

City of San José, California

COUNCIL POLICY

TITLE ENVIRONMENTAL REVIEW POLICY	PAGE Page 1 of 3	POLICY NUMBER
EFFECTIVE DATE	REVISED DATE	
APPROVED BY COUNCIL ACTION		

BACKGROUND

The California Environmental Quality Act (CEQA) requires public agencies to disclose the environmental impacts of projects and identify mitigation measures to reduce impacts. All discretionary projects are subject to CEQA. Most private development projects qualify for an exemption and don't require extensive analysis. However, some types of development projects may require technical studies, such as for air quality or noise, to determine if a project is exempt or to identify impacts and mitigation. These studies can take multiple months to prepare and create lengthy project review times.

The National Environmental Policy Act (NEPA) requires disclosure of environmental impacts of projects which require federal approval or funding. Most NEPA reviews are conducted by the federal agency that funds or implements a project. However, for projects in the City of San José that receive funds from the Department of Housing and Urban Development, the Department of Planning, Building, and Code Enforcement (PBCE) is the Responsible Entity for preparing NEPA documents and the Director of PBCE is the designated Certifying Officer for the City.

PURPOSE

This Council Policy formally adopts the Environmental Review Handbook (Handbook) as a guidance document for City staff and consultants when preparing environmental review documents pursuant to CEQA and NEPA. The Handbook includes guidance on roles and expectations of consultants, City staff, and applicants; thresholds of significance and guidance for analysis; and expected deliverables for each type of CEQA and NEPA document. The Handbook reduces uncertainty in the environmental review process, sets expectations for performance, and provides a consistent approach to environmental analysis for consultants and City staff.

This Policy also adopts Environmental Standard Permit Conditions to reduce the environmental impacts of most development projects in developed areas of San Jose. These conditions will reduce the need for project-specific mitigation measures and will ensure project conformance with General Plan Policies for the purpose of protecting City residents and the environment.

City of San José, California

TITLE	ENVIRONMENTAL REVIEW POLICY	PAGE	POLICY NUMBER
		2 of 3	

POLICY***Environmental Review Handbook***

The Handbook provides guidance for City staff and consultants when preparing environmental review documents pursuant to CEQA and NEPA in the City. The Handbook includes the following:

- Roles and expectations for performance for City staff and environmental consultants
- Target City review times by type of environmental review document
- Guidelines for analysis and thresholds of significance pursuant to Section 15064.7 of the CEQA Guidelines by environmental resource area
- Deliverable expectations for consultants when preparing a scope of work
- Direction for preparing the most common types of CEQA and NEPA documents

The Handbook will be updated regularly to reflect changes based on case law and new legislation. It may also be updated to reflect changes in the City's approach to environmental review. Changes to the Handbook must be approved by the Director of Planning, Building and Code Enforcement.

Environmental Standard Permit Conditions

This policy also adopts Environmental Standard Permit Conditions for development projects in developed areas of San José. These conditions would apply to development and use permits based on criteria listed in the Environmental Standard Permit Conditions document. The conditions and criteria are based on substantial evidence from previously adopted environmental review documents and supplemental analysis prepared to support conditions related to construction air quality, biological resources, construction noise, and construction vibration. These conditions address the most common types of environmental impacts from development projects within the urban services line, including impacts related to:

- Construction air quality, including particulate matter and health risk;
- Nesting migratory birds;
- Roosting bats;
- Archeological and tribal cultural resources;
- Historic resources (excluding landmarks and candidate landmarks);
- Seismic hazards;
- Paleontological resources;
- Hazardous materials;
- Construction noise;
- Mechanical equipment noise; and
- Construction vibration.

Each condition includes criteria for when the condition would be required. The criteria is based on factors such as the size of the project, the type of project, length of construction, and characteristics of the area surrounding the project site.

Implementation of Environmental Standard Permit Conditions would ensure that most small to medium development projects in previously developed areas of San José would not result in

City of San José, California

TITLE	ENVIRONMENTAL REVIEW POLICY	PAGE	POLICY NUMBER
		3 of 3	

significant environmental impacts. Inclusion of the Environmental Standard Permit Conditions will result in more CEQA Exemptions and will reduce the timeline for the preparation of other environmental review documents. However, project-specific environmental analysis will be required for projects that do not meet the criteria, which may identify additional project-specific mitigation measures to reduce impacts beyond those addressed by the Environmental Standard Permit Conditions.

The Environmental Standard Permit Conditions may be modified by the Director of Planning Building, and Code Enforcement in response to changes in City, State, or federal law or in response to case law. The conditions may also be modified based on new information or changes in City planning procedures.

Applicability of Policy

The Environmental Review Policy will be effective upon adoption by City Council. Projects submitted prior to adoption of the Policy may continue with their environmental review approach pursuant to an approved scope of work. Projects submitted between the date of adoption and a date 90 calendar days from adoption may proceed with the environmental review approach in a City approved scope of work. Projects submitted more than 90 days after Council adoption of the Policy shall utilize an environmental review approach pursuant to the Policy (including the Environmental Review Handbook and Environmental Standard Permit Conditions) unless the Director of Planning, Building and Code Enforcement, or the Director’s Designee, agree to a modified approach in an approved scope of work.



Memorandum

TO: PLANNING COMMISSION FROM: Christopher Burton

SUBJECT: File No. ER26-045 DATE: April 14, 2026

Project	PBCE Environmental Review Handbook and Environmental Standard Permit Conditions
Applicability	Citywide applicability to qualifying projects within the City of San José.
Project Description	A new policy of the City of San José adopting the Environmental Review Handbook and Environmental Standard Permit Conditions as a City Council Policy that would establish standardized environmental review procedures and requirements for development projects, and an Ordinance amending Title 21 (Environmental Clearance) of the San José Municipal Code Sections 21.04.140 “Appeals – General” to revise appeal hearing noticing requirements removing the requirement to physically mail final appeal memos.
CEQA	Determination of Consistency with the Environmental Impact Report for the Envision San José 2040 General Plan, as Supplemented, and with the Environmental Impact Report for the Downtown Strategy 2040, File No. ER26-045.
Project Planner	Cort Hitchens

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council take all of the following actions:

1. Adopt a policy of the City of San José to implement the Environmental Review Handbook and Environmental Standard Permit Conditions that would establish standardized environmental review procedures and requirements for development projects, and to satisfy City Auditor recommendations by improving consistency, transparency, and efficiency in the City’s environmental review process.
2. Amend Title 21 (Environmental Clearance) of the San José Municipal Code to revise Chapter 21.04, ‘General Provisions and Procedures,’ that includes Section 21.04.140 Appeals – General.

OUTCOME

Approval of the proposed policy would further the Department of Planning, Building and Code Enforcement's (PBCE) compliance with the recommendations contained in the March 2022 audit report by formally adopting an Environmental Review Handbook and Environmental Standard Permit Conditions intended to streamline providing information to environmental consultants and internal departments about the City's environmental review process and better prepare them as they undertake their analyses and internal reviews.

Approval of the proposed ordinance would amend Title 21 (Environmental Clearance) to remove the current requirement that environmental appeal reports be physically mailed and would instead allow for noticing to be posted and distributed electronically.

PROJECT BACKGROUND

The California Environmental Quality Act (CEQA), originally adopted in 1970, requires public agencies to disclose environmental impacts and identify mitigation measures for all discretionary actions by the City that can affect the physical environment. These laws were established to inform the decision-making process by adequately disclosing the project impacts to the environment and allow public input.

The National Environmental Policy Act (NEPA) similarly requires disclosure of environmental impacts for projects involving federal approval or funding. Although NEPA reviews are typically conducted by the responsible federal agency that funds or implements a project, for projects in the City of San José receiving funding from the U.S. Department of Housing and Urban Development (HUD), PBCE serves as the Responsible Entity for preparing NEPA documents and the Director of PBCE is the Certifying Officer.

Every year about $\frac{3}{4}$ of approved private development projects qualify for an exemption and do not require extensive analysis. About $\frac{1}{4}$ of approved projects require technical studies to determine exemption status or to identify impacts and mitigation, comprising about 45 – 60 projects per year. For projects that are not exempt, the environmental review process drives overall project review timelines. In addition, non-exempt projects are typically larger and more controversial, and environmental review is the most common method of filing a legal challenge to the project.

In March 2022, the City Auditor's Office published a report on the City's environmental review process. The audit assessed the time required to complete the City's CEQA review process and provided findings and recommendations to improve and streamline the process. One recommendation was for PBCE to finalize environmental review guidelines for consultants, including submittal criteria, examples of non-performance, an overview of the review process and project management, and guidance for preparing initial studies, negative declarations, and environmental impact reports in order to streamline how consultants are informed and better prepare them to conduct their analysis.

Building on the 2022 audit recommendations, Planning staff presented additional CEQA streamlining measures at the February 24, 2025, Community and Economic

Development Committee, including standard permit conditions and standardized mitigation measure language for common environmental impacts in developed areas of San José, particularly Downtown and General Plan growth areas.

In July 2025, the state adopted additional laws, AB 130 and SB 131, that further streamlined the CEQA process for certain kinds of projects. Guidance for preparing environmental documents for projects in San José under these new laws are provided as part of the proposed policy documents.

The proposed policy is a culmination of that effort and would achieve standardized processes, thresholds of significance, and environmental conditions. Additional audit recommendations that will be completed in subsequent months will include creating standardized templates for preparation of environmental documents.

ANALYSIS

The proposed Council Policy (Attachment A) formally adopts the Environmental Review Handbook (Handbook) as a guidance document for City staff and consultants when preparing environmental review documents pursuant to CEQA and NEPA. The Handbook includes guidance on roles and expectations of consultants, City staff, and applicants; thresholds of significance and guidance for analysis; and expected deliverables for each type of CEQA and NEPA document, all intended to reduce uncertainty in the environmental review process, set expectations for performance, and provide a consistent approach to environmental analysis for consultants and City staff.

This Policy also adopts Environmental Standard Permit Conditions to reduce the environmental impacts of most development projects in developed areas of San José. These conditions will reduce the need for project-specific mitigation measures and will ensure project conformance with General Plan Policies for the purpose of protecting City residents and the environment. The CEQA process has typically been used as a conduit to generate technical analysis or conditions of approval to address not just environmental issues, but also health and safety issues associated with development, such as building on fault lines or in high fire hazard areas. With state law changes, these health and safety issues need to be addressed through conditions of approvals.

Adoption of the Handbook and Environmental Standard Permit Conditions also implements several recommendations to reduce review timelines in the March 2022 Audit of the City's environmental review process.

In addition to the proposed Council Policy to adopt the Handbook and Environmental Standard Permit Conditions, staff proposes a minor ordinance amendment to Title 21 removing the requirement to mail hard copies of appeal reports to numerous neighbors when these are documents that are made available online. This change would reduce the cost and inefficiency associated with such distribution, which is not required under state law and is typically not found in other jurisdictions best practices either.

Environmental Review Handbook

The intent of the City of San José's Environmental Review Handbook (handbook) is to

provide Environmental Consultants (Consultants), City staff, and permit applicants with guidance on expected tasks and deliverables for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review in the City. The handbook aims to help Consultants prepare Scopes of Work for private and public projects by clarifying expectations of the Consultant's role in the environmental review process, including for technical analyses and environmental documents. In addition, the handbook will aid Consultants and City staff in preparing environmental review documents that can be understood by the public, are consistent in format and approach, and are legally defensible. The guidance in the handbook is intended to apply to most types of projects, but a project with unique issues may pursue a different approach through conversation with Planning staff. Finally, the handbook will guide City staff in the preparation of some types of environmental review documents in-house without the need for a consultant, potentially reducing costs and review time.

The handbook includes the City's typical standard review timelines, thresholds of significance for determining environmental impacts pursuant to Section 15064.7 of the CEQA Guidelines, scope of work considerations, and a summary of the different types of CEQA and NEPA documents. Providing this information within the handbook will help to reduce overall project review timelines and reduce project costs by providing a clear understanding of timelines and expectations to the public including applicants and consultants.

The City of San José Environmental Review Handbook (handbook) implements recommendations of the 2022 audit and provides Environmental Consultants (Consultants), City staff, and permit applicants with guidance on expected tasks and deliverables for provides guidance for City staff and consultants when preparing environmental review documents pursuant to California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review in the City. The Handbook includes the following, as further described below:

- Roles and expectations for performance by City staff and environmental consultants
- Target review times by type of environmental review document
- Guidelines for analysis and thresholds of significance pursuant to Section 15064.7 of the CEQA Guidelines by environmental resource area
- Deliverable expectations for consultants when preparing a scope of work
- Direction for preparing the most common types of CEQA and NEPA documents

Roles and expectations for performance

Section 2.0 of the Handbook includes roles and expectations for City staff, consultants, and applicants during the environmental review process. This section outlines protocol for addressing conflicts of interest and submittal of incomplete or inadequate documents from a consultant. It also includes criteria for removing a consultant from the City List of Approved Environmental Consultants if a consultant consistently does not meet

expectations.

Target review times

Section 3.0 of the Handbook contains the City's target review times based on the type of environmental document and round of review for documents prepared by consultants. Depending on the type of project and the quality of the initial drafts, these target review times may be adjusted for individual projects after coordination between City staff, the consultant, and applicant. For example, some projects requiring an exemption may take a few weeks to prepare while some projects requiring EIRs may take a year or more to complete their environmental review process.

Thresholds of significance and analysis guidelines

This section (Section 4.0) contains guidance for environmental impact analysis and thresholds of significance for each CEQA resource area. Thresholds of significance provide a standard for determining when a significant impact would occur, and are used to identify avoidance or mitigation measures which reduce impacts to below this threshold. The intent of this section is to ensure a consistent approach to analysis for consultants and City staff.

For most resource areas, thresholds of significance have previously been adopted through Envision San José 2040 General Plan policies, City Council Policies (i.e. the City's Transportation Analysis Policy, Policy 5-1), the Downtown Strategy 2040 Environmental Impact Report, or the Initial Study checklist in Appendix G of the CEQA Guidelines. This section identifies the sources of thresholds used by the City and includes clarification on implementing thresholds of significance for the following resource areas:

- Construction noise – use of Federal Transit Administration Guidelines for projects with substantial noise generating activities over 12 months.
- Shade and shadow impacts for downtown projects – clarification on days and times for conducting shadow analysis.

If a project has unique circumstances that require the use of a different threshold of significance, than the consultant must provide substantial evidence to support the use of the threshold instead of the City's standard threshold of significance.

Scope of work considerations

Section 5.0 lists the tasks and deliverables expected of environmental consultants when preparing documents for the City of San Jose. The intent of this section is to ensure consultants account for all tasks and deliverables when preparing a scope of work.

Types of CEQA and NEPA documents

Sections 6.0 and 7.0 list common CEQA and NEPA documents and notices in the City of San José. This section includes guidance for staff and consultants when preparing these documents, including for CEQA/NEPA documents prepared for federally-funded affordable housing projects.

Environmental Standard Permit Conditions

The Environmental Standard Permit Conditions document applies to development projects in San José based on reasonable criteria and development factors, such as the size, type and location of project, length of construction, and characteristics of the project vicinity. The conditions and criteria are based on substantial evidence from previously adopted environmental review documents and supplemental analysis prepared to support conditions related to construction air quality, biological resources, construction noise, and construction vibration. These conditions address the most common types of environmental impacts from development projects within urban (previously developed) areas of San José. The Environmental Standard Permit Conditions address public health, safety impacts and national, state, and local regulatory compliance related to the following:

- Construction air quality, including particulate matter and health risk;
- Nesting migratory birds;
- Roosting bats;
- Archeological and tribal cultural resources;
- Historic resources (excluding landmarks and candidate landmarks);
- Seismic hazards;
- Paleontological resources;
- Hazardous materials;
- Construction noise;
- Mechanical equipment noise; and
- Construction vibration.

The adoption of Environmental Standard Permit Conditions will streamline the preparation of exemptions and will reduce the timeline for the preparation of some types of environmental review documents. The conditions will facilitate the preparation of exemptions, such the In-Fill Development Exemption and Community Plan Exemption (CEQA Guidelines Section 15332 and 15183, respectively) by: 1) formally adopting conditions that reduce the most common types of impacts from development projects; 2) reducing the need for project-specific technical analysis; and 3) providing a consistent approach to reducing impacts. Furthermore, for projects that are not exempt,

the Environmental Standard Permit Conditions will reduce the need for some types of technical analysis if a project meets the specified criteria. This will save time and consultant costs.

The Environmental Standard Permit Conditions will also implement General Plan Policies for the purposes of protecting workers, residents, and the environment for projects that qualify for one of the new State CEQA streamlining laws such as AB 130 and SB 131. Projects that qualify for these laws will not require an analysis of potential impacts at the Planning permit stage. However, including applicable Environmental Standard Permit Conditions will reduce potential impacts. For example, conditions that address construction air quality will ensure that for most projects, health risks to residents adjacent to the project site will be below thresholds established by the Bay Area Air District.

Implementation of Environmental Standard Permit Conditions would ensure that most small to medium development projects in urbanized areas of San José will not have a significant environmental impact.

Amendment to Title 21 – Environmental Clearance

In addition to the proposed Council Policy to adopt the Handbook and Environmental Standard Permit Conditions, staff proposes a minor amendment to Title 21 related to environmental appeals. Specifically, staff recommends that Section 21.04.140(E)(6) be amended as follows:

6. The maker of the environmental decision being appealed shall prepare a report and recommendation on the appeal to the city council ~~and such report shall be provided to the appellant, and applicant, and adjacent property owner(s) in the same manner provided for hearing notices pursuant to provisions of Section 21.07.050.~~

The removal of the requirement to mail a hard copy of the appeal report reduces staff time and costs, which can be significant if a project site is large or is adjacent to a multi-family building. This requirement is also challenging due to the multi-week timelines for inter-departmental review of draft City Council memorandums, with the risk of missing the noticing timelines in Section 21.07.050 of the Municipal Code. Applicants, appellants, and interested parties will continue to be notified of an appeal hearing based on the noticing provisions of Section 21.07.050. If the environmental appeal is for a private land use or development proposal, interested parties are notified per the procedures in the City Council Public Outreach Policy (Council Policy 6-30). Furthermore, interested parties are notified of appeal hearings by e-mail. All hearing materials, including for environmental appeals, are made available electronically for public review and comment

GENERAL PLAN CONFORMANCE

The Environmental Review Handbook and Standard Permit Conditions would further the goals of the General Plan by establishing a consistent and transparent framework for

the preparation of environmental documents pursuant to CEQA and, where applicable, NEPA. The Handbook would standardize methodologies, thresholds of significance, and documentation expectations, reducing variability in consultant-prepared analyses and improving the overall quality and defensibility of environmental review documents. By providing clear direction to applicants and consultants at the outset of project review, the Handbook would streamline the environmental review process, reduce revisions, and improve permitting timelines. This directly supports General Plan goals and policies related to efficient service delivery and effective implementation of land use policies.

The Standard Permit Conditions component would further General Plan policies by ensuring that commonly applied environmental conditions are consistently incorporated into project approvals where applicable. This approach would strengthen protections of environmental resources and reduce the risk of omissions or inconsistencies across projects.

The proposed Policy will implement and be consistent with General Plan policies, including those associated with air quality, biological resources, archeological resources, historic resources, geology and soils, hazards and hazardous materials, noise, and vibration.

Air Quality

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

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

MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

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

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

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

Analysis: *Section 4.3 of the Environmental Review Handbook includes guidance for analysis of air quality impacts, including operational and construction air quality. The Handbook also highlights that the City uses the Bay Area Air District CEQA Guidelines as the thresholds of significance for determining air quality impacts in San Jose, per General Plan Policy 10.1.*

Environmental Standard Permit Conditions SPC AIR-1 through SPC AIR-8 implement General Plan Policies MS-11.1 through MS 11.4 by requiring the use of clean construction equipment for medium to larger projects near residents and schools in addition to enhanced dust control best management practices as recommended by the Bay Area Air District. The air quality Environmental Standard Permit Conditions also require preparation of a construction and/or operational air quality health risk assessment for projects that meet specified criteria such as projects with subterranean parking or projects that generate significant truck trips.

Biological Resources

ER-4.1: Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

ER-4.3: Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Analysis: *The Environmental Review Handbook provides guidance for preparing analysis of common impacts to biological resources. The Handbook focuses on guidance for development projects in previously developed areas of the City, which constitute the majority of development projects. The Handbook also highlights existing thresholds of significance for projects subject to the Downtown Strategy 2040 EIR with shade and shadow impacts on riparian areas.*

Environmental Standard Permit Conditions SPC BIO-1 through SPC BIO-3 provide conditions for medium and large projects in developed areas to avoid impacts to nesting migratory birds and roosting bats (General Plan Policies ER-4.3, ER-5.1, and ER-5.2). These are the most common impacts for projects in developed areas of the City. Projects that impact sensitive habitat will be required to prepare project-specific

biological studies as part of their environmental review and implement mitigation measures to address impacts beyond those addressed in the Environmental Standard Permit Conditions.

Archeological Resources

ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Analysis: *The Environmental Review Handbook clarifies guidance on the evaluation of archeological and paleontological resources per CEQA Guidelines Section 15064.5 and General Plan Policies ER-10.1 through ER-10.3. Environmental Standard Permit Conditions SPC CUL-1, SPC CUL-2, and SPC-GEO-2 memorialize conditions already used for most planning permits, which implement General Plan Policies ER-10.2 and ER-10.3. Environmental Standard Permit Conditions TCR-1 through TCR-3 may apply to projects based on the outcome of tribal consultation and could be replaced or supplemented as a result of the consultation.*

Historic Resources

LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

LU-13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

LU-14.4: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

Analysis: *The Environmental Review Handbook provides guidance and clarification for evaluating historic resources, including criteria on when an evaluation is required. This guidance implements General Plan Policies LU-13.2, LU-13.6, LU-13.7, and LU-14.4.*

The Environmental Standard Permit Conditions SPC HIS-1 through SPC HIS-4 apply to Structures of Merit in the Historic Resources Inventory (General Plan Policy 14.4). The conditions, with the addition of SPC-HIS 5, may also be incorporated into mitigation measures for projects that impact a candidate or designated City, State, or Federal Landmark in addition to project-specific measures.

Geology and Soils

EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Analysis: *The Environmental Review Handbook and Environmental Standard Permit Condition SPC GEO-1 implement General Plan Policies EC-4.2 and EC-4.7.*

Hazards and Hazardous Materials

EC-6.4: Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a

sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

EC-7.3: Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Analysis: *The Environmental Review Handbook clarifies existing guidance on the preparation of the hazards and hazardous materials section of environmental review documents. This guidance implements General Plan Policies EC-6.4, EC-7.1, EC-7.2, EC-7.3, and EC-7.4. Environmental Standard Permit Condition SPC HAZ-1 implements General Plan Policies EC-7.1 through EC-7.4 for projects that are not subject to environmental review, such as projects that are statutorily exempt.*

Noise/Vibration

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

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

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

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

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

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

EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Analysis: Section 4.13 of the *Environmental Review Handbook* provides guidance for evaluating noise and vibration impacts using the thresholds of significance identified in General Plan Policies EC-1.1, EC-1.2, EC-1.3, EC-1.7, and EC-2.3. The Handbook also clarifies the approach to evaluating construction noise impacts per General Plan Policy EC-1.7 by using the approach in the *Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual*.

Environmental Standard Permit Conditions SPC NOI-1 through SPC NOI-5 related to construction noise will implement General Plan Policy EC-1.7. These conditions address construction noise for projects with extended construction hours, including

nighttime construction, for activities such as extended concrete pours. Environmental Standard Permit Condition SPC NOI-6 implements General Plan Policy EC-1.3 for projects with typical mechanical equipment (such as HVAC equipment) near sensitive receptors such as residences. Finally, Environmental Standard Permit Conditions SPC VIB-1 through SPC VIB-3 implement General Plan Policy EC-2.3 for construction vibration.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Determination of Consistency with the Environmental Impact Report for the Envision San José 2040 General Plan, as Supplemented, and with the Environmental Impact Report for the Downtown Strategy 2040, File No. ER26-045.

PUBLIC OUTREACH

Staff posted the draft City Council Policy, Handbook, and Environmental Standard Permit Conditions on the City’s website on March 26, 2026, and notification was sent by e-mail to environmental consultants and contacts on the Developer’s and Construction Roundtable contact list. Staff also presented the proposal at the Developer’s and Construction Roundtable on March 26, 2026, and at the Environmental Consultant’s Roundtable on April 2, 2026. Staff followed Council Policy 6-30: Public Outreach Policy, in that the notices for the public hearing were posted on the City’s website and published in the San José Post-Record. Staff is available to meet with questions and comments.

Project: Cort Hitchens
Manager:
Approved by: /s/ Manira Sandhir, Deputy Director, for Christopher Burton,
Planning Director

ATTACHMENTS	
Attachment A:	Draft Environmental Review Policy
Attachment B	Draft Environmental Review Handbook
Attachment C	Draft Environmental Standard Permit Conditions
Attachment D	Draft text Edits to Title 21 of the Municipal Code



April 16, 2026

David Keyon, Principal Planner
Cort Hitchens, Supervising Planner
City of San Jose

Dear Mr. Keyon and Mr. Hitchens,

The Santa Clara Valley Bird Alliance, the Sierra Club Loma Prieta Chapter, and Green Foothills thank you for the opportunity to review the proposed Draft Environmental Review Handbook and Draft Environmental Standard Permit Conditions. We offer the following comments and clarifications to better protect biological resources and to improve effectiveness and consistency.

As a threshold matter, these documents should make it clear that the guidance provided is not intended to set a cap or limit on the scope of environmental analysis or on the potential mitigation measures that could be required. This might be considered obvious, since thresholds of significance or other standards do not exist for every possible environmental impact, but it should be explicitly stated in order to avoid confusion.

Comments on the Draft Environmental Review Handbook

The handbook sets up a streamlined, threshold-based CEQA process that can miss real bird, fish, and wildlife impacts, especially in urban contexts. We believe the following impacts should be included:

1.1 Impacts to Wildlife Movement

The Handbook provides the following on page 22:

If the project is in an area with substantial wildlife movement, evaluate the impact of new roadways, fences, barriers, lighting, and human activity on wildlife movement (Note: This mainly applies to projects outside the UGB, such as Coyote Valley, or in areas with significant wildlife movement, such as riparian areas or areas north of Highway 237).

Threshold of significance: If a project would interfere substantially with the movement of any fish or wildlife species or with established wildlife corridors or impede the use of native wildlife nursery sites outside the UGB, near waterways/riparian corridors (within 300 feet), in the Coyote or the Alviso Planning Area even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur.

This is incorrect. Much of Coyote Valley, including areas that are critical for wildlife movement, lies within the Urban Growth Boundary (UGB). Moreover, there are other areas in the city, such as the Almaden Valley Urban Reserve, which lie within the UGB and yet are important for wildlife movement. The threshold of significance included in this section must be revised so that it does not imply that it is not possible for a significant impact to wildlife movement to occur within the UGB or in other areas besides those specifically named here.

1.2 Artificial Light at Night (ALAN)

The Handbook addresses light and glare primarily in terms of aesthetic and land use compatibility, with limited consideration of biological impacts, even where projects are located near sensitive habitats. While the City's Design Standards and Guidelines include direction on architectural lighting, the Handbook does not require evaluation of the ecological effects of lighting or analysis of whether proposed lighting is consistent with these standards. As a result, outdoor lighting may comply with design review while avoiding meaningful environmental review.

This is a significant gap. Artificial light at night is a well-documented ecological stressor that:

- Disrupts bird migration, particularly for nocturnally migrating species
- Increases collision risk by disorienting birds and concentrating them in lit areas
- Alters behavior, sleep cycles, and reproductive success
- Reduces insect populations, affecting food availability for birds and other wildlife

Please require CEQA analysis to evaluate biological impacts of artificial light at night, particularly for projects near riparian corridors, wetlands, open space and all projects with substantial nighttime lighting (e.g., sports fields, industrial uses, data centers, parking lots). This should include:

- Explicitly referencing applicable Design Guidelines lighting standards as part of impact analysis and mitigation
- Incorporating performance-based measures where impacts are identified, including:
- Requiring:
 - Fully shielded, downward-directed lighting
 - Warm color temperatures (preferably $\leq 2700\text{K}$)
 - Lighting curfews for non-essential uses
 - Adaptive controls (timers, motion sensors, dimming)

Comments on the Environmental Standard Permit Conditions

We appreciate the inclusion of biologically relevant timing for pre-construction surveys in SPC BIO-1 (Nesting Migratory Birds) and offer the following comments on this measure.

2.1. Please clarify “protected species”

The current language refers to “protected bird species,” which may be interpreted as limited to special-status species. We recommend clarifying that the measure applies to all migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, not only listed species.

2.2. Add grading and ground disturbance explicitly

Ground disturbance can affect ground-nesting and low-vegetation nesting species. While grading is referenced in places, we recommend clearly and consistently including grading and other ground-disturbing activities throughout the condition.

For example, the proposed criteria apply the condition to projects that:

- Include vegetation removal (including tree removal); and/or
- Are located within 300 feet of natural habitats such as riparian areas, vegetated open space, or other undeveloped lands that may support nesting birds.

The applicability should be expanded to include projects that:

- Involve undeveloped land where ground disturbance that may affect nesting birds, including grading, trenching, excavation, and soil compaction.

2.3. Include disturbance from noise and lighting

The condition focuses on direct disturbance but does not explicitly address indirect disturbance from construction noise and artificial lighting. We recommend clarifying that buffer zones are intended to protect nesting birds from both direct and indirect disturbance, including noise and lighting. Where work occurs near active nests, activities within or adjacent to buffers should be managed to ensure they do not cause behavioral disturbance, for example by limiting high-noise activities or directing and shielding lighting away from nesting areas.

2.4. Clarify stop-work and adaptive management triggers

We recommend adding explicit language that:

- Work shall stop immediately if nesting birds exhibit signs of distress or altered behavior;
- Buffers shall be expanded as needed to eliminate disturbance; and
- Work may resume only once a qualified biologist determines that disturbance has ceased or the nest is no longer active.

2.5. Clarify sequencing of survey timing and permit issuance

The condition requires that the biologist's report be submitted prior to vegetation removal or issuance of demolition or grading permits (whichever occurs first), while also requiring surveys to be conducted within seven days prior to initiation of work. Because permits are often issued well in advance of construction, it is unclear how these requirements are intended to align.

Could you please clarify whether:

- Permit issuance is expected to be closely timed to construction start; or
- Survey reports should be updated closer to the start of work even after permits are issued?

Clarification would help ensure consistent implementation and avoid unnecessary re-surveys or delays.

Attachment C: Environmental Groups Public Comment Letter

These refinements would improve clarity, enforceability, and alignment with best practices, while ensuring consistent protection for nesting birds across project types.

Thank you for your consideration.

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Bird Alliance

Alice Kaufman, Policy and Advocacy Director
Green Foothills

Gita Dev, Chair, Conservation Committee
Sierra Club Loma Prieta

San José Environmental Review Handbook

Prepared by



May 4, 2026

Table of Contents

Section 1.0	Introduction	3
Section 2.0	Roles and Expectations for Performance.....	4
Section 3.0	Schedule and Review Timelines.....	8
Section 4.0	Thresholds of Significance and Analysis Guidelines.....	13
4.1	Aesthetics	13
4.2	Agriculture and Forestry Resources	15
4.3	Air Quality	17
4.4	Biological Resources	20
4.5	Cultural Resources	23
4.6	Energy	27
4.7	Geology and Soils.....	28
4.8	Greenhouse Gas Emissions.....	30
4.9	Hazards and Hazardous Materials	32
4.10	Hydrology and Water Quality	34
4.11	Land Use and Planning.....	37
4.12	Mineral Resources	38
4.13	Noise	39
4.14	Population and Housing.....	43
4.15	Public Services	43
4.16	Recreation.....	45
4.17	Transportation	46
4.18	Tribal Cultural Resources	47
4.19	Utilities and Service Systems	49
4.20	Wildfire	50
Section 5.0	Scope of Work Considerations.....	53
Section 6.0	Types of CEQA Documents.....	63
6.1	Exemptions	63
6.2	Initial Study	65
6.3	Negative Declaration/Mitigated Negative Declaration	66
6.4	Environmental Impact Report	66
6.5	Mitigation Monitoring and Reporting Program	68

Attachment D: Environmental Review Handbook

6.6 First Amendment/Responses to Comments 68

6.7 Addendum to a Previously Adopted EIR or MND/ND 69

6.8 Determination of Consistency 69

6.9 Notices 70

Section 7.0 Types of NEPA Documents..... 72

7.1 Categorical Exclusions..... 72

7.2 Environmental Assessments..... 73

Section 8.0 Acronyms and Abbreviations 75

Attachment:

Attachment A – Federal Transit Authority Thresholds Memo

Section 1.0 Introduction

The intent of the City of San José's Environmental Review Handbook is to provide Environmental Consultants (Consultants), City staff, and the applicant with guidance on expected tasks and deliverables for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review in the City. This handbook aims to help Consultants prepare Scopes of Work for private and public projects by clarifying expectations of the Consultant's role in the environmental review process, including for technical analyses and environmental documents. In addition, this handbook will aid Consultants and City staff in preparing environmental review documents that can be understood by the public, are consistent in format and approach, and are legally defensible.

This handbook includes the City's typical standard review timelines, thresholds of significance for determining environmental impacts pursuant to Section 15064.7 of the CEQA Guidelines, scope of work considerations, and a summary of the different types of CEQA and NEPA documents. Considering these tasks in a Consultant's Scope of Work will reduce potential Scope of Work amendments, help reduce overall project review timelines and reduce project costs.

Section 2.0 Roles and Expectations for Performance

City Staff

The City is the Lead Agency for all documents prepared under CEQA regulations, and the Responsible Entity for all documents prepared under NEPA regulations. For most documents that require technical analyses such as CEQA Initial Studies (IS) and Environmental Impact Reports (EIR) and NEPA Environmental Assessments (EA), the City will require that the applicant hire a consultant to prepare the document for City review as detailed below. For less intensive technical documents such as Determinations of Consistency (DOC) and Statutory or Categorical Exemptions under CEQA and Categorical Exclusions converting to Exempt under NEPA, depending on staff resources and timing, these documents may be prepared in-house by City staff.

Applicants

The project applicant is responsible for providing all of the project construction and operation details, plans, and specifications that would inform the CEQA technical analysis. As of January 1, 2023, applicants who have projects on private property that require major review under CEQA, such as an IS or EIR with significant technical analysis, or a NEPA, EA, must directly contract with a Consultant from the List of City-Approved Environmental Consultants on the City's website: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/city-list-of-approved-environmental-consultants>. City staff cannot recommend a Consultant to an applicant, but they may provide the names of at least three consultants from the List of City-Approved Environmental Consultants to the applicant. Alternatively, the applicant may provide technical studies prepared by such consultants with their Planning application, that can then be incorporated into CEQA Exemptions, Addendums, or even Initial Studies by either City staff or the Consultant.

Applicants may review the project description as part of the CEQA/NEPA documents prepared by the hired Consultants.¹ The City understands that sharing of the documents can provide applicants with predictability, certainty, and increased transparency to help enable them to shape their projects to minimize impacts. The conclusions in drafts are not considered final until City staff have independently reviewed and confirmed the analysis as technically complete. The applicant shall not provide any edits nor try to influence the preparation of the draft documents on any impact analysis. While applicants can discuss potential issues with City staff, any changes to a submitted administrative draft document must come from City staff.

¹ The City's Environmental Review Procedures (Policy PL-300) which includes the City's policy on communications can be viewed here: <https://www.sanjoseca.gov/home/showpublisheddocument/120658/638803926716470000>.

The applicant is responsible for providing the Consultant with any and all revisions to the plan set and/or project description in a timely manner. If updated project information is not provided to the Consultant in a timely manner, the environmental review schedule will be delayed.

Consultant

The Consultant works as an extension of City staff. Therefore, the Consultant takes direction from City staff and is required to respond to any and all comments by City staff. The Consultant is responsible for submitting a draft Scope of Work to the Principal and Supervising Planners (refer to the City's environmental review website for current contact information). In addition, the Consultant is responsible for general project management, contract administration, and coordination with City staff and project team throughout the entire environmental review process. All work shall be done directly for the City of San José, however, Consultants may communicate with the project applicant, as necessary, for purposes of contract management and preparation of the project description. The feasibility of identified mitigation measures will be coordinated with the applicant by City staff. Consultants shall defer to direction from the City and acknowledge that the Consultant's role as a consultant for the City of San José, which is the Lead Agency over this entire process and document, should not be compromised by actions from project applicants. The City will hold consultants to strict ethical and professional standards during the environmental review process.

Prior to submitting documents to City staff for review, the Consultant must ensure that all materials undergo quality assurance/quality control. Quality assurance/quality control includes accurate analysis prepared by individuals with expertise in the subject matter, consistency throughout the document, and editing for grammar and spelling. The Consultant shall inform City staff at least 10 calendar days prior to submitting any deliverables associated with the project so staff can plan and prioritize their workload accordingly. The Consultant will maintain the project schedule in the areas that are within the Consultants' control. Any delays in receiving project information by the applicant could result in delays in the overall schedule.

In the event of non-performance by the Consultant, the City will issue a formal warning to the Consultant. If the Consultant cannot meet the City's expectations for performance, the City may remove the Consultant from the List of City-Approved Environmental Consultants for up to one year or more (depending on the violation). The standards and consequences for non-performance are summarized below.

Undue influence by the applicant

If the City finds that the environmental documents have been unduly influenced by the applicant or other parties, the City reserves the right to reject the document and send a warning letter stating reason(s) the document is rejected. City staff may request a peer review of some or all of the documents and supporting technical analyses. The peer review shall be completed by another consultant from the List of City-Approved Environmental Consultants, and the applicant shall be responsible for retaining the new consultant and for paying the costs associated with the peer

review. The results of the peer review may require additional changes to the environmental document and will result in overall schedule delays.

Incomplete or inadequate environmental documents

If City staff determines that the Consultant submitted an incomplete, inaccurate or inadequate document, the City reserves the right to return the document without a full review. Incomplete or inadequate documents shall be returned to the Consultant with a warning stating the reason(s) the document is rejected. The review will not count towards an administrative draft round of review. The applicant will be notified by City staff that the document will need to be revised due to the deficiencies and that the schedule will need to be revised to reflect the delays.

Notwithstanding the City's discretion to determine if an environmental review document is inadequate, inaccurate or the product of undue influence, failure to do so for environmental documents that are later found by a court to be inadequate, inaccurate, or the product of undue influence does not confer liability onto the City. This determination will be made in consultation with the City Attorney's Office.

Removal from the List of City-Approved Environmental Consultants

If the Consultant receives three warnings for any of the reasons stated above within a three-year period, the Consultant shall receive a warning letter from the Director of Planning, Building and Code Enforcement that states the Consultant is at risk from being removed from the List of City-Approved Environmental Consultants. If the Consultant submits an inaccurate or inadequate document within one year of the Director's warning letter, the Consultant shall be removed from the City's List of Approved Environmental Consultants.

Any Consultant that is removed from the City's List of Approved Environmental Consultants shall be required to submit a new Statement of Qualifications in the next Request for Qualifications cycle. If the Consultant is successful in meeting the scoring criteria, the Consultant will be placed on the updated List of Approved Environmental Consultants.

City Staff

Once the Consultant submits a draft Scope of Work to the Principal and Supervising Planners, they will invoice the project applicant and assign the Scope of Work to a planner for review.² Once the required fees are paid, City staff will begin their review of the Scope of Work.

City staff must review all CEQA and NEPA documents prepared by Consultants to ensure that they reflect the independent judgment of the City prior to presenting the analyses to decision makers. If

² The applicant will be invoiced for staff time to review the scope of work based on the following: 1) If there is an active development application on file, the assigned planner shall track time and invoice the time spent based on current fees in the Planning Fee Schedule or 2) If there is no active development application on file, the assigned planner shall send the applicant an invoice to cover staff review time and approval of the Scope of Work. Note that City staff will not review the scope of work until the scoping fees are paid.

the City deems the documents or technical analyses as incomplete or inadequate, the City shall return the documents to the Consultant for additional work without complete review of the submitted draft and/or the documents will be subject to peer review. Peer review may also be requested if the City determines that the Consultant's analyses have been compromised.

Refer to Policies PL-300 ([link](#)) and PL-301 ([link](#)) for more information on the City's policies related to Environmental Review Procedures and the List of City-Approved Environmental Consultants, respectively.

Section 3.0 Schedule and Review Timelines

Below are target City review times for Administrative Draft Environmental Review Documents prepared by the Consultant pursuant to CEQA and NEPA. City target review times are in business days, and exclude weekends, City holidays, and the City's furlough between Christmas and New Year's Day. The target review times are subject to change. These review times do not apply to environmental documents prepared by City staff in-house. The City's most current review timelines are available on the City's website: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review>.

Note: Target review times assume the submittal of a complete document from the Consultant which will provide clear indication of when the deliverables will be submitted to City staff. Complete documents will include all necessary technical reports and sections. Partial submittals will not be tracked against these target review times until a complete document is submitted.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Scope of Work Review	
Task	Target Review Time (Business Days unless noted)
City review of 1 st Draft Scope of Work ¹	10
City review of 2 nd Draft Scope of Work (if needed)	5
Note: ¹ Target review times for scope of work review start after payment of environmental review scoping fees.	

Mitigated Negative Declarations and Negative Declarations	
Task	Target Review Time (Business Days unless noted)
Administrative Draft Initial Study¹	
City review of 1st Administrative Draft Initial Study	25
City review of 2nd Administrative Draft Initial Study*	15
City review of 3rd/Additional Administrative Draft Initial Study*	10
City review of Screencheck Draft Initial Study	10
Public Circulation of Initial Study and MND or ND	
<i>Public circulation (Note: calendar days)²</i>	<i>20-30 Calendar Days</i>
City review of 1st Administrative Draft Response to Comments	15
City review of 2nd Administrative Draft Response to Comments*	10
City review of Screencheck Draft Response to Comments	10

Attachment D: Environmental Review Handbook

Notes: MND = Mitigated Negative Declaration, ND = Negative Declaration

* Second and subsequent administrative draft reviews depend on the number and scope of comments. If the first administrative draft does not include significant comments or edits, the Environmental Project Manager may determine that the subsequent submittal can be a Screencheck review prior to public circulation.

¹ Once the transportation consultant submits a traffic scope to the City for review, the Department of Public Works will need a minimum of 20 working days to review the traffic scope. The Department of Public Works will not review the traffic scope until the traffic review scope fees have been paid. The Department of Public Works' standard review timelines can be viewed here:

<https://www.sanjoseca.gov/home/showpublisheddocument/20035/638944051398600000>.

² If public circulation ends on a State or Federal holiday or a weekend, the review period shall be extended to the next business day.

Environmental Impact Reports and Supplemental Environmental Impact Reports	
Task	Target Review Time (Business Days unless noted)
Notice of Preparation	
City review of 1st Administrative Draft NOP	15
City review of 2nd Administrative Draft NOP/Screencheck	10
Additional Administrative Draft NOP Review*	10
NOP Public Comment Period	
<i>NOP public comment period (Note: calendar days)</i>	<i>30</i>
Administrative Draft EIR¹	
City review of 1st Administrative Draft EIR	35
City review of 2nd Administrative Draft EIR	20
City review of 3rd/Additional Administrative Draft EIR*	15
City review of Screencheck Draft EIR	10
Public Circulation of Draft EIR	
<i>Public circulation (Note: calendar days)²</i>	<i>45-60</i>
First Amendment/Responses to Comments	
City review of 1st Administrative Draft First Amendment/Final EIR	20
City review of 2nd Administrative Draft First Amendment/Final EIR*	10
City review of Screencheck Draft First Amendment/Final EIR	10

Notes: NOP = Notice of Preparation, EIR = Environmental Impact Report

* Second and subsequent administrative draft reviews depend on the number and scope of comments. If the first administrative draft does not include significant comments or edits, the Environmental Project Manager may determine that the subsequent submittal can be a Screencheck review prior to public circulation.

¹ Once the transportation consultant submits a traffic scope to the City for review, the Department of Public Works will need a minimum of 20 working days to review the traffic scope. The Department of Public Works will not review the traffic scope until the traffic review scope fees have been paid. The Department of Public Works'

standard review timelines can be viewed here:

<https://www.sanjoseca.gov/home/showpublisheddocument/20035/638944051398600000>.

² If public circulation ends on a State or Federal holiday or a weekend, the review period shall be extended to the next business day.

**Initial Study for Addendum to Previously Adopted Environmental Document or Technical Reports
Supporting a Class 32 In-Fill Categorical Exemption**

Task	Target Review Time (Business Days unless noted)
Administrative Draft Initial Study/Addendum or Technical Studies¹	
City review of 1st Administrative Draft	25
City review of 2nd Administrative Draft*	15
City review of 3rd/Additional Administrative Draft*	10
City review of Screencheck Draft	10

Note: * Second and subsequent administrative draft reviews depend on the number and scope of comments. If the first administrative draft does not include significant comments or edits, the Environmental Project Manager may determine that the subsequent submittal can be a Screencheck review prior to public circulation.

¹ Once the transportation consultant submits a traffic scope to the City for review, the Department of Public Works will need a minimum of 20 working days to review the traffic scope. The Department of Public Works will not review the traffic scope until the traffic review scope fees have been paid. The Department of Public Works' standard review timelines can be viewed here:

<https://www.sanjoseca.gov/home/showpublisheddocument/20035/638944051398600000>.

NATIONAL ENVIRONMENTAL POLICY ACT

Environmental Assessment

Task	Target Review Time (Business Days unless noted)
Administrative Draft EA	
City review of 1st Administrative Draft EA (with all technical reports and Draft Section 106 letter)	30
City review of 2nd Administrative Draft EA (with all technical reports and Final Section 106 letter)	20
<i>SHPO Review of Section 106 letter (Note: calendar days)¹</i>	30
City review of Screencheck Draft EA (with all technical reports completed)	10
After Draft EA Finalized by City	
Consultant uploads EA to the HUD HEROS, prepares the FONSI/RROF, and obtains Director of Planning, Building and Code Enforcement sign off	15

Environmental Assessment	
Task	Target Review Time (Business Days unless noted)
City coordinates FONSI review with SCCHA if needed (typically Section 8 project-based vouchers)	10
City publishes FONSI/RROF in Mercury News and foreign language newspapers (with translation)	20
Public Review of FONSI/RROF	
<i>Public review of FONSI/RROF (Note: calendar days)</i>	15
Response to Public Review Comments	
City review of 1st Administrative Draft RTC	20
City review of 2nd Administrative Draft RTC	10
City posts Final RTC on City website	5
HUD Funding Approval	
City prepares HUD Form 7015.15 and receives signature from Director of Planning, Building and Code Enforcement	5
City coordinates Form 7015.15 sign-off with SCCHA, if needed	10
City packages ERR for HUD Review	5
<i>HUD reviews and approves ERR and NEPA for Project (Note: federal working days)</i>	15
<p>Notes: EA = Environmental Assessment, SHPO = State Historic Preservation Officer, HUD = Department of Housing and Urban Development, HEROS = HUD Environmental Review Online System Database, FONSI = Finding of No Significant Impact, RROF = Request for Release of Funds, SCCHA = Santa Clara County Housing Authority, RTC = Responses to Comments, ERR = Environmental Review Record</p> <p>*SHPO has 30 days to review the Section 106 letter and provide comments. Section 106 consultation can continue beyond the 30 days. Depending upon the status of the Section 106 consultation, the NEPA process may not be able to move forward until the SHPO's comments have been resolved.</p> <p>¹ If public circulation ends on a State or Federal holiday or a weekend, the review period shall be extended to the next business day.</p>	

NEPA Categorical Exclusion Subject to Part 58

Task	Target Review Time (Business Days unless noted)
Administrative Draft CEST	
City review of 1st Administrative Draft CEST (including figures)	15
City review of 2nd Administrative Draft CEST and Draft SHPO letter	10
<i>SHPO Review of Section 106 letter (Note: calendar days)</i>	30

NEPA Categorical Exclusion Subject to Part 58

Task	Target Review Time (Business Days unless noted)
City review of Screencheck Draft CEST including SHPO response	10
City signs CEST and posts to City website	10

Notes: CEST = Categorically Excluded Subject To Section 58.5, SHPO = State Historic Preservation Officer
 *SHPO has 30 days to review the Section 106 letter and provide comments. Section 106 consultation can continue beyond the 30 days. Depending upon the status of the Section 106 consultation, the NEPA process may not be able to move forward until the SHPO’s comments have been resolved.

¹ If public circulation ends on a State or Federal holiday or a weekend, the review period shall be extended to the next business day.

NEPA 8-Step Process for Projects in a Special Flood Hazard Area or Wetlands

Task	Target Review Time (Business Days unless noted)
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City Review of Consultant Prepared Alternatives Evaluation

City review of Alternatives Evaluation	30
City publishes Notice in Mercury News	5
<i>Public comment period (Note: calendar days)¹</i>	15
City reviews consultant prepared Memo evaluating direct and indirect impacts on floodplain (can be concurrent with public comment period)	20
City attaches 8-Step Process to NEPA environmental document	10

Notes: NEPA = National Environmental Policy Act

¹ If public circulation ends on a State or Federal holiday or a weekend, the review period shall be extended to the next business day.

Section 4.0 Thresholds of Significance and Analysis Guidelines

Per CEQA Guidelines Section 15064.7, a threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. This guide includes explanations of variation in thresholds based on geographic area (i.e., thresholds that only apply to areas covered by the Downtown Strategy 2040 EIR). These thresholds of significance are based on General Plan policies, local regulations, Bay Area Air District³ thresholds, State and Federal laws, and best management practices. If a different threshold of significance is used, the Consultant must provide rationale in the CEQA document of why the new threshold is more appropriate than the standard threshold.

4.1 Aesthetics

If the project meets the criteria of a residential, mixed-use residential, or employment center on an urban infill site within a transit priority area per Senate Bill (SB) 743 (Public Resources Code Section 21099[d][1]), the project would have a less than significant aesthetics impact and no formal analysis is required. This would still need to be explained in the Areas of No Measurable Effect section of the environmental document. For projects that do not meet the criteria of SB 743, the environmental document shall address the CEQA checklist questions as outlined below.

a) Would the project have a substantial adverse effect on a scenic vista?

- The City's General Plan defines scenic vistas or resources in the City as gateways to the City, rural scenic corridors, broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Discuss the project's effects on the defined scenic vistas.

Threshold of significance: If a project alters views from key roadways that serve as gateways to the City or currently provide substantial views of the natural environment within or adjacent to the City, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

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

³ Formerly known as the Bay Area Air Quality Management District.

- There are no State-designated scenic highways in San José.
- Damage to scenic resources (trees, rock outcroppings, and historic buildings) should only be discussed here if those resources are within a State scenic highway viewshed.
- Discuss views along locally designated roadways in the General Plan as applicable.

Threshold of significance: If a project damages scenic resources within a State-designated scenic highway, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- Address impacts to visual character and quality, particularly if the project is in a highly visible non-urbanized area such as a ridgetop. If the project is in an urbanized area, address the impact of the project on the immediate surroundings (e.g., a new 12-story building in a neighborhood of one- to two-story buildings).
- Address any conflicts with zoning or other regulations specific to urban areas that regulate visual character. Examples include the Citywide Design Guidelines and Guidelines (2022) and the Downtown Design Guidelines (2022).

Thresholds of significance:

- For development in non-urbanized areas, if a project conflicts with General Plan Policies LU-17.1, LU-17.2, LU-17.3, LU-17.4, LU-17.5, LU-17.6, and LU-19.10, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form, Envision San José 2040 General Plan, and Envision San José 2040 General Plan Environmental Impact Report, as addended.
- For development in urbanized areas, if a project conflicts with applicable zoning and other regulations governing scenic quality, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

- Identify new sources of light and glare (stationary sources like floodlights, but also glare from vehicle headlights).
 - Photometric studies may be required for projects with significant light sources (e.g., digital billboards, sports field lighting, etc.), particularly if adjacent to residences or light-sensitive uses such as hospitals, hotels, and long-term care facilities. May also be required for projects adjacent to sensitive habitats such as riparian corridors.

- Discuss specific General Plan policies, City Council policies, and City regulations that would minimize light and glare.
- For projects that generate new sources of light and glare (i.e., digital billboards, lights for playing fields, lights on corporation yards or warehouses), an evaluation of light and glare impacts would be required.
- Discuss project conformance with the City’s Outdoor Lighting on Private Developments Policy (City Council Policy 4-3) and exceptions, if applicable.
- Discuss project conformance with General Plan policies ER-6.3, ER-6.4, and CD-1.17, as applicable.

Thresholds of significance: If a project creates a substantial new source of light and glare even after compliance with local regulatory requirements, a significant impact would occur. Source: City Council Policy 4-2, City Council Policy 4-3, City of San José Municipal Code, and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.2 Agriculture and Forestry Resources

The largest remaining area of farmland within the City is located in the Coyote Planning Area. Refer to the California Department of Conservation Important Farmlands Map to determine if the project is located in an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. If the project site does not consist of land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, then the project would have no impact on agricultural and forestry resources and this section can be removed from the resource areas evaluated. If removed from analysis, a brief explanation needs to be included in the Areas of No Measurable Effect section of the environmental document to justify why no further analysis is required.

SAMPLE TEXT: The site is located in an urbanized area of San José that does not contain agricultural or forestry resources. The project site is not zoned to allow for agricultural uses nor would the site be subject to a Williamson Act contract. Therefore, the project would not impact agricultural and forestry resources or require further analysis.

OR

If the project is located in an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the following checklist questions would need to be addressed:

-
- a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
-

- Identify whether the site is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- As discussed in the Envision San José 2040 General Plan EIR (pages 193-194), there are no feasible mitigation measures available to reduce the loss of agricultural land within areas previously planned and designated for development within the City’s Urban Growth Boundary (UGB). Build out of the General Plan would result in the loss of land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and would result in a significant and unavoidable impact.

Threshold of significance: For projects outside the UGB, if a project converts areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

- As disclosed in the Envision San José 2040 General Plan, only the Lester Property (Coyote Planning Area) is within the City’s UGB and is under a Williamson Act contract. Check the Santa Clara County’s Planning Office Williamson Act Properties Map to confirm that the project site is not located under a Williamson Act contract.
- General Plan Policy LU-12.3 requires protection and preservation of remaining farmlands within the City’s sphere of influence that are not planned for urbanization in the timeframe of the General Plan through the following means:
 - Limit residential uses in agricultural areas to those which are incidental to agriculture.
 - Restrict and discourage subdivision of agricultural lands.
 - Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
 - Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
 - Strictly maintain the UGB in accordance with other goals and policies in this Plan.
- As discussed in the Envision San José 2040 General Plan EIR (pages 193-194), there are no feasible mitigation measures available to reduce the loss of agricultural land within areas previously planned and designated for development within the City’s Urban Growth Boundary.

Threshold of significance: If a project conflicts with General Plan Policy LU-12.3 or an active Williamson Act contract, a significant impact may occur. Source: Envision San José 2040 General

Plan, Envision San José 2040 General Plan Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

- There are no lands in the City of San José zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, no project in the City would conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

Threshold of significance: Not applicable for projects in the City of San José.

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

- There are no lands in the City of San José zoned for forest land. Therefore, no project in the City would result in the loss of forest land or result in the conversion of forest land to non-forest use.

Threshold of significance: Not applicable for projects in the City of San José.

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

- Refer to bullets under checklist questions a)-d).

Threshold of significance: Refer to the thresholds of significance listed under checklist questions a)-d).

4.3 Air Quality

The City of San José considers the air quality thresholds updated by the Bay Area Air District (Air District) in April 2023⁴ to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with Toxic Air

⁴ The Consultant is responsible for ensuring that the latest Air District's Guidelines for CEQA analysis are used.

Contaminants (TACs) and fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less (PM_{2.5}). The Air District's CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 4.3-1. Table 4.3-2 below lists the Air District's health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.3-1: Bay Area Air District Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds*	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
ROG and NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Notes: ROG = reactive organic gases; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide

* The Air District recommends for construction projects that require less than one year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap.

Source: Bay Area Air District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Table 4.3-2: Bay Area Air District Health Risks and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual PM _{2.5} Concentration	0.3 µg/m ³	0.8 µg/m ³ (average)

Notes: µg/m³ = micrograms per cubic meter; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Thresholds are applicable to construction and operational activities.

Source: Bay Area Air District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

- Address the project's consistency with the Air District's current Clean Air Plan and applicable control measures.

Threshold of significance: If a project substantially conflicts with the control measures in the Air District's current Clean Air Plan, a significant impact may occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form and General Plan Policy MS-10.2.

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

- Address the project's consistency with Bay Area Air District thresholds for criteria pollutants (construction and operation), either by screening the project out or by quantifying the emissions.
- Address the project's cumulative impact with regards to reactive organic gases (ROG), nitrogen oxides (NO_x), respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀), and a fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}) only.
- Volatile organic compound paint and finishes during and after construction (reference the City's Standard Permit Conditions).

Thresholds of significance: If a project would exceed the screening criteria or thresholds for criteria pollutants identified in the Air District's CEQA Guidelines, as amended, a significant impact would occur. Refer to the City's Standard Permit Conditions to determine if a Construction Criteria Pollutant Emissions Assessment is required. Source: Bay Area Air District CEQA Guidelines, General Plan Policy MS-10.1, and CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

- Address the project's construction and operational TAC and PM_{2.5} impacts (including construction dust) to off-site receptors (as defined in the most recent Bay Area Air District's CEQA Guidelines), if applicable. Reference the City's Standard Permit Conditions.
- Protocol for dust and exhaust control (reference the City's Standard Permit Conditions).
- Address the project's potential health effects from criteria pollutant emissions (per the *Sierra Club v. County of Fresno* [Friant Ranch] case).
 - If the criteria pollutant impact is less than significant, there is no health impact.
 - If there is a significant criteria pollutant impact, qualitatively discuss the project's potential to increase health risks.

Thresholds of significance: If a project would exceed the screening criteria or thresholds for criteria pollutants identified in the Air District’s CEQA Guidelines, as amended, a significant impact would occur. Refer to the City’s Standard Permit Conditions to determine if a Construction Criteria Pollutant Emissions Assessment and/or Construction Health Risk Assessment is required. Source: Bay Area Air District CEQA Guidelines; General Plan Policies MS-11.1, MS-11.2, and MS-11.3; and CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- If the project includes components that could generate odors, address odors in the analysis. Potential odor-generating projects include some industrial manufacturing, recycling/rubbish processing facilities, and integrated wastewater projects. Analysis must be consistent with General Plan Policy MS-12.1.
- Consider if there are other possible emissions sources for unique projects.

Threshold of significance: If a project is a wastewater treatment plant, landfill, food manufacturing plant, etc. and is located within the odor screening distances identified in the Air District’s CEQA Guidelines, as amended, a significant impact would occur. Source: Bay Area Air District CEQA Guidelines and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.3.1 Non-CEQA Effects

- Address potential operational TAC health risks on future project occupants (sensitive receptors), if applicable.
- Identify applicable General Plan policies (e.g., MS-10.1, MS-11.1, and MS-11.2)

4.4 Biological Resources

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

- Refer to the Envision San José 2040 General Plan, Downtown Strategy 2040, or databases such as the California Natural Diversity Database, California Native Plant Society, etc. for a list of special-status species known to occur within City limits.⁵
- Discuss impacts to nesting migratory birds and raptors.
- For downtown development, refer to pages 86-87 of the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) for measures to protect fish in the Guadalupe River or

⁵ The list of special-status species may be revised over time. It is the responsibility of the Consultant to confirm the list of special-status species.

Los Gatos Creek from new construction. The current measures require that the project applicant either 1) alter their design to reduce shading to below 20 percent or 2) implement other measures to reduce impacts to instream water temperatures. As there is no explanation of the 20 percent threshold, any new development that encroaches or shades the Guadalupe River or Los Gatos Creek (from within the 100-foot riparian setback) will be required to prepare a qualitative analysis on shading and thermal radiation from the new development. Any identified impacts shall be reduced with project-specific mitigation.

Threshold of significance:

- If a project would have a substantial adverse effect on a sensitive or special-status species is listed in any of the local or State databases, a significant impact would occur. Refer to the City's Standard Permit Conditions to determine if a Pre-activity Habitat Assessment and Survey for roosting bats is required. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.
- For any new development that encroaches or shades the Guadalupe River or Los Gatos Creek (from within the 100-foot riparian setback), a project-level and cumulative-level impact analysis from encroachment and shading onto the riparian corridor shall be included in the Biological Resources Assessment to be prepared by a qualified biologist. Note: If a project qualifies for an exemption and is located adjacent to a riparian corridor (per the City's Riparian Corridor Policy), the City will still require a Biological Resources Assessment to be prepared. Source: City of San José Riparian Corridor Policy Study, City Council Policy 6-34, Downtown Strategy 2040 Environmental Impact Report and CEQA Guidelines Appendix G – Environmental Checklist Form.

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

- Refer to the Envision San José 2040 General Plan or Downtown Strategy 2040 for a list of sensitive natural communities within City limits.
- Evaluate any lighting or mechanical noise near riparian areas or other sensitive natural communities based on City Council Policies 4-3 and 6-34. Lighting shall be shielded and not directed toward riparian corridors or other sensitive natural communities.
- Discuss project conformance with the City's Riparian Corridor Protection and Bird-Safe Design Policy (City Council Policy 6-34) and riparian setback and exceptions, if applicable. Minimum riparian setbacks vary depending on the type of use, presence of hazardous materials, and lighting.

Thresholds of significance: If a project would have a substantial adverse effect on any riparian habitat or other sensitive natural community even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: City of San José Riparian Corridor Policy Study, City Council Policy 4-3, City Council Policy 6-34, Envision San José 2040

General Plan Environmental Impact Report, Downtown Strategy 2040 Environmental Impact Report, and CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

- Discuss whether the project would result in a substantial adverse effect on wetlands as defined by Section 404 of the Clean Water Act.
 - If wetlands are impacted, identify the regulatory agency responsible for wetland regulation and identify the acreage or square footage of the impacted wetland.

Thresholds of significance: If a project would have a substantial adverse effect on any State or federally protected wetlands even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- Discuss avian collision risk if the project site is located outside developed areas, near waterways/riparian corridors (within 300 feet), in Coyote Valley, or is located north of Highway 237.
- Discuss whether the project would/would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- If the project is in an area with substantial wildlife movement, evaluate the impact of new roadways, fences, barriers, lighting, and human activity on wildlife movement (Note: This mainly applies to projects outside developed areas of the City, such as Coyote Valley, South Almaden Valley Urban Reserve, or in areas with significant wildlife movement, such as within 300 feet of riparian areas or the area north of Highway 237).

Threshold of significance: If a project would interfere substantially with the movement of any fish or wildlife species or with established wildlife corridors or impede the use of native wildlife nursery sites outside developed areas of the City (including Coyote Valley and the Almaden Valley Urban Reserve), within 300 feet of waterways or riparian corridors, or north of Highway 237 even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- Identify any trees proposed for removal and calculate tree replacement using the City's tree replacement ratios.
- Protocol for tree replacement (reference the City's Standard Permit Conditions).
- Refer to the discussion of conformance with the City's Riparian Corridor and Bird-Safe Design Policy (Council Policy 6-34), including setbacks from adjacent riparian areas, if applicable, as evaluated under checklist question b) above.

Threshold of significance: If a project would conflict with any local policies or ordinances protecting biological resources, a significant impact would occur. Source: City of San José Riparian Corridor Policy Study, City Council Policy 6-34, and CEQA Guidelines Appendix G – Environmental Checklist Form.

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

- For any project that may impact riparian areas, discuss project conformance with Santa Clara Valley Habitat Plan (Habitat Plan) Condition 11.⁶
- For all other projects, determine if the project is consistent with the activity described in Section 2.3.2 of the Habitat Plan.
- Identify the project site's land cover type and explain if it would be subject to the conditions and/or fees listed in the Habitat Plan.
- Protocol for Habitat Plan conditions and fees (reference the City's Standard Permit Conditions).

Threshold of significance: If a project would conflict with the provisions of the Habitat Plan, a significant impact would occur. Source: Habitat Plan and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.5 Cultural Resources

There are two aspects to analyzing cultural resources: historic/built environmental resources and archaeological resources which should be treated separately for confidentiality reasons.

⁶ These measures are required in addition to the requirements of the City's Riparian Corridor and Bird-Safe Design Policy (Council Policy 6-34). The City has a template for Condition 11 Memorandums.

Historic Resources/Built Environmental Resource

For any project that includes exterior alterations, demolition and/or grading, an evaluation of listed and potential historical resources would be required to determine if the project will cause a substantial adverse change in the significance of a historical resource.

- 1) If the property is listed on the San José Historic Resources Inventory (HRI), state the listing classification available online and contact City staff to identify and obtain any existing documentation.
- 2) A qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards shall be retained to prepare California Department of Parks and Recreation (DPR) 523 series forms to document and evaluate the individual significance of the following properties⁷:
 - Properties listed on the San José HRI and classified as an Identified Structure, stand-alone Contributing Structure or located in a historic district or conservation area;
 - For any documentation that is more than five years old, the qualified consultant shall consult with City staff to determine if the documentation needs to be updated or if a new Historic Resources Evaluation is required; and
 - Properties not listed on the San José HRI but contains buildings and structures that are 45 years or older.

The property shall be evaluated to determine if it is eligible for listing in the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP) if eligible for the CRHR. The City also requires evaluation against the significance criteria for City Landmarks to determine if the property is eligible for listing in the San José HRI as a Candidate City Landmark under CEQA Guidelines Section 15064.5(a).

- 3) A qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards shall be retained to conduct a survey to identify historical resources listed on the San José HRI and potential historical resources adjacent to the project site. The Consultant shall work with City staff to define the geographic area where the project may have an effect on historic properties, if present. If federal funds will be used in the project, the scope of work should include the identification of the Area of Potential Effects (APE) that could be larger than the area assessed under CEQA.

⁷ The historic/built environmental resources documentation will be attached as a technical appendix for circulation.

Impacts Analysis

If a project involves the demolition or exterior alterations of a historical resource as determined above and/or the construction of a new building in a historic district or adjacent to a historical resource, a qualified consultant meeting the Secretary of the Interior’s Professional Qualification Standards shall be retained to prepare a report assessing the design of the project for conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards) and any applicable City design guidelines and/or standards such as the St. James Square Historic District Design Guidelines, Downtown San José Historic District Design Guidelines, San José Downtown Design Guidelines and Standards, or San José Citywide Design Guidelines and Standards. Conformance with the Standards is the benchmark for determining if a project affecting a historical resource will cause a “substantial adverse change.” Adherence to the Standards generally ensures a project is considered mitigated to a less than significant level. Design review analysis may also be used by City staff for development project review to ensure that the environmental review and Planning analysis is aligned. The Consultant should conduct the analysis as early in the process as possible and need to ensure that project analysis accurately reflects the latest/final plan set.

Archaeological Resources

A qualified consultant meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology shall be retained to prepare an Archaeological Literature Search. The Archaeological Literature Search, which includes the Sacred Lands File Search, shall be submitted to the City marked with “confidential” in the document name and should not contain any historic/built environmental resources documentation that is non-confidential.

Supporting cultural resource assessments or other reports and tribal correspondence and consultation documentation must be included in an appendix. Any reports containing sensitive or confidential information should clearly be marked as confidential by the consultant prior to submitting to the City.

All documents shall be filed with the City of San José Department of Planning, Building and Code Enforcement.

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

- Summarize the findings in the DPR 523 form(s) and discuss whether or not the property is a historical resource (e.g., eligible for listing or listed on the NRHP, CRHR, and/or in the City’s HRI as a City Landmark or Candidate City Landmark).
- Discuss project conformance with the Secretary of Interior’s Standards for the Treatment of Historic Properties and any applicable City standards or guidelines.
- Discuss project conformance with the Envision San José 2040 General Plan and updates – Chapter 6, Historic Preservation Landmarks and Districts (General Plan Policies LU-

13.1, LU-13.2, LU-13.6, and LU-13.7) and Historic Structures of Lesser Significance (General Plan Policy LU-14.4) and any applicable policies.

- Summarize project conformance with General Plan policies, standards, and guidelines and discuss resulting direct (historical resource on property) and indirect (adjacent historical resources surveyed) project impacts to historical resources.
- Discuss vibration impacts from project construction to adjacent historic resources as required by General Plan Policy EC-2.3.

Thresholds of significance:

- A substantial adverse change includes physical demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the NRHPs, CRHRs, and the San José HRI as a City Landmark or Candidate City Landmark). A substantial adverse change to a historical resource whether direct or indirect is a significant adverse impact. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Environmental Impact Report, as addended, CEQA Guidelines Section 15064.5, and CEQA Guidelines Appendix G – Environmental Checklist Form.
- The generation of vibration levels that exceed a continuous vibration limit of 0.08 inches/second (in/sec) Peak Particle Velocity (PPV) for historical buildings per General Plan Policy EC-2.3 is a significant adverse impact. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

- If the project site is identified as archaeologically or paleontologically sensitive, discuss findings from the Archaeological Literature Search or other investigations required per General Plan Policy ER-10.1.
- Protocol for the discovery of subsurface cultural resources (reference the City's Standard Permit Conditions).

Threshold of significance: If a project would cause a substantial adverse change in the significance of a historical resource even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Environmental Impact Report, CEQA Guidelines Section 15064.5, and CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

- Discuss findings per General Plan Policy ER-10.2.
- Protocol for the discovery of human remains (reference the City’s Standard Permit Conditions).
- Cross reference any additional measures required to address Tribal Cultural Resources (TCR), including measures resulting from a tribal consultation process required under Assembly Bill (AB) 52, SB 18, or any other State law.

Threshold of significance: If a project would disturb any human remains even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Environmental Impact Report, Section 7050.5(b) of the California Health and Safety Code, CEQA Guidelines Section 15064.5(e), and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.6 Energy

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

- Address how energy would be used during project construction and operation.
- Identify any measures the project would be required to comply with [e.g., California Building Code (CBC), Reach Code, Leadership in Energy and Environmental Design (LEED) certification, etc.]
- Identify any voluntary measures to reduce energy use [e.g., LEED, Transportation Demand Management (TDM), proximity to transit, etc.]
- Calculate the project’s operational energy demand.

Thresholds of significance: If a project would result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

- Review the regulatory framework section for applicable plans and policies [e.g., CBC, California Renewables Portfolio, Reach Code, San José Clean Energy (SJCE), Climate Action Plan/Greenhouse Gas (GHG) Reduction Strategies].

Thresholds of significance: If a project would consult with or obstruct a State or local plan for renewable energy or energy efficiency, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

If preparing an EIR, include the following checklist question:

- c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?

-
- Compare estimated annual energy use of existing and proposed development and address the net increase/decrease in annual energy use to future energy demand.
 - Refer to checklist questions a and b.

Threshold of significance: If a project would result increase in demand upon energy resources in relation to project supplies even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix F – Energy Conservation.

4.7 Geology and Soils

-
- a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

-
- Identify any nearby earthquake fault zones using the Alquist-Priolo Earthquake Fault Zoning Map.
 - Identify the potential for liquefaction and landslides on-site.
 - If a site-specific Geotechnical Investigation is prepared, include the findings and recommendations of the report (General Plan Policies EC-4.2 and EC-4.7). If not, include the City's Standard Permit Condition for preparation of a Geotechnical Investigation (if required).

Threshold of significance: If a project would result in substantial adverse effects (e.g., the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides), even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project result in substantial soil erosion or the loss of topsoil?

- Any ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until project construction is complete. Discuss how the project would reduce the soil erosion impacts (e.g., the Storm Water Pollution Prevention Plan, urban runoff policies, Municipal Code, General Plan Policies EC-4.1 through EC-4.7, etc.).
- Protocol for soil erosion (reference the City's Standard Permit Conditions).

Threshold of significance: If a project would result in substantial soil erosion or the loss of topsoil even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

- Refer to analysis responding to checklist question a).
- Address dewatering, if required, and reference the City's Standard Permit Condition for dewatering.

Threshold of significance: If a project is located on a geologic unit or soil that is unstable or that would become unstable and result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

- Refer to analysis under checklist question a).
- Discuss soil expansion potential. If a site-specific Geotechnical Investigation is prepared, include the findings and recommendations of the report (General Plan Policies EC-4.2 and EC-4.7).

Thresholds of significance: If a project is located on expansive soil and would create substantial direct or indirect risks to life or property even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- Identify whether there are sewers available to dispose of wastewater from the project site. If not, include this analysis. Note: This analysis does not apply to projects within the Urban Service Area.

SAMPLE TEXT: The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems.

Threshold of significance: If a project has soils incapable of adequately supporting the use of septic tanks or other wastewater disposal systems where sewers are not available, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

- Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths greater than 10 feet below ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Identify whether the site would be excavated to a depth greater than 10 feet below the ground surface.
- Protocol for the discovery of paleontological resources (reference the City’s Standard Permit Conditions).

Thresholds of significance: If a project would directly or indirectly destroy a paleontological resource or site or unique geological features even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.8 Greenhouse Gas Emissions

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

- Determine if project complies with adopted GHG Reduction Strategy (as amended). This includes a finding that the project is consistent with the General Plan Land Use/Transportation Diagram Designation.

- Projects that are not consistent with the General Plan Land Use/Transportation Diagram Designation (e.g., projects requiring a General Plan Amendment to change the Land Use/Transportation Diagram Designation) shall prepare a project-specific GHG analysis. This analysis should use thresholds of significance in the latest version of the Bay Area Air District’s CEQA Guidelines. Note: As of December 2025, if the project utilizes the Air District’s CEQA Guidelines and proposes to use natural gas, it would result in a Significant and Unavoidable Impact and an EIR would be required.
- Address the project’s construction-related GHG emissions.
- Explain that construction will be temporary and include the approximate construction period (including projects with multiple construction phases).
- Explain how the project would not affect any GHG reduction targets.
- Address the project’s operational GHG emissions (refer to checklist question b for the project’s consistency with the GHG Reduction Strategy Checklist). If the project is consistent with the adopted GHG Reduction Strategy, no quantitative analysis is required.
 - If the project plans to use a different electricity supplier (besides San José Clean Energy at the Total Green or Green Source levels), discuss the proposed electricity supplier (PG&E) and what programs the project would use for clean energy. It should be equivalent to the San José Clean Energy Total Green or Green Source levels.

Threshold of significance: For projects utilizing the City’s GHG Reduction Strategy, a significant impact would occur if the project is not substantially compliant with the strategy. For projects utilizing the Air District’s threshold, a significant impact would occur if the Land Use Project Design Elements in the Air District’s 2022 CEQA Guidelines (as amended) are not met. Source: City of San José 2030 GHG Reduction Strategy, Bay Area Air District CEQA Guidelines, and CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

- Discuss consistency with applicable State, regional, and local plans related to reducing GHGs to meet the SB 32 target. These include the Scoping Plan (State level), Clean Air Plan (regional level), and the City’s GHG Reduction Strategy, Climate Smart San José, and General Plan policies (local level, as available).

Threshold of significance: If a project conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, a significant impact would occur. Source: City of San José 2030 GHG Reduction Strategy and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.9 Hazards and Hazardous Materials

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

- Address any hazardous materials that would be removed from the site during building demolition, grading, and project construction.
- Address hazards associated with project operation (i.e., use of cleaning supplies and maintenance chemicals, use of fuels on-site, etc.).
- Address potential soil contamination from historic agricultural operations (common on the Valley floor).

Thresholds of significance: If a project would create a significant hazard through the routine transport, use, or disposal of hazardous materials even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Identify any on-site or off-site contamination that was identified in the Phase I Environmental Site Assessment (ESA) (and Phase II ESA, if available).
- Address any asbestos-containing materials or lead-based paint in existing building materials and reference regulatory requirements.

Thresholds of significance: If a project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form; General Plan Policies EC-6.4, EC-6.6, EC-7.1, EC-7.2, EC-7.3, and EC-7.4.

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

- Identify any potentially hazardous impacts that the project could have to schools within one-quarter mile of the project site.
- If site remediation is required, such as remediation for historic industrial or agricultural uses, address the potential for impacts to schools from any ground disturbance activities.

Thresholds of significance: If a project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form, General Plan Policies EC-6.4, EC-6.6, EC-7.1, EC-7.2, EC-7.3, and EC-7.4.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- Identify whether the site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. If the site is listed, specify the site clean-up status (i.e., case closed, remedial action underway, etc.). If site-specific conditions apply, such as land use restrictions, please specify.

Thresholds of significance: If a project is located on a hazardous waste site and development or operation of the project would create a significant hazard even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: Government Code Section 65962.5 and CEQA Guidelines Appendix G – Environmental Checklist Form.

e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

- If located within two miles of Norman Y. Mineta San José International Airport or Reid-Hillview Airport, identify if the site is located within the Comprehensive Land Use Plan-defined safety zone or the Airport Influence Area.
- Determine whether the project is located in any airport clear zones and discuss whether the height of construction equipment (such as the use of cranes), or the finished building height would require Federal Aviation Administration review. If the project is above the Federal Aviation Regulations Part 77 surface, a “Determination of No Hazard to Air Navigation” shall be required (reference the City’s Standard Permit Conditions).

Thresholds of significance: If the project site is located within an area covered by a Comprehensive Land Use Plan and would the result in a safety hazard or excessive noise to future occupants, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Discuss the project's consistency with the City of San José's Emergency Operations Plan, including during construction and operation.
- Identify whether the project would be constructed in accordance with current building and fire codes.

Thresholds of significance: If the project would impair implementation of the City's Emergency Operations Plan, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

- Identify whether the site would be subject to wildland fires and/or is located within a mapped Urban Wildland Interface area.

Threshold of significance: If a project is located in an area subject to wildland fires and would expose people to risk of loss, injury, or death even after conformance with applicable local and State policies, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.9.1 Non-CEQA Effects

- Address potential risks from hazards and hazardous materials on future project occupants, if applicable.
- Identify applicable General Plan policies (e.g., Policies EC-6.6 and EC-7.2)

4.10 Hydrology and Water Quality

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

- Address the project's construction-related water quality impacts.
 - Waste Discharge Requirements
 - Applicable National Pollutant Discharge Elimination System (NPDES) permits
 - Site-specific source of contamination
 - 303(d) listed waterbodies
 - Sediment.
 - Protocol for construction-related water quality (reference the City's Standard Permit Conditions).
- Address the project's post-construction impacts.

- Waste Discharge Requirements
- Identify whether project discharge is worse than ambient conditions. If so, is it at or above water quality standards?
- Identify any Low Impact Development treatment controls proposed to treat stormwater runoff.

Threshold of significance: If a project would violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality even after compliance with local regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

- Address dewatering, if required. Dewatering is typically required if there is significant excavation in areas with high water tables, such as Downtown.
- Determine if the project would interfere with groundwater flow or impact the groundwater aquifer.
 - Does the project include groundwater pumping? If so, are there neighboring wells?
 - Would the project prevent infiltration?

Threshold of significance: If a project substantially decreases groundwater supplies or interfere with groundwater recharge even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

- Address substantial erosion or siltation on- or off-site
 - Address project impacts to the existing drainage pattern. Discuss construction and operations (e.g., construction drainage discharges).
 - Address storm drainage impacts by discussing pervious/impervious surfaces on-site under existing conditions and project conditions. Hydromodification – Would runoff increase such that it would cause erosion?

- Discuss flooding on- or off-site/or impede or redirect flood flows
 - Would peak flows increase? New impervious areas could impact downgradient areas. How far is the Federal Emergency Management Agency (FEMA)-designated floodplain from the site? Could it be contributing to a bad flooding situation?
 - Impeding flow? Are there any bridges or buildings in the floodplain?
- Discuss additional sources of polluted runoff
 - Would the project indirectly or directly discharge to an MS4? A direct discharge would be if the project would discharge via a pipe into a storm drain. An indirect discharge would be pollutants from construction sites, sanitary sewer overflows, groundwater seepage, etc.
 - Is there site-specific contamination?

Threshold of significance: If a project would substantially alter the existing drainage pattern of the site or area and would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

- Identify what flood zone the project is in using the FEMA Flood Insurance Rate Maps.
- Identify whether the site is located in any dam failure inundation hazard zone using the Santa Clara Valley Water District (Valley Water) Flood Inundation Maps.
- Identify project impacts associated with seiches and tsunamis.

Threshold of significance: If a project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

- Discuss the applicable groundwater management plan and water quality impact in the plan area.

- Identify how the project complies with existing policies and regulations (i.e., City’s Post-Construction Urban Runoff Policy 6-29, NPDES Permit, etc.).

Threshold of significance: If a project would conflict with or obstruct implementation of the Regional Water Quality Control Plan or Valley Water’s Groundwater Management Plan (as amended), a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.11 Land Use and Planning

a) Would the project physically divide an established community?

- Identify whether the project would physically divide an established community (typically only applies to linear transportation or utility projects).

SAMPLE TEXT: The project does not include any physical features, such as a railway, roadway, or highway; therefore, the project would not physically divide an established community.

Threshold of significance: If a project would prevent movement of people within an established community, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

- Address whether the project would conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This includes General Plan policies or City Council policies intended for environmental protection. Refer to analysis in other resource areas evaluated within the document as applicable.

Threshold of significance: If a project would conflict with an existing plan or policy for protection of the environment, a significant impact would occur. Note: This impact is typically cross referenced with identified impacts in other resource areas. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

If the project is located in the Downtown area near St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park (Arena Green and Guadalupe Gardens), and McEnery Park, include the following checklist question:

c) Would the project result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park [Arena Green and Guadalupe Gardens], and McEnery Park)?

- According to the Downtown Strategy 2040 FEIR, a significant shade and shadow impact occurs when a building or other structure located in the downtown area substantially reduces natural sunlight on public open spaces, measured on the winter solstice; the spring/fall equinoxes; and the summer solstice. There are six major open space areas in downtown San José that are particularly sensitive to shade and shadow impacts: St. James Park, Plaza of Palms, Plaza de César Chávez, Paseo de San Antonio, Guadalupe River Park (Arena Green and Guadalupe Gardens), and McEnery Park.
- A shade and shadow illustration is required for any project that will cast a shadow on any of six major open space areas and should be included in the environmental analysis. Shade and shadow analyses are typically prepared for March 21, June 21, and December 21. This provides an analysis of each season as well as the longest and shortest days of the year, covering the full spectrum of possible shade and shadow issues. The analysis needs to provide data for 9:00 AM, noon, and 3:00 PM Pacific Standard or Daylight Savings Time.⁸

Threshold of significance: If the project would result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park [Arena Green and Guadalupe Gardens], and McEnery Park, a significant impact would occur. Source: Downtown Strategy 2040 Environmental Impact Report.

4.12 Mineral Resources

Any project located outside the Communications Hill area, an area containing mineral deposits of regional significance, would have no impact on mineral resources. A brief explanation should be included to justify why no further analysis is required.

SAMPLE TEXT: Pursuant to the mandate of the Surface Mining and Reclamation Act (SMARA), the State Mining and Geology Board (SMGB) has designated the Communications Hill Area (Sector EE) as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation. The project site is not in Communications Hill; therefore, the project would not impact mineral resources or require further analysis.

⁸ Shade and shadow analysis does not include shade from trees, but it does account for shade from existing buildings.

OR

The following checklist questions would be addressed for any project located within the Communications Hill area:

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

- Address how the project would impact construction aggregate deposits at Communications Hill.

Threshold of significance: If a project located within the Communications Hill area would result in the loss of availability of a known mineral resource of value, a significant impact would occur.

Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

- Identify any designated mineral resource recovery site.
- Address how the project would impact the mineral resource recovery site.

Threshold of significance: If a project located within the Communications Hill area would result in the loss of availability of a locally important mineral resource recovery site, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.13 Noise

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis.

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A 3.0 dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project-generated noise level increases of 3.0 A-weighted decibel (dBA) Day-night Level (DNL) or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the addition of project noise, a noise level increase of 5.0 dBA DNL or greater is considered significant.

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

The City considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses and would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months (refer to General Plan Policy EC-1.7). The City of San José does not have noise level thresholds for construction activities; therefore, the noise limits established by the Federal Transit Administration (FTA) should be used. Per FTA’s Transit Noise and Vibration Impact Assessment Manual, an exterior threshold of 80 equivalent continuous noise level (dBA L_{eq}) shall be applied at residential land uses, an exterior threshold of 85 dBA L_{eq} shall be applied at commercial land uses, and an exterior threshold of 90 dBA L_{eq} shall be applied at industrial land uses during daytime hours. Refer to Attachment A of this document for more information on the FTA thresholds.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of 3.0 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level, or 5.0 dBA DNL or more where noise levels would remain normally acceptable.

The noise compatibility guidelines for various land uses are provided in the table below.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						
<div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <p>Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> </div>						
<div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 20px; background-color: #cccccc; margin-right: 5px;"></div> <p>Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.</p> </div>						
<div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 20px; background-color: #000000; margin-right: 5px;"></div> <p>Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.</p> </div>						

Construction Vibration

The City of San José relies on guidance developed by the California Department of Transportation (Caltrans) to address vibration impacts from development projects in San José. A vibration limit of 12.7 millimeters per second (mm/sec; 0.5 inch/sec) PPV is used for buildings that are structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For sensitive historic buildings, including ruins and ancient monuments, or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- Address noise impacts from construction equipment to nearby noise-sensitive land uses.
- Protocol for construction-related noise (reference the City’s Standard Permit Conditions).
- Address the operational noise from the project.
 - Project-generated traffic, mechanical equipment (e.g., Heating, Ventilation, and Air Conditioning units, backup generator, fire pumps, etc.), loading docks, outdoor activity areas, trash enclosure, and any other project-specific operational noise sources.
- Noise from operation of any late-night uses – defined by the Zoning Code as uses operating between 12:00 A.M. and 6:00 A.M shall be evaluated. This includes industrial

operations and entertainment/nightlife venues.

Thresholds of significance: For operational noise, if the project would conflict with General Plan Policies EC-1.1, EC-1.2, and EC-1.3, a significant impact would occur (reference the City’s Standard Permit Conditions). For construction noise, if the project would conflict with General Plan Policy EC-1.7 and the Federal Transit Administration Guidelines in effect at the time an application is deemed complete, a significant impact would occur (reference the City’s Standard Permit Conditions). Source: FTA construction noise limit thresholds, Envision San José 2040 General Plan, Envision San José 2040 General Plan Final Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

- Address construction equipment vibration impacts on surrounding historical structures and buildings of normal conventional construction per the construction vibration thresholds established in General Plan Policy EC-2.3.

Thresholds of significance: For construction vibration thresholds, if the project would conflict with General Plan Policy EC-2.3, a significant impact would occur (reference the City’s Standard Permit Conditions). Source: FTA construction vibration limit thresholds, Envision San José 2040 General Plan, Envision San José 2040 General Plan Final Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

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

- Address noise impacts from Norman Y. Mineta San José International Airport and Reid-Hillview Airport using the aircraft noise contours maps.

Thresholds of significance: If a project is located within vicinity of a private airstrip or an airport within two miles and would expose people in the area to excessive noise levels even after compliance with local regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.13.1 Non-CEQA Effects

- Address potential exterior and interior noise impacts on future project occupants (sensitive receptors), if applicable.
- Identify applicable General Plan policies (e.g., EC-1.1, EC-1.9, and EC-1.11)

4.14 Population and Housing

- a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
-

- Address how the project is/is not consistent with planned growth
 - Is the project within the City of San José UGB?
 - Does the project conform with the type and density of use allowed for the site in the General Plan Land Use/Transportation Diagram Designation?
- Identify whether the project includes extension of roads or other infrastructure to previously undeveloped areas.

Thresholds of significance: If a project would induce substantial urban development outside of the UGB, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
-

- If the project would displace existing housing or people and the existing housing was constructed prior to 1979, mention the Ellis Act Ordinance and SB 330. Note: Pursuant to CEQA Guidelines Section 15131, economic impacts in and of themselves shall not be treated as significant impacts on the environment. If a project's social and economic effects do not result in physical changes, the effects are not environmental impacts under CEQA.

Thresholds of significance: If a project would result in the construction of new housing for a substantial number of displaced residents, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.15 Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- a) Fire protection?
 - b) Police protection?
 - c) Schools?
-

-
- d) Parks?
 - e) Other public facilities?
-

Fire Protection

- General Plan Policy ES-3.1 identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.
- Discuss whether the project would require new fire stations or expanded governmental facilities to serve the development while maintaining City service goals.

Police Protection

- General Plan Policy ES-3.1 identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (nonemergency) calls.
- Discuss whether the project would require new police stations or expanded governmental facilities to serve the development while maintaining City service goals.

Schools

- Include school capacity and existing enrollment from the School Accountability Report Card website, if available. Identify how many students would be generated by the project.
- Address project compliance with Government Code Section 65996 (school impact fees).

Parks

- General Plan Policies PR-1.1 through PR-1.3 provide goals for the amount of parkland and community centers per resident.
- The City of San José has a Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO) which aims to provide at least 3.0 acres of parkland per 1,000 new residents, pay an in-lieu fee equal to the value of the required land dedication, complete improvements to existing recreational facilities or construct new facilities, or a combination of these options. Identify how the project would comply.
- Discuss whether the project would result in substantial adverse physical impacts on park facilities in the City.

Other Public Facilities

- General Plan Policy ES-2.2 has a goal to provide 0.59 square feet of library facilities per capita.
- Discuss whether the project would result in substantial adverse physical impacts on library facilities in the City.

Thresholds of significance: If a project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services even after compliance with local and State regulatory requirements, a significant impact would occur. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Final Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.16 Recreation

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
-

- The City of San José has a PIO and PDO which requires new housing projects to provide at least 3.0 acres of parkland per 1,000 new residents, pay an in-lieu fee equal to the value of the required land dedication, complete improvements to existing recreational facilities or construct new facilities, or a combination of these options.
- Discuss whether the project would result in substantial adverse physical impacts on park or other recreational facilities (such as community centers or senior centers) in the City.

Thresholds of significance: If a project would increase the use of existing recreational facilities and cause substantial physical deterioration of these facilities even after compliance with local and State regulatory requirements, a significant impact would occur. Source: Envision San José 2040 General Plan, Envision San José 2040 General Plan Final Environmental Impact Report, as addended, and CEQA Guidelines Appendix G – Environmental Checklist Form.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
-

- Identify any recreational facilities that are proposed.
- Discuss whether the project would require new recreational facilities (e.g., parks, trails, and community centers) to be constructed or expansion of existing recreational facilities to meet City service goals.

Thresholds of significance: If a project includes recreational facilities or require the construction or expansion of recreational facilities that would result in an adverse physical effect on the environment, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.17 Transportation

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

- Discuss whether the project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities.

Thresholds of significance: If a project conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

- City Council Policy 5-1 has established screening criteria to determine which projects require a detailed vehicle miles traveled (VMT) analysis. Discuss the project's consistency with the City's adopted VMT policy.
- Downtown projects consistent with the land use designation are exempt from VMT.
- If the project does not meet the City's screening criteria, a Transportation Analysis may be required which would evaluate the project's VMT generation against the appropriate thresholds of significance (as established by City Council Policy 5-1).
 - Include a discussion of the findings of this analysis, including a discussion of the citywide average VMT and the project's VMT per capita/per employee.
 - Discuss whether the project exceeds or would not exceed the thresholds of significance. If the project exceeds the threshold of significance, the project shall include measures to reduce the project VMT or mitigate a CEQA transportation impact. Projects must select a combination of VMT reduction measures from four categories⁹:
 - Project Characteristics
 - Multimodal Network Improvements
 - Parking
 - Programmatic TDM
- Explain how the measure(s) would/would not reduce the VMT impact.

⁹ If a project proposes CEQA mitigation measures that are not included in the list of approved VMT measures, substantial evidence of their effect on reducing or mitigating a transportation impact shall be submitted to the Director of Public Works for review and approval.

Thresholds of significance: If a project would exceed the VMT thresholds of significance (refer to Table 1 of the City’s Transportation Analysis Policy, City Council Policy 5-1. Reference the City of San José Transportation Analysis Handbook for further guidance on thresholds of significance and mitigation measures. Source: City Council Policy 5-1 and CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Address the project’s consistency with the City’s driveway width requirement.
- Address whether the project would provide adequate site distance.
- Identify any incompatible uses proposed.

Thresholds of significance: If a project would substantially increase hazards due to a geometric design feature or incompatible uses, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project result in inadequate emergency access?

- Identify any emergency vehicle access proposed.
- Address project’s consistency with the fire code.

Thresholds of significance: If a project would result in inadequate emergency access, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.17.1 Non-CEQA Effects

- City Council Policy 5-1 requires preparation of a Local Transportation Analysis (LTA) to identify any operational issues associated with the project.
 - Trip generation estimates
 - TDM requirements per Chapter 20.90 of the City’s Municipal Code
 - Bicycle parking
 - Intersection Level of Service Analysis and intersection queueing (only when there is an adverse effect and Neighborhood interface)

4.18 Tribal Cultural Resources

For any new EIR, Mitigated Negative Declarations (MND), and Negative Declarations (ND): If the project site is located in an archaeologically sensitive area as mapped by the City of San José or the site is located near a known TCR, the City will request an Archaeological Literature Search, which includes the Sacred Lands File Search, to be prepared. The Archaeological Literature Search is a

confidential report that will be filed at the City of San José Department of Planning, Building and Code Enforcement. The Archaeological Literature Search shall be clearly marked “confidential” and will not be attached as a technical appendix posted for public circulation.

AB 52 does not apply to projects that are exempt from CEQA and only applies to projects for which an Notice of Preparation (NOP), MND, or ND is filed. If the project is exempt or the CEQA document is an Addendum to a previously certified EIR, MND, or ND and previously satisfied the AB 52 requirement, there is no need to notify tribes again under AB 52. For each subsequent project, however, it is good practice to request a new Sacred Lands File Search to confirm the CEQA baseline has not changed.¹⁰ If a recent Sacred Land File Search has been prepared near the project site, the Consultant shall coordinate with the City to determine if it is sufficient to use.

-
- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
-

- Identify any requests for notification of projects made by the Native American tribes received by the City.
- If formal consultation between the City and the Native American tribe occurs and it is determined the project may have a significant impact on a TCR, discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

Thresholds of significance: If a project would result in a substantial adverse change in the significance of a TCR that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources (per Public Resources Code Section 5020.1(k)) even after compliance with local and State regulatory requirements, a significant impact would occur. Source: Public Resources Code Section 5020.1(k) and CEQA Guidelines Appendix G – Environmental Checklist Form.

-
- b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?
-

- Identify any impacts to TCRs on the project site.

Thresholds of significance: If a project would result in a substantial adverse change in the significance of a TCR pursuant to the criteria set forth in Public Resources Code Section 5024.1(c) even after compliance with local and State regulatory requirements, a significant impact would

¹⁰ Per Section 106 requirements, a records search shall be included that is not more than five years old.

occur. Source: Public Resources Code Section 5024.1(c) and CEQA Guidelines Appendix G – Environmental Checklist Form.

4.19 Utilities and Service Systems

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

- Discuss whether the project would result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities.
- If a Water Supply Assessment is required, incorporate the assessment under this checklist question.

Thresholds of significance: If a project would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

- Address the project's water demand and compare it to the Urban Water Management Plan (UWMP) assumptions.
- If a Water Supply Assessment is required, incorporate the assessment under this checklist question.

Thresholds of significance: If a project would have insufficient water supplies to serve the project and reasonably foreseeable development during normal, dry, and multiple years by exceeding the UWMP assumptions even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- Identify the existing wastewater treatment capacity and whether the project would result in a substantial increase in the amount of wastewater generated. Discuss wet weather flow capacities.

Threshold of significance: If a project would generate wastewater that would exceed the City's disposal allocation at the wastewater treatment facility that would serve the project even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

- Identify the landfill's remaining capacity and whether there is sufficient capacity to serve the project.

Threshold of significance: If a project would generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

e) Would the project be noncompliant with federal, State, or local management and reduction statutes and regulations related to solid waste?

- Address the project's compliance with the California Green Building Standards Code, the City's Zero Waste Strategic Plan, and any other existing regulations and programs related to solid waste.
- Identify any waste reduction measures proposed by the project.

Threshold of significance: If a project would conflict with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

4.20 Wildfire

Refer to CAL FIRE's Fire Hazard Severity Zones Map to determine if the project is located in an SRA or LRA. If the project site is not located in or near a State Responsibility Area (SRA) or Local Responsibility Area (LRA), then the project would have no impact on wildfire. A brief explanation should be included to justify why no further analysis is required.

SAMPLE TEXT: The project site is not located in or near a SRA, LRA, or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts or require further analysis.

OR

If the project site is located in a SRA, LRA, or very high fire hazard severity zone, the following checking questions would need to be addressed:

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

- Discuss project compliance with Chapters 7A and 49 of the County Building Code which require structures in the Wildland Urban Interface to use measures that reduce the risk of burning embers igniting buildings and a defensible zone around the site.

Threshold of significance: If a project would be noncompliant with the City's Emergency Operations Plan, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- Identify project slope (percent and degrees) and address project compliance with CBC, wildland building standards, and fire codes.

Threshold of significance: If a project would expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- Identify any roads, fuel breaks, emergency water sources, power lines, or other utilities that are proposed that may exacerbate fire risk.
- Explain how the proposed infrastructure would not exacerbate fire risk (i.e., repaving and widening an existing access road to connect to an existing emergency vehicle access road.)

Threshold of significance: If a project would install or maintain associated infrastructure that would exacerbate fire risk or result in temporary or ongoing impacts even after compliance with local and State regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

- Refer to Section 4.7, Geology and Soils, discussion and address project compliance with the CBC and fire code.

Threshold of significance: If a project would expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur. Source: CEQA Guidelines Appendix G – Environmental Checklist Form.

Section 5.0 Scope of Work Considerations

The following tasks shall be included in the draft Scope of Work unless City staff determines that a task is not required. When determining costs and schedule, the Consultant shall assume these tasks will be required.

Note: If a Transportation Analysis (TA) or Local Transportation Analysis (LTA) is required pursuant to the City's Transportation Analysis Policy (Council Policy 5-1), a separate Scope of Work must be reviewed and approved by the Department of Public Works. To reduce delays, the TA or LTA scope of work should be submitted to the Department of Public Works and applicable scoping fees paid prior to or concurrently with the scope of work for environmental review. See the Department of Public Works Development Services Permit Applications & Resources website for information on the TA/LTA scoping and review process ([link](#)).

In addition to preparation of the draft environmental review documents and supporting technical studies, the following tasks and deliverables shall be included in the Scope of Work to be prepared by a Consultant from the List of City-Approved Environmental Consultants.

1) Meetings:

- a. Attendance at one kickoff meeting with applicant and City staff to discuss project scope and preliminary project schedule.
- b. Recurring meetings with City staff to review City comments on administrative drafts, comments received during public circulation, and preparation for public hearings.
- c. For ND/MND or EIR, a minimum of three meetings shall be assumed.
- d. For projects requiring an Addendum to a previously adopted ND/MND or EIR or an Exemption, a minimum of two meetings shall be assumed.
- e. Large/complex projects may require additional meetings or even recurring standing meetings during key phases of the project.
- f. For complex or controversial projects, attendance at least one virtual community meeting or joint community/EIR scoping meeting (for EIRs) shall be assumed.

2) Document Preparation:

- a. Notice of Preparation
 - i. For projects with an EIR, the Consultant shall prepare the 1st Administrative Draft NOP. The 1st Administrative Draft NOP shall be submitted to City staff in Word format and in PDF with figures inserted.
 - ii. The 2nd Administrative Draft NOP shall be submitted back to City staff in a Word format with two versions: a clean version and a track changes versions which includes all City comments on the 1st Administrative Draft NOP and Consultant responses to City comments. The 2nd Administrative Draft NOP shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or

- edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft NOP for review.
- iii. If the 2nd Administrative Draft NOP addresses all City comments to the satisfaction of City staff, is free of errors (i.e. grammatical errors, formatting errors, typos, and misspelled words), City staff may determine the 2nd Administrative Draft NOP as the Screencheck Draft and the Consultant can proceed with finalizing the NOP for circulation.
- b. 1st Administrative Draft Environmental Review Document:
- i. The 1st Administrative Draft document shall be complete with all resource sections and supporting technical reports unless the Consultant and City staff have made an agreement to split the submittal of resource sections during a prior meeting. Submitting an incomplete document is discouraged because it prevents City staff from reviewing the document in its entirety and often leads to longer review times. Note: Any resource areas, such as Aesthetics, Agricultural and Forestry Resources, and Mineral Resources, removed from analysis must be discussed in the Areas of No Measurable Effect section and an explanation of why the resource area is not evaluated must be included. The Consultant shall include this approach in the draft Scope of Work submitted to City staff for review and approval.
 - ii. The 1st Administrative Draft document shall be submitted in Word format and in PDF with figures inserted.
 - iii. All supporting technical reports shall be submitted with the 1st Administrative Draft.
- c. 2nd Administrative Draft and subsequent administrative drafts of Environmental Review Document:
- i. The 2nd Administrative Draft or subsequent administrative draft documents shall be submitted in a Word format with two versions: a clean version and a track changes version which includes all City comments on the 1st Administrative Draft and Consultant responses to City comments. The 2nd Administrative Draft or subsequent administrative draft documents shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft or subsequent administrative draft documents.
 - ii. A full PDF version of the 2nd Administrative Draft or subsequent administrative draft documents is not required, however, if City staff comments on figures in the 1st Administrative Draft, the Consultant shall provide City staff a PDF of all revised figures along with the 2nd Administrative Draft or subsequent administrative draft documents.
 - iii. If City staff requires changes or edits to supporting technical reports during the 1st Administrative Draft review, the revised technical reports shall be

submitted with the 2nd or subsequent administrative draft documents. The Consultant shall respond to all City comments on the technical reports.

d. Public Draft Environmental Review Document:

- i. Public drafts shall be submitted in an accessible PDF and include all supporting technical reports (excluding the Archaeological Literature Search) in the appendices, including the latest updated versions of technical reports (if the reports were revised after review of prior Administrative Drafts).¹¹
- ii. For CEQA documents that require public circulation (ND/MND or EIR), a minimum of three bound hard copies shall be provided to City staff prior to the start of circulation. These hard copies are required to distribute to public libraries and to retain a hard copy at City Hall. City staff may request additional hard copies depending on the scope of the project and public interest. Three copies of all appendices shall be included on USB drives with the hard copies for circulation.

e. First Amendment/Response to Comments:

- i. City staff shall send all public comments received during public circulation to the Consultant. If substantive comments are submitted the Consultant, City staff, and applicant (for private development projects) shall have a meeting following the close of the public comment period (within one week) to review and strategize the response to comments and review the project schedule.
- ii. Consultant shall prepare a 1st Administrative Draft First Amendment/Responses to Comments (RTC) in response to all comments received during public circulation.
- iii. The Consultant shall submit the 1st Administrative Draft First Amendment/RTC in Word format and in PDF. The Consultant shall compile all comments with alpha-numeric coding. Note: CEQA does not require formal responses to comments on an IS/MND, only that the Lead Agency consider the comments received [CEQA Guidelines Section 15074(b)]. Nevertheless, it is standard practice in San José to prepare a formal RTC memo for an IS/MND.
- iv. The 2nd Administrative Draft First Amendment/RTC or subsequent administrative draft documents shall be submitted in a Word format with two versions: a clean version and a track changes version. The 2nd Administrative Draft First Amendment/RTC or subsequent administrative draft documents shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a

¹¹ The Archaeological Literature Search is a confidential report which shall be filed at the City of San José Department of Planning, Building and Code Enforcement. It will not be posted for circulation as the report is confidential.

City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft First Amendment/RTC or subsequent administrative draft documents. Note: If the 2nd Administrative Draft First Amendment/RTC addresses all City comments to the satisfaction of City staff, is free of errors (i.e. grammatical errors, formatting errors, typos, and misspelled words), City staff may determine the 2nd Administrative Draft First Amendment/RTC as the Screencheck Draft and the Consultant can proceed with preparing the final First Amendment/RTC.

- v. The final First Amendment/RTC shall be submitted in accessible PDF for publication on the City's website. Note: Typically the First Amendment/RTC is posted on the City's website at least 10 days prior to the first public hearing. However, for projects that do not require an EIR, the RTC may be incorporated into the written or oral staff report rather than a stand-alone document if no substantive comments are received during public circulation.

3) Public Hearing Support:

- a. For projects that require an EIR or include an application for a rezoning and/or a General Plan Amendment, the Consultant shall assume attendance to at least two public hearings **in person** – one Planning Commission Hearing and one City Council Hearing. Projects impacting historical resources may also require attendance at one or more Historic Landmarks Commission meetings **in person**. For all other projects, the Consultant shall assume attendance to at least one public hearing to support City staff **in person**. Depending on the project, these meetings and hearings may require participation of sub-consultants, such as transportation engineers, biologists, or architectural historians. In addition, City staff may also request Consultants to assist in responding to public comments or inquires received prior to a public hearing.

4) Project Schedule Preparation and Maintenance:

- a. The Consultant is responsible for preparing the environmental review schedule using the City's schedule templates or their own schedule templates/software. The City's target review times for administrative draft reviews shall be used unless different review times are agreed upon by City staff, applicant, and Consultant (refer to Section 3.0 of this document). The Consultant must maintain and update the project environmental review schedule with target dates to key milestones such as public circulation, response to comments, and public hearings.
- b. The Consultant shall update the schedule regularly based on communications with City staff and the applicant. If there is a delay, the Consultant shall provide an updated schedule to City staff with revised dates. If City staff accepts the revised schedule, then the Consultant and/or City staff shall share the updated schedule with the applicant to keep the applicant informed of schedule changes.

5) State Clearinghouse Uploads:

- a. The Consultant shall assist City staff by uploading all required documents to the Governor's Office of Land Use and Climate Innovation CEQAnet database pursuant to AB 819.¹²

6) Mitigation Monitoring and Reporting Program:

- a. For MNDs and EIRs, or Addendums to an adopted MND or EIR, the Consultant shall prepare a 1st Administrative Draft Mitigation Monitoring and Reporting Program (MMRP) in Word format using the City's MMRP template. The 1st Administrative Draft MMRP shall be submitted concurrently with the 2nd Administrative Draft Environmental Review Document. The 2nd Administrative Draft MMRP shall be submitted in a Word format with two versions: a clean version and a track changes version, as well as in PDF. The 2nd Draft MMRP shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft. The Draft MMRP shall be submitted electronically in both Word format and PDF. The final MMRP shall reflect the latest mitigation measures from the Administrative Draft document.

7) References:

- a. When submitting public review drafts for publication by the City, a file with all documents referenced in the document shall be provided to City staff. If documents are widely available on the Internet or a webpage is cited, include an active link in the reference cited in the document along with the date the information was accessed. A screenshot of the data on the website also needs to be included in the reference file from the date accessed as on-line information can change regularly. For books that are referenced, a PDF of the Cover, Title Page, and page with the information cited shall be scanned and put into PDF.

8) Draft EIR Resolution:

- a. For projects requiring an EIR, the Consultant shall assume preparation of a Draft EIR Resolution in Word format. The Resolution includes findings regarding impacts, mitigation, facts to support the effectiveness of the mitigation (referenced from the Draft EIR), and rationale for rejecting alternatives. The Draft EIR Resolution shall be submitted concurrently with the 2nd Administrative Draft First Amendment.¹³ After submittal of the Draft EIR Resolution, City staff and the City Attorney's Office shall review and augment the EIR Resolution prior to publication in the Planning Commission and/or City Council Hearing packet. If the project is complex, City staff may request additional information from the Consultant to support the findings in the EIR Resolution. Note: If the hearing body is the Director's Hearing, a resolution

¹² Formerly known as the Governor's Office of Planning and Research or OPR.

¹³ Also referred to as the Final EIR. Refer to Section 7.9 for more information.

shall be prepared in the Director's Determination format instead of the City Council resolution (this is for EIRs for Special Use Permits and Site Development Permits with no significant unavoidable impacts).

9) Notices:

- a. Exemptions: Following a project's approval, the Consultant shall provide a draft Notice of Exemption (NOE) and CEQA filing cover sheet to City staff for review. City staff shall provide the final NOE and CEQA filing cover sheet to the Consultant. The Consultant shall file the CEQA filing cover sheet and NOE with the Governor's Office of Land Use and Climate Innovation. Note: City staff will finalize and file the NOE and CEQA filing cover sheet with the County Clerk within five days of approval.
- b. Notice of Preparation: When the NOP is finalized for publication, the Consultant shall assist City staff with submitting the required documents to the Governor's Office of Land Use and Climate Innovation pursuant to AB 819, including the Notice of Completion (NOC) and NOP Form. The Consultant shall be required to take the following steps:
 - Consultant shall request Submitter permission to submit on behalf of the Lead Agency.
 - Consultant shall file the NOP to the CEQANet website.
 - Consultant shall upload all documents to the CEQANet website.
 - Consultant shall notify staff when materials have been uploaded and accepted by the Governor's Office of Land Use and Climate Innovation and shall provide the associated file number to City staff.
- c. Notice of Intent/Notice of Availability:
 - i. For projects with an ND or MND, City staff will prepare and provide the Notice of Intent (NOI) to the public, Responsible Agencies, Trustee Agencies, the Santa Clara County Clerk for posting, and will also post the NOI to the City's website. City staff will provide a copy of the NOI to the Consultant and the Consultant shall file the IS, NOC, the Governor's Office of Land Use and Climate Innovation Summary Form, and NOI with the Governor's Office of Land Use and Climate Innovation.
 - ii. For projects with an EIR, City staff will prepare and provide the Notice of Availability (NOA) to the public, Responsible Agencies, Trustee Agencies, the Santa Clara County Clerk Recorder for posting, and will also post to the City's website. City staff will provide a copy of the NOA to the Consultant and the Consultant shall file the Draft EIR and technical appendices (excluding the Archaeological Literature Search), NOA, NOC, and the Governor's Office of Land Use and Climate Innovation Summary Form.¹⁴ Typically, the Draft EIR must be submitted for publication up to one week after City clearance for

¹⁴ The Archaeological Literature Search is a confidential report which shall be filed at the City of San José Department of Planning, Building and Code Enforcement. It will not be posted for circulation as the report is confidential.

publication. Note: City staff will file the CEQA filing cover sheet and appropriate attachments with the County Clerk within five days of certification of the EIR.

National Environmental Policy Act

For NEPA EAs prepared for the Department of Housing and Urban Development (HUD), the following tasks and deliverables shall be included in the Scope of Work to be prepared by a Consultant from the List of City-Approved Environmental Consultants:

1) Contents of an EA:

- a. The following figures must be included in the Draft EA:
 - i. Project site mapped on a Regional Map
 - ii. Project site mapped on a Vicinity Map
 - iii. Photographs of the project site
 - iv. Project site mapped on the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB)
 - v. APE and project site mapped on a United States Geological Survey (USGS) 7.5-minute topographic map
 - vi. Project site in relation to Airport Clear Zones
 - vii. Project site in relation to Airport Safety Zones
 - viii. Project site mapped on a FEMA Flood Insurance Rate Map
 - ix. Project site mapped on the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI).

2) Preparation of Environmental Review Record:

- a. The Environmental Review Record (ERR) must be submitted with the Screencheck EA. The ERR must include at minimum the following supporting documents:
 - i. Site visit notes
 - ii. Tribal consultation
 - iii. Phase I ESA prepared to the latest American Society for Testing and Materials-E standards
 - iv. Explosives and Fire Hazard review
 - v. Screenshots of any webpages that were consulted
 - vi. For books that are referenced, a PDF of the Cover, Title Page, and page with the information cited should be scanned and put into PDF
 - vii. Supporting technical reports such as air quality assessments, noise assessments, arborists reports, and traffic analysis.

3) Section 106 Consultation:

- a. The Consultant shall draft a letter to the State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act. The draft letter must include the APE mapped on a USGS 7.0-minute topographic map,

photographs of the project site and neighboring historic buildings (if any), and a site location map.

- b. The Consultant shall prepare the 2nd Administrative Draft EA and Final Section 106 Letter for City review, which shall be submitted in a Word format with two versions: a clean version and a track changes version which includes all City comments on the 1st Administrative Draft EA and Draft Section 106 Letter and Consultant responses to City comments.
 - c. A full PDF version of the 2nd Administrative Draft EA and Draft Section 106 Letter is not required, however, if City staff comments on figures in the 1st Administrative Draft EA and Draft Section 106 Letter, the Consultant shall provide City staff a PDF of all revised figures along with the 2nd Administrative Draft EA and Draft Section 106 Letter. The 2nd Administrative Draft EA and Draft Section 106 Letter shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft EA and Draft Section 106 Letter for review. City staff shall submit the Section 106 Letter to SHPO. Once City staff provides comments on the 2nd Administrative Draft EA, the Consultant shall prepare the Screencheck Draft EA (with all technical reports completed). After City staff reviews the Screencheck, the Consultant shall prepare the Draft EA and Finding of No Significant Impact (FONSI) for public review. The FONSI, the last page in the HUD EA template, must be completed and signed by the Consultant in a format that does not lock the document. The page will require the Certifying Officer's signature which will be coordinated by City staff.
- 4) Response to Public Comments: The Consultant shall work with City staff to respond to any comments received on the FONSI/Request for Release of Funds (RROF).
- 5) Meetings:
- a. Attendance at one kickoff meeting with applicant and City staff to discuss project scope and preliminary project schedule.
 - b. Recurring meetings with City staff to review City comments on administrative drafts comments received during public circulation.
 - c. For projects requiring an EA, a minimum of three meetings shall be assumed.
 - d. For projects requiring an Categorically Excluded Subject To Section 58.5 (CEST) or a Categorically Excluded Not Subject To Section 58.5 (CENST), a minimum of two meetings shall be assumed.
- 6) Document Preparation:
- a. 1st Administrative Draft:
 - i. The 1st Administrative Draft document shall be complete with all resource sections and supporting technical reports unless the Consultant and City staff have made an agreement to split the submittal of resource sections during a prior meeting. Submitting an incomplete document is discouraged

- because it prevents City staff from reviewing the document in its entirety and often leads to longer review times.
- ii. The 1st Administrative Draft document shall be submitted in Word format and in PDF with figures inserted.
 - iii. All supporting technical reports shall be submitted with the 1st Administrative Draft.
- b. 2nd Administrative Drafts and subsequent administrative drafts:
- i. The 2nd Administrative Draft document or subsequent administrative draft documents shall be submitted in a Word format with two versions: a clean version and a track changes version which includes all City comments on the 1st Administrative Draft and Consultant responses to City comments. The 2nd Administrative Draft or subsequent administrative draft documents shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft or subsequent administrative draft documents.
 - ii. A full PDF version of the 2nd Administrative Draft or subsequent administrative draft documents is not required, however, if City staff comments on figures in the 1st Administrative Draft, the Consultant shall provide City staff a PDF of all revised figures along with the 2nd Administrative Draft or subsequent administrative draft documents.
 - iii. If City staff requires changes or edits to supporting technical reports during the 1st Administrative Draft review, the revised technical reports shall be submitted with the 2nd or subsequent administrative draft documents. The Consultant shall respond to all City comments on the technical reports.
- c. Public Draft:
- i. Public drafts shall be submitted in PDF and include all supporting technical reports, including the latest updated versions of technical reports (if the reports were revised after review of prior Administrative Drafts), and the ERR.
 - ii. No hard copies of the document are required, unless specifically requested by City staff.
- d. Response to Public Comments:
- i. Consultant shall prepare a 1st Administrative Draft Responses to Comments in response to all comments received during public circulation.
 - ii. The Consultant shall submit the 1st Administrative Draft FONSI/RROF in Word format.
 - iii. The 2nd Administrative FONSI/RROF or subsequent administrative draft documents shall be submitted in a Word format with two versions: a clean version and a track changes version. The 2nd Administrative Draft FONSI/RROF or subsequent administrative draft documents shall respond to

all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the 2nd Administrative Draft FONSI/RROF or subsequent administrative draft documents.

- iv. The final FONSI/RROF shall be submitted in Word format and PDF and City staff shall obtain the Director of Planning, Building and Code Enforcement sign off. City staff shall also coordinate FONSI review with the Santa Clara County Housing Authority (SCCHA) if needed and publish the FONSI/RROF in a newspaper with a wide circulation and other language newspapers (in translation) if the project is in an area with a large population of other language speakers.

7) HEROS Database Uploads:

- a. The Consultant shall upload the Draft EA and all supporting documents into HUD Environmental Review Online System (HEROS) database. Hard copies of the EA and ERR are not required, unless specifically requested by City staff.
- b. The Consultant shall upload all documents to HEROS database once they are approved and signed off by City staff.

Section 6.0 Types of CEQA Documents

6.1 Exemptions

6.1.1 Categorical Exemptions

Section 21084 of the CEQA Guidelines outline certain types of projects that are not expected to impact the environment to be exempt from environmental review requirements. Some common Categorical Exemptions (CE) in the City of San José include Class 1 for Existing Facilities, Class 2 for Replacement or Reconstruction, Class 3 for New Construction or Conversion of Small Structures, Class 4 for Minor Alterations to Land, and Class 32 for In-Fill Development Projects. Other classes of CE may apply depending on the project.

All CEs shall demonstrate that none of the following conditions identified in Section 15300.2 of the CEQA Guidelines are present that would disqualify the project from being categorically exempt:

- Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State, or local agencies.
- Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

City staff prepares most CEs in-house without the need for an environmental consultant. If technical analysis is required to determine if a project qualifies for an exemption (such as Class 32 exemptions for In-Fill Development Projects), then City staff may request that the consultant

prepare the exemption and/or supporting analysis, which can be submitted with the development review application. For example, a historic resources report may be required for projects that propose the demolition of a structure older than 45-years old to determine that the structure is not a historic resource pursuant to CEQA.

If requested by City staff, the Consultant shall prepare the CE after the project description is finalized. For a Class 32 CE, supporting technical analysis is required to determine whether or not the project would result in a significant impact to the resource areas in Section 15332 (c) through (e) of the CEQA Guidelines.

The exemption shall highlight the Standard Permit Conditions that reduce or eliminate a potential environmental impact. If the project includes design features or operations that would reduce an impact (i.e. a soundwall to reduce operational noise on adjacent properties or limits on construction hours), these design features or operations shall be clearly discussed in the project description.

6.1.2 15061(b)(3) Common Sense Exemption

If a project is not statutorily exempt and does not qualify for a categorical exemption, it may qualify for an exemption under CEQA Guidelines 15061(b)(3), the Common Sense Exemption. If it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The City typically issues Common Sense Exemptions in cases where a project is small in scale and will not have any environmental impacts but is excluded from using a CE because of an exception finding in Section 15300.2 of the CEQA Guidelines which precludes the use of a CE. An example includes small projects with limited ground disturbance on a site contained on a list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code.

Consultant Support: City staff prepares most Common Sense Exemptions in-house without the need for an environmental consultant. In some cases, a consultant may be required to prepare an analysis to confirm that the project would not have an environmental impact. If requested by City staff, the Consultant shall prepare the Common Sense Exemption and include the tasks/deliverables listed in Section 5.0 as part of the Scope of Work to be prepared by the Consultant.

6.1.3 Section 15183 Community Plan Exemption Checklist

As described in CEQA Guidelines Section 15183(a), CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated

by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact (CEQA Guidelines Section 15183(c)).

6.1.4 Statutory Exemptions for CEQA Streamlining

Projects that meet criteria for a Statutory Exemption under Sections 15260 through 15285 of the CEQA Guidelines do not require any analysis to support the use of a Statutory Exemption. The specific Statutory Exemption must be cited on any permits, memorandums, or hearing body agendas for the project.

If a project meets the criteria for a Statutory Exemption under California Public Resources Code Section 21080.66 (AB 130) or California Public Resources Code Sections 21080.44 through 21080.70 (SB 131), as amended, City staff must confirm all applicable criteria are met through a checklist. Additionally, SB 131 introduces a “near miss” rule (California Public Resource Code Section 21080.1) which applies to housing developments that would be precluded from qualifying for a CEQA exemption because of a single condition. The “near miss” rule would allow for either a focused IS or EIR to be prepared to analyze the single condition that would preclude a project from qualifying for an exemption.

City staff may request the Consultant to confirm eligibility for some exemption criteria. For example, technical analysis may be required to support a finding that a project is not located on “natural and protected land” as defined in Section 21067.5 of the California Public Resources Code. For AB 130 projects, City staff will lead the tribal notification and consultation process. After conclusion of tribal consultation, City staff will prepare findings for conformance.

6.2 Initial Study

If City staff determines a project cannot be found exempt, then an IS shall be prepared by either City staff or the Consultant to determine if the project may have a significant effect on the environment. The IS will provide City staff with information to use as the basis for deciding whether an EIR, MND, or ND will be prepared. City staff may forego the IS if City staff has determined that an EIR is clearly required. An IS shall be prepared in accordance with Section 15063 of the CEQA Guidelines and contain:

- A description of the project including project location;
- An identification of the environmental setting;
- An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries.
- A discussion of the ways to mitigate the significant effects identified, if any;
- An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;

- The name of the person(s) who prepared or participated in the IS.

If a project will only affect limited resource areas, a focused IS may be prepared that focuses only on those resource areas where a significant impact may occur. Resource areas removed from analysis must be discussed in the Areas of No Measurable Effect section of the environmental document and an explanation must be included of why the resource area is not evaluated. Examples of resource areas excluded may include Aesthetics, Agricultural and Forestry Resources, and Mineral Resources. A focused IS can also be used if a project qualifies for a “near miss” review under California Public Resources Code Section 21080.1(b) (SB 131).

6.3 Negative Declaration/Mitigated Negative Declaration

A ND shall be prepared if the IS concludes that the project will not have a significant effect on the environment and, therefore, does not require preparation of an EIR.

If the IS identifies a potentially significant impact that can be mitigated to a less than significant level, then a MND can be prepared. An ND or MND shall contain the following:

- A brief project description;
- The location of the project, preferably shown on a map and the name of the project proponent;
- A proposed finding that the project will not have a significant effect on the environment;
- An attached copy of the IS documenting reasons to support the finding; and
- Mitigation measures, if any, included in the project to avoid potentially significant effects.

A MND states that revisions in the project made or agreed to by the applicant would avoid the potentially significant adverse impacts, and that there is no substantial evidence that the revised project will have a significant effect on the environment.

6.4 Environmental Impact Report

When an IS indicates that a project has the potential to “significantly” impact the environment, CEQA requires that an EIR be prepared. In an EIR, significant environmental impacts (also called effects) are identified; methods (mitigation measures) for reducing or avoiding impacts are identified, and project alternatives are developed which seek to reduce or avoid environmental impacts. An applicant may elect to have an EIR prepared even if no IS was first prepared to inform that the project may have significant impacts or to address legal defensibility if the project is controversial.

A summary of the most common types of EIRs that can be prepared are provided below.

Focused EIR: A Focused EIR analyzes specific, potentially significant environmental effects of a subsequent project identified in a Master EIR and any new or more significant impacts or mitigation measures not previously identified.

Master EIR: A Master EIR is similar to a Program EIR in that both are used for long-term planning efforts. A Master EIR analyzes large-scale, multi-phase development projects.

Project EIR: The most common type of EIR that examines environmental impacts of a specific development project.

Program EIR: A Program EIR analyzes broad environmental effects of a long-term plan.

Supplemental EIR: A Supplemental EIR is prepared when new information or project changes have occurred after an EIR has been certified and additional analysis is required to address those changes.

Subsequent EIR: A Subsequent EIR is prepared when substantial changes or new significant impacts have occurred that were not analyzed after an EIR has been certified.

6.4.1 Notice of Preparation

When it is determined that an EIR is required, an NOP shall be prepared. As defined in Section 15375 of the CEQA Guidelines, an NOP is a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, Governor’s Office of Land Use and Climate Innovation, involved federal agencies, and the public that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies and the public as to the scope and content of the environmental information to be included in the EIR. The Administrative Draft NOP shall be prepared in accordance with CEQA Guidelines Section 15082. At a minimum, the NOP shall include:

- Description of the project with the regional and vicinity maps, as well as the conceptual site plan,
- Location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map), and
- Probable environmental effects of the project.

6.4.2 Draft EIR

An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

An EIR shall contain the following elements as specified in Sections 15120 through 15132 of the CEQA Guidelines:

- Table of contents;
- A brief summary of the proposed actions and its consequences;
- Discussion of the areas of controversy, including issues raised by agencies and the public;
- Project description;
- Project objectives;
- Environmental setting;
- Significant environmental effects of the project and any mitigation measures;
- Significant unavoidable impacts;
- Analysis of project alternatives and identification of the environmentally superior alternative
- Cumulative impacts
- Organizations and persons consulted in preparing the Draft EIR

6.5 Mitigation Monitoring and Reporting Program

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt an MMRP whenever a project is approved in which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the MMRP is to ensure compliance with the mitigation measures during project implementation. MMRPs are required for EIRs, MNDs, Addendums to a previously adopted EIR or MND, and Determinations of Consistency with a previously adopted EIR or MND.

6.6 First Amendment/Responses to Comments

A First Amendment (also referred to as a Final EIR) and RTC are public documents that provide a summary of the review process, a list of persons, organizations, and agencies commenting on the Draft EIR or IS, responses to comments received during the public review period, and necessary revisions to the Draft EIR or IS. Note that CEQA does not require formal responses to comments on an IS, only that the Lead Agency consider the comments received [CEQA Guidelines Section 15074(b)]. Nevertheless, it is standard practice in San José to prepare a formal RTC for IS.

In accordance with Section 15132 of the CEQA Guidelines, the First Amendment shall contain the following:

- Any necessary text edits to the Draft EIR;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies that commented on the Draft EIR;

- The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency

The First Amendment, together with the Draft EIR, constitutes the Final EIR.

6.6.1 EIR Resolution

An EIR Resolution is a formal decision made by City Council or Planning Commission to adopt CEQA findings, certify an EIR, approve a project, and, if necessary, adopt a Statement of Overriding Considerations.

6.7 Addendum to a Previously Adopted EIR or MND/ND

Per Section 15164 of the CEQA Guidelines, the Lead Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Additionally, an Addendum to an adopted ND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. An Addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted negative declaration.

6.8 Determination of Consistency

A DOC is prepared if City staff determines that the project is consistent with a previously adopted EIR or MND/ND. A DOC is appropriate when a project implements all or part of a project evaluated in a previously certified EIR or MND/ND. Examples include individual phases of multi-phase projects and Planned Development Permits that implement approved Planned Development Zonings.

The difference between a project that qualifies for a DOC compared with an Addendum is that a DOC is appropriate if the project is consistent with the project as described in the project description of a previously certified EIR or MND/ND. If a project proposes modifications to a project compared with the project evaluated in a previously certified EIR or MND/ND, then an Addendum pursuant to Section 15162 of the CEQA Guidelines or subsequent EIR or MND/ND is appropriate.

Consultant Support: City staff prepares DOCs in-house without the need for an environmental consultant. In some cases, a consultant may be requested to prepare specific technical analysis to determine whether the project is consistent with a previously certified EIR or MND/ND. If requested by City staff, the Consultant shall prepare the DOC and include the tasks/deliverables listed in Section 5.0 as part of the Scope of Work to be prepared by the Consultant.

6.9 Notices

6.9.1 Notice of Exemption

The NOE is formal notification used to inform the public that a project that is exempt from CEQA has been approved.

6.9.2 Notice of Preparation

An NOP is a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, Governor's Office of Land Use and Climate Innovation, involved federal agencies, and the public, that the Lead Agency plans to prepare an EIR for the project. Refer to Section 6.4.1 of this document for more information.

6.9.3 Notice of Intent/Notice of Availability

The NOI is a formal notification used to inform the public that a Lead Agency has prepared an ND or MND for a project and that the IS is available for public review and comment.

The NOA is formal notification used to inform the public that a Lead Agency has issued a Draft EIR for a project and that the Draft EIR is available for public review and comment.

The Consultant shall be required to take the following steps in advance of the required posting dates:

- Consultant shall request access to become an authorized submitter for the City through the State Clearinghouse website in advance of any required posting dates.
- Consultant shall file the NOI or NOA to the CEQANet website.
- Consultant shall notify City staff when materials have been uploaded and accepted by the Governor's Office of Land Use and Climate Innovation and provide the associated file number.

6.9.4 Notice of Determination

Under Sections 15075 (ND or MND) and 15094 (EIR) of the CEQA Guidelines, the Lead Agency shall file a Notice of Determination (NOD) within five working days after a project gets approved. For projects with more than one phase, the Lead Agency shall file an NOD for each phase requiring a discretionary approval.

For projects with an ND, MND, or EIR, the Consultant shall submit a Draft NOD to City staff. After review of the Draft NOD, City staff shall finalize the NOD and send the final NOD to the Consultant. The Consultant shall file the NOD with the Governor's Office of Land Use and Climate Innovation.

City staff shall file the CEQA cover filing sheet and NOD with the County Clerk within five working days after project approval.

The Consultant shall be required to take the following steps:

- Consultant shall confirm with City staff that all materials are the final version for public review.
- Consultant shall file the NOD to the CEQANet website.
- Consultant shall notify staff when materials have been uploaded and accepted by the Governor's Office of Land Use and Climate Innovation.

6.9.5 Assembly Bill 52 Notices

AB 52 requires lead agencies to provide notice to tribes of projects that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

For tribes that are traditionally and culturally affiliated with the geographic area that have requested to be notified, City staff will prepare the AB 52 Notification Letter(s) as soon as City staff decides to undertake a project or determines a project application is complete. In some cases, City staff may request consultants to assist with drafting the AB 52 Notification Letters. If requested, the consultant shall submit the Draft AB 52 Notification Letter(s) to City staff for review in Word format and in PDF with the figures. After review of the Draft AB 52 Notification Letter(s), City staff shall provide comments on the Draft AB 52 Notification Letter(s) to the Consultant. The Consultant shall prepare the final AB 52 Notification Letter(s), which shall be submitted in Word format (both track changes and clean versions) as well as in PDF with figures inserted. The final AB 52 Notification Letter(s) shall respond to all City comments and make all requested changes or edits. If there are questions, concerns, or clarification about a City comment or edit, the Consultant shall raise these concerns prior to submitting the final AB 52 Notification Letter(s) for review.

Note: City staff shall provide the AB 52 Notification Letter(s) to the tribes within 14 days of determining whether an application for a project is complete or deciding to undertake a project.

Section 7.0 Types of NEPA Documents

NEPA documents are typically prepared by the federal agency responsible for funding a project. Each federal agency has procedures and guidance for carrying out its responsibilities under NEPA. HUD is one of the few federal agencies that gives their responsibility to local jurisdictions. The following applies to HUD NEPA documents only. The guidelines for HUD environmental review can be found at 24 Code of Federal Regulations (CFR) Part 58. Consultants and City staff are encouraged to constantly review HUD Exchange ([link](#)) for new Final Rules and updated NEPA procedures, and templates for documents. The Responsible Entity for HUD NEPA documents is the City of San José. The Certifying Officer for the City of San José is the current Director of Planning, Building and Code Enforcement.

7.1 Categorical Exclusions

A Categorical Exclusion (CATEX) is a class of actions that HUD has determined, do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an EA nor an Environmental Impact Statement (EIS) is normally required. Under HUD guidelines, there are two types of CATEXs: CENST and CEST.

Exempt or Categorically Excluded Not Subject To Section 58.5

Activities that are categorically excluded under NEPA and not subject to review under 24 CFR 58.5 must be reviewed for flood disaster protection, coastal barrier resources and airport hazards. Use the HUD template ([link](#)) for document preparation. Projects that fall into the CENST category typically convert to Exempt. The analysis must be supported by figures and include: a title that indicates the section it supports, a north arrow, an accurate scale, and a clearly labeled site location.

If the project qualifies as a CENST, the Consultant shall prepare a CENST Checklist in Word format using the HUD template include the tasks/deliverables listed in Section 5.0 as part of the Scope of Work to be prepared by the Consultant.

Categorically Excluded Subject To Section 58.5

Activities are categorically excluded under NEPA but subject to review under 24 CFR 58.5 must be reviewed for federal statutes, Executive Orders, and regulations listed at 24 CFR 58.6. The review will include things such as floodplain, airport hazards, historic preservation, wetland protection, sole source aquifers, endangered species, clean air, farmland protection, noise, toxic chemicals, and others. Use the HUD template ([link](#)) for document preparation. The analysis must be supported by figures and include: a title that indicates the section it supports, a north arrow, an accurate scale, and a clearly labeled site location.

A site visit must be conducted by the primary author of the document. The site visit shall include observations of topography, geography, ecology, potential hazards, and the general ambient environment at the project site and the project area. In developed areas, the project area is typically the block around the project site. In undeveloped areas, the project area may cover a larger area. The site visit must be recorded and include a site layout and labeled photographs, as appropriate. The site visit record must be included as part of the ERR.

If the project qualifies as a CEST, the Consultant shall prepare a CEST Checklist in Word format using the HUD template and include the tasks/deliverables listed in Section 5.0 as part of the Scope of Work to be prepared by the Consultant.

7.2 Environmental Assessments

The EA determines whether a project has the potential to cause significant environmental effects. The EA should include the following:

- The purpose and need for the proposed action
- Alternatives (as required by section 102(2)(E) of NEPA)
- The environmental impacts of the proposed action and alternatives
- A listing of agencies and persons consulted.

The following figures must be included in the EA:

- Project site mapped on a Regional Map
- Project site mapped on a Vicinity Map
- Photographs of the project site
- Project site mapped on the CDFW CNDDDB
- APE and project site mapped on a USGS 7.5-minute topographic map
- Project site in relation to Airport Clear Zones
- Project site in relation to Airport Safety Zones
- Project site mapped on a FEMA Flood Insurance Rate Map
- Project site mapped on the USFWS NWI

The EA helps determine whether an EIS or FONSI should be prepared.

A site visit must be conducted by the primary author of the document. The site visit shall include observations of topography, geography, ecology, potential hazards, and the general ambient environment at the project site and the project area. In developed areas, the project area is typically the block around the project site. In undeveloped areas, the project area may cover a larger area. The site visit must be recorded and include a site layout and labeled photographs, as appropriate.

If a project site is in a Special Hazard Flood Area, the Consultant shall inform City staff early in the process and work with City staff to prepare all required documentation as required under 24 CFR 55.20. The documentation shall be compiled into an Appendix that will be included with the Draft EA and published for public review.

The Consultant shall prepare a 1st Administrative Draft EA in Word format using the HUD template ([link](#)) and include the tasks/deliverables listed in Section 5.0 as part of the Scope of Work to be prepared by the Consultant. The analysis must be supported by figures and include: a title that indicates the section it supports, a north arrow, an accurate scale, and a clearly labeled site location. The analysis shall also include the appropriate technical reports and Draft Section 106 Letter (refer to Section 5.0 of this document). Please note that if required, a HUD Noise Waiver prepared in conformance with 24 CFR Part 51, must be drafted and provided with the 1st Administrative Draft EA.

7.2.1 Finding of No Significant Impact/Request for Release of Funds

A FONSI/RROF is a notification to the public that includes the RROF, a Statement of determination that the project has a FONSI, an explanation of a proposed activity in a 100-year floodplain if required, how to submit public comments, how to object to the release of funds, and a certification by the City of San José as the Responsible Entity that the NEPA review process responsibilities have been satisfied.

Section 8.0 Acronyms and Abbreviations

AB	Assembly Bill
ADIS	Administrative Draft Initial Study
Air District	Bay Area Air District
APE	Area of Potential Effects
Caltrans	California Department of Transportation
CATEX	Categorical Exclusion
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CE	Categorical Exemption
CENST	Categorically Excluded Not Subject To Section 58.5
CEST	Categorically Excluded Subject To Section 58.5
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
Council Policy 6-34	City's Riparian Corridor Protection and Bird-Safe Design Policy
CO	carbon monoxide
CRHR	California Register of Historical Resources
dBA	A-weighted decibel(s)
dBA L_{eq}	equivalent continuous noise level
DNL	Day-night Level
DOC	Determination of Consistency
DPR	Department of Parks and Recreation
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ERR	Environmental Review Record
ESA	Environmental Site Assessment
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration

Attachment D: Environmental Review Handbook

FONSI	Finding of No Significant Impact
GHG	Greenhouse Gas(es)
Habitat Plan	Santa Clara Valley Habitat Plan
HEROS	HUD Environmental Review Online System
HRI	Historic Resources Inventory
HRPP	Historical Resources Protection Plan
HUD	[Department of] Housing and Urban Development
IS	Initial Study
LEED	Leadership in Energy and Environmental Design
LRA	Local Responsibility Area
LTA	Local Transportation Analysis
mm/sec	millimeters per second
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
NAHC	Native American Heritage Commission
ND	Negative Declaration
NEPA	National Environmental Policy Act
NO _x	nitrogen oxide(s)
NOA	Notice of Availability
NOC	Notice of Completion
NOD	Notice of Determination
NOE	Notice of Exemption
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
OPR	Governor's Office of Planning and Research
PDO	Parkland Dedication Ordinance
PIO	Park Impact Ordinance
PM _{2.5}	Fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Attachment D: Environmental Review Handbook

PM ₁₀	Respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less
PPV	Peak Particle Velocity
ROG	reactive organic gases
RROF	Request for Release of Funds
RTC	Response to Comments
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environment Health
SCCHA	Santa Clara County Housing Authority
SHPO	State Historic Preservation Officer
SJCE	San José Clean Energy
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SRA	State Responsibility Area
TAC	Toxic Air Contaminant
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
UGB	Urban Growth Boundary
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
Valley Water	Santa Clara Valley Water District
VMT	Vehicle miles traveled

Attachment D: Environmental Review Handbook

Attachment A: Federal Transit Authority Thresholds Memo

San José Environmental Standard Permit Conditions

Prepared by



May 4, 2026

Environmental Standard Permit Conditions

Air Quality

Construction Emissions and Health Risk

Criteria: *The following condition applies to all construction projects.*

SPC AIR-1: Bay Area Air District Dust Control Best Management Practices. The permittee shall include the following measures on approved construction plans and implement the following Bay Area Air District (Air District) dust control requirements during construction of the project:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 miles-per-hour.
- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles-per-hour.
- g) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- h) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel.
- i) Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (a five-minute limit is required by the State airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- j) Low volatile organic compounds (i.e., reactive organic gases) coatings that are used shall comply with the Air District's Regulation 8, Rule 3: Architectural Coatings.
- k) Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

- l) Post a publicly visible sign with the telephone number and contact information for the City of San José Code Enforcement Division regarding dust complaints. If Code Enforcement determines a violation exists, the contractor shall take corrective action within 48 hours. The Air District's phone number shall also be included to ensure compliance with applicable regulations.

Criteria: *The following Standard Permit Conditions (SPC AIR-2 and SPC AIR-3), applies to all residential, retail, commercial/office and mixed-use projects that are greater than six dwelling units (exclusive of Accessory Dwelling Units) or 10,000 square feet of commercial/industrial space and are located within 1,000 feet of sensitive receptors such as residences, schools, daycares, and elder care facilities.*¹ *Most projects that do not exceed 258,000 square feet of floor area for single-family and multi-family residential projects, mixed-use projects, commercial/office projects, or retail projects² and do not require significant excavation (such as that required for underground parking, a basement) will not have a significant construction air quality impact with implementation of SPC AIR-2 and SPC AIR-3.*

SPC AIR-2: Tier 4 Final Equipment. The permittee shall commit to using Tier 4 Final (or equivalent) equipment.

Construction Equipment Air Quality Controls. Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the permittee shall submit a Construction Operations Plan to the Director of Planning, Building and Code Enforcement or Director's designee that includes information in sufficient detail as to how the permittee and/or its contractor shall meet the following equipment requirements. The plan shall include the following information: 1) Type of equipment, 2) engine year and age, 3) number of years since rebuild of engine (if applicable), 4) type of fuel used, 5) engine horsepower, and 6) Verified Diesel Emission Control Strategy information, if applicable, and other related equipment data. The Construction Operations Plan shall be accompanied by a letter signed by a qualified air quality specialist confirming construction equipment will meet the criteria outlined below.

- a) Engine Requirements: Verification that the equipment included in the plan meets the standards set forth below:
 - i. All construction equipment (larger than 25 horsepower) shall, at a minimum, meet U.S. Environmental Protection Agency Tier 4 final or interim emission standards for particulate matter (PM₁₀ and PM_{2.5}).

¹ Based on Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines.

² Illingworth & Rodkin, Inc. *City of San José CEQA Guidance and Thresholds for Standard Conditions of Approval – Technical Air Quality Analysis*. December 1, 2025.

- ii. Use of alternatively fueled or electric equipment that achieves a comparable reduction of diesel particulate matter, PM₁₀, and PM_{2.5} as equipment that meets Tier 4 final or interim emission standards.
- b) Exceptions: If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower shall meet U.S. Environmental Protection Agency emission standards for Tier 3 engines and include particulate matter emissions control equivalent to California Air Resources Board Level 3 verifiable diesel emission control devices that altogether achieves a comparable reduction of diesel particulate matter, PM₁₀, and PM_{2.5} as equipment that meets Tier 4 final or interim emission standards.
 - i. As an alternative to the measures above, the permittee may request a plan from a qualified air quality specialist that reduces on- and near-site construction diesel particulate matter emissions from the project that would result in a comparable reduction of DPM, PM₁₀, and PM_{2.5} as equipment that meets Tier 4 final or interim emission standards. The plan shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any tree removal, demolition, grading, or building permits (whichever occurs earliest).
- c) Limits on Idling Time: The permittee shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable State regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in English and Spanish in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
- d) Certification: A Certification Statement shall be provided by the permittee for documentation of compliance and for future review by the Bay Area Air District and City of San José Director of Planning, Building and Code Enforcement or the Director's designee, as necessary. The Certification Statement shall state that the permittee will ensure that their construction contractor will comply with the conditions above and acknowledges that this requirement is also a condition of project approval.

SPC AIR-3: Implement Enhanced Dust Control Best Management Practices. The permittee shall implement the following Bay Area Air District enhanced best management practices for dust control measures and include the measures on all approved construction plans:

- a) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

- b) Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- c) Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- d) Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- e) Minimize the amount of excavated material or waste materials stored at the site.
- f) Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

Criteria: *Projects that exceed 258,000 square feet of floor area³, would include subterranean parking, and/or require significant excavation or grading shall implement Standard Permit Conditions SPC AIR-1, SPC AIR-3, and shall submit a Construction Air Quality Health Risk Assessment from a qualified air quality specialist per SPC AIR-4, below. If the Construction Air Quality Health Risk Assessment required under SPC AIR-4 exceeds the Air District's limits or if the project is located within 200 feet of an elementary school, preschool, or daycare, then the permittee shall submit a Construction Air Quality Health Risk and Construction Criteria Pollutant Assessment under condition SPC AIR-5.*

SPC AIR-4: Construction Air Quality Health Risk Assessment. Prior to the issuance of any demolition, grading and/or building permits, the permittee shall retain a qualified air quality consultant to prepare an assessment demonstrating that none of the following would occur:

- a) Total diesel particulate matter emissions are less than 65 pounds and the nearest receptors are single-family residences;
- b) Total diesel particulate matter emissions are less than 24 pounds and the nearest receptors are multi-family residences; and
- c) The nearest sensitive receptors are more than 200 feet downwind from the project.

If the Construction Air Quality Health Risk Assessment demonstrates that these conditions are satisfied, a Construction Air Quality Health Risk and Construction Criteria Assessment (SPC AIR-5) would not be required for the project. The applicant shall submit the Construction Air Quality Health Risk Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

SPC AIR-5: Construction Criteria Pollutant Emissions and Construction Health Risk Assessment. Prior to the issuance of any demolition, grading and/or building permits, the permittee shall

³ Illingworth & Rodkin, Inc. *City of San José CEQA Guidance and Thresholds for Standard Conditions of Approval – Technical Air Quality Analysis*. December 1, 2025.

retain a qualified air quality consultant to prepare a site-specific Construction Criteria Pollutant Emissions and Health Risk Assessment that quantifies the construction criteria pollutant emissions and construction health risks in accordance with the latest Bay Area Air District guidance. If the Construction Criteria Pollutant Emissions and Construction Health Risk Assessment results in the project generating emissions above applicable Bay Area Air District thresholds, the permittee shall be required to implement the measures identified in the Construction Criteria Pollutant Emissions and Health Risk Assessment to reduce impacts below the Bay Area Air District thresholds. The permittee shall submit the site-specific Construction Criteria Pollutant Emissions and Health Risk Assessment and proof of compliance with the identified measures to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Standard Permit Conditions – Heavy Diesel Vehicle Traffic, Loading Docks, Truck Refrigeration Units, and Gasoline Distribution/Dispensing

Criteria: *The following condition applies to any industrial and commercial projects involving heavy diesel vehicle traffic, loading docks, and/or truck refrigeration units, and projects involving gasoline distribution or dispensing (such as gas stations) that are located within 1,000 feet of any sensitive receptor such as residences, schools, daycares, hospitals, and elder care facilities, per the Bay Area Air District's threshold.*

SPC AIR-6: Construction and Operational Emissions Health Risk Assessment. The permittee shall retain a qualified air quality consultant to prepare a site-specific Criteria Pollutant Emissions and Health Risk Assessment that quantifies criteria pollutant emissions and health risks from project construction and operation in accordance with the latest Bay Area Air District guidance. If the Criteria Pollutant Emissions and Health Risk Assessment results in the project generating emissions above applicable Bay Area Air District thresholds, the permittee shall be required to implement the measures identified in the Criteria Pollutant Emissions and Health Risk Assessment to reduce impacts below the Bay Area Air District thresholds. The applicant shall submit the site-specific Criteria Pollutant Emissions and Health Risk Assessment and proof of compliance with the identified measures to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Operational Emissions and Health Risk

Standard Permit Conditions – Operational Criteria and Local Carbon Monoxide

Criteria: *The following condition applies to any project that meets any of the following:*

- a) *The project size exceeds the operational screening levels as shown in the current Bay Area Air District California Environmental Quality Act Air Quality Guidelines, as amended;*
- b) *Operational activities include stationary engines (e.g., backup generators) and industrial sources (e.g., manufacturing, assembly, warehousing, etc.);*
- c) *Operational activities would not overlap with construction-related activities;*
- d) *Projects not consistent with an applicable congestion management program;*
- e) *Traffic volumes would increase at affected intersections by more than 44,000 vehicles per hours; and*
- f) *Traffic volumes would increase at affected intersections by more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited.*⁴

SPC AIR-7: Operational Criteria Pollutant Emissions and Health Risk Assessment. If a project exceeds the Single Land Use and Operational Criteria Air Pollutant and Precursor Screen Levels of the current Bay Area Air District California Environmental Quality Act Air Quality Guidelines, as amended, and/or if the daily traffic volumes generated by the project are in excess of 10,000 vehicles per day, then the permittee shall retain a qualified air quality consultant to prepare a site-specific Operational Criteria Pollutant Emissions and Health Risk Assessment. The applicant shall submit the site-specific Operational Criteria Pollutant Emissions and Health Risk Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

If the Operational Criteria Pollutant Emissions and Health Risk Assessment results in the project generating emissions and health risks above applicable Bay Area Air District thresholds, the permittee shall be required to implement the measures identified in the assessment to reduce impacts below the Bay Area Air District thresholds. The applicant shall submit proof of compliance with the identified measures to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of occupancy permits.

Standard Permit Conditions – Non-California Environmental Quality Act Effects

Criteria: *To implement General Plan Policy MS-11.1, the following condition (SCP AIR-8) applies to any project that introduces new sensitive receptors into an area that meets any of the following criteria:*

- a) *The project would be located in an area identified by the Bay Area Air District as having a cancer risk and/or particulate matter with a diameter of 2.5 microns or less (PM_{2.5})*

⁴ Vertical mixing distributes pollutants through the atmosphere's height while horizontal mixing transports pollutants across a region. Examples include: tunnels, parking garages, bridge underpasses, natural or urban street canyons, below-grade roadways, etc.

concentration above the cumulative source threshold of 100 in one million and 0.8 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) or within 200 feet of a single source of diesel particulate matter (DPM)/ $\text{PM}_{2.5}$ with a cancer risk or $\text{PM}_{2.5}$ concentration above the Bay Area Air District's single source thresholds of 10 in one million and $0.3 \mu\text{g}/\text{m}^3$. Screening values are provided through the Bay Area Air District's GIS data files (i.e., raster files); or

- b) *The project would be located within 1,000 feet of a permitted industrial facility, a land use involving heavy diesel vehicle traffic, and/or a gasoline distribution or dispensing facility.*

SPC AIR-8: Health Risk on New Infill Project Receptors. Prior to issuance of grading permit, the permittee shall retain a qualified air quality consultant to prepare a site-specific Health Risk Assessment, which shall evaluate the health risk exposure of future infill project receptors from existing sources of toxic air contaminants within 1,000 feet of the project site. If the site-specific Health Risk Assessment demonstrates that the health risk exposures for future infill project receptors would not exceed the Bay Area Air District thresholds, then no additional action is required. However, if the site-specific Health Risk Assessment demonstrates that health risks to future infill project receptors would exceed the Bay Area Air District thresholds, on-site design features shall be identified and incorporated to reduce the level of toxic air contaminant pollutants to below Bay Area Air District thresholds. The permittee could include, among other options, the following measures to minimize long-term increased cancer risk exposure for future infill project receptors:

- a) Installation of air filtration and fresh air ventilation system intakes. The California Building Code requires the installation of an air filtration device system with a Minimum Efficiency Reporting Value (MERV) of at least 13 in all new residential units. A qualified air quality consultant shall confirm whether MERV13 is adequate or if MERV16 filtration is required.
- b) While MERV filtration would reduce indoor particulate matter concentrations, it would not reduce emissions from gasoline dispensing facilities to a less than significant level. Any infill project near gasoline dispensing facilities shall require design modifications to meet the Bay Area Air District's thresholds.
- c) As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning air filtration system shall be required that includes regular filter replacement.
- d) The use agreement and other property documents shall: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, and (2) include assurance that new owners or tenants are provided information on the ventilation system.
- e) The permittee shall submit proof of compliance with these measures to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of occupancy permits.

Biological Resources

Standard Permit Conditions – Nesting Migratory Birds

Criteria: To implement General Plan Policies EC-5.1 and EC-5.2 addressing the direct and indirect impacts of project construction on nesting migratory birds, the following condition applies to all construction project areas that meet any of the following:

- a) *Project includes vegetation removal (including tree removal); and/or*
- b) *Project is located within 300 feet of natural habitats such as riparian areas, vegetated open space, or other undeveloped lands that may support nesting birds.*

Nesting bird surveys are not required for projects located entirely within developed or paved areas that lack vegetation or other high-quality nesting habitat, such as sites surrounded by existing buildings, parking lots, or other hardscape surfaces, and that are not adjacent to natural habitats or riparian areas.

Note that if night-time construction is proposed near sensitive habitat, additional measures may be required. These measures will be identified in a project-specific biological resources study.

SPC BIO-1: Nesting Migratory Birds. Demolition, removal of vegetation (including trees), grading, and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1st through August 31st, inclusive.

If demolition, vegetation removal, and/or construction cannot be scheduled to start outside of nesting season, a qualified biologist shall complete pre-construction surveys to identify any active nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during project implementation. This survey shall be completed no more than seven days prior to the initiation of demolition/vegetation removal/construction activities. During this survey, the qualified biologist shall inspect all vegetation, structures, and other possible nesting substrate (including the ground) in the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found during the pre-construction surveys, the biologist shall designate a construction-free buffer zone to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the biologist depending on the species and project site conditions. The buffer would ensure that active nests of raptors and other protected birds shall not be disturbed directly or indirectly during project construction.

Prior to any vegetation removal, or issuance of any demolition or grading permits (whichever occurs first), the permittee shall submit the biologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

During the nesting season, if demolition/construction activities, including vegetation removal, are delayed or paused and the time period between the pre-construction survey and start or restart of demolition/construction activities exceeds seven days, a new pre-construction survey shall be performed prior to resuming any work on the site. New pre-construction surveys would not be required for projects outside of the nesting season or sites that are completely cleared. The results of this survey shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the restarting of demolition/construction activities.

Standard Permit Conditions – Roosting Bats

Criteria: *The following condition applies to development projects that are greater than six dwelling units (exclusive of Accessory Dwelling Units) or 10,000 square feet of commercial/industrial space⁵; and the site includes one or more of the following:*

- a) *A trees or trees of more than 38 inches in circumference at a height of 54 inches above natural grade slope and the site is located within a half-mile of agricultural fields or natural areas such as riparian areas, vegetated open space, or parks where bats could forage;*
- b) *The project is within 250 feet of a bridge that provides weep holes, soffit vents, or crevices that may support roosting bats.*
- c) *The project includes demolition of a building with one or more of the following features:*
 - i. *A vacant building (that has been unoccupied for at least three months), particularly if it is in disrepair and thus provides holes, crevices, or other bat ingress/egress points.*
 - ii. *A building with an attic or loft, or with very high ceilings (e.g., warehouse), even if occupied/in use, if there is potential for the presence of holes or crevices that may provide bat ingress/egress points.*

SPC BIO-2: Roosting Bats. A pre-activity habitat assessment and survey for roosting bats shall be conducted within 14 days prior to any removal of trees or removal/substantial renovation of buildings, bridges, or other structures that could support bats, or prior to construction activities within 250 feet of potential bat roost sites. The habitat assessment and survey shall be conducted by a qualified biologist. If the biologist determines that no trees, buildings, or other structures provide suitable bat roost sites, no actual bat survey or other measures would be necessary. If the biologist determines that suitable roost sites are present, the biologist will conduct a visual survey to look for bats and evidence of their presence (e.g., guano or urine staining). If the visual survey cannot adequately determine whether bats are present, a dusk

⁵ Based on Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines.

survey will be conducted during suitable weather conditions for bat activity to determine whether bats enter or exit the roost. If no active roosts are found, then no further measures are warranted. If a roost is present, a qualified biologist shall determine the species and number of individuals present and implement further measures as described below.

Prior to the commencement of project activities that could disturb roosting bats, the permittee shall submit the biologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

If demolition/construction activities, including vegetation removal, that could disturb roosting bats are delayed and the time period between the pre-construction survey and start of demolition/construction activities exceeds 14 days, a new pre-construction survey shall be performed. The results of this survey shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee.

If an occupied roost is found in a tree or structure that would be disturbed or removed by proposed activities, the project may be redesigned to avoid the disturbance of the structure. If avoidance is not feasible, the following measures shall be implemented.

- a) If an active maternity roost is present within a tree or structure to be demolished or disturbed, or close enough to construction areas to be indirectly disturbed, and the project cannot be redesigned to avoid removal or disturbance of the occupied roost, disturbance shall not take place during the maternity season (generally March 15th through August 31st), and an appropriate disturbance-free buffer zone (also determined by the qualified biologist) shall be observed during this period to avoid disturbing the roosting bats. If active roosts are found in trees, a two-day tree removal process may be implemented to encourage day-roosting bats to vacate the trees before removal. On Day 1, the process would involve using chainsaws to remove small branches and limbs that do not provide roosting habitat (e.g., crevices). On Day 2, the remainder of the tree would be removed. The combination of chainsaw noise, vibration, and the physical alteration of the tree is expected to prompt day-roosting bats to abandon the roost after emerging for nightly foraging. Trimmed trees must be fully removed the following day to prevent reoccupation by the bats. The permittee shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers] and shall comply with all requirements and conditions of the permits/authorizations. The permittee shall submit evidence of the approved permits/authorizations to the Director of Planning, Building and Code Enforcement or Director's designee, along with evidence demonstrating compliance with any regulatory

permit/authorization conditions of approval prior to issuance of demolition or grading permits.

Following the maternity season, bats can be excluded as described below.

- b) If disturbance of an active bat roost cannot be avoided, the individuals shall be safely evicted. Eviction of bats will occur only outside the maternity season (between approximately September 1st and March 14th) unless a qualified biologist determines that the roost is not a maternity roost or that all young from the current season are volant (i.e., capable of flight). Exclusion methods, which would be identified by the qualified biologist, may include the installation of one-way doors, use of ultrasonic deterrence devices, changing air flow and temperature regimes in the roost space, or other methods that would not trap bats or involve handling bats. One-way doors and/or deterrence devices shall be installed under the supervision of a qualified biologist and shall be left in place for a minimum of two weeks with a minimum of five fair-weather nights with no rainfall and temperatures no colder than 50 degrees Fahrenheit. A qualified biologist will verify through surveys that no bats remain in the roost prior to commencement of activities that may disturb bats.

Note: Because bats cannot be evicted from a maternity roost during the maternity season, if work activities begin during the maternity season, it is advisable that initial surveys for bats be conducted during the non-maternity season prior to the start of project activities to provide time for bats to be excluded prior to the start of the maternity season.

- c) If a project will result in the permanent loss of a pallid bat maternity roost; a pallid bat nonbreeding roost of five or more individuals; a roost of at least 10 big brown bats; or a roost supporting at least 20 individuals of other non-special-status bats, the permittee will provide an alternative bat roost and install it in an appropriate location as close as feasible to the project site prior to the initiation of project activities. A qualified biologist will design and determine an appropriate location for the alternative roost structure, based on the location of the original roost, habitat conditions in the vicinity, and areas of project disturbance. The roost structure may be built to specifications determined by a qualified biologist or may be purchased from an appropriate vendor (although the qualified biologist must determine that the roost is appropriate for the bat species being impacted).

The permittee shall retain a qualified biologist to monitor the roost for up to three years (or until occupancy is determined, whichever occurs first) to determine use by bats. If, by the end of Year 3, bats are not using the structure, a qualified biologist shall identify an alternative roost design and/or location for placement of the roost to increase the potential for bat occupancy, and the alternative approach shall be implemented.

Standard Permit Conditions – Santa Clara Valley Habitat Plan

Criteria: *The following condition applies to all projects located in areas covered by the Santa Clara Valley Habitat Plan. This applies to all of San José except for limited areas near Alviso. Check the Santa Clara Valley Habitat Agency’s Geobrowser map to confirm (<https://scv-habitatagency.org>).*

SPC BIO-3: Santa Clara Valley Habitat Plan. The project may be subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to issuance of any ground disturbance permits. The permittee shall submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of all applicable fees prior to the issuance of any demolition, grading, or building permits. The SCVHP and supporting materials can be viewed at <https://scv-habitatagency.org>.

Cultural Resources

Archaeological and Tribal Cultural Resources

Criteria: *The following condition applies to all construction projects (General Plan Policies ER-10.2 and ER-10.3).*

SPC CUL-1: Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The permittee shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will then designate a Most Likely Descendant. The Most Likely Descendant will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- a) The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- b) The MLD identified fails to make a recommendation; or

- c) The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Criteria: *The following condition applies to all projects within areas mapped as archaeologically sensitive in the City of San José's General Plan. This information is available on the City's public GIS viewer and in the AMANDA information field (General Plan Policies ER-10.2 and ER-10.3).*

SPC CUL-2: Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal 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 examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Criteria: *The following conditions are frequently requested by Native American tribes during tribal consultation related to Assembly Bill (AB) 52, Senate Bill (SB) 18, or AB 130. Changes to these conditions or additional measures may be required based on the outcome of tribal consultation.*

SPC TCR-1: Retention of a Qualified Archaeologist for Archaeological/Native American Monitoring. Prior to issuance of any demolition, tree removal, grading, or building permits, whichever occurs first, the permittee shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (codified in 36 Code of Federal Regulations Part 61; 48 Federal Register 44738-44739) to monitor all ground disturbance and ensure that any required measures related to archaeological resources are carried out. The permittee shall provide the contract agreement with the Archaeologist to the Director of Planning, Building and Code Enforcement or the Director's designee to demonstrate compliance.

SPC TCR-2: Tribal Cultural Resources Awareness Training and Monitoring. Prior to issuance of any tree removal, demolition or grading permits, whichever occurs first, the permittee shall be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbance, such as copies of worker sign-in sheets to confirm attendance. 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 including training attendance logs and training materials shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee. Cultural Awareness Training shall be provided to any construction personnel who join the project after the original training session in accordance with the requirements of this condition. In addition, a qualified archaeologist in collaboration with a Native American monitor registered with the NAHC 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 be present during applicable earthmoving activities (e.g., trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping, etc.). If the consulting tribe or Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC Section 21080.3 does not respond to a request for monitoring within 30 days, then earthmoving activities can proceed.

SPC TCR-3: Final Disposition of Cultural Materials. For any archaeological materials recovered from the projects site during construction, the following shall apply:

- a) Disposition of Native American archaeological materials shall be determined through 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, the Director of Planning, Building and Code Enforcement or the Director's designee, and the Qualified Archaeologist. Disposition of human remains and associated grave goods shall be determined through consultation between the Most Likely Descendant and the landowner.
- b) Disposition of significant historic-era archaeological materials shall include the following options, in order of preference. Final disposition of these materials shall take into account input from descendant communities.
 - i. Curation at a repository accredited by the American Association of Museums that meets the standards outlined in 36 CFR 79.9.
 - ii. Curation at a non-accredited repository as long as it meets the minimum standards set forth by 36 CFR 79.9.
 - iii. Donation of the collection to a public, non-profit institution with a research interest in the materials.
 - iv. Donation to a local school or historical society in the area for educational purposes.

Historic Resources/Built Environment

Criteria: *For any project that would result in the demolition of a structure listed on the City's Historic Resources Inventory, but the structure is not a historic resource under CEQA (such as a Structure of Merit), the following conditions SPC HIS-1 through SPC HIS-4 shall apply (General Plan Policy LU-14.4).*

The following conditions may also be included as part of the mitigation measures in an EIR for any project that would result in the demolition of a CEQA historical resource (i.e., a listed or eligible National Register or California Register property, Candidate City Landmark, designated City Landmark). Additional project-specific mitigation measures may also be required.

SPC HIS-1: Historic Resources Mitigation Action Plan. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), the permittee shall prepare and submit a Historic Resources Mitigation Action Plan (Action Plan) that outlines the specific steps, methodology and timing for how the following requirements will be approached and prepared. The Action Plan shall include roles and responsibilities between the permittee, City staff, and outside individuals, groups, firms, and consultants. The Action Plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer prior to its implementation.

SPC HIS-2: Historic American Building Survey Documentation. Prior to issuance of any demolition, grading or building permits (whichever occurs first), the permittee shall submit Historic American Building Survey documentation for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer. The documentation shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Professional Qualification Standards. The documentation package shall be prepared in accordance with the guidelines established for the Historic American Building Survey documentation consistent with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall consist of the following components:

- a) Drawings – Prepare sketch floor plans of the building.
- b) Photographs – Photograph the exterior and interior, if it retains character-defining features, with digital photography, specifically 2000 x 3000 pixels (preferred) or 1200 x 1600 pixels (acceptable), no less than 2.0 megapixels for a digital camera in JPEG or TIF file format. The City of San José reserves the right to reduce either the file size or pixel size as needed. Photographs must provide an authentic visual representation of the historic integrity and significant features of the property, including setting if applicable, and reflect the qualities discussed in the written data. Photographs must be keyed to the sketch floor plans. The number of photographs will increase depending on the size or the complexity of the property.

- c) Written Narrative History and Description – Provides the essential historical context, significance, and construction details of a structure and explains why a building is historically or architecturally important, detailing its role in local, State, or national history.

Following review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer, the documentation shall be submitted to the San José Library's California Room, History San José, the Northwest Information Center at Sonoma State University, and/or the Library of Congress as applicable. Following submittal, the permittee must provide proof of receipt and acceptance.

SPC HIS-3: Relocation/Salvage. Prior to issuance of any demolition, grading or building permits (whichever occurs first), the permittee, shall advertise the availability of the building(s) for relocation or salvage of architectural features and materials for a period of no less than 60 days. The advertisement must include notification in a newspaper of general circulation, on a website, and a sign placed adjacent to the public right-of-way on the project site to maximize visibility. The advertisement shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer prior to posting. The permittee shall provide evidence (i.e., proof of publication, website documentation date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met.

If during the 60-day advertisement period the permittee or a third party agrees to relocate the building, the following measures are required:

- a) Prior to relocation, the permittee or third party shall engage a building mover who has experience moving similar historic structures. The building(s) must be reinforced/stabilized before the relocation.
- b) For projects that include demolition of a CEQA historical resource (i.e., a listed or eligible National Register or California Register property, Candidate City Landmark, designated City Landmark), prior to relocation, the permittee or third party shall consult with the City's Historic Preservation Officer to determine the feasibility of the receiver site for the building(s) within the City of San José.
- c) For projects that include demolition of a CEQA historical resource (i.e., a listed or eligible National Register or California Register property, Candidate City Landmark, designated City Landmark), following relocation, the permittee or third party must rehabilitate the building(s), as needed, in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to preserve and reuse the buildings. The permittee or third party must submit a letter report prepared by a qualified architectural historian and/or historic architect documenting that the relocation and rehabilitation of the building/s was completed in conformance with the Secretary of the Interior's Standards

for the Treatment of Historic Properties. The letter report must be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer.

- d) If the permittee or a third party does not agree to relocate the building(s) within the 60-day advertisement period or another agreed upon period of time, the building(s) shall be made available for salvage to third parties that will reuse the historic building materials and features. Building(s) shall not be salvaged prior to the end of the advertising period. The permittee or a third party must submit a letter report documenting the materials and features salvaged to the Director of Planning, Building and Code Enforcement or the Director's designee.

SPC HIS-4: Commemoration and Public Interpretation. Prior to the issuance of any demolition, grading or building permits (whichever occurs first), the permittee shall retain a qualified architectural historian meeting the Secretary of the Interior Professional Qualifications Standards to develop concepts for an on-site commemorative and interpretive program including, but not limited to, an exhibit and/or display with interpretive text and historic photographs; public art or sculpture; video; interactive media; and/or oral histories. The concept program and design shall be included in the Action Plan (SPC HIS-1) and reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee in coordination with the City's Historic Preservation Officer.

Prior to the issuance of any occupancy permits, the design for the commemoration and public interpretation shall be fully developed, in consultation with the City's Historic Preservation Officer, and a detailed implementation plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. The final approved design for the commemoration and public interpretation program shall be implemented by the permittee and shall be installed on private property in a suitable publicly accessible location on the site as agreed upon by the City.

Geology and Soils

Standard Permit Conditions – Seismic Hazards

Criteria: *The following condition applies to all projects. If the project already has a site-specific Geotechnical Report, then SPC GEO-1 does not need to be included as a Standard Permit Condition and project-specific conditions identified in the Geotechnical Report shall be required. Letter bullet e) should only be included for projects where groundwater could be encountered.*

SPC GEO-1: Seismic Hazards. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and

drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (California Geological Survey Special Publication 117A, 2008, and the Southern California Earthquake Center report 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

- a) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- b) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- c) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- d) The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- e) If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Standard Permit Conditions – Paleontological Resources

Criteria: *The following condition applies to all projects that involve substantial ground-disturbing activities (such as construction of subterranean parking garages) and include excavation of at least 10 feet below the ground surface.*

SPC GEO-2: Paleontological Resources. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement or Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The permittee shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

Hazards and Hazardous Materials

Criteria: *The following condition applies to any project with ground disturbance (General Plan Policies EC-6.4, EC-7.1, EC-7.2, EC-7.3, EC-7.4, and EC-7.5).*

SPC HAZ-1: Environmental Site Assessment and Remediation. Prior to the issuance of any demolition or grading permits, the permittee shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment (ESA) to identify risks due to hazardous materials, past spills, or other environmental concerns associated with the project site. If further investigation is necessary based on the result of the Phase I ESA, the permittee shall retain a qualified environmental professional to conduct a Phase II soil, soil vapor and/or groundwater investigation to determine if the soil, soil vapor, and groundwater from former uses of the site have resulted in contamination concentrations above established Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs).

If the Phase II results indicate soil, soil vapor and/or groundwater contamination above ESLs, the permittee shall enter into a regulatory oversight agreement with the Santa Clara County Department of Environment Health (SCCDEH), RWQCB, or the Department of Toxic Substances Control (DTSC). The permittee shall meet with the regulatory oversight agency and perform additional soil, soil gas and/or groundwater sampling and testing, as required, to adequately define the known and suspected contamination. A Site Management Plan (SMP), Corrective Action Plan (CAP), Remedial Action Plan (RAP), or other equivalent plan shall be prepared and submitted to the regulatory oversight agency for their approval. The plan shall include a Health & Safety Plan (HASP) and shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. Evidence of regulatory oversight and the approved plan shall be provided for review to the Director of the City of San José Department of Planning, Building and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.⁶

Hydrology and Water Quality

Standard Permit Conditions – Construction-related Water Quality

Criteria: *The following condition applies to all projects except for projects located near or adjacent to riparian/riparian vegetation. If a project is located near or adjacent to riparian/riparian vegetation, then letter bullet f) should be removed and an equivalent method should be included instead.*

SPC HYD-1: Construction-related Water Quality. Construction-related water quality measures shall include the following:

- a) Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

⁶ The permittee should take into account project timeline/budget at an early stage in the process, as regulatory oversight will require additional time due to the agency's process.

- b) Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- c) All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- d) Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- e) All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- f) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- g) Vegetation in disturbed areas shall be replanted as quickly as possible.
- h) All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- i) The permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Noise and Vibration

General Plan Policy EC-1.7 provides a screening method for determining whether a significant construction noise impact would occur. To further clarify this General Plan Policy, City of San José will use the Federal Transit Administration's (FTA) thresholds of 80 A-weighted average noise levels (dBA L_{eq}) at residential receptors and 85 dBA L_{eq} at commercial and office receptors from the Transit Noise and Vibration Impact Assessment Manual to assess noise and vibration impacts from project construction as it provides a reasonable, yet conservative threshold to protect noise-sensitive receptors.⁷

Construction Noise

Standard Permit Conditions – Construction Noise

Criteria: *The following condition applies to all construction projects within 500 feet of residential uses or schools and within 200 feet of commercial or office uses if construction would include substantial noise generating activities (such as building demolition, grading, excavation, use of impact equipment, or building framing) occurring for 12 months or less) (General Plan Policy EC-1.7).*⁸

⁷ Illingworth & Rodkin, Inc. *Environmental Review Handbook, San José, CA – Construction Noise Limits Review*. November 18, 2025.

⁸ If construction occurs for more than 12 months and would not include substantial noise generating activities, the identified Standard Permit Condition would still apply. For example, if a project anticipates construction over a period of 13 months, but the last month would include interior work and paving, the Standard Permit Condition

SPC NOI-1: Construction Noise Reduction Measures. Noise minimization measures include, but are not limited to, the following:

- a) Pile driving is prohibited.
- b) Limit construction to the hours of 7:00 A.M. and 7:00 P.M., Monday through Friday for any on-site or off-site work within 500 feet of any residential unit (San José Municipal Code Section 20.100.450). 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 Planning, Building and Code Enforcement or Director’s designee that the Construction Noise Mitigation Plan is adequate to prevent noise disturbance of affected residential uses.
- c) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- d) Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- e) Prohibit unnecessary idling of internal combustion engines (no more than two minutes).
- f) 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.
- g) Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- h) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- i) 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.
- j) If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- k) 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., beginning work too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the noise disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

would still apply because the interior work and paving activity would not generate a substantial noise increase to noise-sensitive receptors.

Standard Permit Conditions –Enhanced Measures for Extended Construction Hours

Criteria: *The following condition applies to any project that includes extended construction hours occurring between the hours of 7:00 A.M. and 10:00 P.M. on weekdays and Saturdays and meets the following:*

- a) *Would not require substantial pile foundations or special equipment; and*
- b) *Have a construction schedule for more than 12 months but less than three years.*

SPC NOI-2: Enhanced Noise Reduction Measures for Extended Construction Hours. The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment. In addition, to implementing the standard Construction Noise Reduction Measures (SPC NOI-1), the permittee shall include, but are not limited to, the following enhanced Construction Noise Reduction Measures:

- a) Construct solid plywood fences around ground level construction sites located adjacent to operational businesses, residences, or other noise-sensitive land uses. Typically, a temporary eight-foot-tall noise barrier fence having a minimum surface density of two pounds per square foot (lbs/ft²), such as 3/4-inch plywood, would provide a minimum attenuation of five A-weighted decibel for adjacent land uses when construction activities occur at the ground level, assuming no cracks or gaps.
- b) If complaints are received or excessive noise levels cannot be reduced using the measures above, temporary noise control blanket barrier along surrounding building facades that face the construction sites shall be erected.
- c) Substitute nail guns for manual hammering, where feasible.
- d) Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- e) The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate intake and exhaust mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. Utilize “quiet” air compressors and other stationary noise sources where technology exists.

The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Standard Permit Conditions – Construction Noise Logistics Plan with Expanded Measures

Criteria: *The following condition applies to any project that includes construction within the City’s standard construction hours or extended construction hours up to 7:00 A.M. to 10:00 P.M. on*

weekdays and Saturdays; and one of the following applies:

- a) *Requires pile foundations utilizing drilling methods; and/or*
- b) *Has a construction schedule for more than three years with extensive phasing work.*

SPC NOI-3: Construction Noise Logistics Plan with Expanded Measures. This permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment and a Construction Noise Logistics Plan (Plan). The Plan shall be submitted to the Director of Planning, Building and Code Enforcement of the Director's designee prior to the issuance of any demolition, grading, or building permit before start of construction. In addition, to implementing the Construction Noise Reduction Measures in SPC NOI-1 and SPC NOI-2 and, as part of the Plan, the permittee shall include, but is not limited to, the following expanded Construction Noise Reduction Measures:

- a) List of equipment expected to be used during each phase of construction and the quantity of equipment in each phase.
- b) Construction noise levels estimated at 50 feet and at the receiving property lines during each phase of construction.
- c) Project-specific mitigation measures to be implemented during each construction phase that would reduce construction noise levels at the receiving property lines to meet 80 dBA Leq at noise-sensitive receptors or 85 dBA Leq at office and commercial receptors. Where these thresholds cannot be met, the Plan shall demonstrate that all reasonable and feasible efforts are being made to reduce construction noise levels to the greatest extent possible.
- d) Identify the "disturbance coordinator" for the project, 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., a bad muffler) and 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.
- e) The construction schedule should be posted conspicuously at the construction site to notify the surrounding receptors of upcoming and ongoing construction activities.

The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Standard Permit Conditions – Noise Logistics Plan with Expanded Measures for Nighttime Construction, Sunday or Holiday Construction, or Pile Driving.

Criteria: *The following condition applies to any project that include impact or vibratory pile driving for pile foundations, regardless of length of construction.*

SPC NOI-4: Pile Driving. If the project includes impact or vibratory pile driving for pile foundations, the permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment and a Construction Noise Logistics Plan (Plan). The Plan shall be submitted to the Director of Planning, Building and Code Enforcement of the Director's designee prior to the issuance of any demolition, grading, or building permit before start of construction. In addition, to implementing the Construction Noise Reduction Measures in SPC NOI-1 to NOI-3 and, as part of the Plan, the permittee shall include, but is not limited to, the following expanded Construction Noise Reduction Measures for pile driving:

- a) Limit all pile driving activities to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday to reduce excessive noise on sensitive days and during sensitive times of day.
- b) If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows needed to seat the pile.
- c) If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
- d) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- e) The permittee shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall include a procedure for coordinating with adjacent residential land uses to schedule construction activities to minimize noise disturbance.
- f) To minimize adverse effects of construction noise on the surrounding neighborhoods near the project site, the following measures will be utilized to identify, mitigate, respond to, and track any complaints that may arise pertaining to construction noise:
 - i. Property owners and occupants located within 500 feet of construction activities shall be notified at least 14 calendar days prior to pile driving activities;
 - ii. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the complaint manager and City Code Enforcement unit shall be posted;
 - iii. A complaint log that records received complaints and how complaints were addressed shall be maintained and submitted to the City for review upon the City's request;
 - iv. If reliable noise complaints are received during pile driving activities, noise levels shall be monitored at the location from which the noise complaints originated

by a qualified acoustical professional. Hourly-average (L_{eq}) noise level measurements should be made for activities representative of those that generated the complaint. If the measured noise levels during this test are found to exceed 80 A-weighted average noise levels, dBA L_{eq} , at noise-sensitive property lines or 85 dBA L_{eq} at office or commercial property lines, an acoustical professional should be retained to specify additional noise attenuation measures to reduce noise levels to City Standards. These measures may include operational considerations, the use of additional ground-level noise barriers, or noise control blanketing of the building structure.

The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Criteria: *The following condition applies to any project that include nighttime construction hours (10:00 P.M. to 7:00 A.M.), regardless of length of construction.*

SPC NOI-5: Nighttime Construction. The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment and a Construction Noise Logistics Plan (Plan). The Plan shall be submitted to the Director of Planning, Building and Code Enforcement of the Director's designee prior to the issuance of any demolition, grading, or building permit before start of construction. In addition to implementing the Construction Noise Reduction Measures in SPC NOI-1 to NOI-3 and, as part of the Plan, the permittee shall include, but is not limited to, the following expanded Construction Noise Reduction Measures for nighttime construction:

- a) Limit the active equipment to as few pieces of equipment as possible.
- b) To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors during nighttime hours, and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to five A-weighted decibel (dBA) above the ambient near the operating equipment).
- c) Nighttime concrete pouring to the location farthest from the nearest noise-sensitive receptor or a minimum distance of 225 feet from the nearest noise-sensitive receptor shall be limited, where feasible. Concrete trucks and pumps along roadways with noise-sensitive receptors during all nighttime activities shall be restricted.
- d) If nighttime construction noise continues to result in excessive disruption to nearby neighbors, a construction noise monitoring plan shall be implemented, which includes a provision for noise monitoring at the nearby receptors to confirm that nighttime

construction noise levels meet nighttime noise level thresholds at the nearest sensitive uses. Construction monitoring shall occur for the first two days of construction for period of nighttime construction work to demonstrate that the nighttime construction activities are compliant with the construction noise level thresholds of 70 A-weighted average noise levels (dBA L_{eq}) at the nearest sensitive uses. These thresholds are based on the Federal Transit Administration's nighttime thresholds. Additional noise monitoring shall be completed on a more frequent basis if needed, in response to complaints. In the event of noise complaints, the contractor will provide information to client within 48 hours of being notified of the complaint, regarding the noise levels measured and activities that correspond to the complaints, as well as the proposed changes at the site to reduce the noise levels to below the thresholds.

- e) Sensitive receptors identified by the noise-monitoring with the potential to be exposed to nighttime construction noise levels exceeding 70 dBA L_{eq} shall be provided with vouchers for alternate accommodations for the duration of the nighttime construction.
- f) Residences or other noise-sensitive land uses within 500 feet of construction sites shall be notified of the nighttime construction schedule, in writing, prior to the beginning of construction. This notification shall specify the dates for all nighttime construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about nighttime construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Standard Permit Conditions – Operational Noise

Criteria: *The following condition applies to any project that includes standard (such as heating, ventilation, and air conditioning [HVAC] equipment) mechanical equipment associated with residential and commercial buildings adjacent to sensitive receptors such as residences. If a project includes mechanical equipment beyond standard HVAC equipment such as back-up generators or equipment associated with an industrial use, a project-level noise study will be required at the Planning stage to confirm noise levels meet General Plan and Municipal Code standards.*

SPC NOI-6: Mechanical Equipment Noise: Prior to the issuance of any building permits, mechanical equipment shall be selected and designed to meet the City's 55 day-night average sound level (dBA DNL) noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited

to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as along the building façades farthest from the nearest residences or sensitive receptors), where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

Construction Vibration

Standard Permit Conditions – No Impact or Vibratory Pile Driving

Criteria: *The following condition applies to any non-pile driving projects with existing buildings of conventional construction located within 30 feet of the project site boundaries (to meet the City's 0.2 in/sec PPV⁹) or buildings built between the 1940s and 1990s located within 20 feet of the project site boundaries (to meet the Caltrans threshold of 0.3 in/sec PPV)(General Plan Policy EC-2.3).*

SPC VIB-1: Non-pile Driving within 30 feet. The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. The permittee shall be required to implement the following Vibration Reduction Control Measures:

- a) A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of demolition or grading permits. This list shall be used to identify equipment and activities that may generate substantial vibration and to define the level of effort required to reduce vibration levels below the thresholds.
- b) Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- c) Smaller equipment (less than 18,000 pounds) shall be used near the property lines or adjacent sensitive buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 30 feet of sensitive buildings. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as a subset of equipment allowed for use at the property lines.
- d) Avoid dropping heavy equipment and using vibratory rollers within 30 feet of sensitive structures. Use alternative methods for breaking up existing pavement, such as a

⁹ inches/second peak particle velocity = in/sec PPV

pavement grinder, instead of dropping heavy objects, within 30 feet of structurally sensitive buildings. Select demolition methods that do not involve large impact tools, such as hoe-rams, within 30 feet of sensitive buildings. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.

The applicant shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Standard Permit Conditions – Impact or Vibratory Pile Driving

Criteria: *The following condition applies to any project that requires impact or vibratory pile driving and is located within 125 feet of existing buildings of conventional construction (to meet the City's 0.2 in/sec PPV¹⁰) or within 90 feet of buildings of conventional construction built between the 1940s and 1990s (to meet the Caltrans threshold of 0.3 in/sec PPV).*

SPC VIB-2: Pile Driving near Buildings of Conventional Construction. The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. In addition to implementing any applicable Vibration Reduction Control Measures (SPC VIB-1), the permittee shall include, but is not limited to, the following expanded Vibration Reduction Control Measures:

- a) Notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.
- b) For all projects requiring impact pile driving, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.
- c) For all projects requiring impact pile driving, jet or partially jet piles into place to minimize the number of impacts required to seat the pile.
- d) Prior to the issuance of a demolition, grading, or building permit, which occurs first, the applicant shall implement a construction monitoring plan to document conditions during pile driving activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs first. The construction vibration monitoring plan should be implemented to include the following tasks:
 - i. Identification of sensitivity to groundborne vibration of nearby structures. A vibration survey (generally described below) would need to be performed;

¹⁰ inches/second peak particle velocity = in/sec PPV

- ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any pile driving activity, at regular intervals during pile driving, and after completion, and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures;
- iii. Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after pile driving. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the General Plan, such as Policy EC-2.3;
- iv. If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures;
- v. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities;
- vi. The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of pile driving identified in the project schedule. The report will include descriptions of measurement methods, equipment used, calibration certificates, and graphics, as required, to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims;
- vii. 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 applicant shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Criteria: *The following condition applies to any pile driving and non-pile driving project located within the following minimum distances of historic buildings¹¹:*

¹¹ Per the California Code of Regulations Title 14, Section 15064.5, a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that has been determined eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), or a local register of historic resources.

Non-pile Driving Equipment

- a) 65 feet of a historic building to meet the City's 0.08 inches/second peak particle velocity (in/sec PPV)
- b) 25 feet of the project site to meet the Caltrans threshold of 0.25 in/sec PPV

Pile Driving Equipment

- c) 290 feet of historic buildings to meet the City's current 0.08 in/sec PPV threshold
- d) 100 feet of historic building to meet the Caltrans threshold of 0.25 in/sec PPV

SPC VIB-3: Expanded Vibration Reduction Control Measures. The permittee shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. In addition to implementing the Vibration Reduction Control Measures (SPC VIB-1), the permittee shall include, but is not limited to, the following expanded Vibration Reduction Control Measures:

- a) A list of all heavy construction equipment that are known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of demolition or grading permits. This list shall be used to identify equipment and activities that may generate substantial vibration and to define the level of effort required to reduce vibration levels below the thresholds.
- b) Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- c) Smaller equipment (less than 18,000 pounds) shall be used near the property lines or adjacent sensitive buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 65 feet of sensitive buildings. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as a subset of equipment allowed for use at the property lines.
- d) Avoid dropping heavy equipment and using vibratory rollers within 65 feet of sensitive structures. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 65 feet of structurally sensitive buildings. Select demolition methods that do not involve large impact tools, such as hoe-rams, within 65 feet of sensitive buildings. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.
- e) A Construction Vibration Monitoring Plan shall be implemented to document conditions during demolition and heavy groundwork activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall be submitted to the Director of Planning, Building and Code Enforcement or the

Director's designee and the City of San José's Historic Preservation Officer for review and approval prior to issuance of a demolition, grading, or building permit, whichever occurs first. The Construction Vibration Monitoring Plan shall include the following tasks:

- i. Identification of sensitivity to groundborne vibration of nearby structures. A vibration survey (generally described below) would need to be performed;
- ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any demolition activity, at regular intervals during demolition and construction, and after completion, and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures;
- iii. Development of a Vibration Monitoring and Construction Contingency Plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after demolition and construction activities. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the General Plan, such as Policy EC-2.3;
- iv. If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures;
- v. 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.
- vi. Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities;
- vii. The results of all vibration monitoring shall be summarized and submitted in a report to the Director of Planning, Building and Code Enforcement or the Director's designee shortly after substantial completion of construction identified in the project schedule. The report shall include descriptions of measurement methods, equipment used, calibration certificates, and graphics, as required, to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- viii. Regular weekly or monthly monitoring reports (as determined by the City of San José's Historic Preservation Officer) shall be submitted during construction to the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer if the project site is located within

300 feet of any nearby historical resources as outlined in the monitoring schedule;

- f) The permittee shall prepare preconstruction survey documentation of the nearby historical resources as part of project start-up. Prior to issuance of a demolition, grading, or building permit, whichever occurs first, a qualified architectural historian shall undertake an existing visual conditions study of the nearby historical resources within 300 feet of the project site. The purpose of the study would be to establish the baseline conditions of the neighboring historic buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resources that convey their historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer, or equivalent prior to issuance of a demolition, grading, or building permit, whichever occurs first.
- g) Once the baseline conditions of the neighboring historical resource(s) within 300 feet of the project site are determined, the permittee shall engage a qualified architectural historian to prepare a Historical Resources Protection Plan that provides measures and procedures to protect nearby historical resources from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The Historical Resources Protection Plan must be approved by the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of a grading, or building permit. The permittee shall ensure the contractor follows the Historical Resources Protection Plan while working near these historic resources. At a minimum, the plan shall include:
 - i. Guidelines for operation of construction equipment adjacent to historical resources;
 - ii. Means and methods to reduce vibrations from excavation and construction;
 - iii. Requirements for monitoring and documenting compliance with the plan; and
 - iv. Education/training of construction workers about the significance of the historical resources around which they would be working.
- h) The qualified architectural historian shall establish a "Monitoring Team" comprised of at least one qualified architectural historian and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the property, including monitoring of any instruments such as crack gauges, if necessary, or reviewing vibration monitoring required by other construction monitoring processes required under the City's permit processes. Site visit reports and documents shall be provided to the City's Historic Preservation Officer on a quarterly basis. The Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer may request any additional number of site visits at their discretion.

- i. If, in the opinion of the Monitoring Team, substantial adverse impacts to any historical resource related to construction activities are found during construction, a representative of the Monitoring Team shall inform the permittee (or the applicant's designated representative responsible for construction activities), the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer of the potential impacts. The permittee shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger any historical resource. In the event of damage to any nearby historical resource during construction, the permittee shall ensure that repair work is performed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status. The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer no later than one week after each reporting period. The Monitoring Report shall also include, but is not limited to, the following:
 - i) Summary of the demolition and construction progress;
 - j) Identification of substantial adverse impacts related to construction activities;
 - k) Problems and potential impacts to any historical resources and adjacent buildings during construction activities;
 - l) Recommendations to avoid any potential impacts;
 - m) Actions taken by the permittee in response to the problem;
 - n) Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character defining features of nearby historic properties; and
 - o) Inclusion of photographs to explain and illustrate progress.
 - i. The Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer prior to the issuance of any Certificate of Occupancy (temporary or final). The permittee shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Transportation

Standard Permit Conditions – Transportation Demand Management Plan

Criteria: *The following condition applies to projects in areas in mitigatable areas of the City as mapped by the Department of Transportation for the type of proposed use (residential, commercial, or industrial).*

SPC TRANS-1: Construction and Transportation Demand Management Plan. Prior to the issuance of any demolition, grading and/or building permits, the permittee shall prepare project construction plans that illustrate the design of the project site enhancements, and shall coordinate with the Department of Public Works to incorporate the following from the transportation analysis or local transportation analysis:

(List improvements and measures from the Transportation Analysis to reduce VMT, as approved by the Department of Public Works and the Department of Transportation)

SPC TRANS-2: Transportation Demand Management Plan. Prior to the issuance of occupancy permits, the permittee shall provide a Transportation Demand Management (TDM) plan for review and approval by the Department of Public Works and Department of Planning, Building, and Code Enforcement. After the project is constructed and occupied, the permittee shall identify a transportation coordinator. The transportation coordinator would be responsible for implementing the ongoing TDM plan. The TDM plan would need to be re-evaluated annually for the life of the project. It is recommended that the designated transportation coordinator consult with City staff to ensure the monitoring and reporting meets the City's expectations. The TDM Coordinator shall be responsible for submitting the monitoring reports to the Director of Department of Public Works and Director of Planning, Building and Code Enforcement or the Director's designee for the life of the project.