RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT REZONING FOR THE COLEMAN AND HEDDING COMMERCIAL DEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (FILE NO. GP18-012, PDC23-009, & ER22-056) AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the proposed General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project includes a general plan amendment and rezoning in the City of San José, which real property is sometimes referred to herein as the “subject property”; and the proposed General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project referred to herein as the “Project”; and

WHEREAS, approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related State and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

WHEREAS, the City of San José (“City”) prepared, completed, and adopted in accordance with CEQA the Final Environmental Impact Report for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project, and

WHEREAS, the City, acting as lead agency, prepared a Draft Environmental Impact Report ("Draft EIR") for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project (Planning File Numbers GP18-012, PDC23-009, & ER22-056) dated August 2024; and

WHEREAS, a First Amendment to the Draft EIR was prepared to include responses to comments received during the public comment period and to make any technical or text changes to the Draft EIR; and

WHEREAS, the First Amendment and the Draft EIR together comprise the Final Environmental Impact Report ("FEIR") for the Project; and

WHEREAS, the FEIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would avoid or reduce each of those significant effects to a less-than-significant level; and

WHEREAS, on April 9, 2025, the Planning Commission of the City of San José reviewed the FEIR and recommended the City Council find the FEIR was completed in accordance with the requirements of CEQA and further recommended the City Council adopt a resolution certifying the FEIR; and

WHEREAS, as required under CEQA, a program to monitor and report on the implementation of measures to mitigate or avoid significant effects on the environment has been prepared for the Project (the "Mitigation Monitoring and Reporting Program"); and

WHEREAS, the decision-making body of a public agency is required under CEQA to make certain findings regarding potentially significant environmental impacts and adopt

a statement of overriding considerations for any impact that may not be reduced to a less than significant level;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The foregoing recitals are incorporated herein as if set forth in the body of this Resolution.

2. The City Council finds and certifies the FEIR has been prepared and completed in compliance with CEQA.

3. The FEIR was presented to the City Council, the City Council reviewed and considered the information contained therein prior to approving the Project, and, as lead agency for the Project, the City Council finds the FEIR reflects the independent judgment and analysis of the City of San José and designates the Director of Planning, Building and Code Enforcement at 200 East Santa Clara Street, 3rd Floor Tower, San José, California 95113 as the custodian of records on which the decision of the City is based.

4. The City Council recognizes the FEIR contains additions, clarifications, modifications, and other information in response to comments on the Draft EIR or obtained after the Draft EIR was issued and circulated for public review and hereby finds such changes and additional information would not result in: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the Draft EIR, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project, or (iii) any

feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project.

5. The City Council finds and determines that recirculation of this FEIR for further public review and comment is not warranted or required under CEQA.

6. The City Council makes the following findings with respect to potentially significant environmental impacts, as identified in the FEIR, with the understanding that all the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR.

GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT REZONING FOR THE COLEMAN AND HEDDING COMMERCIAL DEVELOPMENT PROJECT

ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Through project scoping and the environmental analysis contained within the FEIR, it was determined that the Project would not result in a potential significant effect on the environment with respect to aesthetics, agricultural and forestry resources, air quality, energy, geology and soils, hydrology and water quality, land use and planning, minerals, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, wildfire, and unplanned growth. A summary of the reasons for this determination can be found in Sections 3.1, 3.2, 3.3, 3.6, 3.7, 3.10, 3.11, 3.12, 3.14, 3.15, 3.16, 3.18, 3.19, 3.20, and 4.0 of the Draft EIR. No further findings are required for these subject areas.

Findings for Significant but Mitigated Impacts

Biological Resources

Impact: **BIO-1:** Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows.

Mitigation: **MM BIO-1.1** Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) on each of the subject parcels, a qualified biologist shall conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). Owls observed shall be counted and their location shall be mapped.

Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities; thus, surveys shall begin no less than four days prior to the initiation of ground disturbing activities (two days of surveying plus up to two days between surveys and ground disturbing activities). To avoid last-minute changes in schedule that may occur if burrowing owls are found, a preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the two required surveys, as long as the second survey concludes no more than two calendar days in advance of construction. If construction on different parcels commences on different timelines, separate surveys need to be conducted for each parcel to ensure that surveys occur just prior to the start of construction on each parcel. The results of the preconstruction surveys shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee no more than 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits.

If the preconstruction survey does not identify the presence of burrowing owls on or within 250 feet of the area in which ground disturbance is proposed, no further measures are necessary. However, should the preconstruction survey determine the presence of burrowing owls on or within 250 feet the area in which ground disturbance is proposed, then the Project proponent shall implement the following avoidance measures.

- Avoidance during the Breeding Season. If evidence of burrowing owls is found during the breeding season (February 1 to August 31,

inclusive), all nesting or roosting sites that could be disturbed by Project construction activities shall be avoided during the remainder of the breeding season (if owls remain throughout the breeding season) or while the nest (i.e., a burrow occupied during the period February 1 to August 31, inclusive) is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Although burrowing owls are unlikely to nest on the subject parcels, there is a remote possibility that nesting may occur. Wintering owls in Santa Clara County often remain past February 1, at which time they cannot be distinguished from breeding birds. As a result, any owl present between February 1 and August 31, inclusive, will be considered a potential breeder unless and until it leaves the site.

Avoidance shall include the establishment of a 250-foot non-disturbance buffer zone around nests. Construction activities may occur outside of the 250-foot non-disturbance buffer zone. Construction activities may occur inside of the 250-foot non-disturbance buffer during the breeding season only if the nest is not disturbed, and a qualified biologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW prior to Project construction and meets all of the following criteria:

1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
2. The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. Construction shall not resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the Project area and 250-foot buffer.
4. If monitoring indicates that the nest is abandoned prior to the end of the nesting season (as would occur if a wintering owl lingered past February 1 and then eventually migrated to its

breeding areas outside the region), and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The qualified biologist will excavate the burrow to ensure that no owls are present and to prevent reoccupation after receiving approval from the CDFW.

- Avoidance during the Non-Breeding Season. During the non-breeding season (September 1 through January 31, inclusive), a 250-foot non-disturbance buffer shall be established around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the 250-foot buffer are allowed if all of the following criteria are met in order to prevent owls from abandoning important overwintering sites:

  1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
  2. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
  3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer.
  4. If the owls are gone for at least one week, the Project proponent may request approval from the CDFW that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

- Construction Monitoring. Based on the avoidance, minimization, and monitoring plan developed during construction, a non-disturbance buffer zones shall be established and maintained. A qualified biologist shall monitor the site, consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also

conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone or within 250 feet of such zone.

- Passive Relocation. Passive relocation shall only be allowed, with the approval of the CDFW, during the non-breeding season (September 1 through January 31, inclusive), and may only occur if the burrow needs to be removed or could collapse from construction activities. If passive relocation is allowed by CDFW, a qualified biologist shall passively exclude birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation, an escape route shall be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside.

Finding: With implementation of MM BIO-1.1, burrowing owls will not be harmed during the construction phase of the Project. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: If owls are present when construction occurs, individual burrowing owls may be affected by construction activities. Because they roost underground, burrowing owls may be killed or injured during development activities from trampling or compaction of burrows by construction personnel or equipment if appropriate protective measures are not implemented. Construction activities that occur in close proximity to active burrows may disturb owls to the point of abandoning their burrows. Injury or mortality of burrowing owls resulting from construction activities would represent a significant impact.

This mitigation measure is based on the Santa Clara Valley Habitat Plan, which includes measures based on the research and coordination with Federal and State wildlife agencies. The combination of preconstruction surveys, establishment of buffer zones around nests, construction

monitoring, and passive relocation of owls that are embodied in MM BIO-1.1 will avoid harm to burrowing owls during construction of the Project.

Impact: **BIO-2:** Development of the proposed Project would result in impacts to nesting birds, if present on the site at the time of construction.

Mitigation: **MM BIO-2;1:** The Project developer shall avoid construction activities during the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

MM BIO-2.2: If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no active nests shall be disturbed during project implementation. This survey must be completed no more than seven (7) days prior to the initiation of construction activities (including demolition, vegetation clearing, or ground disturbance) during the breeding season (February 1st through August 31st, inclusive). During this survey, the qualified ornithologist shall inspect all vegetation, structures, trees and other possible nesting habitats (including the ground), in and immediately adjacent to the Project construction areas for active nests (i.e., nests with eggs or young). If construction activity ceases for seven (7) days or more, a new survey shall be conducted.

MM BIO-2.3: If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction free buffer zone to be established around the nest, typically 100 feet for non-raptors and 300 feet for raptors, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive

failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

MM BIO-2.4 Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee and the CDFW.

Finding: With implementation of MM BIO-2.1 through MM BIO-2.4, nesting birds will not be harmed during the construction phase of the Project. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season, including tree removals, could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and construction activities that disturb a nesting bird onsite or immediately adjacent to the construction zone would constitute a significant impact.

The combination of preconstruction surveys, establishment of buffer zones around nests, and construction monitoring, that are embodied in MM BIO-2.1 through MM BIO-2.4 will avoid harm to nesting birds during construction of the Project.

Impact: **BIO-3:** Development of the proposed Project could result in an increase in nitrogen deposition that could result in adverse effects on habitat for the Bay checkerspot butterfly and rare serpentine-associated plants located off-site.

Mitigation: **MM BIO-3.1:** Prior to the issuance of grading permits for the development of each parcel, the Project proponent shall submit a project-specific

Santa Clara Habitat Agency (SCVHA) Nitrogen Deposition Application to the Director of Planning, Building and Code Enforcement, or the Director's designee and pay applicable nitrogen deposition fees to SCVHA. The Project proponent shall pay the nitrogen deposition fee that applies to covered activities based on new daily vehicle trips generated by the development of each parcel.

Finding: With the implementation of MM BIO-3.1, the Project's impact on species that rely on serpentine covered plants will be reduced to less-than-significant. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: Although the parcels are controlled by the Airport and operated by the City of San José, a Local Partner in the Habitat Plan, the parcels are not located in a Habitat Plan fee area and lands controlled by the Airport are excluded as covered activities under the Habitat Plan. Irrespective of this fact, the City as CEQA Lead Agency acknowledges the nitrogen deposition impacts of the Project and is committing to pay the nitrogen deposition fee that applies to covered activities, based on new daily vehicle trips. The fee will be paid at the time the grading permit is issued for the development of each parcel. According to the SCVHA, the fees collected from covered activities do not fully cover the costs related to mitigating nitrogen deposition impacts due to new development. Therefore, the Habitat Agency accepts fees from non-covered activities and states that "nitrogen deposition voluntary fee payments will be applied toward land acquisition, management, and monitoring for Bay checkerspot butterfly and serpentine covered plant species." The payment of fees to the SCVHA will support the Agency's efforts to acquire, preserve and enhance serpentine lands that are impacted by nitrogen deposition from development, including development from the Project.

Cultural Resources

Impact: **CUL-1:** On-site construction activities could impact buried prehistoric or historic archaeological materials.

Mitigation: **MM CUL-1.1:** Cultural Sensitivity Training: Prior to issuance of any grading permit, the Permittee shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native

American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of PBCE or the Director's designee.

MM CUL-1.2: Monitoring Plan: Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of PBCE or the Director's designee for review. The plan shall include, but is not limited to, the following: plan could include a combination of some of the following measures:

- Monitoring Schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CUL-1.3 Monitoring Plan. Sub-Surface Monitoring: A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

MM CUL-1.4 Evaluation: The Permittee shall notify the Director of PBCE or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the Project area during the excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand

auguring, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of PBCE or the Director's designee.

Finding: Implementation of MM CUL-1.1 through MM CUL-1.4 will avoid significant effects on buried prehistoric or historic cultural resources that may be present on the Project sites. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: As described in Section 3.5.1.2, Existing Conditions, no prehistoric or archaeological sites have been recorded or identified in or adjacent to the project sites. Research conducted for the proposed project indicates a very low potential for exposing unique prehistoric or historic archaeological resources with integrity. Outreach conducted as part of the EIR process to Native American Tribes and individuals with knowledge of tribal cultural resources in the project vicinity determined a moderate possibility of potential adverse impacts to unreported ancestral heritage burials, features, and artifacts.

While the project site is not known to contain an archaeological site or buried deposits, construction operations of any development on the subject parcels could result in the inadvertent exposure of buried prehistoric or historic archaeological materials that could be eligible for inclusion on the CRHR and/or meet the definition of a unique archaeological resource as defined in Section 21083.2 of the Public Resources Code. Implementation of MM CUL-1.1 through MM CUL-1.4 will reduce or avoid impacts on buried archaeological resources at the project site.

Greenhouse Gases

Impact: **GHG-1:** Development on the subject parcels could result in GHG emissions considered significant if the electric vehicle and natural gas requirements of BAAQMD Threshold A are not met.

Mitigation: **MM GHG-1.1:** Development on the subject parcels shall be required to be compliant with the off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. Plans demonstrating compliance shall be submitted to the Director of PBCE, or the Director's designee, for review and approval prior to issuance of building permits.

MM GHG-1.2: Development on the subject parcels shall not have natural gas appliances or natural gas plumbing. Plans demonstrating compliance shall be submitted to the Director of PBCE, or the Director's designee, for review and approval prior to issuance of building permits.

Finding: Implementation of MM GHG-1.1 and MM GHG-1.2 will reduce GHG emissions associated with the Project. [Less-than-Significant with Mitigation]

Facts in Support of the Finding: Under BAAQMD's GHG thresholds of significance for land use development projects, projects must demonstrate that they either A) incorporate specific building design and transportation elements or option B) demonstrate consistency with a local GHG reduction strategy. The City of San José has adopted a qualified GHG reduction strategy built upon the land use assumptions in the General Plan. The Since the project includes a General Plan Amendment and cannot rely on the City's qualified GHG reduction strategy for streamlining under CEQA, the project was analyzed under option A. To demonstrate consistency with option A, future development facilitated by the project will be required to implement MM GHG-1.1 and MM GHG-1.2 and will not include natural gas appliances or natural gas plumbing. When compared to gas-powered vehicles and appliances, the use of electric-powered vehicles and appliances will result in a reduction in GHG emissions.

Hazards and Hazardous Materials

Impact: **HAZ 1:** Former historical Underground Storage Tanks (USTs) and associated pipelines could be located on Parcel 6, which has the potential to expose workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.

Mitigation: **MM HAZ-1.1:** Prior to the issuance of any grading, demolition, or building permits, the Project proponent for Parcel 6 shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed.

If USTs or associated pipelines are discovered, then the Project proponent shall complete, submit, and pay the required fees for 1) an Underground Storage Tanks System Closure Permit Application with the County of Santa Clara Hazardous Materials Compliance Division and 2) required closure documents with the San José Fire Department's Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed by a representative from both HMCD and San José Fire Department. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous.

After tank removal, a representative of the County of Santa Clara Hazardous Materials Compliance Division will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. The County of Santa Clara Hazardous Materials Compliance Division will review the soil analytical results to determine if the tank has leaked. If the tanks or piping are determined to have leaked, the County of Santa Clara Hazardous Materials Compliance Division will refer the site to the County of Santa Clara Local Oversight Program. The Project proponent shall work with HMCD to determine next steps to investigate the contamination. The County of Santa Clara Hazardous Materials Compliance Division may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc. may be required to reduce potential exposure impacts to future construction/maintenance workers, residents, and the general public. All contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site. A report documenting that remediation has been completed to the County of Santa Clara Hazardous Materials Compliance Division and the San José Fire Department's

satisfaction shall be submitted to the Director of PBCE prior to issuance of the grading permit.

Finding: Implementation of MM HAZ-1.1 will mitigate potential adverse effects associated with exposure to hazardous substances from leaking USTs. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: One of the parcels on the Project site (Parcel 6) was developed with a gasoline station in 1962, which was then demolished in 1974, with the parcel remaining undeveloped since. Parcel 6 is listed in Environmental Data Resources' database of former automotive related businesses. Motor vehicle fuels were likely stored in underground storage tanks (USTs), which may have been removed under Fire Department oversight; however, no documentation was identified. Therefore, Parcel 6 may potentially still contain USTs and associated pipelines, which could result in the release of hazardous materials during construction. Implementing the procedures described in MM HAZ-1.1 will ensure that any USTs and associated pipelines on site will be detected and removed, and that the site would be remediated in order to ensure construction workers, residents, and the general public are not exposed to hazardous levels of toxic substances.

Impact: **HAZ 2:** Potential soil, soil gas and groundwater contamination located on the subject property due to its former agriculture and fuel service station history, and off-site sources of contamination could expose construction workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.

Mitigation: **MM HAZ-2.1:** Prior to the issuance of any grading permits, a qualified environmental specialist shall collect soil, groundwater, and soil vapor samples from the Project site where soil disturbance is anticipated and have the samples analyzed to determine if potential contamination is located onsite with concentrations above established construction worker and commercial/industrial environmental screening levels. The samples shall be tested for organochlorine pesticides and pesticide-based metals, arsenic, and lead, petroleum hydrocarbons, and volatile organic compounds. Once the soil sampling analysis is complete, a report of the findings will be provided to the City of San José's Director of PBCE, or the

Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

If contaminated soil, groundwater, or soil vapor is found in concentrations above established regulatory environmental screening levels that requires the oversight of regulatory agencies, the Project proponent must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of PBCE, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

Finding: Implementation of MM HAZ-2.1 will mitigate potential adverse effects associated with exposure to hazardous substances from prior land uses on the sites. [Less-than-Significant Impact with Mitigation]

Facts in Support of the Finding: The Phase I Environmental Site Assessment **(ESA)** prepared for the project concluded that contaminated soil and groundwater may exist on the subject parcels due to historic uses of all the parcels as agricultural land and farmhouses and Parcel 6 as a gasoline station. Soil samples collected from Parcels 1, 2, and 5 to test for organochlorine pesticides, metals, petroleum hydrocarbons, and polychlorinated biphenyls (PCBs) did not identify contaminants at concentrations exceeding regulatory thresholds. However, the Phase I ESA recommended further testing to understand the distribution of contaminants. Additionally, soil samples have not been collected from Parcels 3, 4, 6, and 7, so the Phase I ESA recommended collection of shallow soil samples of those parcels to evaluate the possible presence of organochlorine pesticides, lead, and arsenic. Based on the potential for

site contamination from nearby sources, soil, groundwater, and soil vapor sampling on Parcels 1, 2, and 4 were also recommended. Implementing the procedures described in MM HAZ-2.1 will result in the remediation of any contamination found on site to regulatory thresholds and ensure that construction workers, residents, and the general public are not exposed to hazardous levels of toxic substances.

Noise

Impact: **NOI 1:** Construction activities could expose nearby commercial receptors within 200 feet of the subject parcels to noise levels that exceed the Federal Transit Administration (FTA)'s exterior threshold of 85 dBA Leq, resulting in a significant impact according to Policy EC-1.7 of the City's General Plan.

Mitigation: **MM NOI-1.1:** Pursuant to General Plan Policy EC-1.7, prior to issuance of a grading permit, a construction noise logistics plan shall be prepared 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 nearby uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences or similar around ground level construction sites adjacent to operational businesses. A temporary 10-foot noise barrier shall be constructed along the property lines of the Project sites to shield adjacent commercial uses from ground-level construction equipment and activities. The noise barrier shall be solid

over the face and at the base of the barrier in order to provide a 10 dBA noise reduction.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Finding: Implementation of the measures listed in MM NOI-1.1 will ensure that noise levels during construction are compliant with Policy EC-1.7 of the City’s General Plan. [Less-than-Significant with Mitigation]

Facts in Support of the Finding: The noise assessment prepared for the project uses the noise limits established by the Federal Transit Administration (FTA) to identify the potential for impacts due to substantial temporary construction noise because the City of San José does not establish noise level thresholds for construction activities. The FTA identifies construction noise limits of 85 dBA Leq at commercial land uses surrounding the project site.

The measures listed in MM NOI-1.1 are designed to minimize noise that would otherwise occur during construction, as well as to avoid construction-generated noise during nighttime hours and on weekends. The noise assessment concluded that implementation of the measures listed in MM NOI-1.1 would reduce temporary construction noise would be reduced to 85 dBA Leq or less.

Impact: **NOI 2:** Noise levels produced by operations allowed under the Project could exceed the City's 55 dBA DNL threshold at the nearest residential receptors or 60 dBA threshold at the nearest commercial uses, thereby causing a significant impact.

Mitigation: **MM NOI-2.1:** Prior to issuance of a grading permit, a qualified acoustical consultant shall review the final design plans to address any potential conflicts with the General Plan or Municipal Code for any development of the subject parcels that consist of the following land uses:

- Animal boarding
- Any use without a permanent fully enclosed building on-site
- Car wash
- Detailing
- Recreation
- Commercial outdoor
- Winery, brewery, or distillery

An acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal for residences and 60 dBA LDN goal at commercial uses as per the Municipal Code Performance Standards. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed the respective appropriate thresholds at noise-sensitive locations around the Project site. The noise control features identified by the study shall be incorporated into the Project prior to the issuance of a building permit.

Finding: Implementation of MM NOI-2.1 will ensure that operational noise levels associated with the Project do not exceed 55 dBA DNL at the nearest residential receptors or 60 dBA at the nearest commercial use. [Less-than-Significant with Mitigation]

- **Facts in Support of the Finding:** Operational noise levels (due to mechanical equipment, truck deliveries, parking lots etc.) could potentially exceed 55 dBA DNL at the nearest residential receptors or 60 dBA DNL at commercial uses if the project were to be developed with the following land uses: animal boarding, any use without a permanent fully enclosed building on site, car wash, detailing, recreation, commercial outdoor, and winery, brewery, or distillery. With MM NOI-2.1, the design of the buildings allowed under the Project will include features (e.g., sound attenuators, baffles, barriers, etc.) that will reduce operational noise to levels that do not exceed applicable City standards.

Impact: **NOI 3:** Construction activities on the Project site could cause significant ground borne vibration impacts to adjacent structures.

Mitigation: **MM NOI-3.1:** The following measures shall be implemented at Project parcels that are within 30 feet of existing structures where construction vibration levels could exceed 0.2 in/sec PPV for buildings of conventional construction:

- A list of all heavy construction equipment to be used for the development known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory

compactor, could be used when compacting materials within 30 feet of adjacent conventional buildings.

- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent conventional buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such a person shall be clearly posted on the construction site.

The above measures will be included in a vibration mitigation plan, which will be submitted to the Director of PBCE, or the Director's designee prior to the issuance of a grading permit.

Finding: Implementation of the measures listed in MM NOI-3.1 will ensure that vibration levels during construction do not exceed 0.2 in/sec PPV for buildings of conventional construction. [Less-than-Significant with Mitigation]

Facts in Support of the Finding: Future project construction is required to adhere to the City of San José General Plan Policy EC-2.3 establishing a vibration limit of 0.08 in/sec PPV for historic buildings and a vibration limit of 0.20 in/sec PPV for buildings of normal conventional construction to reduce cosmetic damages to adjacent buildings. The measures listed in MM NOI-3.1 are designed to reduce the level of vibration that would otherwise occur during construction to below the vibration limits outlined in General Plan Policy EC-2.3.

Impact: **NOI 4:** Without noise insulating features, development of the subject parcels could be incompatible with the Airport's Comprehensive Land Use Plan (CLUP)'s noise policies, thereby exposing people to excessive noise levels.

Mitigation: **MM NOI-4.1:** Prior to issuance of an occupancy permit, a detailed analysis of noise reduction requirements shall be completed for any development on the subject parcels. Based on the analysis, all noise insulation features determined appropriate shall be incorporated into the development design to ensure that the 2023 Cal Green Code standards are met and an interior noise level of 50 dBA Leq (1-hr) or lower during daytime hours is achieved. This mitigation measure complies with CLUP Policies N-2 and N-6 to mitigate aircraft noise impacts.

Finding: Implementation of MM NOI-4.1 will ensure that aircraft-generated noise levels at the Project comply with CLUP Policies N-2 and N-6. [Less-than-Significant with Mitigation]

Facts in Support of the Finding: The project would result in the development of commercial uses at Parcels 1 through 6, which fall under the CLUP's "Conditionally Acceptable" category as projected noise levels from aircraft are 65-70 dBA CNEL/DNL. The project would also result in the development of commercial uses at Site 7 which falls under the CLUP's "Generally Unacceptable" category as projected noise levels from aircraft are >70 dBA CNEL. In order to be compatible with the requirements of the CLUP, future redevelopment of the project sites shall implement MM NOI-4.1 to ensure that building designs will include noise insulation features that will mitigate aircraft-generated noise in compliance with CLUP Policies N-2 and N-6.

Transportation

Impact: **TRANS-1:** Development of the proposed Project would result in an increase in of 12.89 VMT per employee which is above the City's impact threshold of 12.21 VMT per employee for retail uses.

Mitigation: **MM TRANS-1.1:** Prior to the issuance of the first Building Occupancy Permit, the Project developer shall provide a fair-share contribution to the City of San José for the construction of Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive, as well as on Hedding Street westbound between Walnut Street and Ruff Drive. This multi-modal infrastructure improvement shall be part of a Public Improvement Plan that describes how the bike lanes will be implemented. The Public Improvement Plan shall be reviewed and approved by the City's Director of Public Works or

designee. The implementation of the Public Improvement Plan shall be verified by the Director of Public Works or designee prior to approval of Planned Development permits for development on the seven subject parcels.

MM TRANS-1.2: Traffic Calming Measures. As part of the implementation of the Class IV protected bike lanes required in MM TRANS-1.1, the removal of an eastbound travel lane on Hedding Street, between Walnut Street and Ruff Drive, shall be required prior to approval of Planned Development permits for development on the seven subject parcels.

MM TRANS-1.3: Commute Trip Reduction Marketing and Education. Transportation Demand Management (TDM) Plan(s) shall be prepared for development on the seven subject parcels. The number of Plans shall depend on the number, scope, and timing of development applications received by the City. Prior to the issuance of Planned Development permits on each subject parcel, the TDM Plan(s) shall be approved by the City's Director of Public Works or designee and the Director of PBCE or designee. The TDM Plan(s) shall consist of implementation of the following measure.

- The Project developer for each parcel shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. Strategies may include the incorporation of alternative commute options into new employee orientations, event promotions, and publications.

The TDM Plan(s) shall include a trip cap for VMT monitoring purposes. The trip cap shall be determined by a traffic engineer using the methodology employed in Appendix F of this EIR, such that the number of trips will not translate into an increase in VMT over No Project conditions. Annual monitoring shall occur to determine if vehicle trips generated by the Project are within ten percent of the trip cap determined by the traffic engineer. The annual trip monitoring reports shall be submitted to the City's Director of Public Works. If the annual trip monitoring report finds that the Project is exceeding the established trip cap, a follow-up report shall be prepared and submitted to the City's Director of Public Works that demonstrates compliance with the trip cap requirements within a period not to exceed six months.

Finding: Implementation of MM TRANS-1.1 through MM TRANS-1.3 will reduce the VMT that would otherwise occur under the Project. [Less-than-Significant with Mitigation]

Facts in Support of the Finding: The construction of bike lanes and the promotion of transit and rideshare options will facilitate alternative modes of transportation, thereby reducing VMT. The lane reduction along Hedding Street would create a more bicycle-friendly environment and enhance cyclist safety. The TDM plan, which includes a trip cap, will also reduce VMT.

FINDINGS CONCERNING ALTERNATIVES

To comply with CEQA, it is important to identify alternatives that reduce any anticipated significant impacts from the project and try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a common-sense approach, meaning the alternatives should be reasonable, "foster informed decision making and public participation," and focus on alternatives that avoid or substantially lessen significant impacts.

The alternatives analyzed in the Draft EIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects.

The objectives for the Project are as follows:

- Comply with FAA regulations and grant restrictions that pertain to the subject parcels.

- Generate revenue on Airport lands to support aviation services at SJC.

- Allow land uses on the subject parcels that would be compatible with the primary function of the land, which is airport approach protection and aircraft noise abatement.

The following alternative was considered and rejected:

Location Alternative By definition, the project is limited to Airport-owned lands, which include the Airport itself and parcels within the Guadalupe Gardens. The Airport is

already managed in such a manner to maximize revenue generation, and vacant areas of the Airport are either master planned for future Airport uses or are unsuitable for commercial development. As a result, alternative locations for the project are limited to the Airport-owned parcels within the Guadalupe Gardens.

Since the proposed project is already located in the Guadalupe Gardens, any alternative locations would be in proximity to the seven parcels comprising the project site. Additionally, roadway and utility access are required for future development, limiting commercially viable parcels to those near or adjacent to Coleman Avenue and Hedding Street. As a result, development on alternative parcels within Guadalupe Gardens would result in similar, if not identical, impacts compared to the proposed project.

Based on the above facts, discussion of an alternative location for the proposed project is not required or useful and this alternative was rejected from further consideration.

The following were evaluated as alternatives to the proposed Project in the EIR:

1. No Project Alternative #1: No Changes from Existing Conditions
2. No Project Alternative #2: Develop per Existing Land Use and Zoning Designations
3. Reduced Scale Alternative
4. Municipal Land Use Alternative

1. No Project Alternative #1: No Changes from Existing Conditions

A. **Description of Alternative:** The No Project Alternative #1 is defined as no changes from existing conditions. This alternative would retain the existing land uses on the subject parcels, which except for a small City of San José parks maintenance facility on a portion of Parcel 5, are all currently vacant and undeveloped.

B. **Comparison of Environmental Impacts:** If the subject parcels were to remain undeveloped, the impacts associated with construction and operation of the proposed project would not occur, and the baseline conditions described throughout this EIR would remain the same as they are now.

C. **Findings:** While the No Project Alternative #1 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not

meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

2. No Project Alternative #2: Develop per Existing Land Use and Zoning Designations

A. **Description of Alternative:** The No Project Alternative #2 is defined as development of the parcels per the existing General Plan land use designation of Open Space Parks Habitat and in accordance with the Guadalupe Gardens Master Plan (GGMP) within which the parcels are located. The subject parcels could be developed in the future with passive recreational uses consistent with the GGMP, which envisions pathways and landscaping on Parcels 1, 2, and 5, community gardens on Parcels 3 and 4, and no development on Parcels 6 and 7.

B. **Comparison of Environmental Impacts:** Development of these uses on the subject parcels would be less intensive than the proposed project, thereby reducing or avoiding the environmental impacts associated with construction and operation of the proposed project, such impacts that include traffic, noise, air quality, biology, hazardous materials, and GHG emissions

C. **Findings:** While the No Project Alternative #2 would meet the project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objective of complying with FAA policies and grant restrictions, including the provision for generating revenue on Airport-owned lands to support aviation services at SJC.

3. Reduced Scale Alternative

A. **Description of Alternative:** The Reduced Scale Alternative is defined as a smaller/less intense version of the proposed Project. Under the assumption that smaller projects typically have lesser environmental effects, the purpose of evaluating reduced scale alternative(s) is to determine if the significant impacts of the Project can be avoided while at the same time achieving the project objectives.

B. **Comparison of Environmental Impacts:**
Under this alternative, it is assumed that fewer parcels would be developed, thereby reducing the size of potential building square footages across the Project

site overall. Reducing the overall number of parcels to be developed could result in reduced impacts, especially where impacts are specific to a certain parcel. For example, a UST and associated pipelines could be located on Parcel 6, exposing workers and members of the public to hazardous materials during construction activities. Reducing the scale of the project to eliminate development on Parcel 6 would avoid this impact. Similarly, construction activities and future operation of certain noise-generating land uses on Parcels 3 through 7 could result in significant noise impacts on adjacent commercial uses. Eliminating one or more of these parcels from the Project would reduce or avoid these impacts.

Additionally, certain subject parcels could remain undeveloped to preserve open space as part of this alternative, however each subject parcel is adjacent to or surrounded by development and does not represent valuable open space land. The subject parcels were selected for development because they are located near major transportation corridors and close to existing development, away from the interior parcels within the GGMP area that provide more valuable open space.

C. **Findings:** While the Reduced Scale Alternative would be consistent with the project objectives, it would do so to a lesser degree than the proposed project. Further, neither the Reduced Scale Alternative nor the proposed project would result in any significant unavoidable impacts. Under the proposed Project, the scale of the proposed development on the subject parcels is already substantially limited by restrictions associated with the grant agreements between the FAA and the City when the parcels were purchased, as well as the policies of the California Airports Land Use Handbook and the ALUC's CLUP for SJC. As a result, reducing the scale of the maximum allowable development on the subject parcels would do little to reduce or avoid environmental impacts. Furthermore, as discussed in the EIR, all of the significant environmental effects of the project will be mitigated by measures included in the Project.

An overall reduction in development associated with the Project would also reduce construction and operational impacts in general. However, as described previously, all impacts that would occur from implementation of the Project will be mitigated to less than significant levels. While reducing the scale of the Project by eliminating development on certain parcels may avoid the need for mitigation, it is not necessary to avoid any significant unavoidable impacts that would otherwise occur with implementation of the Project.

4. Municipal Land Use Alternative

A. **Description of Alternative:** Under this alternative, the Project site would be limited to the development of municipal land uses such as City-operated storage or maintenance facilities. Buildings and structures would compatible with existing development regulations and restrictions by applicable plans and policies.

B. **Comparison of Environmental Impacts:** Municipal facilities would likely require construction activities similar in scale and nature to the proposed Project and, therefore, would not substantially reduce or avoid construction-related impacts. Operational impacts would also be similar in nature to the proposed Project, with the possible exception of noise impacts if the municipal facilities are not substantial noise generators.

C. **Findings:** While the Municipal Land Use Alternative would meet the Project objective of maintaining airport approach protection and aircraft noise abatement, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC. The Project is designed in such a manner to allow for the development of a wide range of commercial and/or industrial land uses on the subject parcels (refer to Table 2.4-2 in the EIR). The intent of the Project is to encompass the full range of commercially viable land uses that can be developed on the subject parcels while maintaining compatibility with the restrictions associated with the grant agreements between the FAA and the City when the parcels were purchased, the policies of the California Airports Land Use Handbook, and the ALUC's CLUP.

Environmentally Superior Project

The environmentally superior alternative is the No Project Alternative #1: No Changes from Existing Conditions. The No Project Alternative #1 would retain the subject parcels in their current condition. Retaining the status quo on the subject parcels would avoid all of the identified construction and operational impacts associated with the Project. Therefore, the No Project Alternative #1 is the environmentally superior alternative. However, while the No Project Alternative #1 would be consistent with the Project objective to protect approach/departure areas, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

Beyond No Project Alternative #1, No Project Alternative #2: Develop per Existing Land Use and Zoning Designations would be the environmentally superior alternative. This conclusion is based on the fact that the project parcels would still be developed under the existing General Plan Land Use Designation, the GGMP, and Zoning District. Development of the parcels would be limited to passive recreational uses (e.g., pathways, landscaping, community gardens, etc.), and the environmental impacts associated with such uses would be substantially reduced, as compared to those of the proposed project.

However, while the No Project Alternative #2 would be consistent with the project objective to protect approach/departure areas, it would not meet the objectives of complying with FAA policies and grant restrictions pertaining to the generation of revenue on Airport lands to support aviation services at SJC.

MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit “A” and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project required under California Public Resources Code Section 21081.6 and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation for responsibility for mitigation implementation and the agency responsible for the monitoring action.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113.

ADOPTED this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project Planning File Nos. GP18-012/ER23-056 April 2025

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) prepared for the Rezoning of Airport Parcels and GPA Project (the "Project") concluded that the implementation of the Project could result in significant effects on the environment and mitigation measures were incorporated into the proposed Project or are required as a condition of Project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

The mitigation measures enumerated in this MMRP would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the Project would be less than significant.

The City of San José hereby agrees to fully implement the mitigation measures described below, which have been developed in conjunction with the preparation of an SEIR for the Project. The City understands that these mitigation measures, or substantially similar measures, will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to less than significant levels.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		**Documentation of Compliance [Lead Agency Responsibility]**		
	Method of Compliance Or Mitigation Action	**Timing of Compliance**	**Oversight Responsibility**	**Actions/Reports**	**Monitoring Timing or Schedule**
BIOLOGICAL RESOURCES					
Impact BIO-1 Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows.					
MM BIO-1.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) on each of the subject parcels, a qualified biologist shall conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). Owls observed shall be counted and their location shall be mapped. Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities; thus, surveys shall begin no less than four days prior to the initiation of ground disturbing activities (two days of surveying plus up to two days between surveys and ground disturbing activities). To avoid last-minute changes in schedule that may occur if burrowing owls are found, a preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the	Conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed).	Prior to the initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) for development projects on the subject parcels. The survey shall begin one hour before sunrise and continue until two hours after sunrise or begin two hours before sunset and continue until one hour after sunset. Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities. To avoid last-minute changes in schedule, a preliminary survey may be conducted up to 14 days before construction. The results of the surveys shall be submitted to the	City of San José Director of Planning, Building and Code Enforcement (PBCE) or Director's designee.	Review and approve preconstruction survey reports.	Prior to the initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) on each parcel.

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two required surveys, as long as the second survey concludes no more than two calendar days in advance of construction. If construction on different parcels commences on different timelines, separate surveys need to be conducted for each parcel to ensure that surveys occur just prior to the start of construction on each parcel. The results of the preconstruction surveys shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee no more than 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits. If the preconstruction survey does not identify the presence of burrowing owls on or within 250 feet of the area in which ground disturbance is proposed, no further measures are necessary. However, should the preconstruction survey determine the presence of burrowing owls on or within 250 feet the area in which ground disturbance is proposed, then the Project proponent shall implement the following avoidance measures. • Avoidance during the Breeding Season. If evidence of burrowing owls is found during the breeding season (February 1 to August 31), all nesting or roosting sites that could be disturbed by Project construction activities shall be avoided during the remainder of the breeding season (if owls remain throughout the breeding season) or while the nest (i.e., a	If evidence of burrowing owls is found during the breeding season (February 1 to August 31), all nesting or roosting sites that could be disturbed by Project construction activities shall be identified by the qualified biologist and avoided during the remainder of the breeding season. A 250-foot non-disturbance buffer zone shall be established around nests. Construction activities may occur outside of the 250-foot non-disturbance buffer zone. Construction activities may occur inside of the 250-foot non-disturbance buffer during the breeding season	City of San José Director of PBCE or Director's designee no more than 14 days prior to ground disturbing activities (including demolition, vegetation clearing, or construction activities). If evidence of burrowing owls is found during the breeding season (February 1 to August 31), then during the remainder construction occurring during the breeding season.	City of San José Director of PBCE or Director's designee City of San José Director of PBCE or Director's designee and the California Department of Fish and Wildlife.	Receive documentation of any detected burrowing owls and evidence of established 250-feet construction-free buffers. Receive the avoidance, minimization, and monitoring plan that has been reviewed and approved by the CDFW.	Once evidence of burrowing owls is discovered and during the remainder of the breeding season. Prior to allowing construction activities to occur inside of the 250-foot non-disturbance buffer during

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burrow occupied during the period February 1 to August 31) is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Although burrowing owls are unlikely to nest on the subject parcels, there is a remote possibility that nesting may occur. Wintering owls in Santa Clara County often remain past February 1, at which time they cannot be distinguished from breeding birds. As a result, any owl present between February 1 and August 31 will be considered a potential breeder unless and until it leaves the site. Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction activities may occur outside of the 250-foot non-disturbance buffer zone. Construction activities may occur inside of the 250-foot non-disturbance buffer during the breeding season only if the nest is not disturbed, and a qualified biologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the California Department of Fish and Wildlife prior to Project construction and meets all of the following criteria:	only if the nest is not disturbed, and a qualified biologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW prior to Project construction.				the breeding season.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). 2. The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities. 3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. Construction shall not resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the Project area and 250-foot buffer. 4. If monitoring indicates that the nest is abandoned prior to the end of the nesting season (as would occur if a wintering owl lingered past February 1 and then eventually migrated to its breeding areas outside the region), and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The qualified biologist will excavate the burrow to ensure that no owls are present and to prevent reoccupation after receiving approval from the CDFW.					

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• Avoidance during the Non-Breeding Season. During the non-breeding season (September 1 through January 31), a 250-foot non-disturbance buffer shall be established around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the 250-foot buffer are allowed if all of the following criteria are met in order to prevent owls from abandoning important overwintering sites: 1. A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction). 2. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. 3. If there is any change in owl nesting and foraging behavior as a result of construction activities, all disturbance activities shall cease within the 250-foot buffer. 4. If the owls are gone for at least one week, the Project proponent may request approval from the CDFW that a qualified biologist excavate usable burrows to	If evidence of burrowing owls is found during the non-breeding season (September 1 through January 31), a 250-foot non-disturbance buffer shall be established around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed Construction activities within the 250-foot buffer are allowed if criteria 1-4 listed in MM BIO-1.1 regarding construction within the 250-foot buffer during the non-breeding season are met in order to prevent owls from abandoning important overwintering sites.	If evidence of burrowing owls is found during the non-breeding season (September 1 through January 31), then prior to any construction activities within the 250-foot buffer.	City of San José Director of PBCE or Director's designee and CDFW.	Prior to any construction activities within the 250-buffer, ensure criteria 1-4 listed in MM BIO-1.1 regarding construction within the 250-foot buffer during the non-breeding season are met.	Prior to any construction activities within the 250-foot buffer.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active. • Construction Monitoring. Based on the avoidance, minimization, and monitoring plan developed during construction, a non-disturbance buffer zones shall be established and maintained. A qualified biologist shall monitor the site, consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone or within 250 feet of such zone. • Passive Relocation. Passive relocation shall only be allowed, with the approval of the CDFW, during the non-breeding season (September 1 through January 31), and may only occur if the burrow needs to be removed or could collapse from construction activities. If passive relocation is allowed by CDFW, a qualified biologist shall passively exclude	Establish and maintain non-disturbance buffer zones. A qualified biologist shall monitor the site to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction team on avoidance procedures, buffer zones, and protocols in the event a burrowing owl flies within 250 feet or into an active construction zone.	Buffer zone shall be established prior to construction activities and shall be monitored throughout construction. Training shall occur prior to construction. Passive relocation shall only be allowed during the non-breeding season (September 1 through January 31). Burrow-	City of San José Director of PBCE or Director's designee. California Department of	Receive monitoring reports submitted by the qualified biologist during construction and receive evidence that training is conducted. Review and approve/deny	Ensure buffer zone is enforced throughout construction, that construction monitoring occurs throughout construction, and that training occurs prior to construction.

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birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation, an escape route shall be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside.	A qualified biologist shall passively exclude birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation, an escape route shall be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside.	excluding one-way doors shall be in place for at least 48 hours to ensure owls have left the burrow, and then the qualified biologist shall excavate the burrow to prevent reoccupation. During excavation, an escape route shall be maintained at all times.	Fish and Wildlife.	request for passive relocation.	During non-breeding season and throughout process of passive relocation, if approved.
Impact BIO-2 Development of the proposed Project would result in impacts to nesting birds, if present on the site at the time of construction.					
MM BIO-2.1 The Project developer shall avoid construction activities during the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).	Avoid construction activities during the nesting season.	During Construction.	Director of PBCE or Director's designee.	Receive construction schedule from the Project proponent to ensure	Throughout nesting bird season.

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				construction activities do not take place during nesting season, and if they do, ensure BIO-2.2 is enforced.	
MM BIO-2.2 If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre- construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no active nests shall be disturbed during project implementation. This survey must be completed no more than 7 days prior to the initiation of construction activities (including demolition, vegetation clearing, or ground disturbance) during the breeding season (February 1st through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all vegetation, structures, trees and other possible nesting habitats (including the ground), in and immediately adjacent to the Project construction areas for active nests (i.e., nests with eggs or young). If construction activity ceases for 7 days or more, a new survey shall be conducted.	If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds will be completed by a qualified ornithologist. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.	This survey must be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive).	Director of PBCE or Director's designee.	Review pre-construction survey reports.	Review reports for surveys of which were completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st

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					through August 31st inclusive).
MM BIO-2.3 If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction free buffer zone to be established around the nest, typically 100 feet for non-raptors and 300 feet for raptors, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project	If the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during Project construction.	Prior to Project construction once an active nest is discovered.	The California Department of Fish and Wildlife.	Determine the extent of a construction free buffer zone to be established around the nest to ensure that raptor or migratory bird nests shall not be disturbed during Project construction.	Prior to Project construction once an active nest is discovered.

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work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.					
MM BIO-2.4 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee and the CDFW.	The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of PBCE or the Director's designee.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) (whichever occurs first).	City's Director of PBCE or the Director's designee.	Review and approve the report indicating the results of the survey and any designated buffer zones.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) (whichever occurs first).
Impact BIO-3 Development of the proposed Project could result in an increase in nitrogen deposition that could result in adverse effects on habitat for the Bay checkerspot butterfly and rare serpentine-associated plants located off-site.					
MM BIO-3.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) for the development of each parcel, the Project proponent shall submit a project-specific Santa Clara Habitat Agency (SCVHA) Nitrogen Deposition Application to the Director of Planning, Building and Code Enforcement, or the Director's designee and pay	Submit a SCVHA Nitrogen Deposition Application and pay the nitrogen deposition fee that applies to covered activities, based on new daily vehicle trips.	The fee will be paid prior to the initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)for the development of each parcel.	City's Director of PBCE or the Director's designee and the Santa Clara Valley Habitat Agency.	Review the Nitrogen Deposition Application and collect applicable nitrogen deposition fees to submit to the	Prior to initiation of any construction activities (including demolition, vegetation clearing, or

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applicable nitrogen deposition fees to SCVHA. The Project proponent shall pay the nitrogen deposition fee that applies to covered activities based on new daily vehicle trips generated by the development of each parcel.				Santa Clara Valley Habitat Agency for each parcel.	ground disturbance)for the development of each parcel.
CULTURAL RESOURCES					
Impact CUL-1 On-site construction activities could impact buried prehistoric or historic archaeological materials.					
MM CUL-1.1 Cultural Sensitivity Training: Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), the Project proponent shall conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of PBCE or the Director's designee.	Conduct Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Submit documentation verifying that Cultural Awareness Training has been conducted to the Director of PBCE or the Director's designee.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)	The Director of PBCE or the Director's designee.	Review and approve documentation verifying that Cultural Awareness Training has been conducted.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)

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MM CUL -1.2 Monitoring Plan: Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)(whichever occurs first), a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of PBCE or the Director's designee for review. The plan shall include, but is not limited to, the following: plan could include a combination of some of the following measures: • Monitoring Schedules • Contact information • Recommendation for monitoring methods • Timing of reporting finds	A qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of PBCE or the Director's designee for review.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)(whichever occurs first).	Director of PBCE or the Director's designee.	Review and approve the monitoring plan for all earthmoving activities.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)(whichever occurs first).
MM CUL -1.3 Sub-Surface Monitoring: A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2. These could include but not are not limited to, trenching,	A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and who is traditionally and culturally affiliated with the geographic area as described	During applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2.	Director of PBCE or the Director's designee.	Ensure a qualified archaeologist is present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2.	During applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2.

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initial or full grading, lifting of foundation, boring on site, or major landscaping.	in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CUL-1.2.				
MM CUL -1.4 Evaluation: The Project proponent shall notify the Director of PBCE or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the Project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of PBCE or the Director's designee.	The Project proponent shall notify the Director of PBCE or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the Project area during the during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field	Notify the Director of PBCE or Director's designee of any finds immediately. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior occupancy.	Director of PBCE or Director's designee.	Review the evaluation of any historic or prehistoric material and confirm that the evaluation is submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent.	Prior to occupancy.

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	documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of PBCE or the Director's designee.				
GREENHOUSE GASES					
Impact GHG-1 Development on the subject parcels could result in GHG emissions considered significant if the electric vehicle and natural gas requirements of BAAQMD Threshold A are not met.					
MM GHG-1.1 Development on the subject parcels shall be required to be compliant with the off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. The Project proponent shall submit plans demonstrating compliance to the Director of PBCE, or the Director's designee, for review and approval prior to any construction activities (including demolition, vegetation clearing, or ground disturbance).	Submit plans demonstrating compliance with the off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 to the Director of PBCE or the Director's designee.	Prior to any construction activities (including demolition, vegetation clearing, or ground disturbance).	The Director of PBCE, or the Director's designee.	Review and approve plans demonstrating development of parcels complies with the off-street electric vehicle requirements in the most recently	Prior to any construction activities (including demolition, vegetation clearing, or ground disturbance)

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				adopted version of CALGreen Tier 2.	
MM GHG-1.2 Development on the subject parcels shall not have natural gas appliances or natural gas plumbing. Project proponent shall submit plans demonstrating compliance to the Director of PBCE, or the Director's designee, for review and approval prior to any construction activities (including demolition, vegetation clearing, or ground disturbance)	Submit plans demonstrating compliance of not having natural gas appliances or natural gas plumbing to the Director of PBCE, or the Director's designee, for review and approval.	Prior to any construction activities (including demolition, vegetation clearing, or ground disturbance)	The Director of PBCE, or the Director's designee.	Review and approve plans demonstrating that development on the parcels will not have natural gas appliances or natural gas plumbing.	Prior to any construction activities (including demolition, vegetation clearing, or ground disturbance)
HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-1 Former historical Underground Storage Tanks (USTs) and associated pipelines could be located on Parcel 6, which has the potential to expose workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.					
MM HAZ-1.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), the Project proponent for Parcel 6 shall complete a Geophysical Survey of the parcel to determine if all historical USTs and their associated pipelines have been removed. If USTs or associated pipelines are discovered, then the proponent shall complete, submit, and pay the required fees for 1) a Underground Storage Tanks System Closure Permit Application with the County of Santa Clara Hazardous Materials Compliance Division and 2) required closure documents with the San José Fire Department's Hazardous Materials Division. Closure of the USTs shall consist of	Project proponent for Parcel 6 shall complete a Geophysical Survey to determine if all historical USTs and associated pipelines have been removed. If USTs or associated pipelines are discovered, then the proponent shall complete, submit, and pay required fees. The proponent shall close the USTs, remove tanks, and complete soil sampling in compliance	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)	Director of PBCE or Director's designee. If USTS or associated pipelines are discovered, then oversight responsibility could also fall to: County of Santa Clara Hazardous	Review Geophysical Survey. Depending on results of survey, the following actions may also be required: ensure required fees are paid, witness tank removal and soil sampling, review the soil analytical results, refer the site to the County	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)

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removing the tanks and associated piping from the ground and performing soil sampling to evaluate if there is residual contamination from the former operation of the tank. Tank removal and soil sampling activities must be witnessed by a representative from both HMCD and San José Fire Department. The tanks and associated piping are to be managed as hazardous waste once removed unless they are cleaned onsite and certified as non-hazardous After tank removal, a representative of the County of Santa Clara Hazardous Materials Compliance Division will require soil sampling beneath the tanks. Samples will be submitted to a State certified laboratory for analysis. The County of Santa Clara Hazardous Materials Compliance Division will review the soil analytical results to determine if the tank has leaked. If the tanks or piping are determined to have leaked, the County of Santa Clara Hazardous Materials Compliance Division will refer the site to the County of Santa Clara Local Oversight Program. The proponent will work with HMCD to determine next steps to investigate the contamination. The County of Santa Clara Hazardous Materials Compliance Division may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc. may be required to reduce potential exposure impacts to future construction/maintenance workers, residents, and the	with the requirements discussed in MM HAZ-1.1. If the tanks or piping are determined to have leaked, the County of Santa Clara Hazardous Materials Compliance Division will refer the site to the County of Santa Clara Local Oversight Program. The proponent will work with HMCD to determine next steps to investigate the contamination. The County of Santa Clara Hazardous Materials Compliance Division may require additional testing to fully delineate the extent of contamination. Once the extent of contamination is defined, some form of remediation such as excavation, offsite disposal, capping in place, etc.. may be required to reduce potential exposure impacts to future construction/maintenance workers, residents, and the		Materials Compliance Division, San José Fire Department's Hazardous Materials Division, County of Santa Clara Local Oversight Program	of Santa Clara Local Oversight Program, determine if additional testing to fully delineate the extent of contamination is required, determine if remediation is required, and if so, oversee it, ensure all are disposed of offsite at a licensed hazardous materials disposal site, and review report documenting that remediation has been completed.	

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general public. All contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site. A report documenting that remediation has been completed to the County of Santa Clara Hazardous Materials Compliance Division and the San José Fire Department's satisfaction shall be submitted to the Director of PBCE prior any construction activities (including demolition, vegetation clearing, or ground disturbance)	general public. All contaminated soils shall be disposed of offsite at a licensed hazardous materials disposal site. A report documenting that remediation has been completed to the County of Santa Clara Hazardous Materials Compliance Division and the San José Fire Department's satisfaction shall be submitted to the Director of PBCE prior to issuance of the grading permit.				
Impact HAZ-2 Potential soil, soil gas and groundwater contamination located on the subject property due to its former agriculture and fuel service station history, and off-site sources of contamination could expose construction workers and members of the public to hazardous materials during construction activities and pose potential public health risks to future site visitors.					
MM HAZ-2.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), a qualified environmental specialist shall collect soil, groundwater, and soil vapor samples from the Project site where soil disturbance is anticipated and have the samples analyzed to determine if potential contamination is located onsite with concentrations above established construction worker and commercial/industrial environmental screening levels. The samples shall be tested for organochlorine	A qualified environmental specialist shall collect soil, groundwater, and soil vapor samples from the Project site where soil disturbance is anticipated and have the samples analyzed. The samples shall be tested in accordance with MM HAZ-2.1 and a report of the findings will be provided to	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance).	Director of PBCE or Director's designee, the Department and the Municipal Compliance Officer of the City of San José Environmental	Review the report summarizing findings of sampling. Review and approve evidence of regulatory oversight and approved plan(s), if required.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)

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pesticides and pesticide-based metals, arsenic, and lead, petroleum hydrocarbons, and VOCs. Once the soil sampling analysis is complete, a report of the findings will be provided to the City of San José's Director of PBCE, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review. If contaminated soil, groundwater, or soil vapor is found in concentrations above established regulatory environmental screening levels that requires the oversight of regulatory agencies, the Project proponent must obtain regulatory oversight from the RWQCB, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. All measures identified in the plan(s) shall be implemented during all phases of construction, as applicable. Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement, or the	the City of San José's Director of PBCE, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review. If contamination is found in concentrations above established regulatory environmental screening levels that requires the oversight of regulatory agencies, the Project proponent must obtain regulatory oversight under their Site Cleanup Program. A SMP, RAP, or equivalent document shall be prepared under regulatory oversight. Evidence of regulatory oversight and approved plan(s) shall be submitted to the Director of PBCE, or the Director's designee, and the Department and the Municipal Compliance Officer of the City of San		Services Department. If contamination is found in concentrations above established regulatory environmental screening levels, then the RWQCB, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health would have oversight responsibility.	If contamination is found above established regulatory environmental screening levels, the RWQCB, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health shall provide regulatory oversight and oversee completion of a SMP, RAP, or equivalent document that	

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Director's designee, and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.	José Environmental Services Department for approval.			identifies remedial measures and/or soil management practices And ensure all measures identified in the plan(s) are implemented during all phases of construction, as applicable. The Director of PBCE or Director's designee and the Department and the Municipal Compliance Officer of the City of San José Environmental Services Department receives a copy of the approved SMP, RAP, or equivalent document.	
NOISE AND VIBRATION					

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Impact NOI-1 Construction activities could expose nearby commercial receptors within 200 feet of the subject parcels to noise levels that exceed the exterior threshold of 85 dBA Leq, resulting in a significant impact according to Policy EC-1.7 of the City's General Plan.					
MM NOI – 1.1 Pursuant to General Plan Policy EC-1.7, prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), a construction noise logistics plan shall be prepared 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 nearby uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following: • Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.	A construction noise logistics plan shall be prepared.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)	Director of PBCE or Director's designee.	Review and approve the construction noise logistics plan.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)

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• Construct solid plywood fences or similar around ground level construction sites adjacent to operational businesses. A temporary 10-foot noise barrier shall be constructed along the property lines of the Project sites to shield adjacent commercial uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a 10 dBA noise reduction. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Prohibit unnecessary idling of internal combustion engines. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. • Utilize “quiet” air compressors and other stationary noise sources where technology exists. • Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site.					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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	Method of Compliance Or Mitigation Action	**Timing of Compliance**	**Oversight Responsibility**	**Actions/Reports**	**Monitoring Timing or Schedule**
• Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.					
Impact NOI-2 Noise levels produced by operations allowed under the Project could exceed 55 dBA DNL at the nearest residential receptors or 60 dBA at the nearest commercial uses, thereby causing a significant impact.					
MM NOI – 2.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), a qualified acoustical consultant shall review the final design plans to address any potential conflicts with the General Plan or Municipal Code for any development of the subject parcels that consist of the following land uses:	A qualified acoustical consultant shall review the final design plans to address any potential conflicts with the General Plan or Municipal Code.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance).	Director of PBCE or Director's designee.	Review and approve evidence that a qualified acoustical consultant has reviewed the final design plans.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or

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• Animal boarding • Any use without a permanent fully enclosed building on-site • Car wash • Detailing • Recreation • Commercial outdoor • Winery, brewery, or distillery An acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal for residences and 60 dBA LDN goal at commercial uses as per the Municipal Code Performance Standards. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed the respective appropriate thresholds at noise-sensitive locations around the Project site. The noise control features identified by the study shall be incorporated into the Project prior to issuance of a building permit.	An acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control per the Municipal Code Performance Standards. The noise control features identified by the study shall be incorporated into the Project prior to issuance of a building permit.	The acoustical study shall be prepared during final building design. The noise control features identified by the study shall be incorporated into the Project prior to issuance of a building permit.	Director of PBCE or Director's designee.	Review and approve acoustical study.	ground disturbance) Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance)
Impact NOI-3 Construction activities on the Project site could cause significant ground borne vibration impacts to adjacent structures that exceed the City's vibration threshold of 0.2 in/sec PPV.					

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MM NOI – 3.1 Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance), the Project proponent shall implement the following measures at Project parcels that are within 30 feet of existing structures where construction vibration levels could exceed 0.2 in/sec PPV for buildings of conventional construction: • A list of all heavy construction equipment to be used for the development known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used	Implement measures identified under MM NOI-3.1 at Project parcels that are within 30 feet of existing structures where construction vibration levels could exceed 0.2 in/sec PPV for buildings of conventional construction. Include the measures in a vibration mitigation plan, which will be submitted to the Director of Planning, Building, and Code Enforcement, or the Director's designee.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance).	Director of PBCE or Director's designee.	Review and approve vibration mitigation plan.	Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance).

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when compacting materials within 30 feet of adjacent conventional buildings. • Avoid using vibratory rollers and clam shovel drops near sensitive areas. • Select demolition methods not involving impact tools. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent conventional buildings. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such a person shall be clearly posted on the construction site. The above measures will be included in a vibration mitigation plan, which will be submitted to the Director of PBCE, or the Director's designee prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance).					
Impact NOI-4 Without noise insulating features, development of the subject parcels could be incompatible with the CLUP's noise policies, thereby exposing people to excessive noise levels.					

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MM NOI – 4.1 Prior to occupancy, a detailed analysis of noise reduction requirements shall be completed for any development on the subject parcels. Based on the analysis, all noise insulation features determined appropriate shall be incorporated into the development design to ensure that the 2023 Cal Green Code standards are met and an interior noise level of 50 dBA Leq(1-hr) or lower during daytime hours is achieved. This mitigation measure complies with CLUP Policies N-2 and N-6 to mitigate aircraft noise impacts.	A detailed analysis of noise reduction requirements shall be completed for any development on the subject parcels. Based on the analysis, all noise insulation features determined appropriate shall be incorporated into the development design.	Prior to occupancy.	Director of PBCE or Director's designee.	Review analysis of noise reduction requirements and ensure all noise insulation features required are implemented in the development design.	Prior to occupancy.
TRANSPORTATION					
Impact TRANS-3: Development of the proposed Project would result in an increase in VMT above the City's impact threshold of 12.21 VMT per employee for retail uses.					
MM TRANS – 1.1 Prior to the first Building Occupancy, the Project proponent shall provide a fair-share contribution to the construction of Class IV protected bike lanes using raised vertical delineators on Hedding Street eastbound between Coleman Avenue and Ruff Drive, as well as on Hedding Street westbound between Walnut Street and Ruff Drive. This multi-modal infrastructure improvement shall be part of a Public Improvement Plan that describes how the bike lanes will be implemented. The Public Improvement Plan shall be reviewed and approved by the City's Director of Public Works or designee. The implementation of the Public Improvement Plan shall be verified by the Director of Public Works or	Provide a fair-share contribution to the construction of bike lanes as described in TRANS-1.1. This multi-modal infrastructure improvement shall be part of a Public Improvement Plan that describes how the bike lanes will be implemented.	Prior to the first Building Occupancy.	City's Director of Public Works or designee	Review and approve the Public Improvement Plan. Verify the implementation of the Public Improvement Plan.	Prior to the first Building Occupancy.

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designee prior to approval of Planned Development permits for development on the seven subject parcels.					
MM TRANS – 1.2 Traffic Calming Measures. As part of the implementation of the Class IV protected bike lanes required in MM TRANS-1.1, the Project proponent shall remove an eastbound travel lane on Hedding Street, between Walnut Street and Ruff Drive, prior to development on the seven subject parcels. The lane reduction along Hedding Street will create a more bicycle-friendly environment and enhance cyclist safety.	Remove an eastbound travel lane on Hedding Street, between Walnut Street and Ruff Drive.	Prior to development on the seven subject parcels.	City's Director of Public Works or designee	Review and verify that the Public Improvement Plan includes the removal of an eastbound travel land on Hedding Street, between Walnut Street and Ruff Drive.	Prior to development on the seven subject parcels.
MM TRANS – 1.3 Commute Trip Reduction Marketing and Education. Prior to any development on each parcel, the Project proponent shall prepare a Transportation Demand Management (TDM) Plan(s) for development on the seven subject parcels. The number of Plans depend on the number, scope, and timing of development applications received by the City.The TDM Plan(s) shall be submitted to the City's Director of Public Works or designee and the Director of PBCE or designee for approval. The TDM Plan(s) shall consist of implementation of the following measure. • The Project developer for each parcel shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. Strategies	Prepare Transportation Demand Management Plan(s) for development on the seven subject parcels.	Prior to development on each subject parcel.	City's Director of Public Works or designee and the Director of PBCE or designee.	Review and approve Transportation Demand Management Plan(s) for development on the seven subject parcels.	Prior to development on each subject parcel.

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may include the incorporation of alternative commute options into new employee orientations, event promotions, and publications. The TDM Plan(s) shall include a trip cap for VMT monitoring purposes. The trip cap shall be determined by a traffic engineer using the methodology employed in Appendix F of this EIR, such that the number of trips will not translate into an increase in VMT over No Project conditions. Annual monitoring will occur to determine if vehicle trips generated by the Project are within ten percent of the trip cap determined by the traffic engineer. The annual trip monitoring reports shall be submitted to the City's Director of Public Works. If the annual trip monitoring report finds that the Project is exceeding the established trip cap, a follow-up report shall be prepared and submitted to the City's Director of Public Works that demonstrates compliance with the trip cap requirements within a period not to exceed six months.					

Sources: City of San José, Draft Environmental Impact Report, GPA/Rezoning of Airport Parcels Project, August 2024.
City of San José, First Amendment to the Draft Environmental Impact Report, GPA/Rezoning of Airport Parcels Project, March 2025.