, including decarbonizing buildings, increasing energy efficiency savings, and integrating more renewable energy into the electricity system (CEC, 2018).

California Renewable Portfolio Standard and Senate Bill 100

Established in 2002 under SB 1078, and accelerated by SB 107 (2006), SB X 1-2 (2011), and SB 100 (Section 2, 2018), California's Renewable Portfolio Standard (RPS) obligates investor-owned utilities, energy service providers, and community choice aggregators to procure 33 percent total retail sales of electricity from renewable energy sources by 2020, 60 percent by 2030, and 100 percent by 2045 (CEC, 2018). Section 1 (b) of SB 100 also states "that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045." The California Public Utilities Commission and the CEC are jointly responsible for implementing the program.

Pavley Standards (Assembly Bill 1493)

AB 1493 (sections 42823 and 43018.5, Statutes of 2002), known as the Pavley bill, amended Health and Safety Code sections 42823 and 43018.5, thereby requiring CARB to develop and adopt regulations that achieve maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles, light-duty trucks, and other vehicles used for noncommercial personal transportation in California. Implementation of new regulations prescribed by AB 1493 required that the State apply for a waiver under the federal CAA. The U.S. EPA approved a waiver in June 2009, and in September 2009, CARB approved amendments to its initially adopted regulations to apply the Pavley standards that reduce GHG emissions to new passenger vehicles in model years 2009 through 2016. In 2012, CARB approved LEV III GHG regulation, requiring further reductions in passenger GHG emissions for 2017 and subsequent vehicle model years (CARB, 2012). According to CARB, implementation of the Pavley regulations is expected to reduce fuel consumption while also reducing GHG emissions.

Energy Action Plan

In the October 2005, the CEC and California Public Utilities Commission updated their energy policy vision by adding some important dimensions to the policy areas included in the original Energy Action Plan, such as the emerging importance of climate change, transportation-related energy issues. and research and development activities. The CEC adopted an update to the Energy Action Plan II, found on the California Public Utilities Commission website, in February 2008 that supplements the earlier energy action plans and examines the State's ongoing actions in the context of global climate change (CEC, 2019).

State Alternative Fuels Plan (Assembly Bill 1007)

AB 1007 (Section 43866, 2005) required the CEC to prepare a plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other federal, State, and local agencies. The Alternative Fuels Plan, found on the CEC website, presents strategies and actions California must take to increase the use of alternative nonpetroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The Alternative Fuels Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality (CEC, 2022b).

Bioenergy Action Plan (Executive Order S-06-06)

Executive Order (EO) S-06-06, issued by Governor Arnold Schwarzenegger on April 25, 2006, establishes targets for the use and production of biofuels and biopower and directs State agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The EO establishes the following targets to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources: produce a minimum of 20 percent of its biofuels in California by 2010, 40 percent by 2020, and 75 percent by 2050. EO S-06-06 also calls for the State to meet a target for use of biomass electricity. The 2011 Bioenergy Action Plan identifies those barriers and recommends actions to address them so that the State can meet its clean energy, waste reduction, and climate protection goals. The 2012 Bioenergy Action Plan, provided on the California

Natural Resources Agency website, updated the 2011 Plan and provided a more detailed action plan to achieve the following goals:

- Increase environmentally and economically sustainable energy production from organic waste.
- Encourage development of diverse bioenergy technologies that increase local electricity generation, combined heat and power facilities, renewable natural gas, and renewable liquid fuels for transportation and fuel cell applications.
- Create jobs and stimulate economic development, especially in rural regions of the State.
- Reduce fire danger, improve air and water quality, and reduce waste.

Title 24, California Code of Regulations

The California Building Code, or CBC consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and the like. The CBC's energy efficiency and green building standards are outlined in the City of San José 2023-2031 Housing Element Update Energy Study, which is included in this SEIR as Appendix C.

4.2.3.3 Local

Envision San José 2040 General Plan

The 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several subsections within the 2040 General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the Project.

Policy MS-1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-1.2 Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Goal MS-2 Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

Policy MS-2.3 Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4 Promote energy efficient construction industry practices.

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.

Policy MS-3.2 Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3 Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Goal MS-14 Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Policy MS-14.3 Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

Policy MS-14.4 Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy MS-15.5 Showcase and apply innovative technologies within San José, including developments that achieve maximum energy efficiency or net zero energy, and renewable energy systems that generate energy equal to or greater than that consumed on site.

Policy CD-5.6 Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

Policy TR-1.4 Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. Policy

TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Climate Smart San José

Adopted by the City Council in 2018, the Climate Smart San José plan aims to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth. Climate Smart San José, the City's Climate Action Plan (CAP), includes three "pillars" or goals:

- Create a sustainable and climate smart city by:
  - Transitioning to renewable energy
  - Embracing the Californian climate
- Create a vibrant city of connected and focused growth by:
  - Densifying the City to accommodate growth
  - Making homes more efficient and affordable for families
  - Creating clean, personalized mobility choices
  - Developing integrated, accessible public transportation infrastructure
- Create an economically inclusive city of opportunity by:
- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

City of San José Reach Code

The City of San José has adopted a reach code, which is a building code that is more advanced than those required by the State. Reach codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building reach code ordinance (Ordinance No. 30311)[29] that encourages building electrification and energy efficiency, requires solar readiness on non-residential buildings, and requires EV readiness and installation of EV equipment. In October 2019, the City Council approved an ordinance (Ordinance No. 30330) prohibiting natural gas infrastructure in new detached accessory dwelling units,

[29] City of San José, Code of Ordinances, Title 24, Technical Codes, Chapter 24.12, California Building Energy Efficiency Standards, (Ordinance Nos. 29806, 30311, 30834, effective December 2, 2022).

single-family, and low-rise multifamily buildings. This 2019 ordinance supplements the reach code ordinance

City of San José Municipal Code

The City's Municipal Code includes the following regulations designed to reduce energy impacts from future development:

- Green Building Ordinance (Chapter 17.84)
- Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings (Chapter 17.845)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City Council adopted the Private Sector Green Building Policy (Council 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 green building standards required by this Policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

4.2.4 Methodology

Energy consumption is analyzed in this SEIR in terms of construction and operational energy use. Construction energy demand accounts for anticipated energy consumption during Project construction, such as fuel consumed by construction equipment and construction workers' vehicles traveling to and from the Project site. Operational energy demand accounts for the anticipated energy consumption during Project operation, such as electricity consumed for operation of residential buildings including, but not limited to lighting, water conveyance, and air conditioning, as well as fuel consumed by passenger vehicles.

4.2.4.1 Construction

Construction-related energy demand was estimated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.5 based on project data provided by the City, locally-appropriate industry-standard assumptions, and CalEEMod default values for projects in Santa Clara County. Modeling was completed as part of the Air Quality and Greenhouse Gas Technical Study (Appendix B).

Project construction would also use building materials that contain embodied energy (i.e., energy used during the manufacturing and/or procurement of that material); however, as Section 15126.2(b) of the CEQA Guidelines states, "This [energy] analysis is subject to the rule of reason and shall focus on energy use that is caused by the project." In addition, it is reasonable to assume that manufacturers of building

materials such as concrete, steel, and lumber would employ energy conservation practices in the interest of minimizing the cost of doing business. It also is reasonable to assume that non-custom building materials, such as drywall and standard-shaped structural elements, would have been manufactured regardless of the project and, if not used for the project, would be used in a different project. Therefore, energy consumption required for the manufacturing and/or procurement of each building and construction material is not considered within the scope of this analysis.

4.2.4.2 Operation

Operational energy demand was estimated primarily based on Project land use, including the anticipated maximum load, equipment specifications, and number of residents. Energy demand for the treatment and transport of water and wastewater was calculated using the estimated water demand from the CalEEMod output files contained in Appendix B of this SEIR.

Electricity used to treat and convey water and wastewater for the Project was calculated in accordance with the methodology used for the air pollutant and GHG emission modeling in CalEEMod (California Air Pollution Control Officers Association [CAPCOA] 2021). The estimated amount of water consumed annually by the Project was multiplied by the number of pounds in one gallon of water (8.34 pounds = 1 gallon of water) to determine the total annual amount of Btu consumed for water and wastewater treatment.[30] It is conservatively assumed that all water consumed would be discharged to the wastewater treatment system.

Fuel consumption by vehicle trips to and from the Project site was estimated using the VMT and vehicle fleet mix provided in the CalEEMod output files contained in Appendix B of this SEIR.

4.2.5 Impacts and Mitigation Measures

4.2.5.1 Significance Criteria

The Project would have a significant energy impact if it would:

Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.
Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.2.5.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not result in any significant and unavoidable impacts.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact related to energy that would require mitigation.

[30]Btu is the amount of energy that is required to raise the temperature of one pound of water by 1 degree Fahrenheit .

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

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

Construction

Less Than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR concluded that implementation of the 2040 General Plan would not result in significant energy impacts associated with new development or transportation because implementation of 2040 General Plan policies and existing regulations and programs would reduce energy loss resulting from the disposal of construction and demolition materials through diversion and recycling and would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Construction of future individual development projects under the Project would require energy resources primarily in the form of fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary power may also be provided for construction trailers and electric construction equipment. Such energy use would not be net new because the Project would not increase overall development capacity or the amount of anticipated construction in the City. Furthermore, energy use during individual development project construction would be temporary in nature for each individual project developed, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of CCR Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard (i.e., Tier 4 efficiency requirements, discussed in detail in Section 2.3), which would also minimize inefficient, wasteful, or unnecessary fuel consumption.

Electrical power would be consumed to construct individual development projects, and the demand, to the extent required, would be supplied from existing electrical infrastructure in the area. Construction activities would require minimal electricity consumption and would not be expected to have any adverse impact on available electricity supplies or infrastructure. In addition, per applicable regulatory requirements such as the CALGreen standards, individual development projects would comply with construction waste management practices to divert a minimum of 65 percent of construction and demolition debris. These practices would result in efficient use of energy necessary to construct the individual development projects. Furthermore, in the interest of cost-efficiency, construction contractors would not utilize fuel in a manner that is wasteful or unnecessary, such as scheduling unnecessary deliveries of materials or operating diesel-fueled equipment while not in use. Therefore, individual development project construction would not result in significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, nor would the Project substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Operation

Less Than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR determined that with implementation of 2040 General Plan policies, existing regulations, and adopted plans, new development or redevelopment would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Energy demand from the operation of individual development projects would include electricity consumed by residents and building operations as well as gasoline fuel consumed by passenger vehicles of residents. Energy consumption is analyzed by fuel type in the following subsections.

Electricity Consumption

The Project would reallocate 3,095 residential units from the North San José and Rincon South Urban Village Growth Area to other Urban Villages and Growth Areas. The electricity consumption of the Project is assumed to be similar to regional residential land uses. The energy consumption of 3,095 residential units was quantified in Appendix C; housing developed under the Project is estimated to consume 18,544 MWh of electricity annually. This total accounts for the fact that natural gas is no longer allowed in new residential developments pursuant to Section 17.845.030 of the San José Municipal Code. This estimate of electricity usage includes, but is not limited to, electricity to power indoor appliances, lighting, water conveyance, and air conditioning. However, this energy consumption would not be net new, since a commensurate amount of housing capacity would be removed from North San José and the Rincon South Urban Village Growth Area.

Electricity would be provided by PG&E or San José Clean Energy (SJCE). PG&E has a renewable energy procurement portfolio of 48 percent for non-residential land uses, which would reduce the amount of nonrenewable fuels consumed to supply electricity development facilitated by the Project (PG&E, 2022). SJCE provides electricity using an approximately 60 percent renewable energy mix with an upgrade option to 100% renewable energy called TotalGreen for a nominal fee. Development facilitated by the Project would comply with the 2022 California Building Energy Efficiency Standards for Residential Buildings and CALGreen (CCR Title 24, Parts 6 and 11) or applicable later versions. The standards require the provision of electric vehicle charging equipment, recycling services, solar-ready development, and other energy efficiency measures that would reduce the potential for the inefficient use of energy.

Day-to-day individual development project operation would consume electricity to treat and transport water and wastewater to and from housing developed under the Project. The primary source of water consumption associated with the Project are residential uses. According to the CalEEMod output files and individual development project-specific water consumption detailed in Appendix B of this SEIR, the Project would require approximately 112 million gallons of water per year, which would consume approximately 275[31] MWh per year for treatment and transport to and from the project site. The Project would incorporate higher-efficiency plumbing fixtures in accordance with the latest CCR Title 24 requirements, which would reduce the potential the inefficient or wasteful consumption of energy related to water and wastewater.

In addition, the Project would encourage the development of modern residential buildings, which would consume less energy in the forms of electricity than existing, older buildings in the area. Given the aforementioned, Project operations would not result in the wasteful, inefficient, or unnecessary

[31] 112,244,508 gallons of water multiply by 8.33 pounds (Btu)/gallon water, divided by 3,400 Btu/1,000 MWh

consumption of electricity or an increase in the energy usage assumed under the 2040 General Plan EIR. Therefore, operation-related energy impacts from electricity consumption in the buildings themselves would be less-than-significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Natural Gas Consumption

Natural gas would not be used in buildout facilitated by the Project pursuant to Section 17.845.030 of the San José Municipal Code, which prohibits installation of new natural gas infrastructure in newly constructed buildings. As such, Project operations would not result in the wasteful, inefficient, or unnecessary consumption of natural gas. Transition to electricity for heating and cooking in new residential units would increase electricity consumption, but not to an extent that would be considered wasteful, inefficient, or unnecessary. There would be no impact from natural gas consumption and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Gasoline and Diesel Fuel Consumption

Development project operation would result in the consumption of gasoline and diesel fuels by residents' vehicle trips and diesel delivery trucks. Based on anticipated VMT and the anticipated fleet mix in the CalEEMod output, operational vehicle trips would consume approximately 1,413,578 gallons of gasoline per year and approximately 225,003 gallons of diesel fuel annually. However, this energy consumption would not be net new, since a commensurate amount of housing capacity would be removed from North San José and the Rincon South Urban Village growth area. Therefore, fuel consumption by passenger vehicle trips would not be wasteful, inefficient, or unnecessary and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Overall Operational Energy Usage

As discussed in the preceding subsections, Project operation would consume electricity as well as gasoline and diesel fuels. However, because of Project design features that would maximize energy efficiency and conservation, and because of City regulations prohibiting the installation of natural gas infrastructure in new residences, overall Project operation would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Furthermore, future housing development facilitated by the Project would not increase the overall housing development capacity previously considered in the 2040 General Plan EIR, since the Project would reallocate housing in the City rather than creating new capacity. Therefore, operational energy impacts of the Project would be less than significant And the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

State Plans

Less Than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to conflicts with or obstruction of a State plan for renewable energy or energy efficiency.

SB 100 referred to above mandates 100 percent clean electricity for California by 2045. Because development facilitated by the Project would be powered by the existing electricity grid, the Project would eventually be powered by renewable energy mandated by SB 100 and would not conflict with this

statewide plan. Furthermore, the Project would comply with all applicable SJMC Title 24 requirements pertaining to energy efficiency and renewable energy. In addition, the SJMC already prohibits installation of new natural gas infrastructure in newly constructed buildings. As such, the Project would not conflict with or obstruct implementation of State plans for renewable energy or energy efficiency, nor would it substantially increase the severity of an existing conflict under the 2040 General Plan EIR.

Local Plans

Less Than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to conflicts with or obstruction of a local plan for renewable energy or energy efficiency. The City's 2040 General Plan and CAP include several goals and policies related to renewable energy and energy efficiency. The Project's consistency with these goals and policies is evaluated in Table 4-10. As shown therein, the Project would be consistent with renewable energy and energy efficiency plans. Therefore, potential impacts associated with renewable energy and energy efficiency would be less-than-significant.

Table 4-10. Project Consistency with Plans for Renewable Energy and Energy Efficiency

Energy Efficiency Goal or Policy	Project Consistency
San José General Plan	
Policy MS-1.2. Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.	**Consistent.** The Project would be required to meet SJMC Title 24 standards, thereby increasing the energy conservation achieved by building design.
Goal MS-2: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources. **Policy MS-2.2:** Encourage maximized use of on-site generation of renewable energy for all new and existing buildings. **Policy MS-2.3:** Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption. **Policy MS-2.4:** Promote energy efficient construction industry practices. **Policy MS-2.11:** Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize	**Consistent.** Future development would be required to comply with the most recent iteration of SJMC Title 24 and incorporate the most updated rooftop solar requirements at the time of construction. Future development would also be required to comply with Section 17.845.030 of the SJMC, which requires all-electric construction for newly constructed buildings. This would increase electricity consumption compared to assumptions use in the 2040 General Plan EIR, but not to such an extent that it would be considered wasteful, inefficient, or unnecessary. Electricity for future development would be supplied by SJCE or PG&E, which are required to generate electricity that would increase renewable energy resources to 60 percent by 2030 and 100 percent by 2045. As the City's main electricity provider, SJCE enrolls new customers in their GreenSource program, which consists of 60 percent renewable energy and up to 95 percent carbon-free power. Customers have the option to upgrade to SJCE's TotalGreen

Energy Efficiency Goal or Policy	Project Consistency
cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design). **Policy MS-3.2:** Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations. **Policy MS-3.3:** Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.	program, which consists of 100 percent renewable energy (SJCE 2023).
Goal MS-14. Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040. **Policy MS-14.3.** Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use. **Policy MS-14.4.** Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption. **Policy CD-5.6.** Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's	**Consistent.** The proposed building would be required to meet SJMC Title 24 standards, increasing the energy conservation achieved by building design. Therefore, the Project would be consistent with 2040 General Plan Goal MS-14 and 2040 General Plan Policies MS-14.3, 14.4, and CD-5.6.

Energy Efficiency Goal or Policy	Project Consistency
outdoor lighting policies in development review processes.	
San José Climate Smart Plan Strategies	
Strategy 1.1. Transition to a renewable energy future.	**Consistent.** New buildings facilitated by the Project would be consistent with SJMC Title 24 standards and would be required to comply with Section 17.845.030 of the SJMC, which requires all-electric construction for newly constructed buildings. Electricity for future development would be supplied by SJCE or PG&E, which are required to generate electricity that would increase renewable energy resources to 60 percent by 2030 and 100 percent by 2045.
Strategy 2.1: Densify our city to accommodate our future neighbors. **Strategy 2.2**: Make homes efficient & affordable for our residents. **Strategy 2.3**: Create clean, personalized mobility choices. **Strategy 2.4**: Develop integrated, accessible public transport infrastructure	**Consistent.** The Project would redistribute residential units from the North San José and Rincon Urban Village growth area to other urban villages and growth areas as well as expand TERO areas within the North San José and Rincon Urban Village growth area which would encourage denser and an increased number of multifamily housing units in proximity to transit such as the Berryessa/North San José BART Station, the Caltrain Diridon Station, the Santa Clara Transit Center, the Eastridge Transit Center, and bus stops. By allowing for the easier use of alternative modes of transportation through proximity to services, jobs, bus stops, BART and Caltrain stations, and bicycle routes, development facilitated by the Project would promote bicycling and walking instead of using single-occupancy vehicles.

Sources: City of San José, 2011

As shown in Table 4-10, the Project would be consistent with the 2040 General Plan Policies and the Climate Smart San José plan which result in energy impacts that would be less than significant.

4.2.6 Cumulative Impacts

The geographic context for cumulative energy impacts is the City. A significant cumulative energy impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to either result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan policies, buildout of the 2040 General Plan EIR would not result in a significant citywide energy use impact under CEQA. The 2016 EIR

Addendum completed for the 2040 General Plan Four-Year Review confirmed that amendments to the 2040 General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not contribute to an existing cumulative energy impact and no new cumulative impact would occur.

4.3 Greenhouse Gas Emissions

4.3.1 Introduction

This section evaluates the potential for the Project to result in substantial adverse effects related to GHG emissions. The Environmental Setting portion of this section includes descriptions of existing conditions relevant to GHG emissions. Existing plans and policies relevant to GHG emissions associated with implementation of the Project are provided in the Regulatory Setting section. The analysis in this section is based on the Air Quality and Greenhous Gas Emissions Technical Study prepared by Rincon Consultants in 2023, which is included as Appendix B.

No scoping comments relating to GHG emissions were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.3.2 Existing Conditions

4.3.2.1 Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it conveys that other changes are happening in addition to rising temperatures. The baseline against which these changes are measured originates in historical records that identify temperature changes that occurred in the past, such as during previous ice ages. The global climate is changing continuously, as evidenced in the geologic record which indicates repeated episodes of substantial warming and cooling. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming over the past 150 years.

The United Nations Intergovernmental Panel on Climate Change (IPCC) expressed that the rise and continued growth of atmospheric CO_2 concentrations is unequivocally due to human activities in the IPCC's Sixth Assessment Report released in 2021. In the report, it is estimated that between the period of 1850 through 2019, that a total of 2,390 gigatons of anthropogenic CO_2 was emitted. It is likely that anthropogenic activities have increased the global surface temperature by approximately 1.07 degrees Celsius between the years 2010 through 2019. Furthermore, since the late 1700s, estimated concentrations of CO_2, methane, and nitrous oxide in the atmosphere have increased by over 43 percent, 156 percent, and 17 percent, respectively, primarily due to human activity. Emissions resulting from human activities are thereby contributing to an average increase in Earth's temperature.

As discussed in Appendix B, gases that absorb and re-emit infrared radiation in the atmosphere as GHGs. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere, and natural processes, such as oceanic evaporation, largely determine its atmospheric concentrations.

GHGs are emitted by natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are usually by-products of fossil fuel combustion, and CH_4 results from off-gassing associated with agricultural practices and landfills. Human-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases and SF_6.

The report also found that different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as "carbon dioxide equivalent" (CO_2e), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 30, meaning its global warming effect is 30 times greater than CO_2 on a molecule per molecule basis.

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 33 degrees Celsius (°C) cooler. GHG emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, are believed to have elevated the concentration of these gases in the atmosphere beyond the level of concentrations that occur naturally.

4.3.2.2 Greenhouse Gas Emissions Inventory

The following information is summarized from Section 3.1.2 of Appendix B.

Global Emissions Inventory

In 2015, worldwide anthropogenic total 47,000 million MT of CO_2e, which is a 43 percent increase from 1990 GHG levels. Specifically, 34,522 million metric tons (MMT) of CO_2e of CO_2, 8,241 MMT of CO_2e of CH_4, 2,997 MMT of CO_2e of N_2O, and 1,001 MMT of CO_2e of fluorinated gases were emitted in 2015. The largest source of GHG emissions were energy production and use (includes fuels used by vehicles and buildings), which accounted for 75 percent of the global GHG emissions. Agriculture uses and industrial processes contributed 12 percent and six percent, respectively. Waste sources contributed for three percent and two percent was due to international transportation sources. These sources account for approximately 98 percent because there was a net sink of two percent from land-use change and forestry ("Net sink" refers to the taking in of more carbon than can be emitted).

United States Emissions Inventory

Total U.S. GHG emissions were 6,558 MMT of CO_2e in 2019. Emissions decreased by 1.7 percent from 2018 to 2019; since 1990, total U.S. emissions have increased by an average annual rate of 0.06 percent for a total increase of 1.8 percent between 1990 and 2019. The decrease from 2018 to 2019 reflects the

combined influences of several long-term trends, including population changes, economic growth, energy market shifts, technological changes such as improvements in energy efficiency, and decrease carbon intensity of energy fuel choices. In 2019, the industrial and transportation end-use sectors accounted for 30 percent and 29 percent, respectively, of nationwide GHG emissions while the commercial and residential end-use sectors accounted for 16 percent and 15 percent of nationwide GHG emissions, respectively, with electricity emissions distributed among the various sectors.

California Emissions Inventory

Based on the CARB California Greenhouse Gas Inventory for 2000-2019, California produced 418.2 MMT of CO_2e in 2019, which is 7.2 MMT of CO_2e lower than 2018 levels. The major source of GHG emissions in California is the transportation sector, which comprises 40 percent of the State's total GHG emissions. The industrial sector is the second largest source, comprising 21 percent of the State's GHG emissions while electric power accounts for approximately 14 percent. The magnitude of California's total GHG emissions is due in part to its large size and large population compared to other states. However, a factor that reduces California's per capita fuel use and GHG emissions as compared to other states is its relatively mild climate. In 2016, the State of California achieved its 2020 GHG emission reduction target of reducing emissions to 1990 levels as emissions fell below 431 MMT of CO_2e. The annual 2030 statewide target emissions level is 260 MMT of CO_2e.

Local Emissions Inventory

In 2019, the City emitted approximately 5,477,619 MT CO_2e. Transportation was the largest source of emissions (51 percent), followed by buildings (19 percent natural gas and 14 percent electricity). Process and fugitive emissions contributed 9 percent, while solid waste contributed 5 percent. The remaining contributors were other residential fuels (1 percent) and wastewater (0.4 percent). GHG emissions fell by 5 percent from 2017 to 2019. Most of the GHG emission reductions can be attributed to a decrease in VMT due to newer and more fuel-efficient vehicles, as well as the use of cleaner electricity provided by SJCE.

4.3.2.3 Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources through potential impacts related to future air temperatures and precipitation patterns. According to the National Oceanic Atmospheric Administration website, each of the past three decades has been warmer than all the previous decades in the instrumental record, 2013 through 2021 all rank among the ten-warmest years on record. It also marked the 45th consecutive year (since 1977) with global temperatures rising above the 20th century average (NOAA, 2022). Furthermore, several independently analyzed data records of global and regional Land-Surface Air Temperature (LSAT) obtained from station observations jointly indicate that LSAT and sea surface temperatures have increased.

According to *California's Fourth Climate Change Assessment*, prepared by the State of California Office of Planning and Research, CEC, and the California Natural Resources Agency, statewide temperatures from 1986 to 2016 were approximately 0.6 to 1.1°C higher than those recorded from 1901 to 1960. Potential impacts of climate change in California may include reduced water supply from snowpack, sea level rise, more extreme heat days per year, more large forest fires, and more drought years (State of California 2018). In addition to statewide projections, *California's Fourth Climate Change Assessment* includes regional reports that summarize climate impacts and adaptation solutions for nine regions of

the state and regionally specific climate change case studies (State of California 2018). However, while there is growing scientific consensus about the possible effects of climate change at a global and statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy. A summary follows of some of the potential effects that could be experienced in California as a result of climate change.

Air Quality and Wildfires

Scientists project that the annual average maximum daily temperatures in California could rise by 2.4 to 3.2°C (36.32°F to 37.76°F) in the next 50 years and by 3.1 to 4.9°C (37.58°F to 40.82°F) in the next century (State of California,2018). Higher temperatures are conducive to air pollution formation, and rising temperatures could therefore result in worsened air quality in California. As a result, climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. In addition, as temperatures have increased in recent years, the area burned by wildfires throughout the State has increased, and wildfires have occurred at higher elevations in the Sierra Nevada Mountains (State of California, 2018). If higher temperatures continue to be accompanied by an increase in the incidence and extent of large wildfires, air quality could worsen. Severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the State. However, according to the California Climate Adaptation Strategy prepared by the California Natural Resources Agency, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains could tend to temporarily clear the air of particulate pollution, which would effectively reduce the number of large wildfires and thereby ameliorate the pollution associated with them (California Natural Resources Agency 2009).

Water Supply

Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the west, including a pattern of recurring and extended droughts. Uncertainty remains with respect to the overall impact of climate change on future precipitation trends and water supplies in California. According to the *Indicators of Climate Change in California*, prepared by the California Department of Water Resources, year-to-year variability in statewide precipitation levels has increased since 1980, meaning that wet and dry precipitation extremes have become more common (California Department of Water Resources 2018). This uncertainty regarding future precipitation trends complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood. The average early spring snowpack in the western U.S., including the Sierra Nevada Mountains, decreased by about 10 percent during the last century. During the same period, sea level rose over 0.15 meter along the central and southern California coasts (State of California 2018). The Sierra snowpack provides the majority of California's water supply as snow that accumulates during wet winters is released slowly during the dry months of spring and summer. A warmer climate is predicted to reduce the fraction of precipitation that falls as snow and the amount of snowfall at lower elevations, thereby reducing the total snowpack. Projections indicate that average spring snowpack in the Sierra Nevada and other mountain catchments in central and northern California will decline by approximately 66 percent from its historical average by 2050 (State of California 2018).

Hydrology and Sea Level Rise

Climate change could affect the intensity and frequency of storms and flooding. Furthermore, climate change could induce substantial sea level rise in the coming century. Rising sea level increases the likelihood of and risk from flooding. The rate of increase of global mean sea levels between 1993 to 2020, observed by satellites, is approximately 3.3 millimeters per year, double the twentieth century trend of 1.6 millimeters per year. Global mean sea levels in 2013 were about 0.23 meter higher than those of 1880 (Rincon, 2023a). Sea levels are rising faster now than in the previous two millennia, and the rise will probably accelerate, even with robust GHG emission control measures. The most recent IPCC report predicts a mean sea level rise ranging between 0.25 to 0 1.01 meters by 2100 with the sea level ranges dependent on a low, intermediate, or high GHG emissions scenario (IPCC, 2021). A rise in sea levels could erode 31 to 67 percent of southern California beaches and cause flooding of approximately 370 miles of coastal highways during 100-year storm events (State of the California, 2018). This would also jeopardize California's water supply due to saltwater intrusion and induce groundwater flooding and/or exposure of buried infrastructure. Furthermore, increased storm intensity and frequency could affect the ability of flood-control facilities, including levees, to handle storm events.

Agriculture

According to the California agricultural production statistics found on the California Department of Food and Agriculture website, California has an over $50 billion annual agricultural industry that produces over a third of the country's vegetables and two-thirds of the country's fruits and nuts (California Department of Food and Agriculture, 2020). Higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, certain regions of agricultural production could experience water shortages of up to 16 percent, which would increase water demand as hotter conditions lead to the loss of soil moisture. In addition, crop yield could be threatened by water-induced stress and extreme heat waves, and plants may be susceptible to new and changing pest and disease outbreaks. As described in *Climate Scenarios for California*, prepared by the California Climate Change Center, temperature increases could also change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality (California Climate Change Center, 2006).

Ecosystems

Climate change and the potential resultant changes in weather patterns could have ecological effects on the global and local scales. Soil moisture is likely to decline in many regions as a result of higher temperatures, and intense rainstorms are likely to become more frequent. Rising temperatures could have four major impacts on plants and animals: timing of ecological events; geographic distribution and range of species; species composition and the incidence of nonnative species within communities; and ecosystem processes, such as carbon cycling and storage (State of California, 2018).

4.3.3 Regulatory Setting

The following regulations and case law address both climate change and GHG emissions.

4.3.3.1 Federal Regulations

Federal GHG Emissions Regulation

The U.S. Supreme Court determined in Massachusetts et al. v. Environmental Protection Agency et al. ([2007] 549 U.S. 05-1120) that the USEPA has the authority to regulate motor vehicle GHG emissions under the federal CAA. The USEPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the USEPA issued a Final Rule that established the GHG permitting thresholds that determine when CAA permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (573 U.S. 302t [2014]), the U.S. Supreme Court held the U.S. EPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

In the most recent case*, West Virginia v. Environmental Protection Agency* (20-1530 [2022]), the U.S. Supreme Court held that the U.S. EPA may not regulate emissions from coal- and gas-fired power plants using generation shifting[32] that was implemented as part of the 2015 Clean Power Plan. The Court held that the USEPA is not permitted, under the CAA, to implement regulations for power plants that were allowed under the Clean Power Plan. However, the Court upheld EPA's authority to continue regulating greenhouse gas emissions from the power sector.

Safer Affordable Fuel-Efficient Vehicles Rule

In April 2020, EPA and NHTSA issued the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule(40 CFR Parts 86 and 600), which required automakers to improve fuel efficiency 1.5 percent annually from model years 2021 through 2026. The SAFE rule also upended State emission programs, and withdrew the waiver for California's Advanced Clean Cars Program, Zero Emission Vehicle Program (ZEV), and Low-Emission Vehicle (LEV) Program. In response, California and other states sued in federal court to challenge the final action on preemption of state vehicle standards. In April 2021, the Biden administration, USEPA, and Department of Transportation began the process of dropping limitations on California's waiver. In December 2021, NHTSA issued a repealing of the SAFE Vehicle Rule Part One. In March 2022, U.S. EPA did the same, thereby reinstating California's waiver and the ability of other states to adopt the California standards.

4.3.3.2 State Regulations

CARB is responsible for the coordination and oversight of state and local air pollution control programs in California. There are numerous regulations aimed at reducing the State's GHG emissions. These initiatives are summarized below. For more information on the Senate and Assembly Bills, executive orders, building codes, and reports discussed below, and to view reports and research referenced

[32] Switching electricity generation from fossil fuels to clean sources.

below, please refer to the following websites: https://www.energy.ca.gov/data-reports/reports/californias-fourth-climate-change-assessment, www.arb.ca.gov/cc/cc.htm, and https://www.dgs.ca.gov/BSC/Codes.

California Advanced Clean Cars Program

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the U.S. EPA granted the waiver of CAA preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the U.S. EPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, ZEV, and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, the rules will be fully implemented, and new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

California Global Warming Solutions Act of 2006 (Assembly Bill 32, and Senate Bill 32, and Assembly Bill 1279)

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006,"(which was signed into law in 2006 and added as Section 38500 to the California Health and Safety Code). AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CO_2e. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

SB 32 was signed into law on September 8, 2016, and was added to Section 38566 of the California Health and Safety Code. SB 32 extends AB 32 by requiring the State to further reduce GHGs to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (as shown below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with statewide per capita goals of 6 MT CO_2e by 2030 and 2 MT CO_2e by 2050. As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State.

AB 1279, "The California Climate Crisis Act," was passed on September 16, 2022, and declares the State would achieve net zero GHG emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative GHG emissions thereafter. In addition, the bill states that the State would reduce GHG emissions by 85 percent below 1990 levels no later than 2045. The Draft 2022 Scoping Plan Update has been prepared to assess the progress towards the 2030 target as well as to outline a plan to achieve carbon neutrality no later than 2045. The 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the State's ability to reach AB 32 goals by directing the CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Metropolitan Transportation Commission (MTC)/Association of Bay Area Government (ABAG) was assigned targets of a 10 percent reduction GHGs from per capita GHG emissions from passenger vehicles by 2020 and a 19 percent reduction in per capita GHG emissions from passenger vehicles by 2035. The MTC/ABAG adopted the Plan Bay Area 2040 in July 2017, which meets the requirements of SB 375. MTC/ABAG are currently in the process of updating this RTP/SCS with the Plan Bay Area 2050 document. The Draft Environmental Impact Report for the Plan Bay Area 2050 is currently being prepared.

Senate Bill 1383

Adopted in September 2016, SB 1383 (Lara, Chapter 395, Statues of 2016) requires the CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's Renewables Portfolio Standard (RPS) Program, which was last updated

by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Executive Order B-55-18

On September 10, 2018, the former Governor Brown issued Executive Order (EO) B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Clean Energy, Jobs, and Affordability Act of 2022 (Senate Bill 1020)

Adopted on September 16, 2022, SB 1020 creates clean electricity targets for eligible renewable energy resources and zero-carbon resources to supply 90 percent of retail sale electricity by 2035, 95 percent by 2040, 100 percent by 2045, and 100 percent of electricity procured to serve all state agencies by 2035. This bill shall not increase carbon emissions elsewhere in the western grid and shall not allow resource shuffling.

California Building Standards Code

The CEC first adopted the Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the State. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods.

Part 11 of the Title 24 Building Standards is referred to as the California Green Building Standards (CALGreen) Code and was developed to help the State achieve its GHG reduction goals under HSC Division 25.5 (e.g., AB 32) by codifying standards for reducing building-related energy, water, and resource demand, which in turn reduces GHG emissions from energy, water, and resource demand. The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality.” The CALGreen Code is not intended to substitute for or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission. The CALGreen Code establishes mandatory measures for new residential and non-residential buildings. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality.

On August 11, 2021, the CEC adopted the 2022 Title 24 Standards, which go into effect on January 1, 2023. The 2022 standards continue to improve upon the previous (2019) Title 24 standards for new construction of, and additions and alterations to, residential and non-residential buildings. The 2022 Title 24 Standards “build on California’s technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular on heat pumps for space

heating and water heating. This set of Energy Codes also extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. This Energy code also strengthens ventilation standards to improve indoor air quality. This update provides crucial steps in the State's progress toward 100 percent clean carbon neutrality by midcentury". The 2022 Energy Code is anticipated to reduce GHG emissions by 10 MMT of CO_2e over the next 30 years and result in approximately 1.5 billion dollars in consumer savings. Compliance with Title 24 is enforced through the building permit process.

4.3.3.3 Regional and Local Regulations

Bay Area Air Quality Management District

In 2013, the BAAQMD adopted resolution no. 2013-11, "Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Protection Strategy" that builds on state and regional climate protection efforts by:

- Setting a goal for the Bay Area region to reduce GHG emissions by 2050 to 80 percent below 1990 levels
- Developing a Regional Climate Protection Strategy to make progress towards the 2050 goal, using BAAQMD's Clean Air Plan to initiate the process
- Developing a 10-point work program to guide the BAAQMD's climate protection activities in the near-term

The BAAQMD is currently developing the Regional Climate Protection Strategy and has outlined the 10-point work program, which includes policy approaches, assistance to local governments, and technical programs that will help the region make progress toward the 2050 GHG emissions goal.

The BAAQMD is responsible for enforcing standards and regulating stationary sources in its jurisdiction, including the SFBAAB and the City. The BAAQMD regulates GHG emissions through specific rules and regulations, as well as project and plan level emissions thresholds for GHGs to ensure that new land use development in the SFBAAB contributes to its fair share of emissions reductions.

Plan Bay Area 2050

Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan that would support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area. The SCS builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050 focuses on advancing equity and improving resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for those who are historically and systemically marginalized and underserved and excluded. Thus, Plan Bay Area 2050 has created strategies and considered investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies to outline how the $1.4 trillion dollar investment would be utilized. The strategies include, but are not limited to,

the following: providing affordable housing, allowing higher-density in proximity to transit-corridors, optimizing the existing roadway network, creating complete streets, providing subsidies for public transit, reducing climate emissions, and expanding open space area. Bringing these strategies to fruition will require participation by agencies, policymakers, and the public. An implementation plan is also included as part of the Plan to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies, and create a timeline for implementation.

Climate Smart San José

Climate Smart San José was adopted by the City Council in 2018 and is the City's overarching visionary plan to reduce emissions geared toward the Paris Agreement. Climate Smart San José serves as a roadmap to deep carbon reductions aligned with the State's GHG targets set by AB 32, SB 32, and EO S-3-05, as well as the decarbonization goals of the Paris Agreement, while supporting 40 percent growth in the city's population by 2050 and continued economic growth. It employs a people-centered approach, encouraging the entire San José community to join an ambitious campaign to reduce GHG emissions, save water, and improve the community's quality of life, while also promoting economic growth. In November 2021, the City Council set a goal of communitywide carbon neutrality by 2030, thereby accelerating Climate Smart. The proposed Pathway to Carbon Neutrality by 2030 was heard by City Council on June 14, 2022, which contains four strategies to achieve carbon neutrality by 2030: move to zero emission vehicles; reduce the miles travelled in vehicles by at least 20 percent; switch appliances from fossil fuels to electric; and power the community with 100 percent carbon-neutral electricity.

Envision San José 2040 General Plan and GHG Reduction Strategy

The 2040 General Plan includes Strategies, Policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple Policies and Actions in the 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following 2040 General Plan Policies are related to GHG emissions and are applicable to the Project.

Policy MS-1.2 Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of CFCs in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Greenhouse Gas Reduction Strategy

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The 2040 General Plan includes Strategies, Policies, and Actions that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple Policies and Actions in the 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The City updated its GHG Reduced Strategy and adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy* in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy is a comprehensive update to the city's original GHG Reduction Strategy and reflects the Plans, Policies, and Codes as approved by the City Council. The 2030 GHG Reduction Strategy provides a set of strategies and additional actions for achieving the 2030 target established by SB 32 and the 2045 carbon neutrality target established by EO B-55-18. The 2030 GHG Reduction Strategy serves as a Qualified CAP for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant 2040 General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings (Chapter 17.845)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- 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. The green building standards required by this Policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

4.3.4 Impacts and Mitigation Measures

4.3.4.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. The Project would have a significant impact if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Individual development projects do not generate enough GHG emissions to create significant project-specific environment effects. However, the environmental effects of a project's GHG emissions can contribute incrementally to cumulative environmental effects that are significant, contributing to climate change, even if an individual project's environmental effects are limited (*CEQA Guidelines* Section 15064[h][1]). The issue of a project's environmental effects and contribution towards climate change typically involves an analysis of whether a project's contribution towards climate change is cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual development project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines* Section 15064[h][1]).

CEQA Guidelines Section 15064.4 recommends that lead agencies quantify GHG emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project, including the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHG emissions. *CEQA Guidelines* Section 15064.4 does not establish a threshold of significance. Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, as long as any threshold chosen is supported by substantial evidence (see *CEQA Guidelines* Section 15064.7[c]).

BAAQMD recently adopted updated thresholds for evaluating the significance of climate impacts from plan-level projects on April 20, 2022. The updated thresholds state that a plan-level project must either meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045; or be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). As discussed above under Regulatory Setting, the City's 2030 GHG Reduction Strategy is a qualified CAP since it was developed in conformance with CEQA Guidelines Section 15183.5 for purposes of tiering and streamlining, and was adopted in a public process following environmental review. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant 2040 General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new individual development projects that are subject to discretionary review and that trigger environmental review under CEQA. Therefore, since the City's 2030 GHG Reduction Strategy constitutes as a qualified CAP, the Project would result in less than significant impacts if it would be consistent with the Development Compliance Checklist of the 2030 GHG Reduction Strategy. Additionally, the Project's GHG emissions are provided for informational purposes.

4.3.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would contribute to an existing significant unavoidable impacts when considering the following threshold.

Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Potential Emissions Generated by the Proposed HEU

Significant Unavoidable (Same as 2015 SEIR to the 2040 General Plan EIR). The 2015 SEIR to the 2040 General Plan EIR identified a significant unavoidable impact related to 2035 GHG emissions. Without further substantial reductions, the 2015 SEIR found that 2035 emissions associated with buildout of the 2040 General Plan would exceed the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05.

As discussed above, BAAQMD's updated thresholds state that a plan-level project would have less than significant impact if it would be consistent with a local GHG reduction strategy that meets the criteria

under State CEQA Guidelines Section 15183.5(b). The 2030 GHG Reduction Strategy is a qualified CAP, and the Project would be consistent with applicable actions within.

The proposed shift in 2040 General Plan Residential capacity from the North San José and Rincon South Urban Village growth area to other growth areas throughout the City. These growth areas are predominately in Urban Villages in areas served by high-quality transit. The 2040 General Plan Long Range Transportation Analysis discussed in the Housing Element Update Transportation Analysis Report (Appendix E) shows the proposed shift will result in a slight reduction in citywide residential and employment VMT compared to development patterns assumed at buildout of the 2040 General Plan (as amended). The reduction in VMT will result in a reduction in Citywide GHG emissions, as vehicle travel is the dominant contributor to residential GHG emissions (refer to Appendix E). Other factors contributing to residential GHG emissions, such as energy use, solid waste, and water use will not vary significantly based on the location in the City. Given this, the impact would be less than significant, and the Project would decrease the severity of the significant unavoidable impact identified in the 2015 SEIR.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact related to greenhouse gas emissions that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

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

Less than Significant (Same as 2015 SEIR and 2040 General Plan EIR). The 2015 SEIR to the 2040 General Plan EIR found that the goals, policies, and actions in the 2040 General Plan would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs, and the impact was determined to be less than significant.

Project Consistency with 2030 GHG Reduction Strategy

The City has updated its strategy for greenhouse gas reduction (2030 GHG Reduction Strategy) since certification of the 2040 General Plan EIR in 2011 and SEIR in 2015. This update was prepared in response to SB 32, which establishes an interim GHG reduction goal for 2030 and proposes strategies designed to reduce the City's greenhouse gas emissions levels to 40 percent below 1990 levels by the year 2030 to meet the long-term target of carbon neutrality by 2045. Table 4-11 below lists the relevant measures identified in the 2030 GHG Reduction Strategy. Future housing developments facilitated by the Project that are not subject to ministerial approval or are not exempt from CEQA would need to complete the 2030 GHGRS Development Compliance Checklist to ensure the Project adheres to the policies in the 2030 GHG Reduction Strategy or prepare a project-specific analysis of GHG emissions with alternative measures that achieve a similar level of reduction of GHG emissions. Therefore, future housing development facilitated by the Project would be required to either be consistent with the City's 2030 GHGRS, demonstrate alternative project measures would accomplish the same reductions as the 2030 GHGRS, or prepare a project-specific GHG analysis during environmental review and implement mitigation measures that achieve a similar level of reduction in GHG emissions as the 2030 GHGRS. This

impact would be less than significant; the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR or 2015 SEIR.

Table 4-11 City of San José 2030 GHG Reduction Strategy

Applicable GHG Reduction Strategy	Description
GHGRS 1 – San José Clean Energy	The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.
GHGRS 2 – Zero Net Carbon – Residential Construction	The City will implement building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the City's new construction toward zero net carbon (ZNC) buildings
GHGRS 3 – Renewable Energy Development	The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José of becoming one-gigawatt solar city.
GHGRS 5 – Zero Waste Goal	As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.
GHGRS 7 – Water Conservation	The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

Source: City of San José 2020. 2030 Greenhouse Gas Reduction Strategy.

Project Consistency with 2022 Scoping Plan

The principal State plans and policies for reducing GHG emissions are AB 32, SB 32, and AB 1279. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020; the goal of SB 32 is to reduce GHG emissions to 40 percent below 1990 levels by 2030; and the goal of AB 1279 is to achieve net zero greenhouse gas emissions no later than 2045, and reduce GHG emissions by 85 percent below 1990 levels no later than 2045. The 2022 Scoping Plan expands upon earlier plans to include the AB 1279 targets. The 2022 Scoping Plan's strategies that are applicable to the Project include reducing fossil fuel use and VMT; decarbonizing the electricity sector, maximizing recycling and diversion from landfills; and increasing water conservation. The Project would be consistent with these goals since future development would be required to comply with the latest Title 24 Green Building Code and Building Efficiency Energy Standards, as well as the AB 341 waste diversion goal of 75 percent and recycle organic wastes pursuant to SB 1383. Future development facilitated by the Project would also be located in proximity to transit such as the Berryessa/North San José BART Station, the Caltrain Diridon Station, the Santa Clara Transit Center, the Eastridge Transit Center, and bus stops, which would reduce reliance on single-occupancy vehicles and VMT. SJMC Section 17.845.030 would also prohibit natural gas

infrastructure and require all-electric new construction. Additionally, future development would receive electricity from SJCE or PG&E. As the City's main electricity provider, SJCE enrolls new customers in their GreenSource program, which consists of 60 percent renewable energy and up to 95 percent carbon-free power. Customers also have the option to upgrade to SJCE's TotalGreen program, which consists of 100 percent renewable energy. Therefore, the Project would not conflict with the 2022 Scoping Plan and this impact would be less-than-significant. The Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR or 2015 SEIR.

4.3.5 Cumulative Impacts

By nature, GHG impacts are cumulative and global. A significant cumulative GHG impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to either generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The 2040 General Plan EIR concluded that while policies and regulations are in place to achieve aggressive GHG emission reduction targets, cumulative GHG impacts would be significant and unavoidable due to the uncertainties about the feasibility of achieving emission reduction targets. Because the Project would facilitate residential development within the City, the Project would contribute to this significant unavoidable impact. However, because the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not increase the severity of the previously-identified GHG impact and no new cumulative impact would occur.

4.4 Land Use and Planning

4.4.1 Introduction

This section evaluates the potential for the Project to result in substantial adverse effects related to land use and planning. Section 4.4.2 includes descriptions of existing conditions relevant to land use and planning. Existing Plans and Policies relevant to land use and planning associated with implementation of the Project are provided in the Regulatory Setting Section 4.4.3. Finally, the impact discussion in Section 4.4.4 evaluates potential effects related to land use and planning that could result from implementation of the Project in the context of existing conditions.

No scoping comments relating to land use and planning were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.4.2 Existing Conditions

The existing conditions reflected in this section 4.4 are the conditions at the time of the issuance of the NOP, utilizing the best and most current information available at the time of preparation of this document. The term "land use" is best understood in the context of this SEIR as human use of the land, as planned for and governed by the City. Planned land uses are documented in the 2040 General Plan Land Use Map and discussed in Section 4.4.2.1, "2040 General Plan."[33] Allowable uses and regulations

[33] Available: https://csj.maps.arcgis.com/apps/instant/lookup/index.html?appid=ef685f767b484eb6bcfc70f8fb651ef6

for development within the City are documented in the City's Zoning Code (SJMC Title 20) and discussed in Section 4.4.2.2, Zoning.[34]

4.4.2.1 Urban Village 2040 General Plan

As discussed in Section 3.5.1, Changes to General Plan Growth Areas, the 2040 General Plan identified specific areas for higher density development to support job and/or housing growth within the existing City boundaries. These areas are known as Growth Areas and are shown in Figure 3-4. Given the nature of the Project, this SEIR focuses on the following Growth Areas: North San José, Blossom Hill Road/Snell Avenue, Camden Avenue/Hillsdale Avenue, Capitol Expressway/Highway 87 Light Rail, Curtner Light Rail Station, South Bascom Avenue, South De Anza Boulevard, and the Urban Villages. Predominant 2040 General Plan Land Use designations within each of these Growth Areas are summarized in Table 4-12, and are organized by Planning Area.

Table 4-12. 2040 General Plan Land Uses in Select Growth Areas

Urban Villages/Growth Areas	2040 General Plan Land Use Designations
North San José Planning Area	
North San José	Primarily employment-related land use designations such as Industrial Park (IP), Light Industrial (LI), Heavy Industrial (HI), and Transit Employment Center (TEC). The TERO in North San José allows for transit-oriented residential development as an alternate use on certain sites within the growth area.
Berryessa Planning Area	
Piedmont Road/Sierra Road Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Rural Residential (RR), and Public/Quasi-Public (PQP)
Alum Rock Planning Area	
McKee Road/Toyon Avenue Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), and Public/Quasi-Public (PQP), and Mixed Use Neighborhood (MUN)
McKee Road/White Road Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Urban Residential (UR), and Public/Quasi-Public (PQP)
West Valley Planning Area	
Saratoga Avenue	Primarily residential land use designations such as, Medium Density Residential (R-1-10, R-1-12), and Low Density Residential (R-1-20). Other land uses designations include Professional Administrative (PA), Community Facility Sites (CFS), and Open Space-Managed Resource (OS-MR)

[34] San José Municipal Code, Title 20. Available: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO

Urban Villages/Growth Areas	2040 General Plan Land Use Designations
South De Anza Boulevard	Primarily commercial and residential land use designations such as, Commercial/Office/Residential, Commercial/Residential, Commercial/Residential, and Heart of the City Specific Plan
Willow Glen Planning Area	
Hamilton Avenue/Meridian Avenue Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), and Public/Quasi-Public (PQP)
Edenvale Planning Area	
Blossom Hill Road/Snell Avenue	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Public/Quasi-Public (PQP), and Mixed-Use Neighborhood (MUN)
Santa Teresa Boulevard/Snell Avenue Urban Village	Primarily Residential Neighborhood (RN), Neighborhood/Community Commercial (NCC), and Public/Quasi-Public (PQP)
South San José Planning Area	
Capitol Expressway/Highway 87 Light Rail	Primarily Neighborhood/Community Commercial (NCC), Mixed Use Neighborhood (MUN), Industrial Park (IP), and Residential Neighborhood (RN)
Curtner Light Rail Station	Primarily Residential Neighborhood (RN), Neighborhood/Community Commercial (NCC), Heavy Industrial (HI), Urban Residential (UR), and Open Space, Parklands, and Habitat (OSPH)
Cambrian/Pioneer Planning Area	
South Bascom Avenue (South)	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Urban Village (UV), Urban Village Commercial, Public/Quasi-Public (PQP), Open Space, Parklands, and Habitat (OSPH), and IP
Almaden Expressway/Hillsdale Avenue Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Public/Quasi-Public (PQP), and Open Space, Parklands, and Habitat (OSPH)
Camden Avenue/Hillsdale Avenue Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Mixed Use Neighborhood (MUN), and Urban Residential (UR)
Camden Avenue/Kooser Road Urban Village	Primarily Neighborhood/Community Commercial (NCC), Mixed Use Neighborhood (MUN), Private Recreation and Open Space (PROS), and Open Space, Parklands, and Habitat (OSPH)
San Felipe Planning Area	
Aborn Road/San Felipe Road Urban Village	Primarily Neighborhood/Community Commercial (NCC), Residential Neighborhood (RN), Mixed Use Neighborhood (MUN), and Open Space, Parklands, and Habitat (OSPH)

Source: 2040 General Plan (City of San José, 2011)

4.4.2.2 Zoning

The City is a Charter City, which means that the City may adopt laws that differ from state general law on matters that are considered municipal affairs. Unless preempted by state law, the City's planning regulations may differ from general state law on the same topic of regulation. Until recently, land use designations in the City's 2040 General Plan could be inconsistent with zoning districts identified in the Zoning Ordinance and Zoning Map, In 2018 with the passage of Senate Bill 1333, this state law preempted the City's charter authority by requiring that charter cities must make zoning districts consistent with the 2040 General Plan land use designations. The City is currently undertaking this consistency effort.

In 2021 the City Council approved an ordinance (Ordinance No. 30603) for six new Urban Village and Mixed-Use zoning districts that would help to create a more vibrant urban form in areas that are targeted for mixed-use development and high-density residential or commercial uses. The benefits of the ordinance update and new zoning districts include streamlining of the development review process and aligning the Zoning Ordinance with the Envision San José 2040 General Plan. Since the adoption of the Downtown Design Guidelines (Resolution 79060) and the San José Citywide Design Standards and Guidelines (Resolution 79905), some of the uncertainties about what the City expects of new residential development have been reduced. The existing zoning districts of all land in the City can be found on the City's website. For the existing zoning districts proposed for rezoning as part of the Project, refer to Table 3-8**.**

4.4.3 Regulatory Setting

4.4.3.1 Federal

Federal Aviation Administration Regulations

Federal Aviation Administration (FAA) Regulations (Title 14 of the Code of Federal Aviation Regulations (FAR) Part 77) set standards for obstructions to airspace. In general, the FAA is responsible for administering these regulations. The City is required to comply with Part 77 for development near the San José Mineta International Airport and the Reid-Hillview Airport, as well as other FAA regulations and policies intended to protect the airports and aircraft in flight from incompatible land uses that potentially create hazards or constraints to airport operations.

4.4.3.2 State of California

Williamson Act

The California Land Conservation Act of 1965, also referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value for other uses. Local governments have received an annual subvention of foregone property tax revenues from the state via the Open Space Subvention Act of 1971 (CDC, 2023a). During fiscal year 2009-2010, subvention payments to local government were suspended

by the State of California. According to the 2020-2021 Williamson Act Status Report, subvention payments have yet to resume are not anticipated to resume in the near future (CDC, 2022).

State Aeronautics Act - Caltrans Division of Aeronautics

The California State Aeronautics Act [Public Utilities Code Section 21670 et seq] requires the implementation and enforcement of the Comprehensive Land Use Plan (CLUP) by the local governmental agencies responsible for land use planning within each airport's Airport Influence Area (AIA). Local implementation of these requirements is described below in Section 4.4.3.3, County of Santa Clara Airport Land Use Commission.

4.4.3.3 Santa Clara County

Santa Clara County Local Agency Formation Commission

The Local Agency Formation Commission (LAFCO) is a county agency mandated by state law. LAFCO's were first formed in 1963 by the Knox-Nesbit Act for all counties except San Francisco, and further refined over the years, most recently by the Cortese Knox Hertzberg Local Government Reorganization Act of 2000.

LAFCO's authority includes approval or denial of spheres of influence, any changes in the boundaries of or creation of cities or special districts, out of agency service agreements, and special service review studies (LAFCO, 2023).

According to the LAFCO website, LAFCO's objectives are: (1) To encourage orderly formation of local agencies, (2) to discourage urban sprawl; and (3) to preserve agricultural and open space resources (LAFCO, 2023a).

The following statement regarding urban sprawl is found on California Association Local Agency Formation Commissions' (CALAFCO) website:

> Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water and sanitation) and the unnecessary loss of agricultural resources. By discouraging sprawl, LAFCO limits the misuse of land resources and promotes a more efficient system of local governmental services (CALAFCO, 2023).

County of Santa Clara Airport Land Use Commission

On a local level, the Santa Clara County Airport Land Use Commission (ALUC), under State of California mandate(Public Utilities Code Section 21675), has adopted comprehensive land use plans (CLUPs) for the immediate vicinity of each airport in the County, including Mineta San José International and Reid-Hillview airports, to provide for the orderly growth of each public airport while minimizing the public's exposure to excessive noise and safety hazards. The CLUPs contain policies applicable to new development or redevelopment of existing land uses in a defined vicinity around each airport (Airport Influence Area [AIA]). These policies address compatibility between airports and future nearby land uses by focusing on noise, overflight safety, and airspace protection concerns for each airport over a 20-year horizon.

Once the ALUC has adopted a new or revised CLUP and transmitted that CLUP to an affected local agency, that local agency is mandated to incorporate the CLUP's provisions into its general and/or affected specific plan(s) within 180 days. The local agency is then required to adopt zoning ordinance(s) that implement the policies of their general/specific plan(s). If a local agency decides not to incorporate the CLUP policies verbatim into its general and/or specific plans, it may override portions of the CLUP if it finds that its general and/or specific plan(s) are consistent with the State Aeronautics Act [Government Code 65302.3].

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (Habitat Plan) provides a framework for promoting the protection and recovery of natural resources, including specified endangered plant and animal species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The Habitat Plan allows the County of Santa Clara (County), the Santa Clara Valley Water District (SCVWD), the Santa Clara Valley Transportation Authority (VTA) and the cities of Gilroy, Morgan Hill, and the City (collectively, the Local Partners or Permittees) to receive endangered-species permits for activities and projects they conduct and those under their respective jurisdictions. The Santa Clara Valley Open Space Authority (Open Space Authority) has also contributed to Plan preparation. The Plan will protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. Rather than separately permitting and mitigating individual development projects, the Plan evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats. The Plan was adopted in 2013 with the approval of both the U.S. and California Fish and Wildlife Services. The Plan has a term of 50 years.

4.4.3.4 City of San José

2040 General Plan

The 2040 General Plan includes Policies and implementation measures for the purpose of avoiding or mitigating environmental effects resulting from development planned within the City. The followings are applicable to the Project:

Goal LU-1 General Land Use: Establish a land use pattern that fosters a more fiscally and environmentally sustainable, safe, and livable city.

Policy LU-1.1 Foster development patterns that will achieve a complete community in the City, particularly with respect to increasing jobs and economic development and increasing the City's jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.

Policy LU-1.4 Within Identified Growth Areas, where consolidation of parcels is necessary to achieve viable designated land uses or other objectives of the Envision General Plan, limit residential development of individual parcels that do not conform to approved Village Plans or further other plan objectives.

Policy LU-1.6 With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.

Policy LU-1.7 Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations of residents, workers, or visitors.

Goal LU-2 Growth Areas: Focus new growth into identified Growth Areas to preserve and protect the quality of existing neighborhoods, including mobile home parks, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City's projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use.

Policy LU-2.1 Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

Policy LU-2.2 Include within the Envision General Plan Land Use / Transportation Diagram significant job and housing growth capacity within the identified Growth Areas.

Policy LU-2.3 To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.

Goal LU-3 Downtown. Strengthen Downtown as a regional job, entertainment, and cultural destination and as the as the symbolic heart of San José.

Policy LU-3.1 Provide maximum flexibility in mixing uses throughout the Downtown area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the Envision General Plan.

Goal LU-9 High-Quality Living Environments: Provide high quality living environments for San José's residents.

Policy LU-9.2 Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.

Policy LU-9.5 Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

Policy LU-9.8 When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares.

Goal LU-10 Efficient Use of Residential and Mixed-Use Lands: Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.

Policy LU-10.1 Develop land use plans and implementation tools that result in the construction of mixed-use development in appropriate places throughout the City as a means to establish walkable, complete communities.

Policy LU-10.2 Distribute higher residential densities throughout our city in identified Growth Areas and facilitate the development of residences in mixed-use development within these Growth Areas.

Policy LU-10.3 Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.

Policy LU-10.4 Within identified Growth Areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street type development.

Policy LU-10.5 Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Policy LU-10.6 In identified Growth Areas, do not approve decreases in residential density through zoning change or development entitlement applications or through General Plan amendments.

Policy LU-10.7 Encourage consolidation of parcels to promote mixed-use and high-density development at locations identified in the Land use / Transportation Diagram.

Zoning Ordinance

The City's Zoning Ordinance (Title 20 of the Municipal Code) is intended to promote the public peace, health, safety, and general welfare of residents, while supporting the 2040 General Plan Goals and Policies[35.]

4.4.4 Impacts and Mitigation Measures

4.4.4.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. The Project would have a significant impact if it would:

- Physically divide an established community.

35 SJMC 20.10.020

- Conflict with an 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.

4.4.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not result in significant and unavoidable impacts to land use and planning.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact related to land use and planning that would require mitigation.

Less Than Significant Impacts

The Project would not result in a less than significant impacts related to land use.

No Impact

The Project would have no impact on land use and planning for the following thresholds:

Physically divide an established community.

No Impact (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify any significant impacts related to the physical division of existing communities. The Project would not add physical barriers such as roads, bridges, or non-residential structures. As discussed in Section 3.3, Project Objectives, the Project aims to meet the City's RHNA goals and provide housing throughout the City in a range of residential densities within the urban growth area that will meet the needs of an economically, demographically, and culturally diverse population. The Project would accomplish this by increasing density in certain communities. No physical division of established communities would occur. Therefore, no impact would occur, nor would the Project substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Conflict with an 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.

No Impact (Same as the 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. While an EIR may provide information regarding land use and planning issues, CEQA does not consider inconsistency with land use plans and policies to be a physical effect on the environment unless the plan or policy was adopted for the purpose of avoiding or mitigating a significant environmental effect. Adverse physical effects on the environment that could result from implementation of the Project, including the changes to land use addressed in this section, are evaluated and disclosed in the appropriate technical sections of this SEIR.

Implementation of the Project would not increase citywide development capacity beyond what was planned for in the 2040 General Plan. As discussed in Section 3.5.2, 2040 General Plan Amendments,

Text Amendments and Zoning Code Amendments, the Project would include adoption of a General Plan Amendment and associated rezonings to add or modify goals, objectives, policies, and implementation programs related to housing in the Housing Element of the 2040 General Plan. The Project would also include amendments to other elements of the 2040 General Plan to maintain internal consistency between the 2040 General Plan including the HEU and other adopted City planning documents. These changes would be made to accommodate the City's RHNA and to better comply with the 2040 General Plan Goals and Policies listed in Section 4.4.3.4, Impacts and Mitigation Measures, above. As such, the Project would not conflict with any applicable land use plans, policies, or regulations. There would be no impact, nor would the Project substantially increase the severity of impacts identified in the 2040 General Plan EIR.

4.4.5 Cumulative Impacts

The geographic context for cumulative land use and planning impacts is the jurisdictional boundaries of the City. A significant cumulative land use impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to either physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (CEQA Guidelines Appendix G). The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan Policies, buildout of the 2040 General Plan EIR would not result in a significant citywide land use or planning impact under CEQA. The 2016 EIR Addendum completed for the 2040 General Plan Four-Year Review confirmed that amendments to the 2040 General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan with no net-increase in development capacity proposed, the Project would not contribute to an existing cumulative land use and planning impact and no new cumulative impact would occur.

4.5 Noise

4.5.1 Introduction

This section evaluates the potential for the Project to result in significant adverse noise impacts. Analysis in this section is based on the Noise Technical Study prepared by Rincon Consultants in February 2023, which is included as Appendix D to this SEIR.

No comments relating to noise were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.5.2 Noise Background and Terminology

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. Therefore, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

This time-varying characteristic of environmental noise is described using statistical noise descriptors. The most frequently used noise descriptors are summarized below:

- L_{eq}: the energy-equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The L_{eq} is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).
- L_{max}: the instantaneous maximum noise level for a specified period of time.
- DNL: Day Night Average Sound Level (DNL) is a 24-hour day and night A-weighted noise exposure level, which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night ("penalizing" nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted (penalized) by adding 10 dB to take into account the greater annoyance of nighttime noises.
- CNEL: similar to DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dB "penalty" for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dB penalty between the hours of 10:00 p.m. and 7:00 a.m.

As a general rule, in areas where the noise environment is dominated by traffic, the L_{eq} during the peak-hour is generally within one to two decibels of the DNL at that location.

Effects of Noise on People

- When a new noise is introduced to an environment, human reaction can be predicted by comparing the new noise to the ambient noise level, which is the existing noise level comprised of all sources of noise in a given location. In general, the more a new noise exceeds the ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:
- Except in carefully controlled laboratory experiments, a change of 1-dB cannot be perceived;
- Outside of the laboratory, a 3-dB change is considered a just-perceivable difference;
- A change in level of at least 5-dB is required before any noticeable change in human response would be expected; and
- A 10-dB change is subjectively heard as approximately a doubling in loudness and can cause an adverse response.

The perceived increases in noise levels shown above are applicable to both mobile and stationary noise sources. These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence, the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Noise Attenuation

Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (lessen) at a rate between 6 dB for hard sites and 7.5 dB for soft sites for each doubling of distance from the reference measurement. Hard sites are those with a reflective surface between the source and the receiver such as parking lots or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading

of the noise from the source. Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dB (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles) attenuate at a rate between 3 dB for hard sites and 4.5 dB for soft sites for each doubling of distance from the reference measurement.

Noise levels may also be reduced by intervening structures, such as a row of buildings, a solid wall, or a berm located between the receptor and the noise source.

Fundamentals of Vibration

As described in the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA, 2018), ground borne vibration can be a serious concern for nearby neighbors, causing buildings to shake and rumbling sounds to be heard. In contrast to airborne noise, ground borne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of ground borne vibration are trains, buses and heavy trucks on rough roads, and construction activities such as blasting, sheet pile-driving, and operation of heavy earth-moving equipment.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal, which is measured in inches per second (in/sec). The PPV is most frequently used to describe vibration impacts to buildings. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (Vdb) is commonly used to express RMS. The decibel notation acts to compress the range of numbers required to describe vibration. Typically, ground borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors for vibration assessment include structures (especially older masonry structures), people who spend a lot of time indoors (especially residents, students, the elderly and sick), and vibration sensitive equipment such as hospital analytical equipment and equipment used in computer chip manufacturing.

The effects of ground borne vibration include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings. Building damage is not a factor for most projects, with the occasional exception of blasting and pile-driving during construction. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by only a small margin.

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive land uses (also referred to as "sensitive receivers") include residential, including single and multifamily dwellings, mobile home parks, and dormitories; transient lodging, including hotels, and motels; hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care; and public or private educational facilities, libraries, churches, and places of public assembly.

Vibration-sensitive receivers, which are similar to noise-sensitive receivers, include residences and institutional uses, such as schools, churches, and hospitals. Vibration-sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment that is affected by vibration

levels that may be well below those associated with human annoyance (e.g., recording studies or medical facilities with sensitive equipment).

Noise and vibration-sensitive land uses are located throughout San José, as it is a predominantly residential city. San José also includes noise-sensitive land uses such as hotels and motels; group homes; churches; schools and other learning institutions; and libraries.

4.5.3 Existing Conditions

The predominant source of noise in the City, as in most communities, is motor vehicles. Motor vehicle noise is characterized by a high number of individual events that can create a sustained noise level in proximity to noise-sensitive uses. Roadways with the highest traffic volumes and speeds produce the highest noise levels. The roadways in the City with the highest traffic volumes and, thus, the highest noise levels include US 101, Interstates (I) 280, 680, and 880, and State Routes (SR) 17, 82, 85, 87, and 237.

Additional noise sources include rail noise, airport noise, and helicopter noise. Rail operations occur along the VTA rights-of-way and along the Union Pacific Railroad (UPRR) rights-of-way. Three light-rail lines are primarily located along major transportation corridors including Capitol Avenue, Tasman Drive, North First Street, SR 85, and SR 87. Heavy-rail tracks traverse the City from north to south from the Peninsula and East Bay. In addition to UPRR freight trains, rail operators also include the Altamont Commuter Express (ACE), Caltrain, Bay Area Rapid Transit (BART), and Amtrak. Noise associated with the San José Mineta International Airport and Reid-Hillview Airport is a substantial contributor to day-night average noise levels at land uses near primary flight paths and the airports. In portions of the City away from the airports and flight paths, aircraft generate noise levels that are audible at times. Helicopter operations associated with hospital heliports are an additional noise source in the project area.

4.5.4 Regulatory Setting

4.5.4.1 Federal

United States Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) has set a goal of 65 dBA DNL as a desirable maximum exterior standard for residential units developed under HUD funding (24 CFR Part 51, Subpart B). This level is also generally accepted by the State of California. While HUD does not specify acceptable interior noise levels, standard construction of residential dwellings, under Title 24, typically provides in excess of 20 dBA of attenuation with the windows closed. Based on this premise, the interior DNL should not exceed 45 Dba (CBC, Title 24, Part 2, Volume 1, Chapter 12, Interior Environment, Section 1206.4, Allowable Interior Noise Levels).

4.5.4.2 State

State

California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires each county and city to adopt a General Plan that includes a Noise Element prepared per guidelines adopted by the Governor's Office of Planning and Research (OPR) (HSC Division 28. Noise Control Act, Chapter 5. Duties of the Office Section 46050.1). The purpose of the Noise Element is to

limit the exposure of the community to excessive noise levels. CEQA requires all known environmental effects of a project be analyzed, including environmental noise impacts.

California Building Code

The California Building Code is Title 24 of the CCR. California Building Code Part 2, Volume 1, Chapter 12, Section 1206.4, Allowable Interior Noise Levels, requires that interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric is evaluated as either the DNL or the CNEL, consistent with the noise element of the local general plan.

California Building Code: California Green Building Standards Code

The State of California's noise insulation standards for nonresidential uses are codified in the CCR, Title 24, Building Standards Administrative Code, Part 11, California Green Building Standards Code. The California Green Building Standards Code noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Proposed projects may use either the prescriptive method (Section 5.507.4.1) or the performance method (Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA L_{eq} (1hr).

California Airport Noise Standards

CCR Title 21, Subchapter 6, Airport Noise Standards, establishes 65 dBA CNEL as the acceptable level of aircraft noise for persons living in the vicinity of airports. Noise-sensitive land uses are generally incompatible in locations where the aircraft exterior noise level exceeds 65 dBA CNEL. This standard remains unless an aviation easement for aircraft noise has been acquired by the airport proprietor, or the residence is a high-rise with an interior CNEL of 45 dBA or less in all habitable rooms. Assembly Bill (AB) 2776 requires any person who intends to sell or lease residential properties in an AIA to disclose that fact to the person buying the property.

Local

Envision San José 2040 General Plan

The 2040 General Plan establishes interior and exterior noise thresholds for different land uses within the City and vibration thresholds during demolition and construction. The following Policies and Actions are applicable to the Project:

Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

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

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

Exterior Noise Levels. The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses are presented in Table 4-13. The acceptable exterior noise level objective is established for the City, except in the environs of the San José Mineta International Airport and the Downtown, as described below:

- For new multifamily residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
- For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Table 4-13. City of San José Noise and Land Use Compatibility Guidelines

Land Use Category	Noise Exposure Levels (DNL, dBA)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Residential, Hotels and Motels, Hospitals, and Residential Care	50-60	60-75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	50-65	65-80	>80
Schools, Libraries, Museums, Meeting Halls, Churches	50-60	60-75	>75
Office Buildings, Business Commercial, and Professional Offices	50-70	70-80	>80
Sports Arena, Outdoor Spectator Sports	50-70	70-80	>80
Public and Quasi Public Auditoriums, Concert Halls, Amphitheaters	N/A	50-70	>70

Notes:

Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.
Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.
dBA = A-weighted sound pressure level; DNL = Day-Night Average Level
Source: City of San José, 2011a

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3 Mitigate noise generated by new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.4 Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.

Policy EC-1.7 Require construction operations within the City to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-1.9 Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum

instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-1.10 Monitor Federal legislative and administrative activity pertaining to aircraft noise for new possibilities for noise-reducing modifications to aircraft engines beyond existing Stage 3 requirements. Encourage the use of quieter aircraft at the San José International Airport.

Policy EC-1.11 Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Policy EC-1.12 Encourage the Federal Aviation Administration to enforce current cruise altitudes that minimize the impact of aircraft noise on land use.

Policy EC-1.13 Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

Action EC-1.14 Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

Goal EC-2 Vibration. Minimize vibration impacts on people, residences, and business operations.

Policy EC-2.1 Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the FTA. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

Policy EC-2.2 Require new sources of ground-borne vibration, such as transit along fixed rail systems or the operation of impulsive equipment, to minimize vibration impacts on existing sensitive land uses to levels at or below the guidelines of the FTA.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. 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.

City of San José Municipal Code

The City regulates noise through the City's Zoning Ordinance contained in SJMC Chapter 20. SJMC Chapter 20.30.700 establishes noise standards for residential zoning districts. The sound pressure level generated by any residential use shall not exceed 55 dBA L_{max} at the property line, except upon issuance and in compliance with a special use permit.

Chapter 20.100.450 limits the hours of construction on sites within 500 feet of a residential land use between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and does not allow construction at any time on weekends.

4.5.5 Methodology

In general, this section relies upon the noise analysis contained in the 2040 General Plan EIR. This section provides a brief overview of the methodology used to supplement the 2040 General Plan EIR analysis and analyze noise impacts of housing development capacity shifts associated with the Project. For a complete methodology discussion, refer to Noise Technical Study in Appendix D of this SEIR.

Construction Noise

Construction noise levels that could occur with implementation of the Project were estimated based on reference noise levels published by FTA.

Stationary On-Site Operational Noise

Stationary operational noise levels were estimated based on standard noise levels generated by typical noise sources associated with operation of residential development, including noise from stationary heating, ventilation, and air conditioning (HVAC) equipment, delivery trucks, trash hauling, and outdoor activities.

Mobile Off-site Operational (Traffic) Noise

Noise affecting the City is primarily from traffic on major highways and roadways that traverse the City. Project traffic noise increases were estimated using the average daily traffic (ADT) data shown in Table 10 of Appendix D.

Groundborne Vibration

Because the Project is the development of housing, this analysis assumes that the individual development projects would not include substantial vibration sources associated with operation of the individual development projects. Construction activities for individual development projects have the greatest potential to generate groundborne vibration affecting nearby noise-sensitive receivers. Construction vibration levels that could occur due to buildout of the Project were estimated based on

reference vibration levels published by the 2018 FTA Transit Noise and Vibration Impact Assessment Manual (FTA, 2018).

Aviation Noise

The noise contours for the San José Mineta International Airport and Reid-Hillview County Airport with respect to the location of housing opportunity sites were utilized to determine potential impacts from exposure to aviation-related noise.

4.5.6 Impacts and Mitigation Measures

4.5.6.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. Based on those criteria, the project would have a significant impact if it would:

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Expose persons to or generate of excessive groundborne vibration or groundborne noise levels.
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

4.5.6.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would result in a significant and unavoidable impact related to noise when considering the following threshold.

Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project.

Significant and Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that the projected increase in traffic-generated noise levels from development and redevelopment allowed under the 2040 General Plan would result in significant impacts to some noise sensitive receptors along roadways throughout the City where acceptable mitigation cannot be accommodated.

The Operational noise generated by residential uses are generally short-term and intermittent in nature. The project would provide for an increase in residential development in certain Growth Areas while reducing residential development in North San José and the Rincon South Urban Village, as described in Section3.5.1, Changes to General Plan Growth Areas. Residential development tends to have lower noise levels associated than other uses, such as industrial or commercial uses.

The 2040 General Plan Policy EC-1.2 (described in Section 4.5.4, Regulatory Setting) would protect residents from excessive noise by requiring new development to minimize noise impacts on land uses sensitive to increased noise levels. Additionally, 2040 General Plan Policy EC-1.9 would require noise studies for land use proposals where known or suspected loud intermittent noise sources occur and would require mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. The SJMC also limits the noise level generated by residential development to 55 dBA L_{max} at the property line. Therefore, future stationary noise sources would comply with City standards and would not expose people to excessive noise levels. Additionally, the substantially increase the severity operational noise impacts identified in the 2040 General Plan EIR. This impact would be less than significant.

Implementation of the Project would allow additional buildout of residential development in certain Growth Areas while reducing residential development capacity in North San José and Rincon South Urban Village. This would generate new vehicle trips in areas receiving residential capacity from North San José that could incrementally increase the exposure of land uses along roadways to operational traffic noise. However, the maximum increase in traffic noise under cumulative conditions would be 5.9 dBA along Mabury Road between Lenfast Avenue and Taylor Street, as shown in Table 12 of Appendix D. The Project's contribution to the cumulative increase from traffic noise would be a maximum of 0.3 dBA along Mabury Road between Lenfast Avenue and Taylor Street. The Project's contribution to cumulative traffic noise levels would not exceed the most stringent operational significance threshold of 3 dBA DNL. This impact would be less than significant. Although operational noise impacts from the Project would be less than significant, the project would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR.

Less Than Significant Impacts

The Project would result in a less than significant impact when considering the following thresholds:

The Project would expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that with adherence to 2040 General Plan Policy EC-1.7, impacts from construction activities would be less than significant. The Project would implement changes to the 2040 General Plan, Zoning Code, and policies to facilitate construction of housing throughout the City consistent with the City's RHNA allocation. While most of these actions will not change the location, density, and distribution of housing compared to the 2040 General Plan (as amended), the Project does include the shifting of General Plan housing development capacity from the North San José and Rincon South Urban Village Growth Area to other Growth Areas, as discussed in Section 3.5.1, Changes to General Plan Growth Areas. This reallocation would increase planned density in certain Growth Areas while reducing planned density in North San José Rincon South. While there would be no net change in planned development capacity citywide, Growth Areas receiving development capacity would experience elevated levels of construction and increased traffic noise from the increase in vehicle trips. Noise from construction of individual development projects facilitated by the Project would temporarily increase noise levels at nearby noise-sensitive receivers. Since at this stage of planning, details are not available for future development that would be carried out under the Project, it is not possible to determine exact noise levels or time periods

for construction of such projects, or construction noise at adjacent properties. Therefore, this analysis considers noise estimates for typical construction activities for residential development.

Construction of new residential buildings would generate noise that could affect nearby residences and businesses. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Noise levels would vary based on the stage of construction. The highest noise levels are normally generated during demolition, grading, excavation, and construction of building foundations, when heavy equipment is used. Lower noise levels occur during construction of building interiors and finishing work such as painting and landscaping. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Construction noise drops off at a rate of six dBA per doubling of distance between the noise source and receptor.

Most construction noise is temporary and generally limited to daylight hours during weekdays. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time. For temporary construction-related noise from an individual development project to be considered significant, construction noise levels would have to exceed ambient noise levels by 5 dBA Leq or more and exceed the normally acceptable levels of 60 dBA Leq at the nearest noise-sensitive land uses or 70 dBA Leq at office or commercial land uses for a period of more than 12 months.

As discussed in the 2040 General Plan EIR, future development and redevelopment, including HEU development, would be required to implement the measures listed below to ensure noise impacts from construction are less than significant, consistent with 2040 General Plan Policy EC-1.7:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

With implementation of the measures above, construction noise impacts from future individual housing developments facilitated by the Project would be less than significant.

Expose persons to or generate excessive ground borne vibration or ground borne noise levels.

Construction

Less Than Significant. The 2040 General Plan EIR found that with implementation of 2040 General Plan policies, construction vibration impacts would be less than significant. Construction of housing facilitated by the Project would intermittently generate ground borne vibration at nearby sensitive receivers. Table 4-14 lists ground borne vibration levels from various types of construction equipment at various distances.

Table 4-14 Vibration Source Levels for Construction Equipment

Equipment	Approximate Vibration Level (in/sec PPV)			
	25 feet from Source	50 feet from Source	100 feet from Source	200 feet from Source
Caisson Drilling	0.089	0.031	0.011	0.011
Jackhammer	0.035	0.035	0.035	0.035
Large Bulldozer	0.089	0.089	0.089	0.089
Loaded Truck	0.076	0.076	0.076	0.076
Pile Driver (impact) upper range	1.519	1.519	1.519	1.519
Pile Driver (impact) typical	0.170	0.170	0.170	0.170
Pile Driver (sonic) upper range	0.734	0.734	0.734	0.734
Pile Driver (sonic) typical	0.170	0.060	0.060	0.060
Small Bulldozer	0.003	0.003	0.003	0.003
Vibratory Roller	0.21	0.21	0.21	0.21

Source: FTA 2018.

As shown in Table 4-14, buildings and structures could experience the strongest vibration during the use of pile-drivers and vibratory rollers. Vibration levels from pile-drivers could approach 1.519 inches per second (in/sec) PPV at a distance of 25 feet from the source and 0.190 in/sec at 100 feet, and vibration levels from vibratory rollers could approach 0.21 in/sec PPV at a distance of 25 feet and 0.026

at 100 feet. The threshold for historic structures is 0.08 in/sec PPV; the threshold is higher for normal buildings at 0.2 in/sec PPV.

Vibration levels from typical equipment such as bulldozers and jackhammers would not exceed thresholds for historic structures and normal buildings at a distance of 50 feet or greater. However, vibration levels from pile driving equipment and vibratory rollers may exceed the City's thresholds. Implementation of 2040 General Plan Policy EC-2.3 would reduce construction vibration in residential areas. 2040 General Plan Policy EC-2.3 requires the following:

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.

Implementation of 2040 General Plan Policy EC-2.3 would ensure that individual development projects facilitated by the HEU implement appropriate measures to reduce construction noise and vibration. Therefore, construction ground borne vibration and noise impacts from the construction would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Operation

Less Than Significant. The 2040 General Plan EIR did not identify significant impacts related to operation vibration. Residential land uses facilitated by the Project would not involve substantial vibration sources during operation. Therefore, Project operational vibration impacts would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

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

Less Than Significant. The San José Mineta International Airport is a public airport located at the northwestern boundary of the City. The Reid-Hillview Airport is a general aviation airport located in East San José. Development facilitated by the Project would not increase airport activities and airport noise. Existing requirements for airports would reduce the noise impacts of airport activity on residents and workers. Title 21 of the CCR establishes noise standards for airports and the responsibilities of the regional ALUC, which prepare land use compatibility plans with thorough evaluations of airport noise, as described above in Section 4.5.4, Regulatory Setting. Additionally, the Federal Aviation Administrative Regulation Part 150 Airport Noise Compatibility Program is designed to reduce the effect of airport noise on the surrounding communities as airports expand.

Certain Growth Areas associated with the Project would be located within the 65 dBA CNEL noise contour for the San José Mineta International Airport. None would be located within the noise contours for the Reid-Hillview Airport. Opportunity housing sites located further away in the City may be exposed to elevated noise levels from the airport, however they would not be exposed to airport noise levels of 65 dBA CNEL or above.

As the City's normally acceptable noise levels are 50 to 60 DNL for residential, hotels, motels, schools, libraries, churches, hospitals, and residential care facilities, this would mean that new noise-sensitive receivers at the opportunity housing sites located near the San José Mineta International Airport would be exposed to conditionally acceptable noise levels. In addition, the CLUP for San José Mineta International Airport establishes mitigation procedures for housing units in 65 CNEL zones, which opportunity housing sites would be exposed to. Implementation of 2040 General Plan Policies EC-1.10, EC-1.11, and EC-1.12 in the 2040 General Plan would reduce the exposure of sensitive receivers to aircraft noise to a less-than-significant level.

With regard to Airport operations, 2040 General Plan Policy EC-1.10 encourages the use of quieter aircraft at San José Mineta International Airport. The 2040 General Plan Policy EC-1.11 requires safe and compatible land uses within the San José Mineta International Airport noise zone and encourages aircraft operating procedures that minimize noise. The 2040 General Plan Policy EC-1.12 encourages the enforcement of current cruise altitudes that minimize the impact of aircraft noise on land use.

With regard to new development, 2040 General Plan Policy EC-1.1 sets interior and exterior noise standards and requires that new development be located in areas where noise levels are appropriate for the proposed uses. The 2040 General Plan Action EC-1.14 requires acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards. Because future development and airport operations would comply with these 2040 General Plan policies, no substantial noise exposure from airport noise would occur to construction workers or residents of the Project, and impacts would be less than significant. The Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

No Impact

The Project would not result in any "no impact" determinations related to noise.

4.5.7 Cumulative Impacts

The 2040 General Plan EIR did not identify significant cumulative impacts related to noise and vibration.

4.5.7.1 Construction Noise

Less than Significant (Same as 2040 General Plan EIR). Construction noise generated by the Project in Growth Areas receiving housing development capacity from North San José and South Rincon, in combination with construction activities for other cumulative projects that may be constructed simultaneously could, without mitigation, substantially increase noise levels in the vicinity of future individual development projects. The 2040 General Plan Policy EC-1.7 has been identified to help reduce noise from construction equipment from future housing development associated with the Project, as discussed in Section 4.5.6.2, above. Therefore, unless construction of cumulative projects, including those proposed under development facilitated by the Housing Element, occur in close proximity to each

other and simultaneously, noise from individual development projects have a small chance of combining to create significant cumulative impacts. This scenario is unlikely, and mitigation measures would be implemented to the extent feasible. Furthermore, the timing of future development project would be considered during the City's design review process. Therefore, this cumulative impact would be less than significant and the Project would not substantially increase the severity of a cumulative impact identified in the 2040 General Plan EIR.

4.5.7.2 Operational Noise

Traffic Noise

Less Than Significant. Traffic noise increases in Growth Areas receiving capacity from North San José and South Rincon from housing development associated with the Project would not contribute to a significant noise level increase. Even though traffic in these Growth Areas would gradually increase due to reallocations facilitated by the Project, there would be corresponding decreases in North San José. Therefore, the cumulative impact related to operational traffic noise Citywide would be less than significant and the Project would not substantially increase the severity of a cumulative impact identified in the 2040 General Plan EIR.

Stationary Noise

Less Than Significant. Housing development facilitated by the Project would introduce new stationary noise sources to the ambient noise environment in Growth Areas receiving housing development capacity from North San José and Rincon South, including new mechanical ventilation equipment. These sources may combine with other nearby cumulative projects to result in higher noise levels. However, other cumulative projects would be consistent with the 2040 General Plan as amended. Operational noise from these sources would be localized and would rapidly attenuate within an urbanized setting due to the effects of intervening structures and topography that block the line of sight and due to other noise sources closer to receivers that obscure project-related noise. Implementation of SJMC Section 9.10.1730 (Noise Restrictions),and 2040 General Plan noise standards would ensure that noise from new stationary sources as part of the cumulative individual development projects would be within acceptable levels. Therefore, the cumulative impact related to operational stationary noise would be less than significant and the Project would not substantially increase the severity of a cumulative impact identified in the 2040 General Plan EIR.

4.5.7.3 Vibration

Less Than Significant. Although there would be other non-residential cumulative projects simultaneously under construction near individual housing developments facilitated by the Project, the potential for construction vibration impacts is within relatively close distances (e.g., within approximately 25 feet for a vibratory roller). Since no two construction projects would both be within 25 feet of a given sensitive structure, cumulative vibration impacts would be less than significant on sensitive structures. Because cumulative projects would be consistent with the 2040 General Plan, as amended, the Project would not combine with other cumulative projects to form new cumulative vibratory impacts, nor would the Project substantially increase the severity of a cumulative impact identified in the 2040 General Plan EIR.

4.5.7.4 Airport Noise

Less than Significant. Housing opportunity sites associated with the Project would be located in the vicinity of the San José Mineta International Airport and could be exposed to excessive aircraft noise. However, implementation of 2040 General Plan Policies EC-1.10, EC-1.11, EC-1.12, EC-1.1, and 2040 General Plan Action EC-1.14 would reduce the exposure of sensitive receivers to aircraft noise to less-than-significant levels. There are no housing opportunity sites in the vicinity of the Reid Hillview Airport, so there is no impact from this airport at the housing sites.

4.6 Population and Housing

4.6.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on population and housing. This section first includes a description of the existing environmental setting as it relates to population and housing, and provides a regulatory framework that discusses applicable federal, State, and local regulations.

No comments relating to population and housing were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.6.2 Existing Conditions

4.6.2.1 Population

As discussed in Section 3.4.2, Population, the total population of the City in 2019 was estimated to be 1,021,786, nearly an 11 percent increase from 2010.. Rapid population growth is expected to continue for Santa Clara County and for the City into the future. According to ABAG's Plan Bay Area Projections 2040, Santa Clara County's population is projected by ABAG to increase from approximately 2 million in 2020 to 2.5 million by 2040, representing growth of approximately 25 percent over the existing population (ABAG, 2018). This is faster than the Bay Area region's projected growth of 22 percent over the same period.

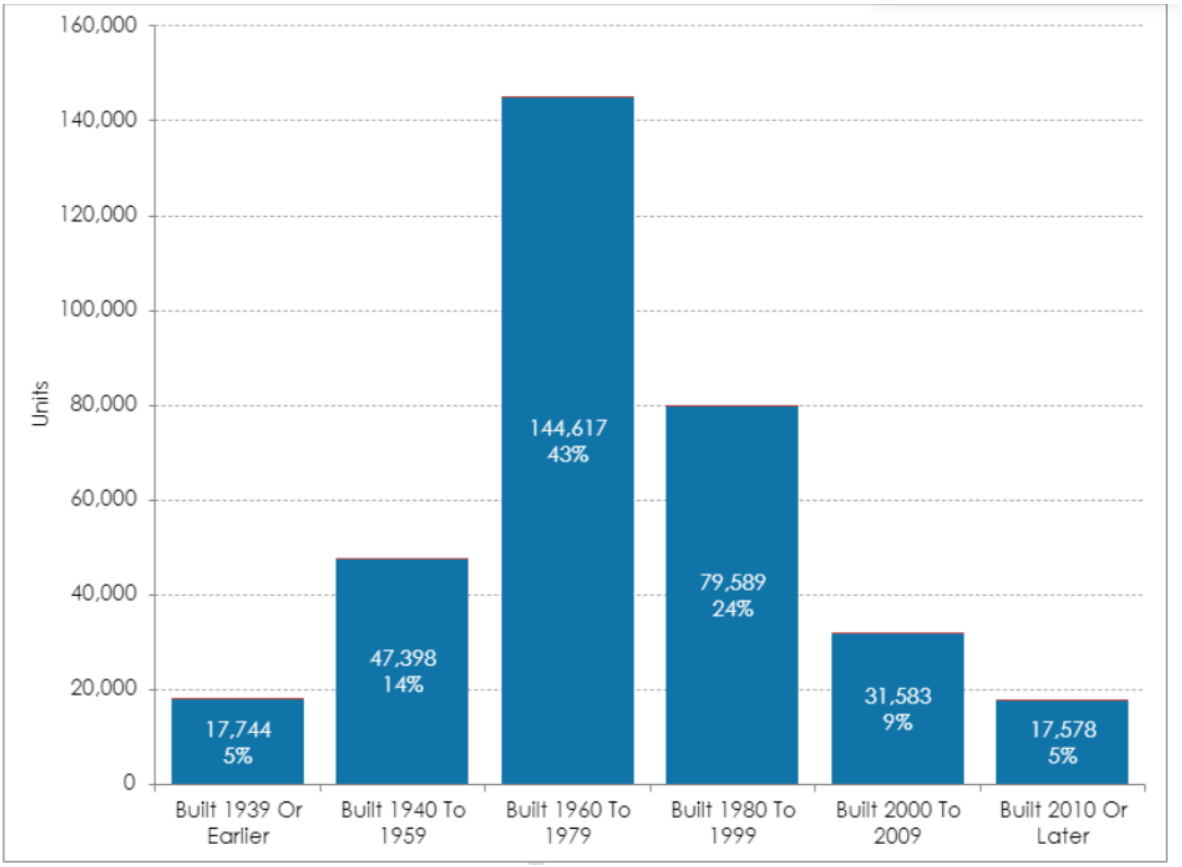
4.6.2.2 Housing

Despite the population growth, housing production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the population and job growth experienced throughout the region. As shown in Figure 4-2, the largest proportion of the City's housing stock is built 1960 to 1979, with 144,617 units built during this period. According to Appendix A of the HEU, since 2010, 5.2 percent of the current housing stock was built, which is 17,578 units (City of San José, 2022b).

In recent years, most housing produced in the region and across the State consisted of single-family homes and larger multi-unit buildings. However, some households are increasingly interested in "missing middle housing" – including duplexes, triplexes, townhomes, cottage clusters and accessory dwelling units (ADUs). These housing types may open more options across incomes and tenure, from young households seeking homeownership options to seniors looking to downsize and age-in-place. The housing stock of the City in 2020 was made up of 52.5 percent single-family detached homes, 9.7 percent single-family attached homes, 7.0 percent multifamily homes with 2 to 4 units, 27.5 percent

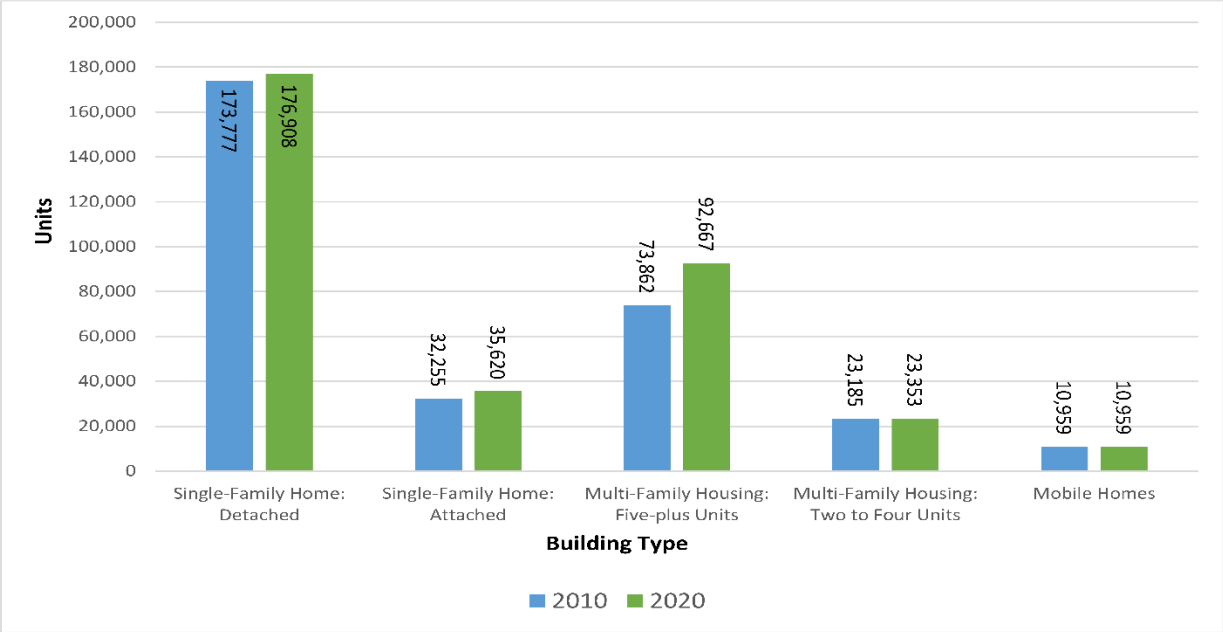
multifamily homes with 5 or more units, and 3.3 percent mobile homes. Trends of housing types are shown in Figure 4-3. According to Appendix A of the HEU, in the City, the housing type that experienced the most growth between 2010 and 2020 was Multifamily Housing: Five-plus Units, which increased by approximately 25 percent (City of San José, 2022b). For more information regarding housing supply and trends within the City, please refer to Section 3.4.3, Housing.

Figure 4-2 Housing Units by Year Structure Built



Source: City of San José, 2022

Figure 4-3 Housing Type Trends



Source: City of San José, 2022

4.6.3 Regulatory Setting

4.6.3.1 State

Regional Housing Needs Allocation (RHNA)

ABAG allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. California's Housing Element Law requires all cities to 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.

SB 330

SB 330 prohibits local jurisdictions from enacting new laws that would have the effect of reducing the legal limit on new housing within their borders, or delay new housing via administrative or other regulatory barriers. Through its expiration in 2030, SB 330 will:

- Prevent local governments from downzoning unless they upzone an equivalent amount elsewhere within their boundaries
- Suspend the enactment of local downzoning and housing construction moratoriums
- Require timely processing of housing permits that follow zoning rules
- Ensure the demolition of housing does not result in a net loss of units
- Postpone requirements for voter approval of zoning, general plan changes

- Require resettlement benefits and first right of refusal in new units or compensation for rehousing for renters who may be displaced.

4.6.3.2 City of San José

Housing Crisis Response Workplan

On June 12, 2018, the City Council adopted a Housing Crisis Response Workplan. As part of that Workplan, the City Council directed the Housing Department to develop a Citywide Anti-Displacement Strategy based on extensive community engagement and local research; nationwide anti-displacement practices; a gap analysis of the City's current anti displacement policies and programs; an assessment of past discriminatory practices and policies, which contribute to displacement; and ongoing housing policy developments at regional and state levels. On November 16, 2022, the City Council accepted staff's recommendation to transition the workplan into the *Housing Catalyst Team Workplan*. The new Housing Catalyst Team Workplan would be aligned with the Project. Strategies and Policies identified within the Housing Element will be included in the Workplan as work on those items are initiated. As a part of the annual update, the team will report on progress made toward the City's RHNA.

General Plan Housing Element

As described in Section 3.1, Introduction, the City last updated its Housing Element for the 2014-2023 planning period in 2015. The City's 2014-2023 HEU was adopted by City Council on January 27, 2015 and certified by HCD on April 30, 2015. The present 2023-2031 Housing Element Update ("HEU") has been developed to comply with the State law requirements discussed above 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.

City of San José Housing Policies and Programs

Housing policy goals for the City as outlined in a Housing Needs Assessment, reviewed by a Mayor's Task Force on Housing, are as follows (HEU):

- Increase the supply of affordable housing, preserve the housing stock, and reduce the cost of developing affordable housing.
- Utilize available resources to address priority needs for housing.
- Increase the funds available for the preservation and development of affordable housing.
- Disperse low-income housing throughout the City, to avoid concentration of low-income households and to encourage racial and economic integration.
- Encourage greater involvement of the public and private sector to increase and preserve the stock of affordable housing in the City.

To address these goals, the City has developed a wide range of programs designed to encourage the revitalization of neighborhoods, provide affordable housing, encourage higher density housing near transit corridors, and provide assistance to homeless shelter service providers. Affordable housing programs are administered through the City's Department of Housing, and are aligned with City Policies as well as State and federal requirements. In addition to the Housing Element, the Housing Department also develops and updates the 5-Year Investment Plan for housing as well as the federal Consolidated

Plan. An approved Consolidated Plan is required for local jurisdictions to receive federal funding from the HUD. Policies in the plans and City programs address the production of housing affordable to income level, the acquisition and rehabilitation of existing market-rate housing to provide new affordable housing opportunities and preserve affordable housing stock, ending homelessness, and providing assistance to local employees (e.g., the Teacher Housing Program and Teach Here, Live Here Program). Other initiatives and housing incentives employed by the City include the Extremely-low Income Initiative (financing for extremely-low income housing) and provisions for flexibility for affordable housing developments under the City's density bonus policy in the General Plan. The Housing Opportunity Study (HOS) undertaken by the City identified vacant or underutilized sites suitable for high-density residential or mixed residential/commercial developments with a focus on the City's six Transit-Oriented Development Corridors. In conformance with state law, the City also has inclusionary housing policies that require the provision of affordable housing by developers of housing within redevelopment areas. These policies in aggregate reflect the City's vision of creating housing opportunities for all income levels.

Citywide Anti-Displacement Strategy

On June 12, 2018, the City Council adopted its Housing Crisis Response Workplan. As part of that Workplan, City Council directed the Housing Department to develop a Citywide Anti-Displacement Strategy. On September 22, 2020, the City Council discussed and approved all 10 recommendations in the Citywide Anti-Displacement Strategy. The Citywide Residential Anti-Displacement Strategy (Strategy) responds to existing City Council direction to develop anti-displacement strategies. Adoption of the Strategy will enable staff to develop new policies and programs to prevent, mitigate, and decrease residential displacement for low-income residents of the City. The 10 recommendations in this multi-year Strategy are designed to complement each other and are listed below. The recommendations are prioritized by timing, from near-term to medium-term.

- Support Equitable COVID-19 Recovery and Impact Mitigation Measures for Renters and Homeowners
- Establish a Neighborhood Tenant Preference for Affordable Housing
- Explore a Community Opportunity to Purchase Program/Ordinance (COPA)
- Increase Equitable Representation of Historically Underrepresented Communities on City Commissions
- Create a Role for Local Government in State Tenant Protections
- Increase Housing Quality and Prevent Code Enforcement-related Displacement
- Create a Preservation Report and Policy
- Develop Yes in God's Backyard (YIGBY) Land Use
- Optimize Urban Villages for Affordable Housing Development and Anti-Displacement
- Establish New Sources of Funding for Affordable Housing and Anti-Displacement

4.6.4 Impacts and Mitigation Measures

4.6.4.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. The Project would have a significant impact if it would:

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

4.6.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would contribute to an existing significant and unavoidable impact on population and housing when considering the following threshold.

Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Significant Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that population growth induced by the 2040 General Plan would have a significant unavoidable impact with physical impacts including contributions to air pollutant emissions and congestion on roadways within the City. As discussed in Section3.5.1, Changes to General Plan Growth Areas, the Project would not result in an increase in citywide development capacity beyond what was already planned for in the 2040 General Plan. Instead, the Project would reallocate excess capacity from North San José and Rincon South Urban Village Growth Area to other Growth Areas established in the 2040 General Plan. Therefore, the Project would not induce unplanned population growth in an area, either directly or indirectly. The Project would contribute to, but would not substantially increase the severity of, the significant unavoidable impact identified in the 2040 General Plan EIR.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact on population and housing that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact on population and housing for the following threshold:

Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to the displacement of existing people or housing within the City. As described in Section, the Project would implement changes to the 2040 General Plan, Zoning Code, and policies to facilitate construction of housing throughout the City consistent with the City's RHNA allocation. While most of these actions will not change the location, density, and distribution of housing compared to the 2040 General Plan (as amended), the Project does include the shifting of General Plan housing development capacity from the North San José and Rincon South Urban Village Growth Area to other Growth Areas, as discussed in Section 3.5.1, Changes to General Plan Growth Areas. This reallocation would support the development of housing at identified opportunity sites. While many opportunity sites are vacant; some identified underutilized sites and other sites in the Urban Village Growth Areas where the capacities are shifted could including existing residential housing. The Project also proposes to add TERO, AHO, or MIHO overlay General Plan designations to North San José sites that are currently designated for primarily employment-related land uses (i.e., industrial and commercial). The TERO overlay would allow for transit-oriented residential development as an alternate use on certain sites within the North San José Growth Area while the AHO and MIHO overlays would facilitate the development of affordable housing at a minimum average net density of 75 units per acre. While most of the locations that would be subject to the new overlays are designated as industrial or commercial, there could be existing residential housing at these locations that was built prior to adoption of the 2040 General Plan.

In order to develop additional residential uses at locations with existing housing on-site, the existing structures on the site would need to be removed and the higher-density residential use developed in its place. If future demolition of existing housing occurs as facilitated by this Project, construction of new housing projects would result in a net-increase of housing on a given site. In addition, the Project would comply with the Citywide Anti-Displacement Strategy described in Section 4.6.3, Regulatory Setting, as well as the tenant relocation and replacement requirements under SB 330[36]. The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the impact would be less than significant and the Project would not substantially increase the severity of an impact identified in the 2040 General Plan EIR.

No Impact

The Project would not result in any "no impact" determinations related to population and housing.

4.6.5 Cumulative Impacts

The geographic context for cumulative population and housing impacts is the jurisdictional boundaries of the City. A significant cumulative population and housing impact would occur if the Project combined with other past, present, or reasonably foreseeable future individual development projects induce substantial unplanned growth either directly or indirectly, or displace a substantial amount of people or housing. The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan Policies, buildout of the 2040 General Plan EIR would not result in a significant citywide housing and population impact under CEQA. The 2016 EIR Addendum completed for the 2040 General Plan Four-Year Review confirmed that amendments to the General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in

[36] California Government Code 66300

the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not contribute to an existing cumulative population and housing impact and no new cumulative impact would occur.

4.7 Public Services

4.7.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on public services within the City. This section first includes a description of the existing environmental setting as it relates to public services, and provides a regulatory framework that discusses applicable federal, state, and local regulations.

No comments related to public services were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.7.2 Existing Conditions

4.7.2.1 Fire Protection

Fire protection services in the City are provided by the San José Fire Department (SJFD). SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD senior command structure consists of a Fire Chief, an Assistant Fire Chief, three Deputy Chiefs, and three Deputy Directors. The SJFD itself consists of six Bureaus: Field Operations; Fire Prevention; Administrative Services; Support Services; Emergency Medical Services & Training; and the Office of Emergency Services. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The SJFD protects 206 square miles (178 square miles incorporated) and approximately 1.2 million residents (City and county areas). Fire protection services in the City are provided by the San José Fire Department (SJFD). There are currently 33 active fire stations in the City.

In 2002, voters approved the Neighborhood Security Act Bond Measure which allowed for the construction of four new fire stations, relocation of six fire stations, remodeling of 16 fire stations and enhancing fire training facilities to implement the SJFD Strategic Plan. Most of the remodeling or rebuilding of stations has been completed. Five stations are currently in the process of being rebuilt, relocated, and/or constructed. All stations scheduled for relocation and all new stations are in design, construction, or have been completed. or Once the additional facilities included in the bond measure are complete, the SJFD will have a total of 36 fire stations to serve City residents.

For fire protection, the 2040 General Plan, General Plan Policy ES-3.1 identifies performance measures based on travel time and total reflex time. The policy identifies the goal of a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. Travel time is a measure of the period of time from when a responding emergency fire apparatus leaves the fire station until it arrives at the scene of the emergency. Total reflex time refers to the amount of time that passes from receipt of the emergency call by the Emergency Communications Dispatching Center to the arrival of the responding unit at the emergency scene. Travel times and total reflex times, evaluated

both individually and together, represent the more accurate measure of the level of service being provided to the community.

The City participates in the Automatic Aid and Mutual Aid programs established by the Santa Clara County. The cities of Santa Clara and Milpitas, and the Santa Clara County Fire Department are all members of the Automatic Aid program. This program allows the station closest to the scene of the fire, when available, to respond to the scene first. Therefore, neighboring departments can work together to reduce reflex and response times. The Mutual Aid program is a countywide program. When a developing fire overburdens one department, other departments will send the necessary assistance to reduce the burden (Santa Clara County Fire Department).

4.7.2.2 Police Protection

Police protection services in City are provided by the City of San José Police Department (SJPD). SJPD is administered by a command staff including the Chief, Assistant Chief and four Deputy Chiefs, presiding over an Operations Command divided into four Bureaus: the Bureaus of Administration, Field Operations, Investigations, and Technical Services. The Bureaus are comprised of 11 divisions with over 50 specialized units and assignments. According to the City of San José Police Department website, the SJPD employs over 1,700 employees including both sworn and non-sworn (City of San José Police Department, 2022). Officers patrolling the City are dispatched from police headquarters, located at 201 West Mission Street. The City has four patrol divisions, which consist of a total of 16 patrol districts. The 2040 General Plan identifies a response time goal of six minutes or less for 60 percent of all Priority 1 calls, and 11 minutes or less for 60 percent of all Priority 2 calls. Priority 1 calls indicate an event of immediate potential for imminent danger to life or property and Priority 2 calls indicate events that have occurred, and the suspect may be near but is no longer at the scene and/or no imminent threat exists to life or property.

4.7.2.3 Schools

The City includes 22 public school districts that currently operate 222 public schools serving students in the City. Based on the school district boundaries and locations of schools within the districts, some students living in the City attend school in adjacent jurisdictions as shown in Table 4-15. The school district boundaries are shown graphically in Figure 4-4, which and also shows the school districts that encompass the growth areas discussed in Section 3.5, Project Description.[37]

Table 4-15 City of San José School District Capacity

District	District Number of Schools and Type	Enrollment	Total Capacity	Available Capacity
Alum Rock Planning Area				
Alum Rock Union	14 elementary 5 middle	9,226	1764	7462
Berryessa Planning Area				
East Side Union High	19 high 1 K-12	25,174	25,708	534

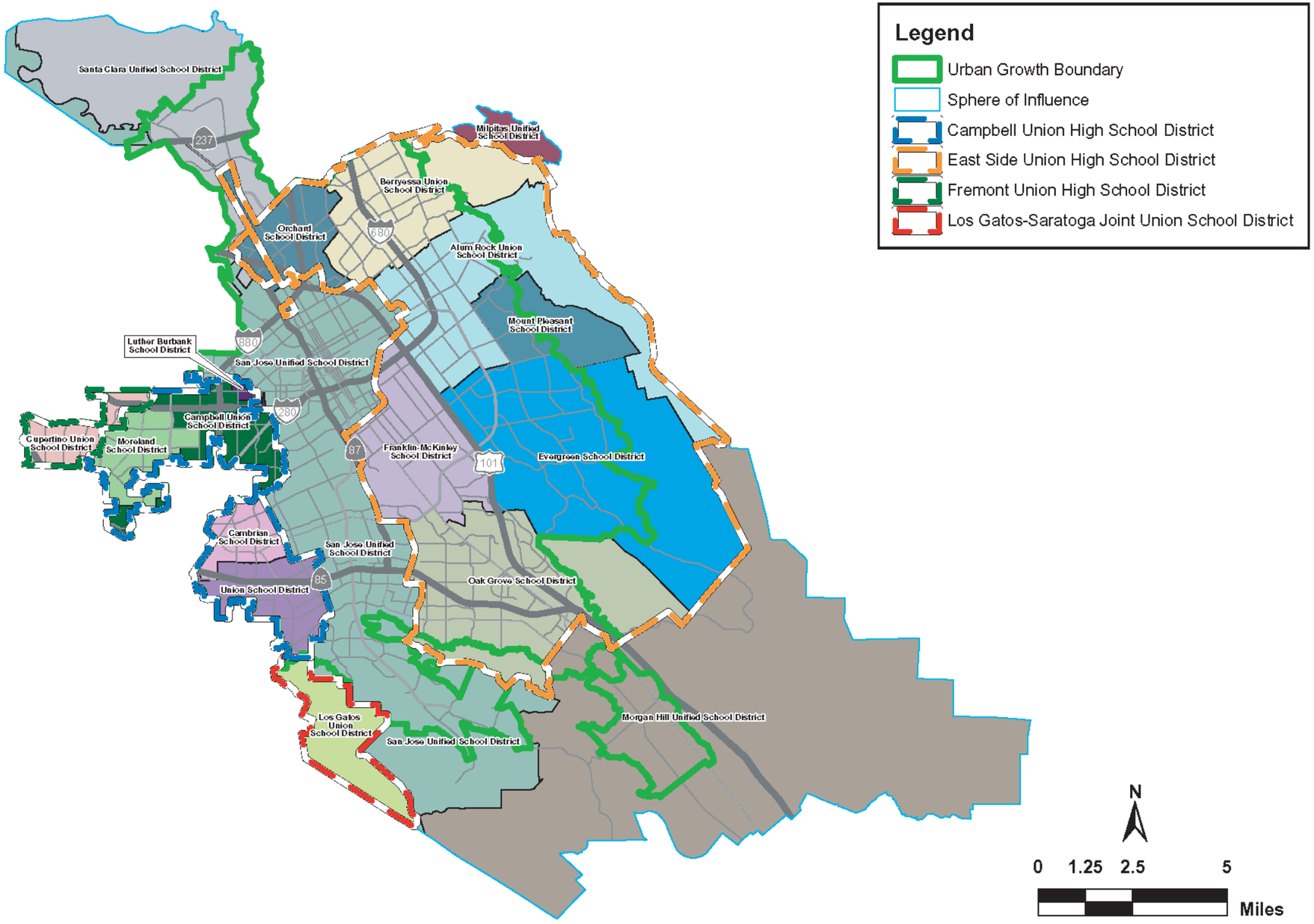
[37] This figure is from the 2040 General Plan EIR.

District	District Number of Schools and Type	Enrollment	Total Capacity	Available Capacity
Alum Rock Planning Area				
North San José Planning Area				
San José Unified	27 elementary 8 middle 8 high	26,901	30,520[1]	3,619
West Valley Planning Area				
Santa Clara Unified[2]	1 elementary 1 middle 1 high	1,373[2]	4,158[1]	2,785

Source: California Department of Education EdData (California Department of Education, 2022); 2040 General Plan (City of San José, 2011)

Notes: [1]Total capacity number is taken from the Envision City of San José 2040 General Plan EIR, as more recent data is not available.

[2]School district contains additional schools not currently serving students in San José.



City of San José School Districts Figure **8**

Source: City of San José, 2011

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4.7.2.4 Libraries

The San José Public Library System consists of one main library and 25 open branch libraries. As of 2022, the City has 0.58 square feet of library facilities per capita (City of San José, 2022c).

4.7.2.5 Parks

The City provides and maintains developed parkland and open space to serve its residents. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City has 200 neighborhood parks, ten regional parks, and manages a total of 3,617 acres of parkland. Additionally, the City currently has a total of 47 community centers. All of the City-owned, developed and managed park and recreational facilities are within the City limits, except for the San José Family Camp, which is located in the Stanislaus National Forest near Yosemite National Park. These parks and facilities are also within the Urban Service and Urban Growth Boundary with the exception of Alum Rock Park and San José Family Camp.

4.7.3 Regulatory Setting

4.7.3.1 State of California

California Government Code, Sections 65996

While impacts to school facilities must be disclosed under CEQA, there are statutory limits on how those impacts can be considered by lead agencies, such as the City. California Government Code Section 65996 specifies that the method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. California Government Code Sections 65995-65998 sets forth provisions for the payment of school impact fees by new development as the exclusive means of "considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property" [Section 65996(a)]. The legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [Section 65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would mitigate project-related increases in student enrollment.

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project.

California Education Code Section 17251(b)

Pursuant to Section 17251(b) of the Education Code, the California Department of Education (CDE) developed the School Site Selection and Approval Guide (2000) to assist school districts in 1) selecting appropriate sites in compliance with regulations and CDE policies and 2) gaining State approval for the selected sites. The guide refers to the standards for school site selection as outlined in CEQA, the California Education Code, Title 5 of the CCR, and other State codes. The guide includes site selection

criteria based on a variety of factors such as location, size, and cost; however, it focuses on safety as the most important criteria to be considered during site selection.

According to the guide, the following safety factors shall be considered when evaluating a potential school site: 1) proximity to airports; 2) proximity to high-voltage power transmission lines; 3) presence of toxic and hazardous substances; 4) hazardous air emissions and facilities within a quarter mile; 5) other health hazards; 6) proximity to railroads; 7) proximity to high-pressure natural gas lines, gasoline lines, pressurized sewer lines, or high-pressure water pipelines; 8) proximity to propane tanks; 9) proximity to major roadways; 10) noise; 11) results of geological studies and soils analyses; 12) condition of traffic and school bus safety; 13) safe routes to school; and 14) safety issues for joint-use projects.

4.7.3.2 City of San José

2040 General Plan

The 2040 General Plan includes policies that address the provision of public services within the City. The following goals, policies, and actions relating to public services are applicable to the Project:

Policy ES-1.9 Provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.

Policy ES-1.15 Integrate school construction and/or renovation plans into the Village planning process.

Policy ES-1.16 Continue to work with public and private schools through programs such as the Street Smarts School Safety Education Program to improve pedestrian and bicycle safety and encourage walking and biking to and from school.

Policy ES-2.2 Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least .59 square feet of space per capita in library facilities.

Policy ES-2.12 Maintain City programs that encourage civic leadership in green building standards for library facilities.

Action ES-2.13 Identify preferred locations and acquire sites for library facilities in Neighborhood Business Districts, Urban Village Centers, and other commercial areas in San José.

Policy ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.

b. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.

e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

Policy ES-3.4 Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.

Policy ES-3.5 Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.

Policy ES-3.6 Work with local, State, and Federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

Policy ES-3.8 Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy ES-3.9 Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.

Policy ES-3.10 Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.11 Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Policy ES-3.13 Maintain emergency traffic preemption controls for traffic signals.

Policy ES-3.14 Encourage property maintenance and pursue appropriate code enforcement to reduce blight, crime, fire hazards or other unsafe conditions associated with under-maintained and under-utilized properties.

Policy ES-3.15 Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy ES-3.18 Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

Policy ES-3.19 Remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish from City-owned property to prevent and minimize fire risks to surrounding properties.

Policy ES-3.20 Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

Action ES-3.21 Create long-range funding and deployment strategies for expanding and maintaining police and fire facilities and operations to address service delivery demands from new population growth.

Action ES-3.22 Maintain the City's Fire Department Strategic Plan as a tool to achieve General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.

Action ES-3.23 Engage public safety personnel in the land use entitlement process for new development projects.

Action ES-3.26 Evaluate potential strategies for the use of police substation type facilities, including opportunities to locate police facilities within new mixed-use development projects, to support law enforcement activities from a distributed network of facilities located within Villages or other new Growth Areas.

Policy PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2 Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3 Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.9 As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Action PR-1.12 Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Action PR-1.13 Maintain and periodically update a strategic plan (the Greenprint) establishing criteria and standards for the provision of parks and recreation services.

Action PR-1.15 Develop community sports parks to serve existing and future residents, workers, and visitors in San José.

Policy PR-2.4 To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/ tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds. Policy PR-2.5 Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-2.6 All new residential developments over 200 units in size should be located within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in the project design.

Policy PR-8.7 Continue to actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.

Action PR-8.19 Pursue joint use projects with schools and colleges, Santa Clara Valley Water District, other public agencies, and private foundations. Whenever feasible, obtain permanent joint-use agreements when partnering with other organizations or agencies in providing parks or recreation facilities in order to ensure the amenities' availability in perpetuity.

4.7.4 Impacts and Mitigation Measures

4.7.4.1 Significance Criteria

The Project would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- Fire protection
- Police protection
- Schools
- Parks
- Other public facilities

4.7.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not result in significant and unavoidable impacts on public services.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impacts related public services that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

Would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public services:

Fire Protection

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that buildout would result in an increase in calls for fire protection services, but not to such an extent that construction of new fire stations would be required beyond those already planned.

New housing development in areas receiving development capacity from North San José and the Rincon South Urban Village would result in a higher density than what is currently planned for in those areas. To achieve this higher density, new development may be taller than four stories in height. According to current SJFD protocols, fires in structures four stories or taller in height will require responses from more than one fire station. Additional staffing and equipment may be needed to serve the future high-density development facilitated by the Project. However, the existing Growth Areas without the shift in capacity already support heights of up to 120 feet[38] and the project would not change the General Plan, Zoning, and Design Guidelines Development standards related to height. Additionally, the following 2040 General Plan policies address the increased demand in fire services associated with the higher density developments:

- Policy ES-3.6: Work with local, State, and Federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.
- Policy ES-20: Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.

Additionally, 2040 General Plan Policy ES-3.13 requires emergency traffic signal preemption controls for traffic signals to be implemented as necessary. Consistency with 2040 General Plan Policy ES-3.13 would ensure the provision of adequate response times in areas with heavy traffic.

[38] SJMC Section 20.85.020.D

The Project would not result in a net-increase in citywide development capacity; therefore, the Project would not directly or indirectly increase the service population requiring fire protection service beyond what was already planned for under the 2040 General Plan. Consistency with the 2040 General Plan Policies described above would ensure that the Project would not result in an increase in development and service population requiring fire protection service beyond what was already planned for under the 2040 General Plan. Therefore, construction of new fire stations, other than those described in Section 4.7.2.1, Fire Protection, is not anticipated to be required as a result of the Project. This impact would be less than significant and would not substantially increase the severity of an impact identified in the 2040 General Plan EIR.

Police Protection.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that while buildout would result in an increase in calls for service and may require the need for expansion of existing police facilities or construction of new facility, such construction was not anticipated to result in significant environmental impacts with adherence to the City's standard design review process.

The Project would not result in a citywide increase in development capacity and thus would not result in the need to increase overall police services in the City beyond what was already planned for in the 2040 General Plan. The redistribution of development capacity from North San José and the Rincon South Urban Village to other Growth Areas could result in the need for additional police officers and equipment in areas receiving growth capacity; however, such demand increases would have corresponding demand decreases in North San José and the Rincon South Urban Village areas. Police services would continue to be dispatched from police headquarters and no additional stand-alone police facilities are anticipated.

The Project would comply with these Policies and other applicable Policies in Section 4.7.3, Regulatory Setting, to ensure the maintenance of acceptable service ratios, response times or other performance objectives for police services, especially in the areas receiving growth capacities.

Given that the Project would not result in a net-increase in citywide demand for police service and would comply with all relevant 2040 General Plan Policies, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. Therefore, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Schools

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR determined that although buildout would require the construction of new school facilities, such construction would be fully consistent with 2040 General Plan policies and existing regulations and would therefore not result in significant physical environmental impacts.

While the Project would not result in a net-increase in citywide demand for schools, the Project would redistribute planned growth such that demand in the school districts listed in Table 4-15 would increase while demand in North San José and the Rincon South Urban Village would decrease. The 2040 General Plan includes implementation Policies that address the provision of education facilities within the City:

- **Policy ES-1.9:** Provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
- **Policy ES-1.15:** Integrate school construction and/or renovation plans into the Urban Village planning process.
- **Policy ES-1.16:** Continue to work with public and private schools through programs such as the Street Smarts School Safety Education Program to improve pedestrian and bicycle safety and encourage walking and biking to and from school.
- **Policy PR-8.7:** Continue to actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.
- **Action PR-8.19:** Pursue joint use projects with schools and colleges, Santa Clara Valley Water District, other public agencies, and private foundations. Whenever feasible, obtain permanent joint-use agreements when partnering with other organizations or agencies in providing parks or recreation facilities in order to ensure the amenities' availability in perpetuity.

Given that the Project would not result in a net-increase in demand for schools and would be consistent with all relevant 2040 General Plan Policies, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities. Additionally, State law requires all new residential development to pay the statutory school fee to affected school districts. This impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Parks

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that while buildout would require the construction and expansion of park facilities in the City, such activities would be consistent with 2040 General Plan policies and existing regulations and would therefore not result in significant physical impacts on the environment.

The Project would not result in a net-increase in citywide development capacity beyond what was analyzed in the 2040 General Plan EIR; while demand for parks would increase in some Growth Areas, demand for parks in North San José and the Rincon South Urban Village would experience a commensurate decrease. Policies and actions are identified in the 2040 General Plan to ensure park, trail, and recreation amenities are provided to meet increased demand for such facilities resulting from build out of the growth assumed in the General Plan. With adherence to these policies and compliance with the PDO/PIO, the Project would continue to ensure adequate park spaces are provided in the appropriate locations to meet development needs. However, similar to the 2040 General Plan EIR analysis the specific locations and designs of parkland and trail facilities required to serve the increased housing development in new areas are not yet known and therefore it cannot be determined conclusively at this time if the future facilities would have impacts on the environment. The actual siting and construction of new recreational facilities to serve future residents would require supplemental environmental review on a case-by-case basis. Construction and/or expansion of parks and recreational facilities that are fully consistent with proposed policies and existing regulations would reduce any physical impacts from development or expansion of these facilities to a less-than-significant level. This impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Refer to Section 4.8, Parks and Recreation, for further discussion of the Project's impact on City parks.

Other Facilities

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify any significant impacts related to the provision of other public facilities, such as libraries. The Project would not result in a net increase in citywide development capacity; therefore, the Project would not result in the need for additional facilities (i.e., libraries), community centers) beyond what was already planned for in the 2040 General Plan. Although demand would shift commensurate with the reallocation of development capacity from North San José to other Growth Areas, development and redevelopment facilitated by the Project would be served by adequate existing and planned City facilities because there would be no net increase in demand Citywide. Therefore, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

No Impact

The Project would not result in any "No Impact" determinations related to Public Services.

4.7.5 Cumulative Impacts

The geographic context for public services impacts is the jurisdictional boundaries of the City. A significant cumulative public services impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to cause a significant environmental impact due to the need to increase public services including fire protection, police protection, schools, parks, and other facilities. The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan policies, buildout of the 2040 General Plan EIR would not result in a significant citywide public services impact under CEQA. The 2016 EIR Addendum completed for the 2040 General Plan Four-Year Review confirmed that amendments to the General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not contribute to an existing cumulative public services impact and no new cumulative impact would occur.

4.8 Recreation

4.8.1 Introduction

This section evaluates the potential for the Project to result in substantial adverse effects on recreation resources within the City. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to recreation. Further below, existing plans and policies relevant to recreation associated with implementation of the Project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to public services and recreation that could result from implementation of the HEU in the context of existing conditions.

No comments relating to parks or recreation facilities were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.8.2 Existing Conditions

4.8.2.1 Parks

The City provides and maintains developed parkland and open space to serve its residents. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities.

According to the 2022 General Plan Annual Performance Review Report , the City manages 3,617 acres of parkland. Excluding golf courses (321 acres), the developed portion of these facilities covered 1,795 acres. There were an additional 1,501 acres of open space and undeveloped land. Park facilities vary in size and amenities. The city classifies parks as neighborhood-serving/community and regional. The City has 200 neighborhood and ten regional parks, as well as other facilities, such as community gardens, trails, and skate parks (City of San José, 2022e).

- Neighborhood/Community Parks may include amenities that serve the immediate or nearby neighborhood. They may include but are not limited to the following amenities: playgrounds, water features, dog parks, horseshoe pits, softball/baseball fields, soccer fields, tennis courts, basketball courts, handball courts, volleyball courts, bocce ball courts, and exercise and par courses.
- Regional Parks attract visitors from throughout the Bay Area and may include larger or unique amenities: access to a native open space, cultural heritage buildings, landscaped gardens, festival sites for large community events, and lakes.
- Open Space lands are those lands managed by the City, or another public agency, which are open to the public for recreation usages, which do not require a formalized delineated playing field or turf areas, where picnicking, fishing, non-motorized boating, bicycling, horseback riding and permitted environmental education programs or renovation projects for viewing of natural habitats-type land are allowed.

The interactive map on the City's website titled San José Parks Finder, shows the location of parks, recreational lands, and community centers in the City (City of San José, 2023).

4.8.2.2 Community Centers and Recreational Facilities

Other public services within the City that are important to the quality of life of its residents include community centers, senior centers, and youth centers. The City currently has a total of 47 community centers. The City operates 16 community centers, with three of those centers a combination of community centers and libraries. The City also manages 31 additional Neighborhood Center Partner Program sites which were operated by community partners in the role of lead operator or service provider. These sites, formerly known as reuse sites, are generally operated by nonprofits, neighborhood associations, school districts, or other government agencies or community service providers. As stated in the 2040 General Plan, the City's service level objective for Community Centers is to provide 500 square feet per 1,000 residents. According to the 2021-2022 Annual Report on City Services prepared by the City of San José, as of June 2022, the City's service level for community centers is 500.1 square feet per 1,000 residents which meets the 2040 General Plan objectives (City of San José, 2022d). The community center locations are shown in the interactive map on the City's website, San José Park Finder (City of San José, 2023).

The City also has seven public skate parks, including California's largest skate park at Lake Cunningham Regional Skate Park.

All of the City-owned, developed and managed park and recreational facilities are within the City limits, except for the San José Family Camp, which is located in the Stanislaus National Forest near Yosemite National Park. These parks and facilities are also within the Urban Service and Urban Growth Boundary with the exception of Alum Rock Park and San José Family Camp.

4.8.2.3 Trail Network

The City Trail Network is composed of 40 unique trail systems that will be interconnected as further development occurs. The network includes over 62 miles of trails that are open to the public (85 percent paved). As of 2019, an additional 81 miles have been identified or are being studied for further development, or are in the planning or construction phases of development. A map of the Trail Network is provided in the City's interactive map which is titled San José Park Finder (City of San José, 2023). The trail systems are accessible to pedestrians, bicyclists, and/or equestrians. The Core Trail Systems carry higher volumes of traffic due to adjacency or access to high density development and extend significant distances or link to regional systems outside the City's boundaries. They typically link housing to employment and therefore support commuting:

- Coyote Creek
- Guadalupe River
- Los Alamitos Creek
- Los Gatos Creek
- Highway 87 Bikeway
- Highway 237 Bikeway

Edge Trail Systems often link to the core systems, but function as neighborhood collectors or offer a more recreational function.

The combined Core and Edge systems form the City's overall Trail Network. This network is accessed from on-street bikeways. The City's 2020 Bike Plan defines a 400-mile system of bikeways. The combined Trail Network and Bikeways form the City's 500-mile "BikeWeb".

4.8.3 Regulatory Setting

4.8.3.1 State of California

Quimby Act - Government Code Sections 66475-66478 (Parks)

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. This legislation was in response to California's increased rate of urbanization and the need to preserve open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two.

The Quimby Act provides two standards for the dedication of parks. If the existing park acreage in a community is greater than three (3) acres per 1,000 persons, then the community may require dedication based on a standard of up to five (5) acres per 1,000 persons within a subdivision. If the existing park acreage in a community is less than 3 acres per 1,000 persons, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision. Section 66475.1 of the Government Code also states that a new subdivision may be required to dedicate land for bicycle paths if they are dedicating roadways to the public.

As described below in Section 4.8.3.3, the City has adopted a Parkland Dedication Ordinance (PDO) and a Park Impact Ordinance (PIO), consistent with the Quimby Act.

4.8.3.2 Regional

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update (1995) was approved by the Santa Clara County Board of Supervisors in 1995. The goal of the plan is to direct the County's trail implementation efforts well into the 21st century with a balanced regard for the public good and individual desires for privacy. The plan implements the vision to provide a contiguous trail network that connects cities to one another, connects cities to the County's regional open space resources, connects County parks to other County parks, and connects the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails. The Countywide Trails Master Plan Update identified the following countywide trails within the City:

- R1-A: Juan Bautista de Anza National Historic Trail
- R1-B: Juan Bautista de Anza National Historic Trail
- R5-C: Bay Area Ridge Trail (El Sombrosol Penitencia)
- S5: Coyote Creek Trail Llagas Sub-regional Trail
- S6: West Valley Sub-regional Trail
- C17: Almaden-Hicks Road Connector Loop
- C18: Guadalupe Reservoir/Calero Trail
- S3: Guadalupe River Sub-regional Trail

- C20: Bailey Avenue Connector Trail
- C3: Calabazas Creek Connector Trail
- C7: Calaveras Connector Trail
- C4: Hetch Hetchy Connector Trail
- S4: Los Gatos Creek Sub-regional Trail
- C5: San Tomas Aquino Creek Connector Trail
- C22: Silver Creek Connecting Loop Trail
- C9: Southern Pacific Rim Trail

The major regional trail routes identified in the County's Trail Master Plan that are within the City include the Coyote Creek Trail and the Guadalupe River Trail. Both of these trails are identified in the City's trail network and are an important part of the City's bicycle and pedestrian network. As discussed in Section 4.8.3.3, the City has 2040 General Plan Policies that encourage the development of bicycle and pedestrian facility connections to these trails.

4.8.3.3 City of San José

Activate SJ Strategic Plan

The Activate SJ Strategic Plan (Strategic Plan), approved in 2020, is the City's Department of Parks, Recreation and Neighborhood Services' (PRNS) plan to maintain, improve and expand City recreational facilities, programs and services (City of San José, 2020a). The Strategic Plan guides the City to develop diverse park systems and an abundance of recreation programs and services for the City. The Strategic Plan includes the following guiding principles:

- Stewardship: We Take Care of What We Have and Invest for the Future
- Nature: We Protect, Preserve and Promote Natural Areas for All People
- Equity and Access: We Embrace People of All Ages, Cultures and Abilities
- Identity: We Aim to be a Premier Parks, Recreation and Neighborhood Services System
- Public Life: We Promote Community Spaces for a Safe, Fun and Healthy San José

The Strategic Plan also includes the following goals related to recreation:

Goal S1 Improve the condition of parks and trails

Goal S2 Maximize the lifespan of all parks and buildings

Goal S3 Focus on safety of parks and facilities

Goal S4 Develop and effectively manage a 100-mile paved off street trail network

Goal EA1 Promote parks and recreational experiences for marginalized groups to increase healthy behaviors

Goal EA4 Achieve a 10-minute walk to a quality park

2040 General Plan

Existing 2040 General Plan Policies and Goals have been adopted for the purpose of avoiding or mitigating environmental effects on parks and recreation facilities resulting from planned development

within the City. Relevant General Plan Policies and goals that directly address reducing and avoiding public service impacts include the following:

Goal PR-1 High Quality Facilities and Programs: Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Policy PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2 Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3 Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.4 Provide access to high-quality recreation programs/services through a three- tiered multi-service hub, satellite, and neighborhood community center concept.

Policy PR-1.5 Use San José's recreation capital investment to implement the Greenprint, the Community Sports Field Study, Climate Smart San José, the Aquatics Master Plan, the Community Center Reuse Strategy, the Urban Environmental Accords, and other adopted City Council policies.

Policy PR-1.6 Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.

Policy PR-1.7 Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

Policy PR-1.8 Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

Policy PR-1.9 As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.10 Given the limited land resources available in San José, focus on land banking for future park development and only build new parks when development and maintenance funding is identified. In the interim between acquisition and improvement, utilize and maintain lands for public open space as appropriate.

Policy PR-1.11 Develop an integrated parks system that connects new and existing large parks together through a network of interconnected trails and/or bike lanes/routes.

Policy PR-2.4 To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-6.2 Continue to develop trails, parks and recreation facilities in an environmentally sensitive and sustainable manner.

Policy PR-6.5 Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought resistant vegetation and ground cover where appropriate.

Policy PR-7.2 Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure

Policy PR-8.5 Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.

Policy PR-8.7 Continue to actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.

Policy VN-1.1 Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.

Policy VN-1.2 Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors, (i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces).

Parkland Dedication Ordinance and the Park Impact Ordinance

The City adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) in 1988, and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) in 1992 requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. These ordinances are intended to reduce the extent to which new development would exacerbate the existing shortfall of park and recreational facilities. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's option whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication.. The

acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO/PIO.[39]

4.8.4 Impacts and Mitigation Measures

4.8.4.1 Significance Criteria

The Project would have a significant impact if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.8.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not result in any significant and unavoidable impacts on parks and recreation because new individual development projects will comply with the PDO/PIO.

Less Than Significant with Mitigation Impacts

The Project would not result in any significant impacts related to recreation that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to the provision of parks and recreational facilities. The Project would not result in a net-increase in development capacity beyond what was planned for in the 2040 General Plan and analyzed under the 2040 General Plan EIR. The Project could result in the increased use of existing neighborhood and regional parks or other recreational facilities in Growth Areas receiving a transfer of additional development capacity; however, such increases would be accompanied by corresponding demand decreases in North San José and the Rincon South Urban Village. Individual development projects are required to comply with the Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) that require the provision of additional parkland for new residential development or payment of park impact in-lieu fees to offset the need for new park facilities. Consistency with these requirements would ensure the impact of residential development on parkland would be less than significant because the fees will be paid by development in the areas where there is need for parks.

With compliance with existing Policies and regulations, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical

[39] Municipal Code Section 19.38.310: Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).

deterioration of the facility would occur or be accelerated. The impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to the provision of parks and recreational facilities. The Project would not result in a net increase in development capacity beyond what was assumed and planned for in the 2040 General Plan. The shift in development from North San José and Rincon South Urban Village to other growth areas as described in Section 3.5.2, 2040 General Plan Amendments, Text Amendments and Zoning Code Amendments, could result in an increase in demand for park and recreational facilities in some areas, but would result in a corresponding decreased demand in North San José and the Rincon South Urban Village areas. Therefore, no net-increase in the amount of new parks and recreation facilities assumed in the 2040 General Plan is anticipated. Furthermore, PIO fees would be required to be spent on parks in the vicinity of future residential developments and PDO dedications would be required to be on the future residential development project sites. Therefore, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

No Impact

The Project would not result in any "no impact" determinations related to parks and recreation.

4.8.5 Cumulative Impacts

The geographic context for cumulative recreation impacts is the City. A significant cumulative recreation impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to either increase the use of existing recreation resources such that deterioration of the resources occur or cause a significant environmental impact due to the need to construct or expand recreation facilities. The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan Policies, buildout of the 2040 General Plan EIR would not result in a significant citywide land use or planning impact under CEQA. The 2016 EIR Addendum completed for the 2040 General Plan Four-Year Review confirmed that amendments to the General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not contribute to an existing cumulative recreation impact and no new cumulative impact would occur.

4.9 Transportation

4.9.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts to the City's transportation network and facilities. The analysis is based on the 2040 General Plan EIR transportation analysis. Supplemental analysis of Project-specific transportation issues is included in the Transportation Analysis prepared in February 2023 by Hexagon Transportation Consultants in conformance with the requirements of the City's Transportation Analysis Policy (Council Policy 5-1), which can be found in the *City's Transportation Analysis Handbook 2020*, and the requirements of CEQA. The Transportation Analysis is included as Appendix E hereto.

One comment relating to transportation was received during the NOP comment period. The comment expressed concern regarding congestion during construction of individual development projects under the HEU project and the lack of public transportation options in some Growth Areas. While congestion and Level of Service (LOS) impacts are no longer used in CEQA analyses, this analysis considers the ways in which the project would affect VMT as required by State law and considers the impacts of placing housing development capacity in Growth Areas with varying levels of access to public transit.

4.9.2 Existing Conditions

4.9.2.1 Existing Roadway Network

The City is traversed by a number of key regional and local transportation facilities. This extensive transportation network provides circulation and mobility that allow for local and regional connectivity. Streets with the highest average daily traffic (ADT) volumes are those that provide north/south and east/west connections across the freeways and railroads or serve as parallel routes to the freeways.

Local streets are designed for high accessibility (access to adjacent properties) and low mobility (throughput of traffic movement). Conversely, freeways are designed for low accessibility, with limited connections to other facilities usually provided by grade-separated interchanges, and high mobility.

The City has approximately 2,400 miles of streets within its jurisdiction, of which approximately 500 miles are designated as General Plan streets in the current Focus on the Future San José 2040 General Plan. General Plan streets are designated as Arterials and Major Collectors that collectively serve as the city's primary circulation network for community mobility. The 2040 General Plan specifies the intended right-of-way width that can be associated with traffic capacity of the streets as two lanes, four lanes, or six lanes.

The City's complete thoroughfare network comprises freeways, expressways, minor and major arterial streets, major collectors, local streets, transit malls, pedestrian malls, interchanges, separations, and freeway connectors. Multiple designations may sometimes apply to the same facility, such as state and local designations. The City's main vehicular roadway types are described below. Many of the freeways and expressways include high occupancy vehicle (HOV) lanes during peak periods as well as mixed flow lanes that carry all traffic. HOV lanes, also known as diamond or carpool lanes currently restrict use to vehicles with two or more persons (carpools, vanpools, and buses) or motorcycles during the peak morning (5:00 am to 9:00 am) and evening (3:00 pm to 7:00 pm) commute periods.

Freeways

US 101 is a north-south freeway in the City. This route is entirely a freeway through Santa Clara County. The freeway includes four travel lanes per direction including HOV lanes. Through the City, northbound US 101 is generally the peak morning commute direction on US 101, and southbound is the peak evening commute direction. US 101 extends through San José from the southern City limits near Morgan Hill to the City's boundary with Santa Clara, north of Trimble Road.

Interstate 280 (I-280) is designated as a "north-south freeway", although it runs primarily east-west within the City. It starts from its interchange with US 101 in and runs first west, then north to San Francisco. East of the US 101 interchange, I-280 is designated as I-680. The freeway includes four to five travel lanes per direction including HOV lanes east and north of the I-280/I-880/SR 17 interchange. The peak commute directions on I-280 are north/west during the morning and south/east during the evening. I-280 extends between Stevens Creek Boulevard and US 101 in the City.

Interstate 680 (I-680) is a north-south freeway extending first east from the I-280/I-680/US 101 interchange in the City, then north to Solano County. The freeway includes five total mixed-flow lanes, including an express lane, per direction. Peak commute directions on I-680 are southbound during the morning and northbound during the evening. From the north, I-680 enters the City at Montague Expressway.

Interstate 880 (I-880) is a north-south freeway extending from the City at the I-280/I-880/SR 17 interchange to the City of Oakland. This facility includes three to four mixed-flow lanes per direction. HOV lanes in both directions between SR 237 and US 101 are scheduled to begin construction in 2011. Southbound I-880 is the peak commute direction during morning and northbound I-880 is the peak commute direction during the evening. From the north, I-880 enters the City at Montague Expressway.

State Route 17 (SR 17) is a north-south freeway extending from the I-280/I-880/SR 17 interchange in the City to the City of Santa Cruz. The facility includes two to three mixed-flow lanes per direction. Northbound is the peak direction during the morning and southbound is the peak direction during the evening. From the north, SR 17 exits the City at Hamilton Avenue.

State Route 85 (SR 85) is also considered a "north-south" freeway that extends in a west to east direction through the City from the SR 85/US 101 interchange in the City of San José to the SR 85/US 101 interchange in south San José. This facility includes three travel lanes per direction including HOV lanes during peak periods. Northwest bound SR 85 is the commute direction during the morning, and southeast bound SR 85 is the commute direction during the evening. From the north, SR 85 enters the city north of De Anza Boulevard, exits the city at Prospect Road, and re-enters at Bascom Avenue.

State Route 87 (SR 87) is a north-south freeway extending from the US 101/SR 87 interchange to the SR 85/SR 87 interchange. This facility includes three travel lanes per direction including HOV lanes during peak periods. Northbound SR 87 is the commute direction during the morning, and southbound SR 87 is the commute direction during the evening. SR 87 is located entirely within the City.

State Route 237 (SR 237) is an east-west freeway extending between the City of Milpitas through the City of San José to the City of Mountain View. This freeway includes three travel lanes per direction including HOV lanes during peak periods. Traffic is evenly split between the eastbound and westbound

commute directions during both the morning and evening. From the west, the freeway enters the City east of Great America Parkway and exits at the Coyote Creek Bridge.

Expressways

County expressways are facilities designed primarily for traffic movement and provide limited access to abutting properties. These facilities generally include median areas dividing traffic directions, some intersecting streets allowing only right turn access, some grade-separated interchanges, and some signalized intersections allowing full access. Most County expressways are maintained and operated by the Santa Clara County Roads and Airports Department. While the City coordinates with the County regarding expressway operations and improvements, the County controls access to and operation of traffic signals on each of these facilities. Each expressway in the City is briefly described below.

Almaden Expressway is a north-south, four- to eight-lane divided roadway extending from SR 87 south to Harry Road in Almaden Valley. Almaden Expressway connects with SR 87 and SR 85. Almaden Expressway is located entirely within the City, reaching from Almaden Valley to a point just south of Tamien Station.

Capitol Expressway is primarily a north-south, four- to eight-lane divided roadway extending from I-680 south and then west to Almaden Expressway. From SR 85 to Almaden Expressway, Capitol Expressway is known as “Capitol Expressway Auto Mall” and is within the City of San José’s jurisdiction. Existing HOV lanes are scheduled to be removed when the VTA’s Light Rail Transit (LRT) is extended in the median from I-680 to Nieman Boulevard. Capitol Expressway connects with I-680, US 101, and SR 87. Capitol Expressway is located entirely within the City, connecting the Edenvale, Evergreen, and Alum Rock areas.

Lawrence Expressway is a north-south, six-lane divided roadway extending from SR 237 south to Saratoga Avenue. Lawrence Expressway includes HOV lanes during peak periods. Lawrence Expressway connects with I-280 and Stevens Creek Boulevard. Within the City, Lawrence Expressway extends from Stevens Creek Boulevard at the Santa Clara city limit to Saratoga Avenue at the border with the City of Saratoga.

Montague Expressway is an east-west, six- to eight-lane divided roadway extending from US 101 east to I-680. This facility is designated San Tomas Expressway south of US 101 and becomes Landess Avenue east of I-680. Montague Expressway includes directional HOV lanes during peak periods (westbound during the morning and eastbound during the afternoon commute hours). Montague Expressway connects with I-880. Within the City, the expressway extends between the Guadalupe River at the border with the City of Santa Clara, and Trade Zone Boulevard at the Milpitas city limit.

San Tomas Expressway is a north-south, six-lane divided roadway extending from US 101 south to SR 17. This facility is designated Montague Expressway north of US 101. San Tomas Expressway includes HOV lanes during peak periods. Within the City, San Tomas Expressway extends between Stevens Creek Boulevard at the Santa Clara city limit and the Campbell city limit north of Hamilton Avenue.

Arterial Streets

Arterial streets are designed mainly for the movement of through traffic; the provision of access to abutting properties is a secondary function. Although abutting properties have access to the facilities,

on-street parking and loading may be restricted or prohibited to improve the roadway's capacity for moving traffic.

The 2040 General Plan designates two types of arterials: major arterial streets and minor arterial streets. Arterial streets are distinguished by width. Minor arterials typically have an 80- to 106-foot right-of-way and major arterials have a right-of-way width between 115 and 130 feet. The number of lanes on this type of facility depends on its function, its location, and the volume of traffic it is expected to handle; however, arterials are generally planned to have four or more travel lanes. As stated in the 2040 General Plan in Section 6, Utilities and Transportation, some arterials by City policy remain two-lane roadways. Selected roadways designated as Major Arterials in the City's 2040 General Plan are described below.

First Street is a major north-south arterial. It begins at Alma Avenue where it ceases to be called Monterey Road or Monterey Highway, south of Downtown. It is a four-lane undivided roadway until it enters Downtown, where it is the northbound half of a one-way loop with Second Street. First Street is part of the Downtown Transit Mall and becomes a four-lane divided roadway with the LRT tracks in the median at Bassett Street. North First Street reaches to the Alviso Planning Area north of SR 237, ceases to be a major arterial and is named Taylor Street after it crosses Gold Street.

Blossom Hill Road is a major east-west arterial. It begins near US 101 as a six-lane divided roadway, becomes a four-lane undivided roadway at Kooser Road, becomes a two-lane undivided roadway near Union Avenue. The two-lane portion is the segment of Blossom Hill Road where the road serves as the City's boundary with the town of Los Gatos. East of Kooser Road, Blossom Hill Road is designated as a major arterial, while west of Kooser Road it is designated as a minor arterial.

Hedding Street/Berryessa Road is a major east-west arterial. It begins at Bascom Avenue as a four-lane undivided roadway, becomes a four-lane divided roadway at US 101, and ends at Piedmont Road.

Monterey Road (SR 82) is a major north-south arterial designated as a state transportation corridor. It begins at Alma Street as a six-lane divided highway, becomes a four-lane divided highway near Blossom Hill Road, and exits the City as a four-lane divided roadway in the Coyote Valley approximately three miles south of Bernal Road.

Santa Teresa Boulevard is a major north-south six-lane divided arterial. It begins at the SR 85/SR 87 interchange and exits the City in the Coyote Valley approximately 2.5 miles south of Bernal Road. It narrows to two lanes south of Bayliss Drive.

Southwest Expressway is a north-south two- to four-lane divided arterial extending from I-280 southwest to Bascom Avenue.

Stevens Creek Boulevard is a major east-west arterial. It begins at its intersection with Bascom Avenue in west San José as a four-lane divided roadway, becomes a six-lane undivided roadway at I-880, and exits the City at I-280. East of Bascom Avenue, Stevens Creek Boulevard continues as San Carlos Street, which is a minor arterial.

Zanker Road is a major north-south arterial. It begins at the terminus of Old Bayshore Highway, north of US 101. It is a four- to six-lane undivided roadway that passes through North San José to Alviso, and then turns sharply west, where it becomes Los Esteros Road.

Minor Arterial Streets

Minor Arterials form a grid-like core street network of large north-south and east-west roadways and transport a large amount of traffic within the city. These facilities usually include 80- to 106-foot rights-of-way and typically have 4 travel lanes. Examples include Meridian Avenue, McLaughlin Avenue, and Hostetter Road east of North Capitol Avenue and west of Piedmont Road.

Major Collector Streets

Major collector streets serve internal traffic movements within a specific area or neighborhood and provide connections to the arterial street system. Major Collectors typically do not serve through trips but can provide access to abutting properties. Traffic control devices may be installed to protect or facilitate traffic on a collector street. Some examples of major collectors include: Foxworthy Avenue, Johnson Avenue, Park Avenue, Redmond Avenue, Ruby Avenue, Sierra Road, and Willow Street.

Local Streets

Local streets are roadways whose primary function is to provide access to immediately adjacent properties. These low-speed streets may be subdivided into classes according to the type of land uses served, such as residential or industrial, and the design of the streets can vary depending on the primary land use served. The vast majority of streets in the City are local streets.

Transit Mall

A street or series of streets, parts or all of which are improved for pedestrian use near key transit stops, is typically described as a transit mall. Part of the rights-of-way of First and Second Streets form a transit mall in Downtown San José.

Pedestrian Mall

A pedestrian mall is right-of-way primarily used by pedestrians which is designed to provide safe, attractive and convenient access, primarily within Downtown (especially areas around rail stations), where significant pedestrian traffic exists or where pedestrian traffic is encouraged. Paseo San Antonio between Cesar Chavez Plaza and San José State University is a pedestrian mall. Vehicles (automobiles, LRT, bicycles) may also use the same right-of-way, but they are managed carefully and treated as intruders in a primarily pedestrian environment.

State Transportation Corridors

In addition to freeways, there are two historic routes in the City that are owned, operated, and maintained by the State of California. SR 82 (The Alameda/Autumn-Montgomery Streets/San Carlos Street/Market Street/Monterey Highway) and SR 130 (Alum Rock Avenue/Mount Hamilton Road) are the two designated state transportation corridors in the City. These well-established travel corridors carry substantial quantities of vehicular traffic and also function as neighborhood streets, including numerous access points for various travel modes (e.g., driveways) and with many street-fronting buildings. The State has begun the process to relinquish the right-of-way to the City's control for all of these state designated routes that are within the City's boundaries.

4.9.3 Regulatory Setting

4.9.3.1 Federal

Federal Highway Administration

The Federal Highway Administration (FHWA) is a major agency of the United States Department of Transportation. In partnership with State and local agencies, the FHWA carries out Federal highway programs to meet the Nation's transportation needs. The FHWA administers and oversees Federal highway programs to ensure that Federal funds are used efficiently.

4.9.3.2 State

Regional Transportation Plan

The California MTC (California Government Code § 66500 et seq.) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 (2013, PRC section 21099). The law establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Projects located within 0.50 mile of transit are generally be considered to have a less than significant transportation impact based on OPR guidance.

4.9.3.3 Regional and Local

Final Plan Bay Area 2040

The MTC and ABAG adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range RTP and SCS for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008, California SB 375 (California Public Resources Code Section 21155.2(b)), which requires each of the State's 18 metropolitan areas – including the Bay Area – to reduce GHG emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

In accordance with California law (Government Code Section 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. The VTA serves as the Congestion Management Agency for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

As described in the *City's Transportation Analysis Handbook 2020*, in June 1994, the City developed the Interim Guidelines for Traffic Impact Analysis of Land Development. The document was a guide that provided a basis for determining the need for a transportation impact analysis, the scope, and necessary steps to conduct the analysis based on the City Transportation Level of Service Policy (Council Policy 5-3). The guidelines were updated and renamed in 2009 (Traffic Impact Analysis Handbook Volume I Methodologies & Requirements) and 2011 (Volume II Policies & Guidelines) to align with adopted transportation policies related to development projects (City of San José, 2020).

In alignment with SB 743 and the City's goals in the 2040 General Plan, The City Council adopted City Council Policy 5-1 (Resolution No. 78520, adopted February 27, 2018), entitled "Transportation Analysis Policy" to replace the former Transportation Level of Service Policy (Council Policy 5-3). This new Policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS. VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses. According to the Policy, an employment facility (e.g., office, research and development) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

This Policy also requires preparation of a local transportation analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Council Policy 5-1, the screening criteria are as follows:

- Small Infill Projects
- Local-Serving Retail
- Local-Serving Public Facilities
- Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit
- Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit
- Transportation Projects that reduce or do not increase VMT

Council Policy 5-1 does not negate Area Development Policies and Transportation Development Policies approved prior to adoption of Council Policy 5-1. Council Policy 5-1 does, however, negate the City's Protected Intersection Policy, as defined in Council Policy 5-3.

2040 General Plan EIR

The 2040 General Plan includes Policies that address the provision of transportation within the City. The following goals, policies, and actions relating to public services are applicable to the Project:

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 VMT.

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

Development proposals shall be reviewed for their impacts on all transportation modes through the study of VMT, 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its LTA. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.

The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less-than-significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with PRC Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100 percent deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.

Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

Policy TR-1.5 Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-1.7 Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.8 Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

Policy TR-1.9 Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.

Policy TR-2.1 Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings (including proposed grade separated crossings of freeways and other high vehicle volume roadways) and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).

Policy TR-2.2 Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.

Policy TR-2.3 Construct crosswalks and sidewalks that are universally accessible and designed for use by people of all abilities.

Policy TR-2.4 Encourage walking and bicycling and increase pedestrian and bicycle safety through education programs.

Policy TR-2.5 Integrate the financing, design and construction of pedestrian and bicycle facilities with street projects. Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.

Policy TR-2.6 Require that all new traffic signal installations, existing traffic signal modifications, and projects included in San José's Capital Improvement Plan include installation of bicycle detection devices where appropriate and feasible.

Policy TR-2.7 Give priority to pedestrian improvement projects that: improve pedestrian safety; improve pedestrian access to and within the Urban Villages and other growth areas; and that improve access to parks, schools, and transit facilities.

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-2.9 Coordinate and collaborate with the Santa Clara Valley Transportation Authority, Peninsula Corridor Joint Powers Board, Amtrak, ACE, and local shuttle operators to permit bicyclists to transport bicycles and provide appropriate amenities on-board all commuter trains, buses, and shuttles. Coordinate with local transit operators to provide secure bicycle parking facilities at all park-and- ride lots, train stations, and major bus stops.

Policy TR-2.10 Coordinate and collaborate with local School Districts to provide enhanced, safer bicycle and pedestrian connections to school facilities throughout San José.

Policy TR-2.11 Prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities that do not provide through and publicly accessible bicycle and pedestrian connections. Pursue the development of new through bicycle and pedestrian connections in existing cul-de-sac areas where feasible.

Policy TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3 Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.

Policy TR-7.1 Require large developments and employers to develop and maintain TDM programs with TDM services provided for their residents, full-time and subcontracted workers, and visitors to promote use of non-automobile modes and reduce the vehicle trips.

Policy TR-8.4 Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-8.8 Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-9.1 Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-3.3 Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy TN-1.1 Support use of innovative design practices, materials, and construction techniques to improve the development, operation, and safety of trails.

Policy TN-1.2 Minimize environmental disturbance in the design, construction and management of trails.

Policy TN-1.3 Design trail system alignments to minimize impacts and enhance the environment within sensitive riparian and other natural areas. Follow Riparian Corridor Goals, Policies, and Actions regarding trail design and development in proximity to riparian areas.

Policy TN-1.4 Provide gateway elements, interpretive signage, public art, and other amenities along trails to promote use and enhance the user experience.

Policy TN-1.5 Provide services and information that expand knowledge about, encourage use of, and promote the Trail Network as a transportation and recreation facility for all segments of San José's diverse community and its visitors.

Policy TN-2.1 Support off-street travel by interconnecting individual trail systems to each other and to regional trail systems.

Policy TN-2.2 Provide direct, safe and convenient bicycle and pedestrian connections between the trail system and adjacent neighborhoods, schools, employment areas and shopping areas.

Policy TN-2.3 Add and maintain necessary infrastructure to facilitate the use of trails as transportation.

Policy TN-2.4 Acquire and develop facilities in a prioritized manner, as indicated by the City's adopted bicycle and trail plans and policies.

Policy TN-2.5 Maximize hours that trails are open for public use, consistent with safety and other goals. Manage trail closures and special events to minimize limitations to trail accessibility.

Policy TN-2.6 Integrate and connect trail and pathway networks with a larger network of countywide and regional trails such as the Bay Area Ridge, San Francisco Bay, and Juan Bautista De Anza Trails to allow for a broad base of opportunities and linkage with the greater Bay Area.

Policy TN-2.7 Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location, in accordance with Policy PR-8.5.

Policy TN-3.1 Design new and retrofit existing trails to provide a variety of trails that meet the needs of users of different abilities, such as commuters, families with children, or persons with disabilities.

Policy TN-3.2 Design trails to comply with applicable local, State, and Federal master plans, design guidelines, environmental mitigation, laws, permits, or accepted standards, including Community Policing Through Environmental Design (CPTED) principals, that promote accessibility, functionality, safety, and enjoyment of trails.

Policy TN-3.3 Design bridges, under-crossings, and other public improvements within the designated Trail Network, including grade separation of roadways and trails whenever feasible, to provide safe and secure routes for trails and to minimize.

Policy TN-3.4 Design new and retrofit existing public and private developments to provide significant visibility of and access to existing and planned trails to promote safety and trail use.

Policy TN-3.5 Recognize that increased use of trails promotes increased safety and security for trail users.

Policy TN-3.6 Pursue the development of bike rental kiosks by private sector businesses to support and promote bicycle use on trails.

4.9.4 Methodology

The following methodologies were used to evaluate transportation impacts of the Project. For a full discussion of the Traffic Analysis methodology, refer to Appendix E.

4.9.4.1 Travel Demand Forecasting Model

The citywide travel demand forecasting (TDF) model was prepared as part of the 2040 General Plan and is included with the 2040 General Plan EIR as Appendix B. The TDF model included a computer-readable representation of the City's roadway system (highway network). Transportation analysis zones (TAZs), also represented in the TDF model, were used to quantify the planned land use activity throughout the City's planning area. The TDF model was developed to provide improved citywide travel demand forecasting as part of continued planning efforts to address transportation infrastructure needs and to assist in the update of the 2040 General Plan. The TDF model was used to conduct a General Plan Amendment traffic analysis, HEU land use analysis, and VMT impacts assessment, each of which are discussed below.

General Plan Amendment Traffic Analysis

Although the total number of jobs and households citywide would not change as a result of the Project, the reallocation of housing development capacity from North San José and the Rincon South Urban

Village to other Growth Areas would result in changes to the number of households within identified growth areas when compared to the 2040 General Plan. A Long-Range Traffic analysis (GPA analysis) was conducted to evaluate the potential for the proposed HEU land use amendments to result in increased VMT, and impacts to pedestrian, bicycle, and transit facilities. Land use data for each of the effected growth areas as reflected in the 2040 General Plan and the proposed housing unit shifts was prepared by the City and applied the GPA analysis. For a detailed discussion of the GPA analysis, please refer to Appendix E, Transportation Analysis Report.

The GPA analysis addresses the long-range impacts of the proposed 2040 General Plan land use adjustments on the citywide transportation system by applying measures of effectiveness (MOEs) developed for the 2040 General Plan. The results of the GPA analysis for the proposed land use adjustments are compared to the projected conditions under the 2040 General Plan to determine if the proposed 2023-2031 HEU amendments would result in any new or substantially more severe transportation impacts than those impacts that were already analyzed for the adopted 2040 General Plan EIR. The long-range analysis includes analysis of the following MOEs:

- **VMT per Service Population.** VMT per service population is a measure of the daily VMT divided by the number of residents and employees within the City. This approach focuses on the VMT generated by the new population and employment growth. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle in miles.
- **Journey-to-Work Mode Share (Drive-Alone Percentage).** Mode share is the distribution of all daily work trips by travel mode, including the following categories: drive-alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.
- **Average Travel Speeds within the City's Transit Priority Corridors.** A transit corridor is a segment of roadway identified as a Grand Boulevard in the 2040 General Plan. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for LRT, bus rapid transit (BRT), local buses, and other public transit vehicles. Average travel speed for all vehicles (transit and non-transit vehicles) in the City's 14 transit corridors is calculated for the AM peak hour based on the segment distance dividing the vehicle travel time.

Results of the GPA analysis are discussed in Section **4.9.6**, Cumulative Impacts.

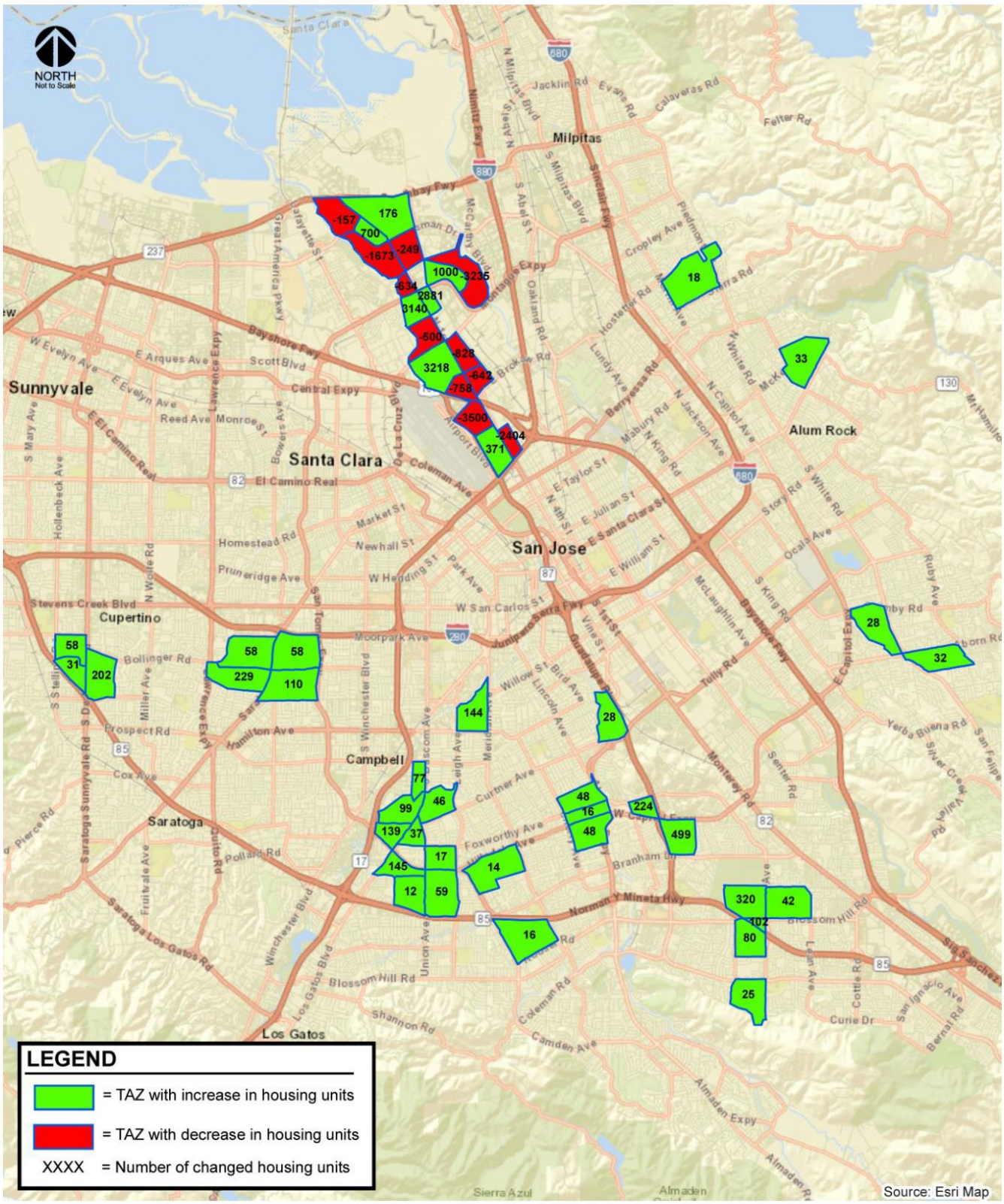
4.9.4.2 2040 General Plan Land Use

The land use data and roadway network used for the 2040 General Plan base year reflect land use development and roadway projects completed as of approximately mid-2015. For the purposes of the traffic impact analysis, the citywide travel demand forecasting (TDF) model that was prepared as part of the 2040 General Plan is used to evaluate the effects of the proposed HEU housing shifts. The TDF model relies on the adopted 2040 General Plan land uses and transportation network that were approved in the 2040 General Plan EIR. As part of major reviews of the original General Plan, several adjustments have been made to the land use data utilized in the TDF model. The adjustments included the projection of regional growth to the Year 2040 rather than the Year 2035 used in the2040 General Plan EIR. However, the projection to Year 2040 do not include any change to the land uses within the City as adopted in the 2040 General Plan. In addition, for the purpose of establishing baseline (Year 2015) land use conditions, development that had been completed since 2008, which was used as the Base Year in the 2040 General Plan EIR, was added to the original 2008 Base Year land use. The adjustments

constitute the updated land use for use in the TDF model and evaluation of the proposed HEU housing shifts.

4.9.4.3 HEU Land Use Analysis

Land use data for each of the affected growth areas as reflected in the 2040 General Plan and the proposed housing unit shifts were prepared by the City for use in the completion of all model traffic forecasts for this analysis. The HEU housing shifts were aggregated to the TAZ to represent the projected increases/decreases in housing units for each of the effected growth areas. The location of the proposed housing shifts is shown on Figure 4-5. The City's Traffic Model was used to rebalance the number of households and jobs citywide to maintain the 2040 General Plan Goal of 429,350 households and 751,650 jobs.



Proposed Housing Element Update Housing Shifts Figure 9

Source: Hexagon, 2023

4.9.4.4 CEQA VMT Evaluation

Per Council Policy 5-1, the effects of the proposed HEU on VMT for the TAZs was evaluated using the methodology outlined in the City's Transportation Analysis Handbook. The City defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day.

In accordance with CEQA (SB 743), all proposed projects are required to analyze transportation as a component of environmental review using average trip length per resident and/or per employee as metrics. The average trips length is calculated by multiplying the number of vehicle trips by the travel distance divided by the number of residents or employees. VMT per resident and VMT per employee are calculated regardless of the origin or destination of the trip. In addition, the VMT per resident assumes only trips that start or end at the home of the resident and, for example, a trip made from the gas station to the workplace is not included in this calculation. VMT per employee is calculated from trips made by residents driving to and from work. VMT per capita and VMT per employee were evaluated and derived as follows:

- **VMT / Capita** = VMT's associated with "home-based only" daily vehicle trips generated by residents
- **VMT / Employee** = VMT's associated with "home-based-work only" daily vehicle trips generated by employees

VMT Baseline

As described in the City's *2020 Transportation Analysis Handbook*, Council Policy 5-1 (Resolution No. 78520, adopted February 27, 2018) has established an impact threshold of 15 percent below the Citywide Average per-capita VMT of 11.91 and Regional Average per-employee VMT of 14.37. Thus, the impacts of proposed development growth would be considered significant if it results in VMT that exceeds VMT per capita of 10.12 and VMT per employee of 12.21(City of San José, 2020).

4.9.5 Impacts and Mitigation Measures

4.9.5.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. The Project would have a significant impact if it would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be consistent with CEQA Guidelines section 15064.3, subdivision (b).
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

4.9.5.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would contribute to an existing significant unavoidable impact when considering the following threshold.

Conflict or be consistent with CEQA Guidelines section 15064.3, subdivision (b).

Significant Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that build out would result in a significant unavoidable impact from increased per capita VMT.

Under CEQA Guidelines section 15064.3, subdivision (b), all proposed projects are required to analyze transportation as a component of environmental review using average trip length per resident and/or per employee as metrics. The City's Transportation Analysis Policy (Council Policy 5-1) has established an impact threshold of 15 percent below the Citywide Average per-capita VMT of 11.91 and Regional Average per-employee VMT of 14.37. Thus, the impacts of proposed development growth would be considered significant if it results in VMT that exceeds VMT per capita of 10.12 and VMT per employee of 12.21.

The HEU-specific changes in VMT per capita and VMT per employee for the Growth Areas that would either lose or gain housing development capacity are shown in Table 4-16. Under Year 2031 conditions, the Project is projected to generate VMT per capita of 10.73 and VMT per employee of 15.21 in these Growth Areas, which exceeds the established VMT thresholds. However, when compared to the existing VMT for the same Growth Areas, the Project would result in a reduction of VMT per capita and VMT per employee under Year 2031 conditions.

Under Year 2040 General Plan conditions, the Project is projected to generate VMT per capita of 10.42 and VMT per employee of 13.91 for the Growth Areas that would gain or lose housing development capacity as a result of the Project. However, when compared to the VMT for the same Growth Areas, the HEU housing shifts would result in a reduction of VMT per capita and VMT per job under Year 2040 General Plan conditions.

The VMT per capita and VMT per employee for the housing shifts proposed by the Project on a citywide basis are presented in Table 4-17. The results of the VMT evaluation indicated that the Project would generate a VMT per capita of 10.85 and a VMT per job of 14.27 citywide, both of which exceed the established VMT thresholds. However, when compared to the existing citywide VMT and the 2040 General Plan, the Project would result in a reduction of VMT per capita and VMT per job. The reduction of VMT per capita is due to a higher density development pattern which results in an increase of residents and jobs near one another in an area with extensive opportunities for alternative modes of transportation resulting in a reduction of length and numbers of those trips that are added to the roadway system due to the planned growth. Individual development projects will be required to complete an evaluation of their effects on VMT in adherence to the City's Transportation Policy (Council Policy 5-1). Mitigation of any identified impacts to VMT will be required.

The Project would not result in an increase in VMT per capita and VMT per job when compared to the current 2040 General Plan projections. Unless determined to be exempt, future housing development facilitate by the project would be analyzed for conformance with City Council Policy 5-1 prior to

approval. Therefore, while the project would contribute to an existing significant unavoidable VMT impact, it would lessen the severity of that impact.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact related to transportation that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to conflicts with a program, plan, ordinance or policy addressing the circulation system. The Project would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit, bicycle, or pedestrian facilities. As discussed in Section 3.5.1, Changes to General Plan Growth Areas, the Project would reallocate planned housing development capacity from North San José and the Rincon South Urban Village to other Growth Areas, but would not result in a net increase in development capacity citywide. The Project would not result in physical changes to any transit, roadway, bicycle and pedestrian facilities, nor would it result in a net increase in demand for such facilities.

Moreover, development of housing under the Project would be subject to analysis under City Council Policy 5-1 and 2040 General Plan Policies applicable to transit, bicycle, and pedestrian facilities and service. Specifically, future projects would comply with 2040 General Plan Policies to encourage bicycle trips including Policies TR-1.1, TR-1.2, TR-1.4 through TR-1.9, TR 2.1 through TR 2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6. The Project would also comply with 2040 General Plan Policies that improve the pedestrian walking environment, increase pedestrian safety, and create a land use context to support non-motorized travel, including Policies TR-1.1, TR-1.2, TR-1.4 through TR-1.9, TR-2.1 through TR-2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6. The Project would also comply with Council Policy 5-1 (Resolution No. 78520, adopted February 27, 2018) and its requirement to prepare an LTA to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, and site access and circulation at an individual project level (for a discussion of all of these policies, refer to Section 4.9.3.3). With adherence to all of these 2040 General Plan Policies and Council Policy 5-1, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Table 4-16. VMT Analysis for Aggregated Growth Areas Gaining or Losing Housing Development Capacity due to the Project

Scenario	Residential					Jobs			
	Housing Units	Population	VMT[1]	VMT per capita[2]	Exceeds Threshold?	Jobs	VMT[3]	VMT per Job[4]	Exceeds Threshold?
Year 2015 Existing	**41,818**	**117,625**	**1,305,960**	**11.10**	**Yes**	**70,130**	**1,103,259**	**15.73**	**Yes**
Year 2031	**60,266**	**159,897**	**1,715,431**	**10.73**	**Yes**	**116,681**	**1,774,202**	**15.21**	**Yes**
Year 2040 General Plan	70,643	183,675	1,933,772	10.53	Yes	142,866	2,012,917	14.09	Yes
Year 2040 General Plan with Project	70,643	183,675	1,914,156	10.42	Yes	142,866	1,986,734	13.91	Yes
Impact Threshold				**10.12**				**12.21**	

Notes:

*[1] Residential VMT = Home-Based Trip Productions * Distance; [2] Residential VMT per Capita = Residential VMT / Population; [3] Employment VMT = Home-Based Work Trip Attractions * Distance; [4] Employment VMT per Job = Employment VMT / Jobs*

Table 4-17. Citywide VMT Analysis

Scenario	Residential					Jobs			
	Housing Units	Population	VMT[1]	VMT per capita[2]	Exceeds Threshold?	Jobs	VMT[3]	VMT per Job[4]	Exceeds Threshold?
Year 2015 Existing	**319,867**	**1,015,804**	**11,979,294**	**11.79**	**Yes**	**376,900**	**5,372,820**	**14.26**	**Yes**
Year 2031	**389,931**	**1,198,236**	**13,005,487**	**10.85**	**Yes**	**616,737**	**8,802,821**	**14.27**	**Yes**
Year 2040 General Plan	429,347	1,300,859	13,539,846	10.41	Yes	751,649	10,197,796	13.57	Yes
Year 2040 General Plan with Project	429,347	1,300,859	13,515,652	10.39	Yes	751,649	10,158,354	13.51	Yes
Impact Threshold				**10.12**				**12.21**	

Notes: Notes:

*[1] Residential VMT = Home-Based Trip Productions * Distance; [2] Residential VMT per Capita = Residential VMT / Population; [3] Employment VMT = Home-Based Work Trip Attractions * Distance; [4] Employment VMT per Job = Employment VMT / Jobs*

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

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to increases in hazards due to design features. Subsequent development of housing under the Project, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements necessary to serve such projects, would be designed according to the 2040 General Plan requirements and other City transportation standards and would be subject to existing regulations that reduce or minimize hazardous conditions. These policies, standards, and regulations include:

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-1.7 Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Additionally, any new transportation facilities, or improvements to such facilities associated with subsequent housing development would be constructed based on industry design standards and best practices consistent with the City's zoning code and building design and inspection requirements. The City's evaluation of projects' access and circulation will incorporate analysis with respect to City standards for vehicular level of service and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the Project would result in a less-than-significant impact regarding transportation hazards and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Result in inadequate emergency access

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to The 2040 General Plan and other City standards and regulations (including the City's Standard Conditions of Approval) include Policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. All developments are subject to existing Policies that ensure efficient circulation and adequate access.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be less than significant.

No Impact

The Project would not result in any "no impact" determinations related to transportation.

4.9.6 Cumulative Impacts

The geographic context for cumulative transportation impacts is the jurisdictional boundaries of the City. The City adopted 2040 General Plan Policies and Goals to reduce the drive-alone mode share to no more than 40 percent of all daily commute trips and to reduce the VMT per service population by 40 percent from existing (year 2015) conditions. To meet these goals by the 2040 General Plan horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments outlined in Table 4-18.. These MOEs can be found in Table 11 of the City's 2020 Transportation Analysis Handbook (City of San José, 2020).

Table 4-18. Thresholds of Significance for General Plan Amendments

Performance Metrics	Significance Thresholds
VMT per Service Population	Any increase over current 2040 General Plan conditions
Journey-to-Work Mode Share	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25 percent or more, OR 2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions.

Source: City of San José Transportation Analysis Handbook, 2020

VMT Per Service Population

Significant Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR identified a significant unavoidable impact related to increased VMT. VMT per service population is a measure of the daily VMT divided by the number of residents and employees within the City. Any increase in VMT per service population over the 2040 General Plan conditions due to a proposed land use amendment is considered a significant impact.

As indicated in Table 4-19, compared to the 2040 General Plan, the Project would not result in an increase in citywide VMT per service population. In fact, there would be a slight decrease in VMT per service population because more households are shifted to areas with more jobs and transit options and the Project does not propose an increase in citywide development capacity. Therefore, while the Project would contribute to the previously-identified significant unavoidable impact from citywide daily VMT per service population, the Project would reduce the severity of this impact.

Table 4-19. VMT Per Service Population

	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan Plus Housing Element Update
Citywide Daily VMT	17,505,088	27,062,221	27,021,232
Citywide Service Population	1,392,946	2,041,659	2,041,659
- Total Households	319,870	429,350	429,350
- Total Residents	1,016,043	1,290,009	1,290,009
- Total Jobs	376,903	751,650	751,650
Daily VMT Per Service Population	12.57	13.26	13.23
Change in VMT/Service Population over 2040 General Plan Conditions			**-0.02**

Source: Transportation Analysis Report, Section 3, Hexagon Transportation Consultants Inc., 2023

Journey to Work Mode Share

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR did not identify a significant impact related to journey to work mode share. Mode share is the distribution of all daily work trips by travel mode. The 2040 General Plan Amendment Methodology considers increases to the percentage of workers driving to work alone to be significant impacts. Table 4-20 summarizes the citywide journey-to-work mode share analysis results. When compared to the 2040 General Plan, the percentage of journey-to-work drive-alone trips would not change as a result of the Project. Approximately 70.34 percent of the commuters would drive alone to and from work under both the 2040 General Plan condition and the project condition.

Table 4-20. Journey-to-Work Mode Share

Mode	Base Year (2015)		2040 General Plan (Baseline)		2040 General Plan Plus Housing Element Update	
	Trips	%	Trips	%	Trips	%
Drive Alone	753,264	79.69	1,069,454	70.33	1,066,887	70.34
Carpool 2	85,496	9.04	134,103	8.82	133,526	8.80
Carpool 3+	28,526	3.02	52,664	3.46	52,255	3.44
Transit	48,181	5.10	202,890	13.34	202,197	13.33
Bicycle	14,120	1.49	28,121	1.85	28,422	1.87
Walk	15,666	1.66	33,347	2.19	33,551	2.21
Increase in Drive Alone Percentage over 2040 General Plan Conditions					0.0%	
Significant Impact?					**No**	

Notes:
2040 General Plan (Baseline) = Buildout conditions of the adopted Envision San José 2040 General Plan (GP).
Source: City of San José 2023-2031 Housing Element Update Transportation Analysis, City of San José Travel Forecasting Model runs completed February 2023 by Hexagon Transportation Consultants, Inc.

The Project would not result in an increase in drive-alone percentage when compared to the 2040 General Plan conditions. Therefore, the Project would result in a less than significant impact on citywide journey-to-work mode share. The Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Transit Corridor Travel Speeds

Significant Unavoidable (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that build out would result in traffic congestion that would have significant adverse impacts on 12 of the 14 designated Transit Priority Corridors. The General Plan Amendment Methodology considers decreases in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 miles per hour (mph) or decreases by 25 percent or more, or average speed decreases by 1 mph or more for a transit corridor with average speed below 15 mph to be significant impacts.

As indicated in Table 4-21, travel speeds would improve slightly by 0.1 to 0.7 mph (a change of 4.6 percent or less) on five of the study corridors and remain unchanged on five study corridors when compared to the 2040 General Plan condition. The travel speeds would decrease by less than 1.0 mph (a change of 1.3 percent or less) on the remaining four study corridors. When compared to travel speeds under 2040 General Plan conditions, the change in traffic resulting from the proposed land use amendments would have minimal effect on the travel speeds in the transit corridors. The Project would not result in a decrease in travel speeds greater than one mph or 25 percent on any of the 14 transit priority corridors when compared to 2040 General Plan conditions. Therefore, while the Project would contribute to an existing significant unavoidable cumulative impact to transit priority corridors, the Project would not substantially increase the severity of this impact.

Table 4-21. AM Peak-Hour Vehicle Speeds for Transit Priority Corridors

Transit Priority Corridor	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan Plus Housing Element Update		
	Speed (mph)	Speed (mph)	Speed (mph)	% Change (GPplusHE-GP) GP	Change (GPplusHE-GP)
2nd Street from San Carlos Street to St. James Street	16.6	14.9	14.7	-1.3	-0.2
Alum Rock Avenue from Capitol Avenue to US 101	21.3	14.8	14.8	0.0	0.0
Camden Avenue from SR 17 to Meridian Avenue	23.1	19.8	19.9	0.4	0.1
Capitol Avenue from South Milpitas Boulevard to Capitol Expressway	27.1	20.3	20.2	-0.8	-0.2
Capitol Expressway from Capitol Avenue to Meridian Avenue	33.0	28.0	27.9	-0.2	-0.1
East Santa Clara Street from US 101 to Delmas Avenue	20.4	11.0	11.0	-0.2	0.0
Meridian Avenue from Park Avenue to Blossom Hill Road	24.9	18.4	18.3	-0.2	0.0
Monterey Road from Keyes Street to Metcalf Road	27.4	20.0	19.9	-0.7	-0.1
North 1st Street from SR 237 to Keyes Street	21.3	13.2	13.2	0.3	0.0
San Carlos Street from Bascom Avenue to SR 87	24.8	14.8	15.5	4.6	0.7
Stevens Creek Boulevard from Bascom Avenue to Tantau Avenue	24.3	17.8	18.1	1.5	0.3
Tasman Drive from Lick Mill Boulevard to McCarthy Boulevard	22.7	15.3	15.8	3.7	0.6
The Alameda from Alameda Way to Delmas Avenue	20.5	10.0	10.3	2.6	0.3
West San Carlos Street	20.0	20.6	20.6	0.1	0.0

Transit Priority Corridor	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan Plus Housing Element Update		
	Speed (mph)	Speed (mph)	Speed (mph)	% Change (GPplusHE-GP) GP	Change (GPplusHE-GP)
from SR 87 to 2nd Street					

Notes:

2040 General Plan (Baseline) = Buildout conditions of the adopted Envision San José 2040 General Plan (GP)

HE: Housing Element

Source: City of San José Travel Forecasting Model runs completed February 2023 by Hexagon Transportation Consultants, Inc.

4.10 Utilities and Service Systems

4.10.1 Introduction

This section assesses the potential for the Project to result in significant adverse impacts on utilities and service systems. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to utilities and service systems. Further below, existing plans and policies relevant to utilities and service systems associated with implementation of the HEU are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to utilities and service systems that could result from implementation of the Project in the context of existing conditions.

The City received two scoping comment letters related to utilities and service systems:

- PG&E noted that there could be gas transmission pipelines in the City and that they are considered critical facilities for PG&E and a high priority subsurface installation under California law. PG&E requested the City to ensure that if PG&E approves work near gas transmission pipelines, it is done in adherence with the stipulations relating to standby inspection, access, wheel loads, grading, excavating, boring/trenchless installations, substructures, structures, fencing, landscaping, cathodic protection, and pipeline marker signs.
- Valley Water provided a letter confirming that there will be adequate water supply to meet countywide projected growth through 2045, but water use reductions may be required in multiple dry years.

These comments are addressed in Section 4.10.4, Impacts and Mitigation Measures of this SEIR. The full text of these comment letters is available in Appendix A.

4.10.2 Existing Conditions

4.10.2.1 Water Service

Water service is provided to the City by three water retailers. The San José Water Company (SJWC) is the largest water retailer in the City. The City of San José Municipal Water System (SJMWS) provides water to North San José/Alviso, Evergreen, and parts of Edenvale and Coyote Valley. The Great Oaks Water Company (Great Oaks) serves areas of southern San José including Blossom Valley, Santa Teresa, and parts of Edenvale, Coyote Valley, and Almaden Valley. The Santa Clara Valley Water District (SCVWD) manages water resources and wholesales treated water to the 13 water retailers in Santa Clara County.

The City's three water retailers rely on four sources of water supply including 1) imported water from the San Francisco Public Utilities Commission (SFPUC) and imported water treated by Valley Water, 2) local surface water treated by Valley Water, 3) groundwater and 4) recycled water. These four sources are anticipated to remain the primary sources of water in the City through 2040.

4.10.2.2 Sanitary Sewer and Wastewater Treatment

The City's sanitary sewer system includes approximately 2,200 miles of sewer pipelines ranging from 6 to 90 inches in diameter. The topography of the City permits most of the sewer system to serve the City

by gravity. Sixteen sewer pump stations are included in the system, the largest of which is the Lamplighter Pump Station located at North First Street between Headquarters Drive and Holger Way. Sewage from the West Valley Sanitation District (which serves the Cities of Campbell, Saratoga, Los Gatos, Monte Sereno, and unincorporated areas in the West Valley), County Sanitation District 3, and portions of the Cupertino Sanitary District and the City of Santa Clara also flows through the City's wastewater collection system. The City sanitary sewer facilities are managed according to the City's Sewer System Management Plan (SSMP), which was adopted in 2014 in compliance with the State Water Resources Control Board (SWRCB) Order 2006-0003: Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as revised by Order No. WQ 2008-0002.EXEC on February 20, 2008.

The San José/Santa Clara Water Pollution Control Plant (WPCP) is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of the City's Department of Environmental Services. The WPCP provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater per day (mgd). The plant currently treats an average of 110 mgd, leaving approximately 57 mgd of daily capacity.

4.10.2.3 Storm Drainage

The City's storm drainage system comprises a vast network of storm drain inlets, manholes, pipes, outfalls, channels, and pump stations designed to protect infrastructure and the traveling public from flood waters during storm events. The underground collection system consists of approximately 1,250 miles of reinforced concrete pipes varying in size from 12 to 144 inches in diameter that function by gravity to carry untreated stormwater to local creeks and rivers. Collected stormwater runoff is discharged to the creeks and rivers via storm outfall structures. The creeks and rivers, in turn, flow to the San Francisco Bay. In low lying areas of the City, stormwater pump stations are employed to facilitate drainage when gravity drainage is not possible or feasible. The 2040 General Plan EIR estimated that over 95 percent of the City's storm drain system is designed to accommodate a three-year storm event. Upgrades to the City's system are generally installed and paid for by private development projects or through the City's Storm Sewer Capital Improvement Program (CIP).

4.10.2.4 Solid Waste

According to the 2040 General Plan EIR, residential solid waste accounts for 25 percent of the City's waste generation with non–residential uses (including construction and demolition waste) comprising the other 75 percent. The City's Construction and Demolition Diversion Deposit Program is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the construction and demolition debris has been diverted from burial in the landfill. Solid waste and recycling collection services for businesses in the City is provided by Republic Services, the City's exclusive franchised commercial hauler. The City is home to four landfills: Guadalupe Rubbish Disposal Company, Kirby Canyon Landfill, Newby Island Landfill, and Zanker Road Landfill.

4.10.3 Regulatory Setting

4.10.3.1 Federal

Clean Water Act

The major federal legislation governing water quality is the Clean Water Act, as amended by the Water Quality Act of 1987 (33 USC section 1329). The Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the Clean Water Act, the EPA has implemented pollution control programs such as setting wastewater standards and water quality standards for all contaminants in surface waters. Three key regulatory programs are outlined in the Clean Water Act. Sections 303 and 304 of the Act call for the establishment of water quality standards, criteria, and guidelines, including for wastewater effluent. Activities that may result in discharges to Waters of the United States and that require a federal permit are regulated under Section 401 of the Act.

National Pollutant Discharge Elimination System (NPDES) Permit Program

The EPA's regulations, as called for under Section 402 of the Clean Water Act, include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.).[40] These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay RWQCB. The RWQCB is authorized to protect the quality of surface waters and groundwater by issuing and enforcing compliance with the NPDES permits and by preparation and revision of the Regional Water Quality Control Plan, also known as the Basin Plan. The NPDES permit, though a federal program, is administered on the local level and will therefore be discussed under regional regulations.

4.10.3.2 State

Urban Water Management Planning Act

California Water Code Section 10610 et seq. requires all public water systems that provide water for municipal purposes to more than 3,000 customers, or that supply more than 3,000 acre-feet per year (AFY), to prepare an Urban Water Management Plan (UWMP). UWMPs are key water supply planning documents for municipalities and water purveyors in California, and often form the basis of Water Supply Assessments (WSAs) (refer to the following discussion of Senate Bill [SB] 610 and SB 221) prepared for individual projects. UWMPs must be updated at least every 5 years on or before July 1, in years ending in 5 and 0. The City is served by three water suppliers: Santa Clara Valley Water (Valley Water), San José Water (SJW), and Great Oaks Water Company. All three providers last updated their respective UWMPs in 2020.

[40] Except as provided in sections 1328 and 1344 of this title, the Administrator may, after opportunity for public hearing issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 1311(a) of this title.

Senate Bills 610 and 221

The purpose and legislative intent of SB 610 (PUC Section 25217.5, 2001) and SB 221 (2001)[41], enacted in 2001, is to preclude the approval of certain development projects without specific evaluations performed and documented by the local water provider that indicate that water is available to serve the project. SB 610 requires the local water provider for a large-scale development project to prepare a WSA. The WSA evaluates the water supply available for new development based on anticipated demand. The WSA must be included in the environmental document. The lead agency may evaluate the information presented in the WSA, and then must determine whether the projected water supplies would be sufficient to satisfy the project's demands in addition to existing and planned future uses.

SB 221 requires the local water provider to provide "written verification" of "sufficient water supplies" to serve subdivisions involving more than 500 residential units per Government Code Section 66473.7. Sufficiency is different under SB 221 than under SB 610. Under SB 221, sufficiency is determined by considering:

- The availability of water over the past 20 years;
- The applicability of any urban-water shortage contingency analysis prepared in compliance with Water Code Section 10632;
- The reduction in water supply allocated to a specific use by an adopted ordinance; and
- The amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer.

As a result of the information contained in the written verification, as part of the tentative map approval process, a city or county may attach conditions to ensure that an adequate water supply is available to serve the proposed subdivision. Typically, following project certification, an additional water supply verification must be completed at the tentative map stage, prior to adoption of the final map, for certain tentative maps. In most cases, a WSA prepared under SB 610 would meet the requirement for proof of water supply under SB 221.

Assembly Bill 325

AB 325 (2013)[42], the Water Conservation in Landscaping Act of 1990, directs local governments to require the use of low-flow plumbing fixtures and the installation of drought-tolerant landscaping in all new development. Pursuant to the Water Conservation in Landscaping Act, the California Department of Water Resources developed a Model Water Efficient Landscape Ordinance.

California Health and Safety Code Section 116555

Under California Health and Safety Code Section 116555, a public water system must provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

[41] An act to amend Sections 1367.03 and 1367.031 of the Health and Safety Code, and to amend Section 10133.53 of, and to add Section 10133.54 to, the Insurance Code, relating to health care coverage.
[42] An act to amend Sections 13283, 14005.2, and 18945 of the Welfare and Institutions Code, relating to human services.

Senate Bill 7

In September 2016, Governor Jerry Brown signed into law SB 7, which requires new multifamily residential rental buildings in California constructed after January 1, 2018, to include a sub-meter for each dwelling unit and to bill tenants in apartment buildings accordingly for their water use to encourage water conservation.

Executive Orders B-29-15 and B-37-16

In April 2015, Governor Brown issued Executive Order B-29-15, which called for mandatory water use reductions. The executive order required reductions for public landscaping and institutions that typically use large amounts of water (e.g., golf courses), banned new landscape irrigation installation, and required municipal agencies to implement conservation pricing, subsidize water-saving technologies, and implement other measures to reduce the State's overall urban water use by 25 percent. The order also required local water agencies and large agricultural users to report their water use more frequently.

In May 2016, Governor Brown issued Executive Order B-37-16, which made the mandatory water use reduction of 25 percent permanent and directed the California Department of Water Resources and SWRCB to strategize further water reduction targets. The order also made permanent the requirement that local agencies report their water use monthly. Additionally, certain wasteful practices such as sidewalk hosing and runoff-causing landscape irrigation were permanently outlawed, while local agencies must prepare plans to handle droughts lasting 5 years.

Executive Order N-7-22

On March 28, 2022, Governor Gavin Newsom issued EO N-7-22 in response to intensifying drought conditions. Among other requirements, EO N-7-22 limits a county, city or other public agency's ability to permit modified or new groundwater wells, and instructs the SWRCB to consider (1) requiring certain water conservation measures from urban water suppliers and (2) banning non-functional or decorative grass at businesses and institutions.

California Green Building Standards Code

Water and Wastewater

Part 11 of the CCR Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, conserve natural resources, and promote the use of energy-efficient materials and equipment. Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the State.

Mandatory measures related to water conservation include water-conserving plumbing fixture and appliance requirements, including flow rate maximums, compliance with state and local water-efficient landscape standards for outdoor potable water use in landscape areas, and recycled water systems, where available. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the 2019 amendments to the CALGreen Code became effective January 1, 2020. Updates include more stringent requirements for residential metering faucets, and a requirement that all residential and non-residential developments adhere to a local water efficient landscape ordinance or to the State of California's Model Water Efficient Landscape Ordinance, whichever is more stringent.

Solid Waste

As amended, the California Green Building Standards Code (CALGreen Code) requires readily accessible areas to collect recycling and organic waste that serve all buildings on the site for occupants of multifamily residential units (CALGreen Code and City of San José Municipal Code Sections 9.10.2480 and 24.10.100. The CALGreen Code also requires that residential building projects recycle and/or salvage for reuse a minimum of 65 percent of their non-hazardous construction and demolition waste or comply with a local construction and demolition waste management ordinance, whichever is more stringent (24 CCR Section 5.408.1). The 2016 version of the Code increased the minimum diversion requirement for non-hazardous construction and demolition waste from 50 percent to 65 percent (in the 2013 and earlier versions) in response to AB 341 (2011), which declared the policy goal of the State that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by 2020.

Assembly Bill 939 (California Integrated Waste Management Act)

AB 939, enacted in 1989 and known as the California Integrated Waste Management Act (Public Resources Code Section 40050 et seq.), requires each city and county in the State to prepare a Source Reduction and Recycling Element to demonstrate a reduction in the amount of waste being disposed to landfills. The act required each local agency to divert at least 50 percent of all solid waste (from 1990 levels), beginning January 1, 2000. Diversion includes waste prevention, reuse, and recycling. In 2006, SB 1016 revised the reporting requirements of AB 939 by implementing a per capita disposal rate based on a jurisdiction's population (or employment) and its disposal. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to an actual disposal measurement number, along with an evaluation of program implementation efforts.

The Integrated Waste Management Act requires local agencies to maximize the use of all feasible source reduction, recycling, and composting options before using transformation (incineration of solid waste to produce heat or electricity) or land disposal. The act also resulted in the creation of the state agency now known as the California Department of Resources Recycling and Recovery (CalRecycle). Under the Integrated Waste Management Act, local governments develop and implement integrated waste management programs consisting of several types of plans and policies, including local construction and demolition ordinances. The act also set in place a comprehensive statewide system of permitting, inspections, and maintenance for solid waste facilities, and authorized local jurisdictions to impose fees based on the types and amounts of waste generated.

In 2011, AB 341 amended AB 939 to declare the policy goal of the State that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by the year 2020, and annually thereafter.

Assembly Bills 341 and 1826

AB 341 (2011)[43], signed into law in 2011, requires multifamily residential dwellings, businesses and schools to recycle. AB 1826 (2014)[44] furthered diversion and recycling requirements by requiring that businesses and multifamily dwellings with more than five units also divert organic material. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.multifamily

Senate Bill 1383

SB 1383 (2016)[45], established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. SB 1383 granted CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets. It also established a target of recovering not less than 20 percent of currently disposed edible food for human consumption by 2025.

4.10.3.3 Regional

National Pollutant Discharge Elimination System Waste Discharge Regulations

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit, under Order No. R2-2022-0018, issued by the San Francisco Bay Regional Water Board.

Under Clean Water Act Section 402 (33 U.S.C. 1251 et seq.), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation (Caltrans).

The State Water Board and the individual water boards implement and enforce the MRP. Multiple municipalities, including the City, along with Santa Clara County, are co-permittees.

Municipal Regional Permit Provision C.3

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area, are required to implement site design, source control, and Low Impact Development–based stormwater treatment controls to treat post-construction stormwater runoff. Low Impact Development–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

[43]An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste

[44] AB 1826 added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code

[45]An Act to add Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and add Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code

In addition, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, generate silt pollutants, or cause other impacts on local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into San Francisco Bay, or drain into hardened channels, or if they are infill projects in sub-watersheds or catchment areas that are at least 65 percent impervious.

4.10.3.4 Local

San José Zero Waste Strategic Plan / Climate Smart San José

Adopted by the City in 2018, Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. Adopted by the City if 2007, the Zero Waste Strategic Plan (Resolution No. 74077) outlines policies to help the City foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Construction and Demolition Diversion Deposit Program

Adopted by the City in 2000, the Construction and Demolition Diversion Deposit Program (SJMC Ordinance No. 26219), requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photographs, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

City Construction Waste Reduction Requirements

The City requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

2040 General Plan

The following 2040 General Plan Policies have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects.

Policy MS-1.4 Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that

are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

Policy MS-3.2 Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3 Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy MS-19.3 Expand the use of recycled water to benefit the community and the environment.

Policy MS-19.4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Action EC-5.16 Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-1.5 Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

Policy IN-1.6 Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the Envision General Plan.

Policy IN-1.7 Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).

Policy IN-3.3 Meet the water supply, sanitary sewer and storm drainage LOS objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.5 Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the

same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.

Policy IN-3.7 Design new projects to minimize potential damage due to stormwaters and flooding to the project site and other properties.

Policy IN-3.9 Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Policy IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

Policy IN-5.1 Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private Materials Recovery Facilities and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.

Policy IN-5.3 Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

Policy IN-5.4 Support the expansion of infrastructure to provide increased capacity for Materials Recovery Facilities/transfer, composting, and Construction and Demolition materials processing (C&D) at privately operated facilities and on lands under City control to provide increased long-term flexibility and certainty.

Policy IN 5.5 Preserve industrial lands, consistent with Envision General Plan Land Use and Fiscal Sustainability policies, to support the City's future waste management infrastructure needs.

Policy IN-5.9 Locate and operate solid waste disposal facilities in a manner which protects environmental resources and is compatible with existing and planned surrounding land uses.

Policy IN-5.11 Establish new solid waste landfills only on lands designated with the Candidate Solid Waste Landfill Site overlay ("CSW").

Policy IN-5.12 Design and control access routes to solid waste landfill sites in non-urban areas so as to avoid encouraging urban development on adjacent or nearby properties.

Policy IN-5.13 Designate no new candidate landfill sites until the need for additional landfill capacity has been established. Source reduction, recycling/composting alternatives, and waste conversion should be taken into account when evaluating the need for a landfill.

Policy IN-5.15 Expand the capacity of existing landfill sites as the preferred method for increasing the City's landfill capacity and monitor the continued availability of recycling, resource recovery and composting capacity to ensure adequate long term capacity.

Policy IP-3.8 Consistent with the City's Green Vision, and its successor, Climate Smart San José, evaluate achievement of the following goals for environmental sustainability as part of each General Plan annual review process:

- Measure annually the shares of the City's total Carbon Footprint resulting from energy use in the built environment, transportation, and waste management. (Reduce Consumption and Increase Efficiency Action MS-14.7)
- Document green building new construction and retrofits as a means to show progress towards the goal of 100 million square feet of green buildings in San José by 2040. (Green Building Policy Leadership Action MS-1.8)
- Divert 100 percent of waste from landfills by 2022 and maintain 100 percent diversion through 2040. (Waste Diversion Goal MS-5)
- Work with stakeholders to establish additional landfill gas-to-energy systems and waste heat recovery by 2012 and prepare an ordinance requiring such action by 2022 for Council consideration. (Environmental Leadership and Innovation Action MS-7.12)
- Continue to increase the City's alternative fuel vehicle fleet with the co-benefit of reducing local air emissions and continue to implement the City's environmentally Preferable Procurement Policy (Council Policy 4-6) and Pollution Prevention Policy (Council Policy 4-5) in a manner that reduces air emissions from municipal operations. Continue to support policies that reduce vehicle use by City employees (Air Pollutant Emission Reduction Action MS-10.12)
- Quantitatively track the City's education program on the public use of water. Adjust the program as needed to meet Envision General Plan goals (Responsible Management of Water Supply MS-17.6)
- Continuously improve water conservation efforts in order to achieve best in class performance. Double the City's annual water conservation savings by 2040 and achieve half of the Water District's goal for Santa Clara County on an annual basis (Water Conservation Goal MS-18)
- Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water efficiency. (Water Conservation Policy MS-18.6) Use the 2008 Water Conservation Plan as the data source to determine the City's baseline water conservation savings level (Water Conservation Policy MS-18.7)

- Recycle or beneficially reuse 100 percent of the City's wastewater supply, including the indirect use of recycled water as part of the potable water supply (Water Recycling Goal MS-19)
- Develop performance measures for tree planting and canopy coverage which measure the City's success in achieving the Community Forest goals. These performance measures should inform tree planting goals for the years between 2022 (the horizon year for the Green Vision) and 2040 (Community Forest Action MS-21.16)
- Track progress towards achieving at least 25,000 new Clean Technology jobs by 2022. Track progress towards achieving at least 70,000 new clean tech jobs by the year 2040 or achieving 10 percent of the City's total jobs in Clean Technology by the year 2040 (Clean Technology Action IE-7.9)
- Develop a trail network that extends a minimum of 100 miles. (Trail Network Measure TN-2.12)
- Evaluate achievement of Climate Smart San José through the Climate Smart dashboard.
- Land Use and Employment Policy IE-1.5, IE-1.13, Action IE1.14.
- Energy Conservation and Renewable Energy Use Policy MS2.2.
- Air Pollutant Emission Reduction Policy MS-10.5.
- Reduce Consumption and Increase Efficiency Policies MS14.1. MS-14.2.
- Renewable Energy Policy MS-15.3.
- Renewable Energy Goal MS-15.
- Water Conservation Policies MS-18.5, MS 18-6.
- Balanced Transportation System Policies TR-1.1, 1.3.
- Walking and Bicycling Action TR-2.22.
- Maximize Use of Public Transit Policy TR-3.3.
- Vehicular Circulation Policy TR-5.1)

Policy IP-15.2 To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, consider a series of taxes or fees through which new growth collectively finances those facilities and systems, as follows.

- Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.

- The Building and Structures Tax and Commercial/Residential/Mobile Home Park Tax provide revenue for the construction of San José's major street network.
- Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.
- Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.
- Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.

Policy IP 17.1 Use San José's adopted Climate Smart San José plan as a tool to advance the General Plan Vision for Environmental Leadership. The Climate Smart San José plan is a comprehensive 32-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked.

4.10.4 Impacts and Mitigation Measures

4.10.4.1 Significance Criteria

The Project would have a significant impact if it would:

Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

4.10.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not have any significant and unavoidable impacts related to utilities and service systems.

Less than Significant with Mitigation

The Project would not result in a significant impact related to utilities and service systems that would require mitigation.

Less Than Significant Impacts

The Project would result in a less than significant impact for the following thresholds:

Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that although construction and/or expansion of pump stations would be required, construction of such facilities consistent with 2040 General Plan policies and existing regulations would reduce any physical impacts from these facilities to a less-than-significant level. The Project would result in the reallocation of planned growth from North San José and the Rincon South Urban Village to the established Growth Areas listed in Table 3-6. This reallocation would increase demand for water, wastewater treatment, electric power, natural gas, and telecommunications facilities in Growth Areas receiving development capacity, but would result in corresponding decreases in North San José and the Rincon South Urban Village. Given that no net-increase in development capacity or associated utility demand would occur, no additional utility facilities or systems would be required aside from those already planned for under the 2040 General Plan. As discussed in the 2040 General Plan EIR, 2040 General Plan Policies including IN-3.1, IN-3.3, IN-3.5, and IP-15.2 would apply to all development within the City and would reduce impact from provision of utilities to a less-than-significant level (refer to Section 4.10.3, Regulatory Setting, for the full text of these policies). The Project would not increase the amount of development above the assumption in the 2040 General Plan and all development under the Project would comply with the same 2040 General Plan polices. Therefore, this impact would be less than significant and the Project would not substantially increase the severity of an impact identified in the 2040 General Plan EIR.

Not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan found that the existing water retailers in the City would have sufficient supplies to serve the City during normal, dry, and multiple dry years with implementation of 2040 General Plan policies. The Project would result in the reallocation of planned growth from North San José and Rincon South Urban Village to the established Growth Areas listed in Table 3-6. This reallocation would increase demand for potable water in Growth Areas receiving development capacity, but would result in corresponding decreases in areas losing development capacity. Therefore, no net-increase in citywide demand for potable water is anticipated.

The breakdown of reallocated units by Water District and the letters to the water supply agencies are included in Appendix G

The reallocation of units would result in the Great Oaks Water Company receiving an additional 42 residential units to the number of units analyzed under the 2040 General Plan EIR. Because the number of units is less than 500, a WSA is not required. The City has requested confirmation from the Great Oaks

Water Company on March 9, 2023 that they have the capacity to accommodate the additional 42 units. Great Oaks Water Company confirmed on March 9, 2023 that this addition would not affect their ability to provide water within their service area.

The reallocation of units would result in a decrease of approximately 3,000 residential units served by San José Municipal Water than what was analyzed under the 2040 General Plan EIR. Therefore, the City's need for water service from the San José Municipal Water agency would decrease.

The reallocation of units would result in the San José Water Company receiving an increase of approximately 3,000 residential units to the number of units analyzed under the 2040 General Plan EIR. The 2020 Urban Water Management Plan[46] prepared by the San José Water Company takes into consideration growth in the City of San José in addition to the other municipalities that they serve. That report estimated a growth of 38 percent between 2015 and 2040 in Santa Clara County. Based on the San José Water Company's plan for growth in their service area, it is assumed that they will be able to accommodate the 3,000 reallocated units. The City has requested a WSA from the San José Water Company on March 9, 2023 to confirm that they have the capacity to accommodate the reallocated units. At the time of publication of this SEIR, a response is pending.

Based on the above, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Less than Significant (Same as 2040 General Plan EIR). The 2040 General Plan EIR found that although construction and/or expansion of pump stations would be required, construction of such facilities consistent with 2040 General Plan policies and existing regulations would reduce any physical impacts from these facilities to a less-than-significant level. The Project would result in the reallocation of planned growth from North San José and Rincon South Urban Village area to the established Growth Areas listed in Table 3-6. However, no net increase in development capacity or wastewater demand would occur. As discussed in the 2040 General Plan EIR, Policies IN-3.1, IN-3.3, IN-3.4, IN-3.5, IN-3.6, IN-3.14, IN-3.15, and IP-15.21 would apply to all development within the City to reduce impacts to wastewater treatment to a less-than-significant level (refer to Section 4.10.3, Regulatory Setting, for the full text of these Policies). Given that the Project would not increase demand beyond the assumptions in the 2040 General Plan and all relevant policies would continue to apply, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Less than Significant (Same as the 2040 General Plan EIR). The 2040 General Plan EIR found that with adherence to 2040 General Plan policies, existing regulations, and local programs, there would not be a significant impact from the provision of landfill capacity to accommodate the City's increased service population. The Project would result in the reallocation of planned growth from North San José and the

[46] San José Water Company, 2020 Urban Water Management Plan, June 2021.

Rincon South Urban Village to the established Growth Areas listed in Table 3 6. However, no net increase in development capacity or solid waste demand would occur. As discussed in the 2040 General Plan EIR, Policies IN-1.5, IN-1.6, IN-1.7, IN-5.1, IN-5.3, IN-5.4, IN-5.5, IN-5.9, IN-5.11, IN-5.12, IN-5.13, IN-5.15, IP-3.8, IP-15.2, and IP-17.1 would apply to all development within the City to reduce impacts to solid waste services to a less-than significant level (refer to Section 4.10.3, Regulatory Setting, for the full text of these policies). Given that the Project would not increase citywide generation of solid waste and would be compliant with all the policies listed above, this impact would be less than significant and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

No Impact

The Project would not result in any "no impact" determinations related to utilities and service systems.

4.10.5 Cumulative Impacts

The geographic context for cumulative utilities and service systems impacts is the jurisdictional boundaries of the City. A significant cumulative utilities and service systems impact would occur if the Project combined with other past, present, or reasonably foreseeable future projects to exceed any of the thresholds described in Section 4.10.4.1, Significance Criteria. The 2040 General Plan EIR concluded that with adherence to all relevant 2040 General Plan Policies, buildout of the 2040 General Plan EIR would not result in a significant citywide utilities and service systems impact under CEQA. The 2021 EIR Addendum completed for the 2040 General Plan Four-Year Review 2020 confirmed that amendments to the General Plan did not alter this determination. Given that the Project would reallocate development capacity between Growth Areas that were previously identified in the 2040 General Plan and no net-increase in development capacity is proposed, the Project would not contribute to an existing cumulative utilities and service systems impact and no new cumulative impact would occur.

4.11 Wildfire

4.11.1 Introduction

This section evaluates the potential for the Project to result in substantial adverse effects related to wildfire. Existing Plans and Policies relevant to land use and planning associated with implementation of the Project are provided in the Regulatory Setting 4.11.3. Finally, the impact discussion in Section 4.11.4 evaluates potential effects related to wildfire that could result from implementation of the Project in the context of existing conditions.

No scoping comments relating to land use and planning were received during the NOP comment period (November 14, 2022 to December 14, 2022).

4.11.2 Existing Conditions

The existing conditions reflected in this section is based on the conditions described in the 2040 General Plan EIR. Within the City limits, very high fire hazard severity zones (VHFHSZ) identified by the California Department of Forestry and Fire Hazard Protection are located in Alum Rock Park, east of The Villages Golf and Country Club in the Evergreen Planning Area and on both sides of Casa Loma Road in the Calero Planning Area. All of these areas are outside the City's Urban Growth Boundary and none are located in Village, Corridor, Employment Lands or Specific Plan areas where intensified development and redevelopment with urban uses is planned. Limited new development, such as park improvements or

hillside development as allowed in the 2040 General Plan and zoning ordinance, could occur in these areas.

4.11.3 Regulatory Setting

4.11.3.1 State

Board of Forestry and Fire Protection

The Board is a Governor-appointed body within CAL FIRE. It is responsible for developing the general forest policy of the state, determining the guidance policies of CAL FIRE, and representing the state's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board is charged with developing policy to protect all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and all private and state lands that contribute to California's forest resource wealth. Local agencies are required to designate, by ordinance, VHFHSZ and to require landowners to reduce fire hazards adjacent to occupied buildings within these zones (Government Code Sections 51179 and 51182). The intent of identifying areas with very high fire hazards is to allow CAL FIRE and local agencies to develop and implement measures that would reduce the loss of life and property from uncontrolled wildfires (Government Code Section 51176).

2018 Strategic Fire Plan for California

The 2018 Strategic Fire Plan for California lays out central goals for reducing and preventing the impacts of fire in the state (Board and CAL FIRE 2018). The goals are meant to establish, through local, state, federal, and private partnerships, a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire.

CAL FIRE

CAL FIRE is the California Department of Forestry and Fire Protection. It is dedicated to the fire protection and stewardship of over 31 million acres of the state's privately-owned wildlands. In addition, CAL FIRE provides emergency services in 36 of the state's 58 counties via contracts with local governments. PRC Section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on non-federal SRA lands, or non-federal forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material. PRC Sections 4790 through 4799.04 provide the regulatory authority for CAL FIRE to administer the California Forest Improvement Program. PRC 4113 and 4125 give CAL FIRE the responsibility for preventing and extinguishing wildland fires in the SRA (PRC Sections 4113 and 4125).

CAL FIRE currently implements vegetation treatments under PRC Sections 4475 through 4495. PRC Sections 4461 through 4471 and 4491 through 4494 authorize CAL FIRE to implement its existing Chaparral Management Program, now known, in part, as the Vegetation Management Program (VMP). In addition, with the 2005 passage of Senate Bill (SB) 1084, the Legislature modified, and in some cases, added language to PRC Sections 4475 through 4480 that:

- broadened CAL FIRE's range of vegetation treatment practices beyond those described for the existing CMP and VMP,
- added a definition of "hazardous fuel reduction," and
- made other changes to the major statutory provisions guiding CAL FIRE's vegetation treatment authorities.

In addition to the 2018 Strategic Fire Plan for California, individual CAL FIRE Units develop Fire Plans, which are major strategic documents that establish a set of tools for each CAL FIRE Unit to achieve in its local area. Updated yearly, Unit Fire Plans identify wildfire protection areas, initial attack success, assets and infrastructure at risk, pre-fire management strategies, and accountability within their Units' geographical boundaries. The Unit Fire Plan identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work locally. The plans include contributions from local collaborators and stakeholders and are aligned with other plans for the area, such as Community Wildfire Protection Plans.

Executive Order B-52-18

On May 10, 2018, in response to the changing environmental conditions and the increased risk to California's citizens, California Governor Brown issued Executive Order (EO) B-52-18 to support the state's resilience to wildfire and other climate impacts, to address extensive tree mortality, increase forests' capacity for carbon capture, and to improve forest and forest fire management. The Executive Order requires the California Natural Resources Agency, in coordination with the Board, CAL FIRE, and other agencies, to increase the pace and scale of fire fuel treatments on state and private lands. EO B-52-18 commits $96 million in additional state funds to for these efforts and calls for doubling the land actively managed through vegetation thinning, prescribed burning, and restoration from 250,000 to 500,000 acres per year to reduce wildfire risk.

Senate Bill 1260

On February 15, 2018, Governor Brown signed SB 1260, which aims to help protect California communities from catastrophic wildfire by improving forest management practices to reduce the risk of wildfires in light of the changing climate. It recognizes that prescribed burning is an important tool to help mitigate and prevent the impacts of the wildfire and includes provisions that encourage more frequent use of prescribed fire in managing California's forest lands.

Senate Bill 901

Senate Bill 901 boosts government fire protection efforts by $1 billion over the next five years. CAL FIRE will oversee those funds, generally divided into two categories: $165 million per year for fire prevention grants to landowners and for community prevention efforts, and $35 million to continue CAL FIRE's prescribed burning, research, and monitoring. Landowners will have new permission to help reduce overgrowth by cutting down small and mid-sized trees (EO B-52-18).

Emergency Response and Evacuation Plans

The State of California Emergency Plan was adopted on October 1, 2017 and describes how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, non-profits, and community-based organizations. The Plan also works in conjunction with the California Emergency Services Act and outlines a robust program of

emergency preparedness, response, recovery, and mitigation for all hazards, both natural and human-caused. All local governments with a certified disaster council are required to develop their own emergency operations plan (EOP) for their jurisdiction that meet state and federal requirements. Local EOPs contain specific emergency planning considerations, such as evacuation and transportation, sheltering, hazard specific planning, regional planning, public-private partnerships, and recovery planning (Cal OES, 2017).

4.11.3.2 City of San José

2040 General Plan

The 2040 General Plan includes Policies and implementation measures for the purpose of avoiding or mitigating environmental effects resulting from development planned within the City. The followings are applicable to the Project:

Goal EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2 Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy EC-8.3 For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, continue to implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

Policy EC-8.4 Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Policy LU-18.1 Allow development in hillside areas only if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level as defined in State and City ordinances and policies. Demonstrate that all new development will not result in significantly increased risks associated with natural hazards.

4.11.4 Impacts and Mitigation Measures

4.11.4.1 Significance Criteria

Appendix G of the CEQA Guidelines identifies environmental issues a lead agency can consider when determining whether a project could have significant effects on the environment. If located in or near state responsibility areas or lands classified as VHFHSZ, would the project:

Substantially impair an adopted emergency response plan or emergency evacuation plan?

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes?

4.11.4.2 Impact Discussion

Significant and Unavoidable Impacts

The Project would not result in significant and unavoidable impacts related to wildfire.

Less Than Significant with Mitigation Impacts

The Project would not result in a significant impact related to wildfire that would require mitigation.

Less Than Significant Impacts

The Project would not result in a less than significant impacts related to wildfire.

No Impact

The Project would have no impact related to wildfire for the following thresholds:

Substantially impair an adopted emergency response plan or emergency evacuation plan?

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes?

No Impact (Not Analyzed in 2040 General Plan EIR). The 2040 General Plan EIR did not analyze impacts related to wildfire. VHFHSZs located within the City can be found on the CAL FIRE website (https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/). While there are areas within the City that have the potential to experience wildfire, housing development facilitated by the Project would occur in Growth Areas that are urbanized and outside of VHFHSZs. Neither North San José, nor the Growth Areas to which housing development capacity would be transferred are located in or near state responsibility areas or lands classified as VHFHSZ. Therefore, no impact would occur and the Project would not substantially increase the severity of impacts identified in the 2040 General Plan EIR.

5 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which a project could be growth inducing. CEQA Guidelines Section 15126.2(d) identify a project as growth inducing if it would "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." The 2022 CEQA Guidelines do not provide specific criteria for evaluating growth inducement; however, Section 15126.2(e) states that growth in any area is "necessarily beneficial, detrimental, or of little significance to the environment." CEQA does not require separate mitigation for growth inducement as it is assumed that these impacts are already captured in the analysis of environmental impacts. Furthermore, the Section 15126.2(e) of the 2022 CEQA Guidelines require that an environmental impact report "discuss the ways" a project could be growth inducing and to "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment."

According to Section 15126.2 of the 2022 CEQA Guidelines, the Project would have potential to induce growth if it would:

- Remove obstacles to population growth (e.g., through the expansion of public services into an area that does not currently receive these services), or through the provision of new access to an area, or a change in a restrictive zoning or general plan land use designation.
- Result in economic expansion and population growth through employment opportunities and/or construction of new housing.

As discussed above in Section 3.5.3, Other Strategies to Facilitate Housing Development, the Project would include a variety of strategies to facilitate the development of housing in areas that are already planned for housing under the 2040 General Plan. Additionally, the Project would reallocate residential capacity from North San José to other previously identified Growth Areas because developers have historically preferred to build employment related projects within the TERO areas even though housing is an allowed alternate use. Thus, while the Project is intended to facilitate growth by removing obstacles to the development of housing, this growth is not new, but rather growth that has already been planned for and analyzed under the 2040 General Plan EIR.

The 2040 General Plan EIR determined that the 2040 General Plan would result in significant unavoidable indirect impacts from growth inducement of housing in other cities and counties. Although the Project would not result in a new impact, the Project would contribute to this significant unavoidable impact.

6 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

An EIR must identify any significant irreversible environmental changes that would be caused by the project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. In addition, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. Section 15126.2(d) of the 2022 CEQA Guidelines describes three categories of significant irreversible changes that should be considered, as further detailed below.

6.1 Changes in Land Use that Commit Future Generations

The Project would result in the reallocation of planned growth from North San José and Rincon South Urban Village to the established Growth Areas listed in Table 3 6. No net increase in citywide development capacity would occur and no new development would be proposed on areas not already designated for high-density urban development under the 2040 General Plan. The Project would encourage infill and transit-oriented development consistent with the City's goals as reflected in the 2040 General Plan. Such growth would not commit future generations to substantial changes in land use.

6.2 Commitment of Resources

The 2040 General Plan EIR found that the 2040 General Plan would commit non-renewable resources to the construction and maintenance of buildings, infrastructure and roadways. These non-renewable resources would include mining resources such as sand, gravel, iron, lead, copper and other metals and fabrication of other building materials, such as steel. Build out of the 2040 General Plan also represents a long-term commitment to the consumption of fossil fuels, natural gas and gasoline. Increased energy demands would be used for construction, lighting, heating, and cooling of businesses and residences, and transportation of people within, to, and from the City. Build out of the 2040 General Plan would also result in an irreversible commitment of limited, renewable resources such as lumber and water.

The Project would contribute to this commitment of resources by facilitating planned growth. However, no additional demand for resources would be created as no net-increase in development capacity is proposed, so the analysis and conclusion of the 2040 General Plan EIR and addendum remain the same.

6.3 Irreversible Damage from Environmental Accidents

The 2040 General Plan EIR concluded that irreversible changes to the physical environment from accidental release of hazardous materials associated with development activities would be reduced to a less-than-significant level through compliance with federal, state and local hazardous materials and life safety regulations. For a full discussion of these regulations, refer to Section 3.8, Hazards and Hazardous Materials of the 2040 General Plan EIR. No other irreversible changes were identified in the 2040 General Plan EIR or the subsequent Addenda.

All subsequent individual development projects under the Project would comply with all the same hazardous materials and life safety regulations, so it would not result in a net-increase in the total amount of development proposed within the City. Therefore, this impact would be less than significant.

7 SIGNIFICANT UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the Project is implemented, because no feasible mitigation has been identified.

Potentially significant environmental impacts that would result from the Project are evaluated above in Section 4, Environmental Setting, Impacts, and Mitigation Measures. With implementation of 2040 General Plan Policies, most of the potentially significant impacts resulting from the Project would be reduced to a less-than-significant level; the Project would not have any significant unavoidable impacts that were not previously identified in the 2040 General Plan EIR. As described in Section 4.9.5.2, Transportation Impact Discussion, the Project would reduce the severity of the existing significant unavoidable VMT impact in the 2040 General Plan EIR because it would slightly reduce both residential and employment per capita VMT.

Because the Project would facilitate the construction of new housing planned as part of the 2040 General Plan, the Project would contribute to the significant unavoidable impacts identified in the 2040 General Plan EIR, including those related to aesthetics, agricultural farmland and forestland, air quality, biological resources, greenhouse gas (GHG) emissions, noise, population and housing/growth inducement, and transportation. These impacts are discussed throughout Section 4, Environmental Setting, Impacts, and Mitigation Measures, and are summarized below. The Project would not increase citywide development capacity beyond what was studied in the 2040 General Plan EIR and therefore the Project is not anticipated to substantially increase the severity of any of the following significant unavoidable impacts:

7.1 Aesthetics

Build-out of the Communications Hill Specific Plan Area and the North Coyote Valley Area would result in substantial impacts to local scenic views. In October 2021, City Council adopted a resolution changing planned land uses in Coyote Valley from Industrial Park and Urban Reserve to the Private Recreation and Open Space land use designation, Agricultural Land Use designation, and Open Space Parkland and Habitat land use designation, which lessened the severity of this significant unavoidable impact.

7.2 Agricultural Farmland and Forest Land

Build-out under the 2040 General Plan would result in impacts to Prime Farmland remaining within the City's urban growth boundary.

7.3 Air Quality

While the 2040 General Plan includes policies that would reduce VMT and emissions from vehicle trips, the projected increase in VMT by 2035, beyond or above the growth in population would be inconsistent with BAAQMD's 2017 Clean Air Plan.

7.4 Biological Resources (Indirect Nitrogen Deposition on Serpentine Habitats)

New development and redevelopment allowed under the 2040 General Plan would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands.

7.5 Greenhouse Gas Emissions

Citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 State climate change reduction goals, even with the implementation of identified local actions and statewide actions and regulations adopted to date. Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified the 2040 General Plan EIR and Supplemental PEIR and will require an aggressive multi-pronged approach that includes policy decisions and additional emission controls at the federal and state level and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. Given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the City's contribution to climate change for the 2035 timeframe is conservatively determined to be cumulatively considerable.

7.6 Noise

New development and redevelopment under the 2040 General Plan would result in increased construction noise, and in some cases, the increases would be substantial.

7.7 Population and Housing/Growth Inducement

Since implementation of the 2040 General Plan could induce substantial population growth at other locations by 2035, the impact of developing new housing at distance locations could be significant.

7.8 Transportation

Implementation of the 2040 General Plan would have significant transportation impacts, including a significant increase in VMT, significant increased congestion along transit priority corridors and along local and regional screenlines, significantly increased congestion on roadways in surrounding cities and on freeways and expressways.

8 ALTERNATIVES

8.1 Introduction

Pursuant to Section 15126.6(e) of the 2022 CEQA Guidelines, this chapter describes and evaluates alternatives to the Project, including a "No Project" alternative, and identifies an "environmentally superior" alternative. The primary purpose of this section is to provide decision-makers and the public with a qualitative review of Project alternatives that eliminate or substantially reduce any of a project's adverse environmental impacts while, at the same time, attaining most of the Project objectives.

8.1.1 CEQA Requirements

CEQA requires that an EIR describe and evaluate a range of reasonable alternatives to the Project, and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a), (d)). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to foster informed decision-making and public participation (Section 15126.6(a), (f)).

The range of alternatives shall include alternatives that would feasibly attain most of the basic objectives of the Project and would avoid or substantially lessen any of the significant effects of the Project (CEQA Guidelines Section 15126.6(a)-(c)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6(f)(1)). The EIR should briefly describe the rationale for selecting the alternatives to be discussed and identify any alternatives that were rejected as infeasible, briefly explaining the reasons (CEQA Guidelines Section 15126.6(c)).

The description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the Project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the Project (CEQA Guidelines Section 15126.6(d)).

The "no project" alternative must be evaluated. This analysis shall discuss the existing conditions, as well as what could be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6(e)(2)).

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. When the "no project" alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

8.1.1.1 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the Project in an EIR to state the objectives sought by the Project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the Project."

The City's Project objectives are described in Section 3.3, Project Objectives, and are restated here:

- Update the City's Envision 2040 General Plan's (2040 General Plan) Housing Element to comply with State-mandated housing requirements.
- Address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites (opportunity sites) and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer of 15 to 30 percent beyond the City's RHNA goal.
- Make 2040 General Plan Amendments and Rezonings in a manner that affirmatively furthers fair housing while preserving the character of the City and perpetuating the safety and welfare of both existing and future residents.
- Meet the community's need of housing production, rehabilitation, and conservation.
- Allow for compliance with and implementation of SB 9 (2022).
- Promote the creation of deed-restricted accessory dwelling units (ADUs) that can be offered at affordable rent for very low to moderate-income households per the California HSC, Section 65583(c)(7). This includes THOWs, a type of detached ADU that the City added to the zoning code in April 2020.
- Provide housing throughout the City in a range of residential densities, especially at higher densities (30 dwelling units to the acre or greater), and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population per 2040 General Plan Goal H-1 Housing – Social Equity and Diversity.
- Preserve and improve the City's existing affordable housing stock and increase its supply such that 15 percent or more of the new housing stock developed is affordable to low, very low and extremely low-income households per 2040 General Plan Goal H-2 Affordable Housing.
- Create and maintain safe and high-quality housing that contributes to the creation of great neighborhoods and great places per 2040 General Plan Goal H-3 Housing – High Quality Housing and Great Places.

- Provide housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals per 2040 General Plan Goal H-4 Housing - Environmental Sustainability.

8.1.1.2 Elimination and/or Reduction of Identified Significant Impacts

CEQA Guidelines Section 15126.6(b) states that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly."

As discussed above in Section 7, Significant Unavoidable Impacts, the Project itself would not have any significant unavoidable impacts in itself. However, because the Project would facilitate the construction of new housing planned as part of the 2040 General Plan, the Project would also contribute to the significant unavoidable impacts identified in the 2040 General Plan EIR that are summarized above in Section 7, Significant Unavoidable Impacts. The alternatives evaluated in this SEIR have been selected because they are anticipated to reduce and/or eliminate the Project's contribution to one or more of the significant unavoidable impacts of the 2040 General Plan.

8.2 Alternatives to the Proposed Project

The nature and scope of the range of alternatives to be discussed is governed by the "rule of reason." The CEQA Guidelines recommend that an EIR should briefly describe the rationale for selecting the alternatives to be discussed (Section 15126.6[c]). This alternatives analysis considers the following factors:

- The extent to which the alternative would accomplish most of the basic objectives of the Project;
- The extent to which the alternative would avoid or lessen the identified significant, or less-than-significant with mitigation, environmental effects of the Project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA Guidelines to consider a "No-Project" alternative, and to identify an "environmentally superior" alternative in addition to the no-project alternative (Section 15126.6[e]).

8.2.1 Alternatives Considered but Eliminated from Further Analysis

Several alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in this SEIR.

8.2.1.1 Off-Site Alternative

The primary objective of the Project is to ensure the City's conformance with State law. Because the Project is a Citywide program, there would be no way to meet this objective with an alternative that did not focus on the City itself, and therefore this alternative was not analyzed further.

8.2.1.2 Alternate Housing Sites within the City

As documented in Chapter 4 of the City's Draft 2023-2031 Housing Element, the City conducted an extensive review of housing development trends and evaluated a range of different constraints, including availability of financing, market-driven costs, resident opposition, existing 2040 General Plan land uses designations and zoning, parking and design standards, and affordable housing requirements. The inventory of housing sites presented in Chapter 5 of the Draft 2023-2031 Housing Element represents the City's comprehensive analysis of available or potentially available housing sites in light of those constraints. The land use and zoning changes described in Section 3.5, Project Description, of this SEIR represent the actions necessary to allow for development of housing on all of the sites listed in the City's housing inventory. While the City considered alternative development capacity allocations and associated rezonings to encourage housing development in the City in line with both the 2040 General Plan and the City's RHNA, the City has determined that the Project as currently proposed represents the optimal configuration to meet the City's RHNA at each income level. The following alternate allocations of housing development capacity were considered but ultimately eliminated from further analysis due to infeasibility.

Utilization of Open Space

The City considered the use of existing open space and greenfield sites within the City for the development of housing as part of the Project. However, development of such areas presents three primary issues. The first issue is that open spaces, by definition, lack the utilities and urban services infrastructure to support residential development. The second issue is that open space within the City is a limited resource. Third, most land designated as open space within the City is within areas with higher VMT as they are located on the periphery of the City, resulting in likely significant impacts to VMT and increases in GHG emissions beyond those anticipated in the 2040 General Plan. As a result, the City strives to preserve as much remaining open space as possible by concentrating development in designated Growth Areas, as described in Section 3.5.1, Changes to General Plan Growth Areas. The 2040 General Plan includes goals and policies intended to protect existing open space, including:

Policy LU-19.1 Delineate the extent of future urban expansion and reinforce fundamental policies concerning the appropriate location of urban development in furtherance of both the City and County General Plans.

Policy LU-19.10 Preserve the non-urban character of lands outside of the Urban Growth Boundary.

The City's Urban Growth Boundary, established in 1996, and amended and adopted by the voters in 2000, originally included two Urban Reserve areas (i.e., currently undeveloped or rural areas planned for future urban development): South Almaden Valley and Coyote Valley. Housing capacity was removed from these areas consistent with City Council direction as part of the 2040 General Plan. In October 2021, City Council adopted a resolution changing planned land uses in Coyote Valley from Industrial Park

and Urban Reserve to the Private Recreation and Open Space land use designation, Agricultural Land Use designation, and Open Space Parkland and Habitat land use designation.

Given the lack of infrastructure to support residential development in open spaces, the lack of available open space sites for residential development, and the inherent conflicts with City policies regarding the preservation of open space, this alternative was determined to be infeasible and was not analyzed further.

Utilization of Industrial Areas

The City also considered rezonings and additional residential overlays for industrial areas as a means to facilitate the construction of more housing on currently industrially zoned properties. While such a strategy may in fact increase housing development, it would also exacerbate an existing jobs/housing imbalance identified in the 2040 General Plan EIR. As discussed in Section 3.14.2.4 of the 2040 General Plan EIR, the City is unique among large cities within the U.S. in having a jobs to employed residents ratio of less than 1.0, as all other large cities function as regional job centers. Like those other cities, the transit and roadway systems in Santa Clara County have been designed to support a concentration of employment in the City, as well as the more prevalent southeast to northwest commute pattern. The 2040 General Plan was formulated, in part, to achieve a jobs/housing ratio of 1.3 (up from 0.8 in 2008).

Another likely effect of converting industrial areas to housing would be to increase per capita VMT in the City. VMT can generally be reduced by concentrating housing around high-quality multi-modal transportation options and employment opportunities. The 2040 General Plan's focus on Growth Areas and transit-oriented development reflects a commitment to this strategy. By taking planned housing development capacity out of these Growth Areas and placing it in planned industrial areas, growth would be less concentrated. By converting planned industrial space to residential uses, the City would also increase the likelihood that residents would have to commute out of the City for employment as more lands designated for employment uses are converted to residential uses. Because areas planned for industrial uses generally lack amenities such as grocery stores, schools, and parks, future residents would be forced to commute out of their neighborhoods to access these resources. The combination of these effects would likely lead to an increase in per capita VMT.

Given that this alternative would exacerbate the City's jobs/housing imbalance and would likely increase per capita VMT, this alternative was not anticipated to reduce the Project's contribution to significant unavoidable 2040 General Plan EIR impacts. Therefore, this alternative was not analyzed further.

Further Concentration of Transit Oriented Development Sites

To reduce VMT impacts identified in the 2040 General Plan EIR, the City considered concentrating available residential development capacity from North San José around transit hubs such as the Diridon Station Area and the Five Wounds Urban Village area. However, the Downtown West Mixed-Use Plan (Google Project) and the Diridon Station Area Plan Amendment were both approved by City Council in 2021 and these projects combined to increase building height limits and development density in the Diridon Station Area, meaning that there is little to no remaining capacity for increased development in this area. Similar efforts are underway as part of the Five Wounds Urban Village Plan Update, which seeks to increase density and support transit-oriented development near the planned 28th Street/Little Portugal BART station. Given that the City has already concentrated or has plans to concentrate

development around transit hubs as part of separate projects, this alternative was found to be infeasible and was not analyzed further.

8.2.2 Alternatives to Lessen Identified Significant Effects

As noted in Section 8.1.1.2, Elimination and/or Reduction of Identified Significant Impacts, the Project itself would not have any significant unavoidable impacts. However, because the Project would facilitate the construction of new housing planned as part of the 2040 General Plan, the Project would contribute to the significant unavoidable impacts identified in the 2040 General Plan EIR.

The following alternatives were selected for analysis based on the CEQA requirement for a No Project Alternative and the alternatives' ability to attain most of the basic objectives of the Project while reducing one or more significant environmental impact.

8.2.2.1 Alternative 1: No Project Alternative

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the Project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the Project versus no project. Under the No Project Alternative, the 2023-2031 Housing Element would not be adopted and the goals and policies within the City's existing Housing Element would remain unchanged. The 2040 General Plan land use designations and zoning districts currently in place would remain as the development parameters for the City. No new General Plan overlays or Zoning District overlays would be established. Because the Project would not increase net-development capacity within the City, the No Project Alternative would be identical to the Project in terms of the total amount of planned housing within the City, but no shift in 2040 General Plan residential capacity from North San José and the Rincon South Urban Village to other growth areas would occur. However, since neither a housing sites inventory nor the programs necessary to implement the housing sites inventory would be adopted under the No Project Alternative, the 6th Cycle RHNA requirements would not be met and the City's Housing Element would not comply with the requirements of State law.

The No Project Alternative would not meet any of the objectives of the Project, as defined in Section 3.3, Project Objectives. The No Project Alternative would not update the City's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031. Under the No Project Alternative, the reallocation in development capacity via rezonings, which are based on City and community input to increase opportunities for housing and programs to affirmatively further equity and fair housing and support existing and future residents, would not occur.

8.2.2.2 Alternative 2: Reduced Density in High-VMT Areas

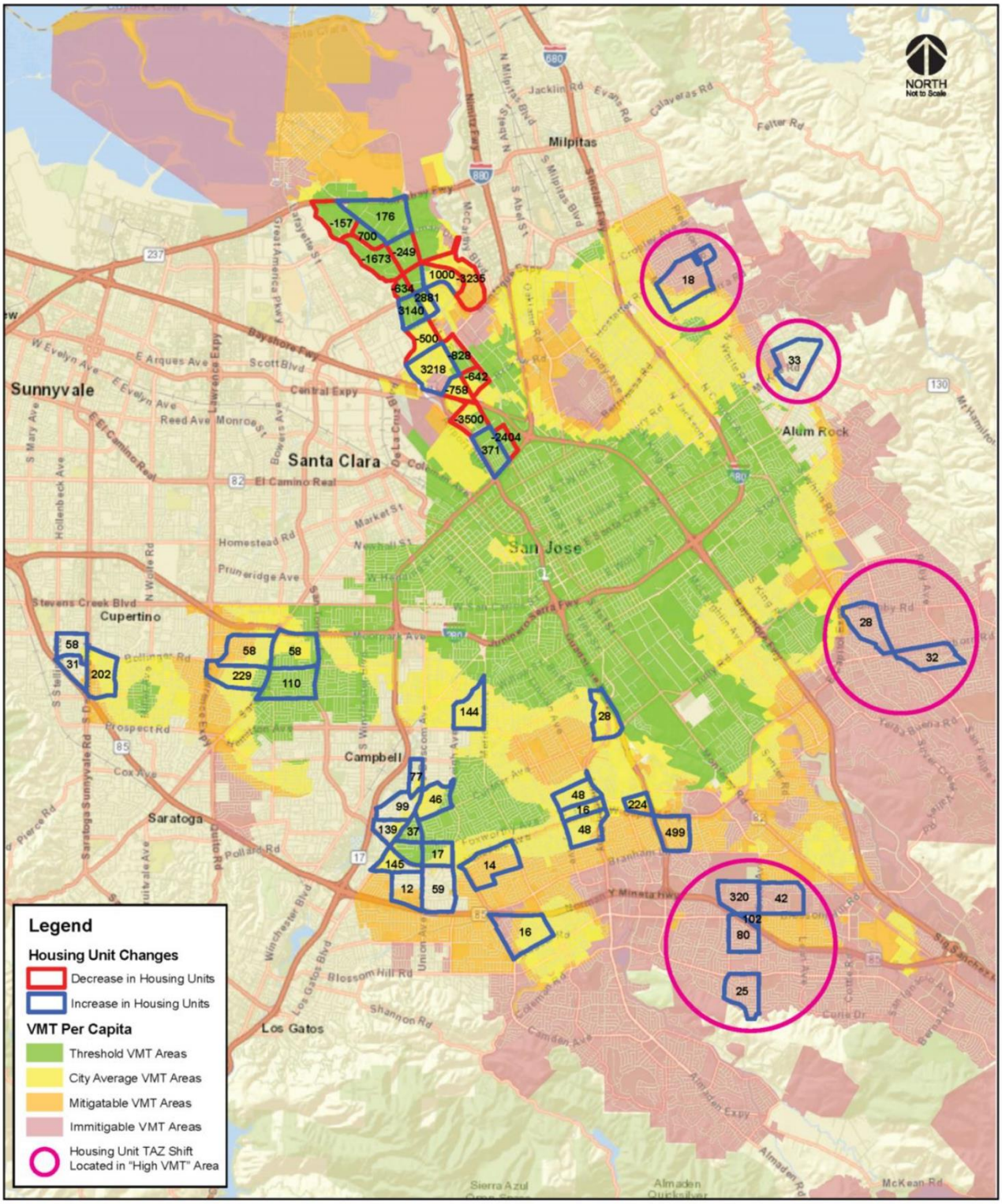
As shown in Figure 8-1, the Project would reallocate approximately 680 units of housing development capacity from North San José and the Rincon South Urban Village growth area to several Immitigable VMT Areas (i.e., areas in which the lack of access to nearby jobs and/or high-quality public transportation options makes mitigation of VMT impacts infeasible). Alternative 2 would eliminate the addition of housing development capacity to Immitigable VMT areas planned as part of the Project. That housing development capacity would be removed from the total citywide development capacity,

resulting in a net decrease of 680 units. The proposed reallocation of housing development capacity under Alternative 2 and the resulting effects on VMT are presented in Table 8-1.

Table 8-1. Housing Capacity Reallocations under Alternative 2

	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan Plus Housing Element	2040 General Plan Plus Housing Element with 680 Unit Reduction
Citywide Daily VMT	17,505,088	27,062,221	27,021,232	27,007,460
Citywide Service Population	1,392,946	2,041,659	2,041,659	2,040,018
Total Households	319,870	429,350	429,350	428,670
Total Residents	1,016,043	1,290,009	1,290,009	1,288,368
Total Jobs	376,903	751,650	751,650	751,650
Daily VMT Per Service Population	12.57	13.26	13.23	13.23
Increase in VMT/Population Service Population over General Plan Conditions			***-0.02***	***-0.02***
Significant Impact?			***NO***	***NO***

Source: Hexagon, 2023.
Notes: 2040 General Plan (Baseline) = Buildout conditions of the adopted Envision San José 2040 General Plan
Service Population = Residents + Jobs



Project-Related Housing Reallocations in High VMT Figure **8-1**

Source: Hexagon, 2022

By only reallocating development capacity to Growth Areas in Mitigatable VMT Areas or better, Alternative 2 would result in a citywide per capita VMT of 27,007,460 compared to 27,021,232 under the Project. Although Alternative 2 would decrease VMT slightly more than the Project, both scenarios would represent a similar reduction of -0.02 compared to levels anticipated under buildout of the 2040 General Plan. Both would reduce the severity of 2040 General Plan transportation impacts (Section 7.8 of this SEIR) but a significant unavoidable impact would remain in both cases.

As discussed in Section 3.3, Project Objectives, the Project aims to increase housing supply within the City to meet community housing needs, the City's RHNA goal, and to comply with state-mandated housing requirements. However, Alternative 2 would reduce housing capacity by 680 units. By reducing development capacity below levels planned for under the 2040 General Plan, Alternative 2, the Project would fail to meet the City's RHNA allocation goal and state housing requirements.

8.2.3 Summary of Comparative Impacts

Table 8-2 summarizes the impacts of the identified alternatives to the Project and provides a comparison of impacts. As discussed in Section 8.1, Alternatives Introduction, the Project would not have any significant unavoidable impacts in itself, but would contribute to a significant unavoidable cumulative construction noise impact, and the significant unavoidable impacts associated with build out of the 2040 General Plan identified in the 2040 General Plan EIR. The Project would slightly decrease VMT and associated air quality and GHG impacts associated with VMT when compared to the 2040 General Plan. Alternative 1 would fail to realize this slight benefit and would therefore have slightly higher traffic, air quality, and GHG impacts than the Project. Alternative 2 would achieve the same benefits as the Project and eliminate the significant unavoidable construction noise impact in certain Growth Areas but would do so at the cost of reducing citywide housing development capacity by 680 units. As stated, a housing reduction of 680 units, would fail to meet the City's RHNA goals and achieve compliance with state-mandated housing requirements.

Table 8-2 Alternative Impact Summary and Comparison

Resource Topic	Project	Alternative 1	Alternative 2
Air Quality	Slightly less than 2040 General Plan	Same as 2040 General Plan	Slightly less than 2040 General Plan and Project
Energy	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan
Greenhouse Gas Emissions	Slightly less than 2040 General Plan	Same as 2040 General Plan	Slightly less than 2040 General Plan and Project
Land Use and Planning	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan
Noise	Significant Unavoidable Cumulative Impact (Construction Noise)	Same as 2040 General Plan	Significant Unavoidable Cumulative Impact (Construction Noise), but in fewer Growth Areas
Population and Housing	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan

Public Services	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan
Recreation	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan
Transportation	Slightly less than 2040 General Plan	Same as 2040 General Plan	Slightly less than 2040 General Plan and Project
Utilities and Service Systems	Same as 2040 General Plan	Same as 2040 General Plan	Same as 2040 General Plan

8.2.4 Environmentally Superior Alternative

Based on the analysis in Sections 8.2.2 and 8.2.3, the Alternative 2 would be the environmentally superior alternative because it would achieve many objectives of the Project while slightly reducing VMT and associated air quality and GHG impacts. However, it would do so at the cost of reducing citywide housing development capacity by 680 units. As stated, a housing reduction of 680 units, would fail to meet the City's RHNA goals and achieve compliance with state-mandated housing requirements.

9 REFERENCES

Association of Bay Area Government, 2018. Available at: https://mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf. Accessed March 2023.

Bay Area Air Quality Management District, 2022. Available at: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-BAAQMDand-attainment-status. Accessed December 2022.

BAAQMD, 2022a. Community Air Risk Evaluation Program. Available at: https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program. Accessed February 2023.

BAAQMD, 2019. Bay Area Air Pollution Summary – 2019. Available at: https://www.baaqmd.gov/about-air-quality/air-quality-summaries. Accessed February 2022.

BAAQMD, 2017. California Environmental Quality Act: Air Quality Guidelines. San Francisco, CA. May 2017. Available at: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed December 2022.

BAAQMD, 2017a. Final 2017 Clean Air Plan. Adopted April 19, 2017. Available at https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed February 2023.

California Air Resources Board (CARB), 2023. iADAM Air Quality Data Statistics Top 4 Summary. Available at: https://www.arb.ca.gov/adam/topfour/topfour1.php/ Accessed February 2023.

California Association Local Agency Formation Commission, 2023. How does LAFCO discourage urban sprawl. Available at: https://www.conservation.ca.gov/dlrp/wa/Documents/stats_reports/2022%20WA%20Status%20Report.pdf. Accessed March 2023.

California Climate Change Center (CCCC), 2006. Climate Scenarios for California. Available at: https://research.fit.edu/media/site-specific/researchfitedu/coast-climate-adaptation-library/united-states/west-coast-amp-hawaix27i/california---statewide/CCCC.--2006.--Climate-Scenarios-for-California.pdf. Accessed March 2023.

CARB, 2023a. Air Quality Standards. Available at: https://ww2.arb.ca.gov/resources/background-air-quality-standards. Accessed February 2023.

California Board of Forestry and Fire Protection and California Department of Forestry and Fire. 2018 (August 22). 2018 Strategic Fire Plan for California.

California Department of Finance, 2022. E-5 Series. Available at: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/. Accessed March 2023.

California Department of Conservation (CDC), 2023. Well Finder. Available at: https://www.conservation.ca.gov/calgem/Pages/Wellfinder.aspx. Accessed March 2023.

CDC, 2023a. Open Space Subvention Act. Available at: https://www.conservation.ca.gov/dlrp/wa/Pages/Open-Space-Subvention.aspx. Accessed March 2023.

CDC, 2022. 2020-2021 The Williamson Act Status Report. Available at: https://www.conservation.ca.gov/dlrp/wa/Documents/stats_reports/2022%20WA%20Status%20Report.pdf. Accessed March 2023.

California Department of Education, 2022. EdData. Available: http://www.ed-data.org/. Accessed February 2023.

California Department of Food and Agriculture, 2020. "California Agricultural Production Statistics." Available at: https://www.cdfa.ca.gov/statistics/. Accessed March 2023.

California Energy Commission(CEC), 2023. Total System Electric Generation and Methodology. Available at: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation#:~:text=Items%20of%20note%20for%202021,or%205%2C188%20GWh%2C%20from%202020. Accessed March 2023.

CEC, 2023a. California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. Available at: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting. Accessed March 2023.

CEC, 2022. 2022 Integrated Energy Policy Report Update. Available at: https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update. Accessed March 2023.

CEC, 2022a. California Energy Consumption Database [Online Database]. Available at: http://ecdms.energy.ca.gov/ (accessed February 2023). Accessed March 2023.

CEC, 2022b. Clean Transportation Program Investment Plans. Available at: https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program/clean-transportation-program-investment. Accessed March 2023.

CEC, 2021. 2021 Total System Electric Generation. Available at: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation. Accessed March 2023.

CEC, 2021a. 2021 California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. Available at: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting. Accessed March 2023.

CEC, 2019. 2019 California Energy Efficiency Action Plan. Available at: https://www.energy.ca.gov/filebrowser/download/1900. Accessed March 2023.

CEC, 2018. 2018 Integrated Energy Policy Report Update Vol. 2. Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=227391. Accessed March 2023.

California Governor's Office of Emergency Services. 2017. State of California Emergency Plan. October 1, 2017.

California Natural Resources Agency. 2009. 2009 California Climate Adaptation Strategy. March 2009. http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf

California Department of Water Resources. 2018. Indicators of Climate Change in California. May 2018. https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf

City of San José, 2023, San José Park Finder. Available at: https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=93ae7909fe8f4b758daa5a73baa895c3. Accessed December 2022.

City of San José, 2022. Housing Market Update, First Quarter 2022. Available at https://www.sanjoseca.gov/home/showpublisheddocument/86697/. Accessed December 2022.

City of San José, 2022a. City of San José, 2022. Draft 2023-2031 Housing Element. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element/2023-2031-draft-housing-element. Accessed March 2023.

City of San José, 2022b. 2023-2031 Housing Element Appendix A Housing Needs Data. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/89565/637989408752730000. Accessed March 2023.

City of San José, 2022c. Library 2020-2024 Capital Improvement Program. Available at https://www.sanjoseca.gov/home/showpublisheddocument/44956/637108808578830000. Accessed December 2022.

City of San José, 2022d. Annual Report on City Services 2021-2022. Available at https://www.sanjoseca.gov/home/showpublisheddocument/93666/638092142761830000

City of San José, 2022e. 2022 General Plan Annual Performance Review Report. Available at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040-general-plan/gp-annual-review-and-amendments

City of San José, 2020. 2020 Transportation Analysis Handbook. Available at: https://sj-admin.s3-us-west-2.amazonaws.com/2020_SJTransAnalysisHandbook.pdf. Accessed March 2023.

City of San José, 2020a. Activate SJ. Available at: https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/general-information/activatesj. Accessed December 2022.

City of San José, 2011. Envision San José 2040 General Plan EIR, 2010. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/22039/636688304347700000. Accessed December 2022.

City of San José Police Department, 2022. Inside SJPD – Department Information. Available at http://www.sjpd.org/InsideSJPD/. Accessed December 2022.

Local Agency Formation Commission (LAFCO), 2023. What is LAFCO. Available at: https://santaclaralafco.org/about-lafco/what-is-lafco. Accessed March 2023.

LAFCO, 2023a. About LAFCO. Available at: https://santaclaralafco.org/about-lafco. Accessed March 2023.

Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2023. "*Final Bay Area 2050*" Available at https://www.planbayarea.org/finalplan2050. Accessed March 2023.

National Oceanic and Atmospheric Administration, 2022. 2021 was the World's 6th Warmest Year on Record. Available at: https://www.noaa.gov/news/2021-was-worlds-6th-warmest-year-on-record. Accessed March 2023.

Pacific Gas and Electric Company (PG&E), 2022. Pacific Gas and Electric Company Profile. Available at http://www.pge.com/about/company/profile/. Accessed December 2022.

Rincon, 2023. City of San José 2023-2031 Housing Element Update Energy Study.

Rincon, 2023a. City of San José 2023-2031 Housing Element Update Air Quality and Greenhouse Gas Emissions Technical Study.

State of California. 2018. California's Fourth Climate Change Assessment Statewide Summary Report. August 27, 2018. http://www.climateassessment.ca.gov/state/

U.S. Department of Energy, 2023. Alternative Fueling Station Counts by State. Available at: https://afdc.energy.gov/stations/states. Accessed March 2023.

U.S. Energy Information Administration, 2023. California Field Production of Crude Oil. Available at: https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPCA1&f=A. Accessed March 2023.

World Meteorological Organization, 2022. Greenhouse Gases. Available at: https://public.wmo.int/en/our-mandate/focus-areas/environment/greenhouse%20gases. Accessed March 2023.

IPCC, 2021. Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)] Cambridge University Press. Available at: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf. Accessed March 2023.

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