

San José Environmental Review Handbook

Prepared by



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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	
Public circulation (Note: calendar days) ²	20-30 Calendar Days
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 E: 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						
<p>¹Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.</p> <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> <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> <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>						

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 inquiries 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

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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

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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

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Attachment A: Federal Transit Authority Thresholds Memo