Summary Description of the Proposed Project

This Environmental Impact Report (EIR) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City of San José. The purpose of the EIR is to inform the public and various governmental agencies of the environmental effects of the proposed Coyote Valley Specific Plan (CVSP) project. The proposed CVSP consists of various actions which, when taken together, will provide a comprehensive framework of land use policies for future development within the CVSP area of the City of San José. The actions, which are described in detail in Section 2.0, *Project Description*, include the following:

- Adoption of the Coyote Valley Specific Plan (CVSP);
- San Jose 2020 General Plan text and Land Use/Transportation Diagram designation amendments;
- Extension of the Urban Service Area of the City of San José south to Palm Avenue;
- Related amendments to Title 20 (Zoning Ordinance) of the San Jose Municipal Code;
- Rezoning of incorporated Coyote Valley land; and
- Prezoning and Annexation of land primarily in the Coyote Valley Urban Reserve to the City of San Jose.

The Coyote Valley Specific Plan (CVSP) project area ("CVSP Area") comprises approximately 7,000 acres of primarily undeveloped flat land located within the Sphere of Influence and Urban Growth Boundary of the City of San José, approximately 12 miles south of downtown. The Planning Area is bounded by Tulare Hill and the Santa Teresa area of southern San José to the north, US 101 and the Mount Hamilton Range to the east, the City of Morgan Hill to the south, and the Santa Cruz Mountains to the west. Of the approximately 7,000 acres that comprise the project area, approximately 3,600 encompass the Coyote Greenbelt at the southern end of project, which will remain as a permanent non-urban buffer between San José and Morgan Hill.

Summary of Impacts and Mitigation Measures

The table which follows summarizes the ***significant*** environmental impacts identified and discussed within the text of the EIR, and identifies the program mitigation and avoidance measures proposed to reduce those impacts. Those impacts for which no feasible mitigation could be identified are characterized as Significant and Unavoidable. Alternatives to the proposed project are also summarized at the end of the table.

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Land Use Impacts	
Impact LU-5: The proposed project would result in significant construction-related impacts to existing residential land uses, as well as future sensitive land uses as construction occurs. **[Significant Impact]**	Mitigation measures for construction impacts are described in the appropriate sections of this EIR, including Sections 4.2, *Transportation and Traffic*, 4.3, *Noise*, 4.4, *Air Quality*, and 4.8, *Hydrology and Water Quality*, and their implementation would reduce impacts to a less than significant level. **[Less than Significant with Mitigation Incorporated]**
Impact LU-8: Implementation of the CVSP would result in a significant loss of open space resources. **[Significant Impact]**	No feasible mitigation measures are available to reduce this impact to a less than significant level. Therefore, adoption of a statement of overriding considerations will be required. **[Significant Unavoidable Impact]**
Impact LU-10: The proposed project would result in the loss of approximately 2,400 acres of prime farmland. **[Significant Impact]**	Mitigation is described below that, if determined to be feasible, could reduce this impact to a less than significant level; however, the City is not requiring such mitigation for this project. Therefore, adoption of a statement of overriding considerations will be required. **MM LU-10.1:** Mitigation for the conversion of farmland to urban uses would consist of replacing the lost acreage on a one-to-one (1:1) basis. For every acre of farmland lost, new farmland would be created by converting suitable sites from non-agricultural to agricultural uses. This is analogous to the common practice of requiring the creation of new wetland habitat when existing wetland is impacted by a project. **[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Approval]** **[Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**
Transportation and Traffic Impacts	
Impact TRAN-1: McLaughlin Avenue and Tully Road: The level of service would degrade to LOS F under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-1:** McLaughlin Avenue and Tully Road: The necessary improvements to mitigate the project impact at this intersection consist of the construction of an exclusive northbound right-turn lane. The improvements would require the acquisition of right-of-way. This intersection improvement would improve intersection operating levels to better than background conditions, though the intersection will continue to operate at LOS E during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**

Transportation and Traffic Impacts, continued

Impact TRAN-2: Capitol Expressway and Silver Creek Boulevard: The level of service would be LOS F and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-2:** Capitol Expressway and Silver Creek Boulevard: The necessary improvements to mitigate the project impact at this intersection consist of the addition of a separate eastbound right-turn lane. The improvements would require the acquisition of right-of-way. This intersection improvement would improve intersection operating levels to better than background conditions, though the intersection will continue to operate at LOS E during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-3: McLaughlin Avenue and Capitol Expressway: The level of service would degrade to LOS E under project conditions. This is a significant impact under City of San José standards, but not under CMP criteria. **[Significant Impact]**	**MM TRAN-3:** McLaughlin Avenue and Capitol Expressway: The necessary improvements to mitigate the project impact at this intersection consist of the re-striping of the southbound leg of the intersection to provide two exclusive left-turn lanes, one through lane, and one right-turn lane. The re-striping would also require that the signal phasing of the intersection be adjusted to provide protected phasing both northbound and southbound. This intersection improvement would improve intersection operating levels to LOS D during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-4: US 101 and Blossom Hill Road (East): The level of service would be LOS F during the PM peak hour and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-4:** US 101 and Blossom Hill Road (East): The necessary improvements to mitigate the project impact at this intersection consist of the widening of the Blossom Hill Road over-crossing of US 101. The overpass widening is planned as part of the Edenvale Assessment District, though not completely funded. The CVSP project would therefore contribute a fair-share towards the planned improvements. The intersection improvement would improve intersection operating levels to better than background conditions, though the intersection will continue to operate at LOS E during both peak hours. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-5: US 101 and Blossom Hill Road (West): The level of service would be LOS F during both peak hours and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This constitutes a significant impact by both City of San Jose and CMP standards. **[Significant Impact]**	**MM TRAN-5:** US 101 and Blossom Hill Road (West): The necessary improvements to mitigate the project impact at this intersection consist of the widening of the Blossom Hill Road over-crossing of US 101. The overpass widening is planned as part of the Edenvale Assessment District, though not completely funded. The CVSP project would therefore contribute a fair-share towards the planned improvements. The intersection improvement would improve intersection operating levels to LOS D during both peak hours. **[Less than Significant Impact with Mitigation Incorporated]**

Transportation and Traffic Impacts, continued

Impact TRAN-6: Monterey Road and Bernal Road (South): The level of service would degrade to LOS E under project conditions. This is a significant impact under City of San José standards, but not under CMP criteria. **[Significant Impact]**	**MM TRAN-6:** Monterey Road and Bernal Road (South): The necessary improvements to mitigate the project impact at this intersection consist of the conversion of the northbound controlled right-turn lane to an uncontrolled right-turn lane with its own receiving lane. The improvement would fit within the existing right-of-way, but may require restriping and relocation of curbing. The intersection improvement would improve intersection operating levels to LOS C during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-7: Almaden Expressway and Coleman Road: The level of service would degrade to LOS E under project conditions. This is a significant impact under City of San José standards, but not under CMP criteria. **[Significant Impact]**	**MM TRAN-7:** Almaden Expressway and Coleman Road: The necessary improvements to mitigate the project impact at this intersection consist of the addition of a second eastbound left-turn lane. This improvement would require the acquisition of right-of-way. The intersection improvement would improve intersection operating levels to LOS D during the AM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-8: Almaden Expressway and Blossom Hill Road: The level of service would be LOS E during the PM peak hour and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This is a significant impact under City of San José standards, but not under CMP criteria. **[Significant Impact]**	**MM TRAN-8:** Almaden Expressway and Blossom Hill Road: The necessary improvements to mitigate the project impact at this intersection consist of the addition of a separate westbound right-turn lane. Though existing striping provides a short right-turn lane, it does not operate as a right-turn because queued vehicles heading westbound along Blossom Hill Road constantly block it. This improvement would require the acquisition of right-of-way. The intersection improvement would improve intersection operating levels to better than background conditions, though the intersection will continue to operate at LOS E during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-9: Almaden Expressway and Almaden Plaza Way: The level of service would be LOS E during the PM peak hour and the intersection would degrade to LOS F under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-9:** Almaden Expressway and Almaden Plaza Way: The necessary improvements to mitigate the project impact at this intersection consist of the widening of southbound Almaden Expressway to accommodate five lanes. The widening is only necessary at the intersection to improve intersection operating levels; however, to maintain efficient flow along southbound Almaden Expressway, the widening would need to run through Blossom Hill Road. The widening would require the acquisition of right-of-way. The intersection improvement would improve intersection operating levels to LOS D during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**

Transportation and Traffic Impacts, continued

Impact TRAN-10: US 101 and Bernal Road (East): The level of service would be LOS F during the AM peak hour and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-10**: US 101 and Bernal Road (East): The necessary improvements to mitigate the project impact at this intersection consist of the widening of Bernal Road to six lanes. Bernal Road would need to be widened to six-lanes between the southbound US 101 off-ramp and through the northbound off-ramp. This improvement will require adjustment of the US 101 over-crossing structure of Bernal Road. This intersection improvement would improve intersection operating levels to better than background conditions, though the intersection will continue to operate at LOS F during the AM peak hours. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-11: SR 85 and Bernal Road: The level of service would be LOS F during the PM peak hour and the addition of project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more under project conditions. This is a significant impact under both City of San José and CMP standards. **[Significant Impact]**	**MM TRAN-11:** SR 85 and Bernal Road: The necessary improvements to mitigate the project impact at this intersection consist of the addition of a second westbound (on the SR 85 off-ramp) left-turn lane. This improvement would fit within the existing right-of-way, but would require restriping and signal modifications. This intersection improvement would improve intersection operating levels to LOS D during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-12: Monterey Road and Old Monterey Road: The level of service at the intersection would degrade from LOS C to LOS D during the PM peak hour under project conditions. This is a significant impact under City of Morgan Hill standards. **[Significant Impact]**	**MM TRAN-12:** Monterey Road and Old Monterey Road (Morgan Hill): The necessary improvement to mitigate the project impact at this intersection consists of the addition of a separate southbound right-turn lane. This improvement would require the acquisition of right-of-way. The intersection improvement would improve intersection operating levels to LOS B during the PM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-13: Monterey Road and San Martin Avenue: The level of service at the intersection would degrade from LOS D to LOS E under project conditions. This is a significant impact under San José and San Martin standards. **[Significant Impact]**	**MM TRAN-13:** Monterey Road and San Martin Avenue (San Martin): The necessary improvements to mitigate the project impact at this intersection consist of the addition of a separate westbound right-turn lane. The improvement may require the acquisition of right-of-way. The implementation of this improvement would improve intersection level of service to LOS D during the AM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**

Transportation and Traffic Impacts, continued

Impact TRAN-14: Monterey Road and Masten Avenue: The level of service would degrade from LOS C to LOS D during the AM peak hour under project conditions. This is a significant impact under City of Gilroy standards. **[Significant Impact]**	**MM TRAN-14:** Monterey Road and Masten Avenue (Gilroy): The necessary improvements to mitigate the project impact at this intersection consist of the addition of a separate eastbound right-turn lane. The improvement may require the acquisition of right-of-way. The implementation of this improvement would improve intersection level of service to LOS C during the AM peak hour. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-15: The proposed project would contribute towards the need for traffic signals at 15 unsignalized intersections in San José, Morgan Hill, and Gilroy. Without these signals, congestion and operational safety hazards could occur. **[Significant Impact]**	**MM TRAN-15:** The proposed project shall make a fair share contribution towards the installation of traffic signals at the designated 15 unsignalized intersections in San José, Morgan Hill, and Gilroy. Signal installation may require additional intersection improvements such as curb removal, reconstruction, adjustment of land configurations, and restriping. These improvements would be identified during the design of each signal. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-16: Three future intersections within the CVSP Development Area would operate at LOS E with full build-out of the CVSP. **[Significant Impact]**	Three new intersections within the CVSP Development Area would operate at LOS E under CVSP full build-out conditions. Three future intersections to be located within the CVSP Development Area would be added to the City of San José's list of protected intersections. No mitigation measures are available to reduce impacts at these intersections to a less than significant level. **[Significant Unavoidable Impact]**
Impact TRAN-17: The proposed project would result in significant impacts on 10 directional freeway segments and one HOV lane under project conditions. **[Significant Impact]**	**MM TRAN-17:** Measures that could reduce impacts to freeway segments, although not to a less than significant level primarily consist of transit improvements and enhancements and include: 1) the enhancement of Caltrain service; 2) the extension of LRT lines; and 3) enhanced bus service. These measures would provide options to commuters to Coyote Valley. An enhanced transit system, with a major improvement such as an LRT line extension, would reduce auto usage. The reduction in auto usage would be most noticeable on freeways since most transit trips would originate from outside the Coyote Valley area. **[Significant Unavoidable Impact]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Transportation and Traffic Impacts, continued	
Impact TRAN-24: The proposed project would result in construction-related traffic impacts due to truck traffic within the CVSP Area especially over the long duration of construction activity expected. **[Significant Impact]**	**MM TRAN-24.1:** During preparation of the construction phasing plan, all individual applicants will be required to submit a Construction Traffic Plan that designates truck routes and staging areas to the satisfaction of the City of San José's Director of Planning, Building, and Code Enforcement. The routes shall be chosen based upon length, ease of travel for large trucks, and sensitivity of land uses adjacent to routes. **[Less than Significant Impact with Mitigation Incorporated]**
Impact TRAN-25: Based on the screenline impact criteria, the proposed CVSP General Plan amendment would result in the V/C and the corresponding increase in traffic volumes on all studied roadway links to exceed the established thresholds of significance. **[Significant Impact]**	The proposed CVSP General Plan amendment would result in significant screenline impacts. Implementation of City of San José General Plan policies could reduce these impacts, but not to a less than significant level. Future infrastructure and roadway capacity would mitigate for some General Plan impacts. It is expected that the proposed CVSP project will make a fair-share contribution towards the cost of construction of transportation improvements; however, General Plan amendment impacts would be significant and unavoidable. **[Significant Unavoidable Impact]**
Impact TRAN-26: The proposed CVSP project would result in increases in peak hour trips within Santa Clara County and across the cordon lines of two Special Subareas in excess of impact criteria. **[Significant Impact]**	The proposed CVSP General Plan amendment would result in significant cordon line impacts. Implementation of City of San José General Plan policies could reduce these impacts, but not to a less than significant level. Future infrastructure and roadway capacity would mitigate for some General Plan impacts. It is expected that the proposed CVSP project will make a fair-share contribution towards the cost of construction of transportation improvements; however, General Plan amendment impacts would be significant and unavoidable. **[Significant Unavoidable Impact]**
Noise Impacts	
Impact NOI-1: The proposed project would result in construction-related noise impacts in proximity to existing and future residential areas and other noise sensitive uses within the CVSP Development Area and the southern Greenbelt. **[Significant Impact]**	**MM NOI-1.1:** An acoustical analysis shall be completed prior to issuance of development permits to determine necessary and feasible noise-attenuation practices during construction to the satisfaction of the Director of Planning, Building, and Code Enforcement. **MM NOI-1.2:** As required by San José Municipal Code §20.100.450 construction hours within 500 feet of residences shall be limited to the hours of 7 am - 7 pm weekdays, and subject to a planning development permit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding

Noise Impacts, continued

	by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. **MM NOI-1.3:** All construction equipment powered by internal combustion engines shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. **MM NOI-1.4:** For construction sites with nearby residences, stationary noise-generating equipment shall be located as far as possible from the homes. **MM NOI-1.5:** Where pile drivers are needed, the use of multiple-pile drivers shall be considered in order to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced. **MM NOI-1.6:** Temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. **MM NOI-1.7:** Where feasible, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. **MM NOI-1.8:** During the project implementation stage, contractors shall prepare detailed construction plans that identify the schedule for major noise-generating construction activities. The construction plans shall identify a procedure for coordination with the adjacent noise sensitive uses so that construction activities can be scheduled to minimize noise disturbance. A phone number for complaints shall be posted at the construction site(s) and all complaints shall be investigated and addressed. **[Significant Unavoidable Impact]**
Impact NOI-2 and NOI-3: Residences and workplace uses could be exposed to noise levels that exceed the 55 dBA DNL noise limit standard set by the City's General Plan. **[Significant Impact]**	**MM NOI-2.1 and 3.1:** The project shall be designed to the extent possible so that noise from the commercial and workplace uses will not exceed a DNL of 55 dBA at the property lines of existing/future residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences, etc.), the shielding of outdoor equipment, and/or the installation of noise barriers in accordance with the recommendations of a project-level acoustical analysis to be prepared prior to issuance of development permits and to the satisfaction of the Director of Planning, Building, and Code Enforcement.

Noise Impacts, continued

	MM NOI-2.2 and 3.2: Prior to project-level planning permits for new residential development, a qualified Acoustical Engineer shall be retained to identify areas of the sites which exceed the 60 DNL contour. The project design should then incorporate measures for minimizing or avoiding noise impacts, which could include a combination of open space buffer areas, sound barriers, and building/site design to create outdoor use areas with noise exposures of 60 DNL or less. As an alternative, less sensitive land uses (such as parking, passive open space, mechanical equipment, etc.) should be located between more sensitive uses allowing for a compatible residential noise environment. **MM NOI-2.3 and 3.3:** Prior to issuance of building permits for structures located within the 60 DNL contour, a qualified Acoustical Engineer shall be retained to prepare a detailed acoustical analysis of exterior and interior noise reduction requirements and specifications for all project phases, in accordance with City and state standards. Project-specific acoustical analyses are mandated by the state for new multi-family uses. Appropriate noise control treatments necessary to achieve a compatible interior noise environment (45 DNL) shall be incorporated. Interior noise levels could be reduced to acceptable levels by including such measures as forced-air mechanical ventilation systems and/or sound-rated construction to allow occupants the option of controlling noise in interior spaces by maintaining windows closed. **[Less than Significant Impact with Mitigation Incorporated]**
Impact NOI-4: Future residential uses could be exposed to increased noise levels generated by proposed outdoor playfields/schools. **[Significant Impact]**	**MM NOI-4.1:** The project shall be designed so that noise from the playfields/schools will not exceed a DNL of 55 dBA at the property lines of nearby existing residences. This will be accomplished by proper site design (e.g., setbacks) and by locating outdoor playing fields and bleachers as far as practical from future residents. **MM NOI-4.2:** The public address systems (if installed) shall be designed to focus amplified sounds toward spectator areas only, so as to minimize the effect on nearby future residents. **[Less than Significant Impact with Mitigation Incorporated]**
Impact NOI-6: The proposed project would result in significant noise impacts to new and existing sensitive receptors within the Development Area associated with project-generated traffic and railroad operations. **[Significant Impact]**	**MM NOI-6.1:** The project shall be designed to the extent possible so that noise from future roadway traffic will not exceed a DNL of 55 dBA at the property lines of existing/future residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences, etc.), the shielding of outdoor equipment, and/or the installation of noise barriers.

Noise Impacts, continued

MM NOI-6.2: Multi-family housing proposed on any site within the CVSP Development Area is subject to the requirements of Title 24, Part 2, of the State Building Code. Prior to the project-level design review process for new residential development, a qualified Acoustical Engineer shall be retained to identify areas of the sites which exceed the 60 DNL contour. The project design shall incorporate measures for minimizing or avoiding noise impacts, which could include a combination of open space buffer areas, sound barriers, and building/site design to create outdoor use areas with noise exposures of 60 DNL or less. As an alternative, less sensitive land uses (such as parking, passive open space, mechanical equipment, etc.) should be located between roadways and more sensitive uses, allowing for a compatible residential noise environment.

MM NOI-6.3: Prior to issuance of building permits, a qualified Acoustical Engineer shall be retained to prepare a detailed acoustical analysis of exterior and interior noise reduction requirements and specifications for all project phases, in accordance with City and state standards. Project-specific acoustical analyses are mandated by the state for new multi-family uses. Appropriate noise control treatments necessary to achieve a compatible interior noise environment (45 DNL or less in all habitable residential areas, per the General Plan) shall be incorporated into the proposed structures located within the 60 DNL contour. Interior noise levels could be reduced to acceptable levels by including such measures as forced-air mechanical ventilation systems and/or sound-rated construction to allow occupants the option of controlling noise in interior spaces by maintaining windows closed.

MM NOI-6.4: Outdoor use areas associated with the proposed residences shall be designed and sited so that noise levels do not exceed a DNL of 60 dBA. This will be accomplished through site design (e.g., creating sufficient buffers/setbacks between noise sources and these areas, shielding such areas from noise sources by locating them behind buildings, etc.) and/or constructing soundwalls or noise control barriers, in accordance with the recommendations of the project-level acoustical analysis.

MM NOI-6.5: In the event that residential patios are constructed in locations where the DNL is not reduced to 60 dBA by the steps described in the previous measure, such patios shall be designed to include acoustically-effective (i.e., without cracks, gaps, openings, etc.) fencing.

Noise Impacts, continued

	MM NOI-6.6: Noise barriers/soundwalls could be constructed along the edge of street rights-of-way to protect existing and future residential land uses. This measure is not feasible where residences, churches and schools front onto roadways because of the necessity to leave gaps in the soundwalls for driveways. It should also be noted that there are locations where tall soundwalls may not be desirable from a visual and aesthetic perspective. The feasibility of providing mitigation at affected noise-sensitive receivers will be determined by a detailed study of the affected roadway segments to be completed prior to issuance of planning permits, and to the satisfaction of the City's Director of Planning, Building, and Code Enforcement. **[Less than Significant Impact with Mitigation Incorporated]**
Impact NOI-7: The proposed project would result in the exposure of sensitive residential uses to significant groundborne vibration levels due to the railroad activity on the existing UPRR tracks. **[Significant Impact]**	**MM NOI-7.1:** Residential uses shall be located at or less than 150 feet from the center of the railroad tracks. At this distance, impacts would be less than significant. **MM NOI-7.2:** If residential structures are proposed within 150 feet, site-specific vibration monitoring studies shall be done during subsequent design of each residential development to confirm the allowable vibration setback. Vibration levels shall not exceed 75 VdB measured vertically on the ground at any residential building site, consistent with Federal Transit Administration Guidelines. **MM NOI-7.3:** Based upon the results of the vibration monitoring study, proper support of foundation systems for residential structures within 150 feet of the railroad tracks shall be implemented and building design shall avoid resonant frequencies that coincide with primary frequencies of train-generated ground vibration (10 Hz and 20 Hz). Vibration isolation of buildings has been recently considered for residential applications. **MM NOI-7.4:** Resilient support of the railroad tracks using ballast mats or a shredded tire underlay can be implemented to reduce vibration levels by three to four VdB. This measure would require coordination with UPRR. **[Significant Unavoidable Impact]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Noise Impacts, continued	
Impact NOI-8: The proposed project would result in significant noise impacts along roadways in areas outside the CVSP Development Area. **[Significant Impact]**	**MM NOI-8.1**: Noise barriers/soundwalls would be constructed along the edge of street rights-of-way to protect existing and future residential land uses. This measure is not feasible where residences, churches and schools front onto roadways because of the necessity to leave gaps in the soundwalls for driveways. It should also be noted that there are locations where tall soundwalls may not be desirable from a visual and aesthetic perspective. The feasibility of providing mitigation at affected noise-sensitive receivers will be determined by a detailed study of the affected roadway segments to be completed prior to the project-level design review process and to the satisfaction of the City's Director of Planning, Building, and Code Enforcement. **MM NOI-8.2:** At locations where existing residences front onto roadways, older doors and single-pane windows that are exposed to traffic noise shall be replaced on a case-by-case basis with those that are acoustically-rated. **MM NOI-8.3:** Alternative noise reduction techniques would be implemented such as re-paving streets with "quiet" pavement types such as Open-Grade Rubberized Asphaltic Concrete, if feasible. The use of "quiet" pavement can reduce noise levels by two to five dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors. **MM NOI-8.4:** Traffic calming measures to slow traffic would be installed, as described in MM TRAN-22. **[Less than Significant Impact with Mitigation Incorporated]**
Impact NOI-9: It is anticipated that the future construction of the BOH roadway would result in significant impacts associated with short-term construction and long-term noise levels. **[Significant Impact]**	**MM NOI-9.1:** Future construction of the BOH roadway would be subject to San José 2020 General Plan policies limiting noise impacts, as well as other measures to be considered at the time of development. These policies and measures will be similar to those described above in this section. **[Less than Significant Impact with Mitigation Incorporated]**
Air Quality Impacts	
Impact AQ-1: The proposed project would result in significant air quality impacts during construction. **[Significant Impact]**	**MM AQ-1.1:** All active construction areas shall be sprinkled with water at least twice daily and more often when conditions warrant, excluding any areas that are inaccessible to watering vehicles due to excessive slope or other safety conditions. **MM AQ-1.2:** All trucks hauling soil, sand and other loose materials shall be covered. Alternatively, all trucks shall be required to maintain at least two feet of freeboard, consistent with the requirements of §23114 of the California Vehicle Code.

Air Quality Impacts, continued

MM AQ-1.3: All unpaved access roads, parking areas and staging areas at construction sites shall be watered three times daily. Alternatively, non-toxic soil stabilizers shall be applied in sufficient quantity and frequency to maintain a stabilized surface.
MM AQ-1.4: All paved access roads, parking areas, and staging areas at construction sites shall be swept daily. Water sweepers shall vacuum up excess water to avoid runoff related impacts to water quality.
MM AQ-1.5: Streets shall be swept daily if visible soil material is carried onto adjacent public streets.
MM AQ-1.6: Inactive (10 days) construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, as appropriate.
MM AQ-1.7: Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, water twice daily, or non-toxic soil binders shall be applied.
MM AQ-1.8: Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
MM AQ-1.9: Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.
MM AQ-1.10: Inactive disturbed surface areas shall be revegetated within twenty-one (21) days after active operations have ceased.
MM AQ-1.11: Trucks and equipment leaving construction sites shall have accumulated dirt removed from wheels, as needed.
MM AQ-1.12: Grading activities shall be suspended when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas. Wind breaks shall be constructed at the windward side of the construction area(s), as necessary.
MM AQ-1.13: All construction equipment shall be properly maintained, consistent with manufacturers' recommendations.
MM AQ-1.14: The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
MM AQ-1.15: Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
MM AQ-1.16: Limit the area subject to excavation, grading, and other construction activity at any one time.
[Less than Significant Impact with Mitigation Incorporated]

Air Quality Impacts, continued

Impact AQ-3: The proposed project would generate regional pollutants in excess of BAAQMD and MBUAPCD significance thresholds. **[Significant Impact]**	Implementation of standard measures would reduce this impact (MM AQ-3.1 - 3.7), but the impact cannot be reduced to a less than significant level. A statement of overriding considerations will be necessary for long-term regional air quality impacts. **MM AQ-3.1 and 6.1:** New bus stops shall be constructed at convenient locations with pedestrian access to the project developments. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders. **MM AQ-3.2 and 6.2:** Bicycle amenities shall be provided on each project development site. Each site will be reviewed and appropriate bicycle amenities shall be included. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout each project site. **MM AQ-3.3 and 6.3:** All buildings shall include outdoor electrical outlets so as to encourage the use of electrical landscape maintenance equipment. **MM AQ-3.4 and 6.4:** Shuttle bus service shall be provided to regional transit centers. **MM AQ-3.5 and 6.5:** All feasible and reasonable Transportation Demand Management program measures such as ride-matching programs or guaranteed ride home programs shall be implemented. Other components of a TDM program could include employer-subsidized VTA Eco Passes, showers and lockers for employees that bicycle or walk to work, on-site child care, preferential parking for electric or alternatively-fueled vehicles, a car share program, and a parking cash-out program for employees (i.e., non-driving employees receive transportation allowances equivalent to the value of subsidized parking). The specific mix of TDM measures shall be determined at during the permit stage, to the satisfaction of the Director of Planning, Building, and Code Enforcement. **MM AQ-3.6:** All fireplaces to be installed in residences shall comply with the San José Wood-Burning Appliance Ordinance (#26133). **MM AQ-3.7:** Utilize reflective and emissive roofs ("cool roofs") and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand. **[Significant Unavoidable Impact]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Air Quality Impacts, continued	
Impact AQ-6: The proposed project is not consistent with the population projections in the most recently adopted CAP. The project would, therefore, have a significant impact on long-term regional air quality. **[Significant Impact]**	The proposed project would conflict with current Clean Air planning efforts because it would result in an increase in population in the CVSP Development Area that is not included in the projects used for the 2000 Bay Area Clean Air Plan or the 2005 Ozone Strategy. Implementation of standard measures MM AQ-6.1 - 6.5 (above) would reduce this impact, but not to a less than significant level. **[Significant Unavoidable Impact]**
Cultural Resources Impacts	
Impact CR -1: Construction activities within the CVSP Development Area could occur in areas with a high sensitivity for prehistoric archaeological subsurface resources and in areas where resources have physically been identified. Such construction would directly impact these resources by disturbing and/or destroying the significant information contained within them. **[Significant Impact]**	**MM CR-1.1 and 2.1:** Prior to the issuance of development permits or contracts for construction, parcel-specific/project-specific preconstruction literature studies and field review shall be undertaken by a qualified professional archaeologist to identify, record, and evaluate archaeological resources within the Development Area that may be affected by proposed development. Formally record and/or update previously recorded sites and file the documentation with CHRIS/NWIC. Any new or non-evaluated cultural resources shall be evaluated in accordance with the criteria of the National/California Registers. Resources shall be reported in accordance with the generally accepted format for an *Archaeological Resources Review*. All work shall be completed by a qualified professional archaeologist meeting the qualifications of the Secretary of the Interior. **MM CR-1.2 and 2.2:** Prior to the issuance of development permits or contracts for construction, parcel-specific/project-specific archaeological presence/absence testing shall be undertaken by a qualified professional archaeologist meeting the qualifications of the Secretary of the Interior as part of an enhanced identification and evaluation effort when a known resource cannot be evaluated through the literature and field review. Results of the testing and evaluation of the resource shall be reported in accordance with the generally accepted format for an *Archaeological Resources Review*. If suspected human bone or important archaeological features are encountered, work in the immediate area of the discovery (approximately 50 feet) shall be halted and the coroner shall be notified. If the remains are determined to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendent.

Cultural Resources Impacts, continued

The finds shall be exposed, recorded, and removed by a qualified archaeologist. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

MM CR-1.3 and 2.3: Construction in or adjacent to all significant or potentially significant prehistoric resources in the Development Area shall be avoided to the maximum extent practicable. A professional archaeologist meeting the qualifications of the Secretary of the Interior and Native Americans with appropriate local knowledge, shall be consulted during planning and design to facilitate avoidance, conservation, and preservation of known and potential archaeological resources (e.g., use of open space, capping, etc.). If avoidance and/or conservation are not possible, professional archaeologists and Native Americans shall be consulted to develop appropriate mitigation measures, as required by State Government Code §65352.3. All cultural resources conditions mandated by the City of San José and other regulatory/permitting agencies shall be implemented to reduce impacts to a less than significant level.

MM CR-1.4 and 2.4: A comprehensive *Archaeological Resources Management Plan* (ARMP) for the CVSP shall be developed by a professional archaeologist meeting the qualifications of the Secretary of the Interior and implemented to provide a management framework for archaeological resources prior to the commencement of any construction of the CVSP project. The ARMP shall be reviewed and approved by the City of San José's Director of Planning, Building, and Code Enforcement after review and comment by the City's Historic Preservation Officer. The ARMP shall include:

- a context statement;
- a research process for the evaluation of any cultural materials with an emphasis on resources of the Prehistoric and Early American periods;
- a strategy to evaluate significance of cultural materials;
- treatment protocols to mitigate any significant cultural resources including the implementation of presence/absence site testing and appropriate data recovery programs;

Cultural Resources Impacts, continued

	• the development of archaeological monitoring protocols during construction including appropriate training for construction personnel to recognize, avoid, and report cultural resources; • a discovery plan to guide the identification, evaluation, management, and mitigation of previously unknown subsurface cultural materials discovered during construction; • protocols for the treatment of Native American human remains including notification, consultation, treatment (avoidance, removal, temporary storage, etc.), laboratory analysis, reburial, reporting, non-burial artifacts, samples, and curation; • reporting requirements for any archaeological work completed under the ARMP including a *Monitoring Closure Report*; • curation of recovered cultural materials with a repository acceptable to the City of San José; and • a public education component to present the results of any archaeological research to the interested public. **[Less than Significant Impact with Mitigation Incorporated]**
Impact CR-2: Construction activities within the CVSP Development Area could directly impact subsurface historic resources by disturbing and/or destroying the cultural artifacts contained within them. **[Significant Impact]**	See MM 2.1 – 2.4, above. **[Less than Significant Impact with Mitigation Incorporated]**
Impact CR-4: The proposed project could result in significant indirect impacts to historic structures either by constructing new uses in proximity to these resources, construction impacts to these resources, or by the relocation of these resources to areas that could adversely affect their eligibility for the National and/or California Registers. These would be significant impacts. **[Significant Impact]**	**MM CR-3.1 and 4.1:** Prior to the issuance of development permits or contracts for construction, specific pre-construction literature and field review shall be undertaken to locate and record all historic architectural resources within the Development Area. Resources shall be formally recorded and/or previously recorded sites shall be updated where applicable and filed with the appropriate repository. Resources shall be evaluated in accordance with the criteria of the National/California Registers and where applicable, with the City of San José Historic Landmarks criteria. Resources shall be reported in accordance with the generally accepted format for a City approved *Architectural History Review* by a professional consulting architectural historian meeting the requirements of the Secretary of the Interior.

Cultural Resources Impacts, continued

MM CR-3.2 and 4.2: A comprehensive *Architectural Treatment Program Plan* (ATPP) for the CVSP shall be developed and implemented for architecturally and/or historically significant buildings and building complexes prior to the commencement of any construction. This Plan shall be developed after review and confirmation that historically significant buildings are present within the Development Area by the City of San José Historic Preservation Officer. The ATPP shall focus on buildings on or eligible for the National/California Registers and potential city landmarks. The ATPP shall be reviewed and approved by the City of San José's Director of Planning, Building, and Code Enforcement after review and comment by the City's Historic Preservation Officer.

The ATPP shall provide for mitigation options and procedures for buildings and complexes to be affected by the project including any adjacent buildings with the potential to be affected by either direct or indirect construction impacts. The ATPP shall include and consider the following mitigation measures to reduce impacts to a less than significant level:

- Retain eligible buildings in the Development Area in original locations and rehabilitate according to the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, 1990). New construction in the Development Area near the buildings shall be consistent with their historic character.
- If retention in the original location is not possible, move or restore and adaptively reuse eligible buildings in the CVSP Development Area to a different location within current parcel or a parcel appropriate to its historic character.[1] The Hamlet of Coyote is considered to be an appropriate location in which to move and rehabilitate eligible structures. The Greenbelt area may also be considered an appropriate location. New construction in the Development Area near these relocated buildings (whether in the Hamlet of Coyote or elsewhere in the CVSP Area), shall be consistent with their historic character.
- Protocols to reduce short-term construction activities that may affect the historic buildings and structures shall be developed, especially in the Hamlet of Coyote. Project construction shall be required to conform to all City of San José noise control and other requirements, as described in Appendix F.

[1] The feasibility of moving any affected historically significant buildings should be determined by a Preservation Architect, contractor, or engineer experienced in moving historic buildings. Structurally sound wood-frame buildings can usually be moved without difficulty.

Cultural Resources Impacts, continued

	MM CR-3.3 and 4.3: Historic buildings (including settings) shall be documented according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data* (Pacific Coast Basin Regional Office, U.S. National Park Service, 1993) and the *Photographic Specifications -- Historic American Building Survey* (U.S. National Park Service, 1989). This document should include, but is not limited to, archival quality, large format photographs and negatives of the building, original plans, and historic views (if available). Documentation should be placed in an historical archive or collection accessible to the general public. **MM CR-3.4 and 4.4:** Historic names shall be incorporated into the CVSP as street and park names, and for any new buildings in the Development Area, including meeting rooms and public spaces in public buildings. **MM CR-3.5 and 4.5:** A public exhibit/education program shall be developed to present interpretive information on Coyote Valley history with a focus on the southern Santa Clara Valley and the Hamlet of Coyote. Such exhibits could include a public exhibit in any public facility, including transit stops. **[Less than Significant Impact with Mitigation Incorporated]**
Impact CR-5: Construction activities as a result of the project would adversely affect paleontological resources should they be discovered during construction. **[Significant Impact]**	**MM CR-5.1:** Should paleontological resources be discovered during project grading and/or excavation, all construction activities within 50 feet of the discovery shall be halted and a qualified paleontologist shall be contacted. The paleontologist shall divert earth-moving equipment away from the site until they have examined the remains to determine if they are significant. If significant large fossil remains are discovered, the property shall be made available to the paleontologist for collection and processing. Fossil remains recovered from the field or by processing will be prepared, identified, and along with the accompanying field notes, maps, and photographs, incorporated into the collections of the Museum of Paleontology, University of California, Berkeley. **[Less than Significant Impact with Mitigation Incorporated]**

Cultural Resources Impacts, continued

Impact CR-6: While the project proposes to protect the Keesling walnut Heritage Trees during construction and in perpetuity, the loss of any of these trees due to removal or due to construction would be a significant unavoidable impact. The loss of as yet unidentified candidate Heritage Trees would also be significant and unavoidable. **[Significant Unavoidable Impact if Keesling Walnut Trees or candidate Heritage Trees are Removed]** **[Less than Significant Impact if Keesling Walnut Trees or candidate Heritage Trees are Retained.**	Mitigation measures BIO 23.1 and 24.1 through 23.13 and 23.14, as described in Section 4.6.4, apply to the protection of the Keesling walnut trees (IMPACT BIO-23) and candidate Heritage Trees. Implementation of these measures would reduce the potential for impacts to occur to Heritage and candidate Heritage Trees. However, if trees are lost it would be a significant unavoidable impact. **[Significant Unavoidable Impact if Keesling Walnut Trees and candidate Heritage Trees are Removed]** **[Less than Significant Impact if Keesling Walnut Trees and candidate Heritage Trees are Retained]**
Impact CR-7: The future construction of the BOH roadway could result in significant impacts to both prehistoric and historic archaeological impacts. **[Significant Impact]**	It is anticipated that the future construction of the BOH roadway could result in significant impacts to both prehistoric and historic archaeological and possibly architectural resources. Therefore, the selection of an alignment and the ultimate design of this future roadway will be subject to the General Plan policies described in the introduction of this section of the EIR. In addition, it is assumed that mitigation measures similar to the ones described above (MM CR-1.1, through CR-6.1) would be considered at the time of development. **[Less than Significant Impact with Mitigation Incorporated]**

Biological Resources Impacts

Impact BIO-2: The proposed project would result in the loss of approximately 163 acres (50,179 linear feet) of wetlands, streams, and ponds. **[Significant Impact]**	**MM BIO-2.1:** On-site creation of wetlands at a 1:1 (replacement:impact) ratio shall be required as part of the CVSP RMP, Wetland Mitigation and Monitoring Plan (WMMP) or similar document. A 1:1 replacement ratio is appropriate due to the degraded and farmed nature of the majority of the existing wetlands. The plan shall specify at least the following: • Wetlands shall be created concurrent with or prior to filling of existing wetlands. • The use of locally native, wetland plant species, quantities for planting, irrigation and maintenance requirements, performance criteria, and annual monitoring method for a five-year period shall be described. • The majority of created wetland acreage shall be located within the relocated/restored Fisher Creek. If Fisher Creek cannot provide enough mitigation acreage, the Greenbelt shall be used to the extent feasible and based upon subsequent environmental review. If the Greenbelt is not used and mitigation sites outside of the CVSP Area are used, mitigation ratios shall be increased to a minimum of 2:1.

Biological Resources Impacts, continued

- A Section 404 Individual or Nationwide Permit must be obtained from the USACE and a Water Quality Certification must be obtained from the RWQCB, prior to the placement of fill in wetlands.
- A USACE jurisdictional delineation must be obtained for all wetland areas proposed for development prior to construction.

MM BIO-2.2: On-site creation of streams at a 1:1 ratio shall be specified as part of the CVSP RMP, Stream Mitigation and Monitoring Plan (SMMP), or similar document. The plan shall specify at least the following:

- As much of the stream mitigation as possible shall be created within the relocated/restored Fisher Creek corridor or in tributaries to the creek corridor.
- Created streams shall be designed to incorporate natural stream characteristics such as meanders and pool and riffle complexes.
- If stream acreage and length cannot be replaced within the relocated/restored Fisher Creek corridor, planting of appropriate riparian vegetation along Coyote Creek or Fisher Creek in the Greenbelt (which are in the same watershed) at a 2:1 ratio shall be implemented. Appropriate native riparian plantings increase the functions and values of riparian habitat by providing habitat for riparian plant and animal species, stabilizing creek banks, limiting the ability of non-native species to invade riparian areas, and shading waters. If mitigation for stream acreage and length and/or area cannot be replaced within the CVSP Area, an off-site mitigation shall be accomplished by preservation of existing stream area and length at a 10:1 ratio, restoration and preservation of off-site stream area and length at a 3:1 ratio, or some combination of the two.
- Restoration of off-site streams may be accomplished through in-bed stream improvements or planting of appropriate riparian vegetation along a given length of stream, or other appropriate restoration activities.
- A USACE Section 404 Individual or Nationwide Permit, a RWQCB Section 401 Water Quality Certification, a CDFG Section 1602 Lake and Streambed Alteration Agreement, and a SCVWD permit must be obtained prior to impacting existing streams. If a jurisdiction determination from the USACE has not been issued for an area proposed for development, one must be obtained prior to obtaining the above permits by submitting a delineation of wetlands and waters to the USACE.

Biological Resources Impacts, continued

- Streams and irrigation ditches impacted by the relocation/restoration of Fisher Creek are considered self-mitigating because they will be replaced by the new creek with improved functions and values. Irrigation ditches provide little habitat and contribute to poor water quality within the Fisher Creek corridor. Therefore, mitigation at a 1:1 ratio is adequate for impacts to streams and irrigation ditches within farmed portions of the CVSP Area.

MM BIO-2.3: Mitigation for impacts to ponds shall be implemented as part of the CVSP RMP Wetland and/or Stream Mitigation Plans. Creation of ponds at a 1:1 ratio may be accomplished within the relocated/restored Fisher Creek corridor or within the Greenbelt. If mitigation for the loss of ponds cannot be accomplished within the CVSP Area, off-site creation of ponds at a 2:1 ratio will be required to reduce impacts to a less than significant level. If pond creation is not feasible off-site or on-site, planting of riparian vegetation at a 3:1 ratio, planted acreage to impacted acreage, or other appropriate aquatic restoration activities shall be implemented. The planting of appropriate riparian vegetation increases the functions and values of wetland areas. In addition, an Individual or Nationwide Permit, Water Quality Certification, Lake and Streambed Alteration Agreement, and Jurisdictional Determination must be obtained prior to impacting existing ponds.

MM BIO-2.4: To prevent impacts to wetlands and streams due to construction of the Highway 101 bridge connections over Coyote Creek, a delineation of wetlands and waters shall be completed in areas proposed for construction. Where possible, impacts to wetlands and streams shall be avoided by placing bridge piles outside of jurisdictional waters and avoiding wetland areas during road construction. If the impacts to wetlands and steams cannot be avoided during construction, all impacts shall be subject to the provisions of Mitigation Measures 4.6-1 through 4.6-3. In addition, best management practices such as silt fencing and timing of construction shall be implemented as part of the Stream Mitigation and Monitoring Plan (MM BIO 2.2) to reduce potential temporary construction-related impacts to Coyote Creek to a less than significant level.

[Less than Significant Impact with Mitigation Incorporated]

Biological Resources Impacts, continued

Impact BIO-3: The proposed project would result in impacts associated with the potential for introduction of non-native species into Fisher Creek. **[Significant Impact]**	**MM BIO-3.1:** All aquatic features shall be subject to the provisions of an Invasive Species Control Plan to prevent introduction of non-native invasive plant and animal species to preserved, created, or restored wetlands, streams, and ponds in the CVSP Area. The Invasive Species Control Plan may be integrated into the CVSP RMP, and shall require at least the following: • The proposed project be designed and operated to minimize the ability for invasive species to colonize aquatic features. • The aquatic features shall be monitored on at least an annual basis for the presence of non-native invasive species. If non-native species are found, they must be removed or controlled using the best available techniques. • An ordinance or policy shall be adopted prohibiting the use of known non-native invasive plant species in landscaping within the Development Area. Literature shall be distributed to homeowners within the Development Area, informing them of known non-native invasive species commonly used in landscaping and encouraging the use of native species. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-4: The construction of groundwater recharge basins in the Greenbelt would result in impacts associated with the potential introduction of non-native species into wetland, stream, and/or pond habitats. **[Significant Impact]**	**MM BIO-4.1:** To prevent impacts resulting from the creation of groundwater recharge basins in the Greenbelt, basins shall be placed in areas where no existing wetlands, streams, or ponds will be impacted. If impacts to these wetland and open water habitats cannot be avoided, MM BIO-2.1, 2.2, and 2.3 shall be implemented. In addition, to minimize water quality and non-native species impacts, basins shall not be placed in areas where they could outlet to Fisher Creek or Coyote Creek and MM BIO-3.1 shall be implemented. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-5: The proposed project would result in impacts to approximately 28 acres of riparian habitat on Fisher and Coyote Creeks. **[Significant Impact]**	**MM BIO-5.1:** Mitigation for impacts to riparian habitat at a minimum of a 1:1 ratio for restoration impacts and 3:1 for development impacts shall be required as part of the CVSP RMP, Riparian Mitigation and Monitoring Plan (RMMP), or similar document. The plan shall specify at least the following: The use of locally native, riparian plant species, quantities for planting, irrigation and maintenance requirements, performance criteria, contingency measures, adaptive management, and annual monitoring methods for a ten-year monitoring period shall be described. Use of locally native plant species is important to maintain or improve the existing habitat structure and genetic integrity of restoration and mitigation areas.

Biological Resources Impacts, continued

	• Riparian areas impacted due to the restoration of Fisher Creek shall be re-created within the restored Fisher Creek corridor, to the extent possible. • If all necessary riparian mitigation cannot be accomplished within the restored Fisher Creek corridor, mitigation will be provided at a 3:1 ratio in suitable areas along Coyote Creek and Fisher Creek in the Greenbelt. • If all necessary riparian mitigation cannot be accomplished within the CVSP Area, impacted riparian habitat will be replaced at a 4:1 ratio in an off-site preserve to be located when specific CVSP development is proposed. • Riparian habitat impacted by the restoration of Fisher Creek not able to be re-created within the restored Fisher Creek corridor shall be subject to a 3:1 mitigation ratio (the same as riparian habitat development impacts). **MM BIO-5.2:** To prevent impacts to riparian habitats due to construction of the Highway 101 bridge connections over Coyote Creek, bridge piles shall be placed outside of riparian habitat during bridge construction, if possible. If the impacts to riparian habitat cannot be avoided during construction, all impacts shall be subject to the provisions of MM BIO-5.1. In addition, best management practices such as silt fencing and timing of construction shall be implemented as part of the CVSP RMP, Stream Mitigation and Monitoring Plan (MM BIO-2.2), or similar document to reduce potential temporary construction-related impacts to Coyote Creek to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-6: The proposed project would result in the loss of approximately five acres of coast live oak woodland, 35 acres of valley oak woodland, and 23 acres of serpentine grassland habitat. Additional acreage may be impacted when water tank locations are determined. **[Significant Impact]**	**MM BIO-6.1:** An Oak Woodland Preservation and Mitigation Plan shall be prepared or integrated into the CVSP RMP, and contain at least the following: • Provisions to protect preserved oak trees during construction, including adaptive management and contingency measures. • Mitigation for impacts to oak woodland as a result of the Fisher Creek restoration may be accomplished through creation of oak woodland habitat within the restored Fisher Creek corridor at a minimum ratio of 1:1 (created to impacted area). • Mitigation for impacts to oak woodland as a result of development elsewhere in the CVSP Area may be accomplished through creation of oak woodland habitat within the restored Fisher Creek corridor or Greenbelt at a minimum ratio of 2:1 (created to impacted area).

Biological Resources Impacts, continued

- Specifications regarding the use of locally native oak species, quantities for planting, irrigation and maintenance requirements, performance criteria, and annual monitoring methods for a five-year monitoring period.
- Requirements that no more than 40 percent of the created oak woodland area will be planted using seedlings. The remaining replacement oaks would be planted from deepots, or larger size individuals.
- To the extent feasible, the species diversity of impacted oak woodlands shall be maintained in the created mitigation areas.
- If all necessary mitigation land for oak woodlands is not available within the CVSP Area, oak woodland creation at a 2:1 ratio for acreage and oak woodland preservation at a 3:1 ratio will be necessary in an off-site preserve to be located when specific CVSP development is proposed.

MM BIO-6.2: To mitigate for direct impacts (development of habitat) to serpentine grassland, preservation and management of serpentine grassland shall be accomplished through establishment of a serpentine grassland preserve, and preparation of a Preserve Management Plan or similar document. This plan may be integrated into the CVSP RMP, and shall include at least the following:

- Establishment of appropriate management goals such as expansion or improvement of habitat through implementation of methods such as grazing.
- Require annual monitoring of the Preserve for a ten-year period. The results of annual monitoring shall be presented in an annual report that discusses special status species populations, vegetation composition including non-native invasive species, comparisons of cover by native serpentine species and non-native grasses and forbs, and shall recommend management actions that could improve or expand habitat for special status species.
- The mitigation ratio for preservation of serpentine grassland areas adjacent to the CVSP Area shall be 2:1, preserved to impacted area.
- If preservation of adjacent serpentine grassland areas is not feasible, a minimum ratio of 3:1, preserved to impacted area, shall be accomplished through establishment of an off-site preserve to be located when specific CVSP development is proposed. Locating this preserve within Santa Clara County shall be a first priority.

Biological Resources Impacts, continued

	MM BIO-6.3: To prevent impacts to coast live oak woodland, valley oak woodland, and serpentine grassland as a result of the placement of water tanks in the hills adjacent to the CVSP Area, water tanks shall be placed in areas that will cause the least impacts to sensitive biological communities. If impacts to these sensitive biological communities are unavoidable in the placement of water tanks, mitigation as described in MM BIO-6.1 shall be implemented. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-8: The proposed project could result in the loss of habitat and take of bent flowered fiddleneck, big scale balsamroot, bristly sedge, and wooly-headed lessingia, if they are present within the Development Area. **[Significant Impact]**	**MM BIO-8.1:** Implementation of MM BIO-8.2 and MM BIO-27.1 (indirect impacts) provide sufficient mitigation for lost habitat for special status plant species known to occur adjacent to the CVSP Area. Known populations of special status plant species will be monitored as part of the Preserve Management Plan or CVSP RMP. Recommendations for management actions that could improve habitat or increase the populations of special status species within any off-site preserve will be included in the Management Plan. **MM BIO-8.2:** In order to prevent take of bent flowered fiddleneck and big scale balsamroot, surveys shall be done in portions of the CVSP Area which have not been previously surveyed and contain appropriate habitat for these species. If these species are found in the CVSP Area, the population and supporting habitat will be preserved if feasible. If preservation is not feasible, populations will be transplanted to suitable habitat in the Greenbelt or other land preserved for this project and monitored for five years. Transplantation of populations may be accomplished by relocating individual plants or through seed collection and dispersal, or a combination of both, to be determined based on species habitat requirements, lifecycle, and best available science. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-9: The proposed construction of two bridges over Coyote Creek would result in significant short- and long-term impacts to Central California Coastal steelhead. **[Significant Impact]**	**MM BIO-9.1:** Installation of bridge supports in Coyote Creek for construction of two Highway 101 connections may cause temporary or permanent degradation of habitat for Central California Coastal steelhead. Placement of bridge supports in Coyote Creek should be avoided if possible. If it is necessary to place bridge supports in Coyote Creek, they shall be positioned in areas that are determined by hydrologic and biologic analyses to be least likely to cause long-term habitat degradation.

Biological Resources Impacts, continued

	In addition, the following measures shall be applied: • To reduce impacts to adult steelhead, all in-stream work shall be performed between July and October, when migrating and spawning adults are not present. • To reduce construction-related impacts to adults and juveniles from shock wave and acoustic disturbance, coffer dams shall be installed upstream and downstream of the proposed bridge location. • Dewatering shall be performed prior to the onset of construction. No work shall take place in a moving stream. • A qualified biologist shall monitor the coffer dam installation to ensure that no special status aquatic species are present in the installation area. • If any special status species are present in the installation area, coffer dam installation shall cease until individuals can be relocated to suitable undisturbed habitat. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-10: The proposed project could result in significant impacts to California red-legged frogs due to the loss of suitable aquatic habitat, creation of barriers to suitable habitat, and the direct loss of individuals. Impacts to foothill yellow-legged frogs, if present, could occur during construction of the bridges over Coyote Creek. **[Significant Impact]**	**MM BIO-10.1:** To determine areas of aquatic habitat occupied by CRLF and FYLF, protocol level surveys need to be performed in all portions of the Development Area where suitable aquatic habitat exists. Although surveys performed in 2003 are useful as background information, these survey results have expired and new survey protocols have been developed by USFWS for this species. Wherever possible, CRLF and FYLF habitat will be avoided and those areas containing CRLF and FYLF will be preserved. If fill of aquatic habitat occupied by CRLF and FYLF or surrounding upland habitat or other construction activity in occupied habitat is required, it shall be performed between July and November, during the non-breeding season. In addition, a USFWS-approved biologist shall relocate CRLF and FYLF, if present, to suitable preserved habitat with the permission of USFWS personnel. **MM BIO-10.2:** To offset impacts to aquatic, upland, or dispersal habitat containing CRLF and FYLF, the applicant shall provide off-site habitat conservation, either through a conservation bank and/or easement at a 3:1 ratio of like-habitat for every acre of occupied aquatic or upland habitat (within 200 feet of occupied aquatic habitat) filled or removed. **MM BIO-10.3:** In order to avoid impacts to special status aquatic species, placement of bridge supports in Coyote Creek should be avoided if possible. If it is necessary to place bridge supports in Coyote Creek, coffer dams shall be installed as described in MM BIO-10.1. Installation of the coffer dams shall occur between July and October, outside of the breeding period for the potentially impacted species.

Biological Resources Impacts, continued

A qualified biologist shall monitor the coffer dam installation to ensure that no special status aquatic species are present in the installation area. If any special status aquatic species are present in the installation area, coffer dam installation shall cease until individuals can be relocated to suitable undisturbed habitat.

MM BIO-10.4: Implementation of Best Management Practices (BMPs) during construction activities for water quality, as described in Section 4.8, *Hydrology and Water Quality*. Implementation of an USFWS approved Stormwater Pollution Prevention Plan (SWPPP) containing BMPs designed to prevent construction-related discharge into all surface waters including those containing CRLF, FYLF, and other aquatic species.

MM BIO-10.5: The proposed project will be required to conform to City of San José Council Policy 6-29 to satisfy the requirements of the National Pollution Discharge Elimination System (NPDES) permit under Section 401 of the Clean Water Act. The proposed project would implement Policy 6-29 to control stormwater quality and discharge quantities so that they are not significantly affected by urban development in the CVSP Area. This will prevent significant adverse effects to hydrology and water quality of avoided and off-site aquatic habitat post construction.

MM BIO-10.6: A Management Plan for bullfrog and other invasive predatory species shall be prepared or integrated into the CVSP RMP. The Management Plan shall include measures for eradication and monitoring to control invasive aquatic predators.

MM BIO-10.7: Installation of permanent exclusion fencing around new residential or industrial developments when adjacent or near aquatic habitat shall be required to reduce access by pets. Pamphlets will be dispersed to all new residents explaining the importance of maintaining control of pets and avoiding sensitive areas in their area. Signage adjacent to preserve or mitigation areas shall be installed to provide information to residents in the area and discourage disturbance.

MM BIO-10.8: Where roadway widening or construction is to occur within a dispersal corridor, culverts, causeways, bridges, and/or overpasses shall be incorporated into the design to allow wildlife, including special status aquatic species, to disperse under roads, thereby reducing road kills.

Biological Resources Impacts, continued

	MM BIO-10.9: Where high intensity lighting is to occur within or adjacent to CRLF and FYLF breeding or dispersal habitat, downcast lighting or other appropriate lighting technology shall be incorporated into the design to reduce potential negative effects on wildlife species. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-11: The proposed project could result in significant impacts to California tiger salamanders due to the loss of suitable aquatic and upland aestivation habitat, creation of barriers surrounding suitable habitat, potential introduction of non-native predatory species, and the direct loss of individuals. **[Significant Impact]**	Impacts to CTS shall be mitigated by implementation of MM BIO-10.4 through BIO-10.9 as well as by the mitigation measures described below. **MM BIO-11.1:** To determine areas of aquatic and upland habitat occupied by California tiger salamanders (CTS), protocol level surveys will be completed in all portions of the Development Area where suitable habitat exists. Although past surveys performed from 2003 to 2005 are useful as background information, these survey results were limited to areas where access was permitted. Wherever possible, CTS habitat will be avoided and those areas containing CTS will be preserved. If fill of aquatic habitat, or ground disturbance to upland habitat occupied by CTS is required, it shall be limited to the non-breeding season (generally August through November). In addition, a USFWS-approved biologist will relocate CTS to suitable preserved habitat with authorization from USFWS personnel. **MM BIO-11.2:** Off-site habitat conservation, either through a conservation bank and/or easement at a 3:1 ratio of suitable habitat for every acre of occupied aquatic or suitable upland CTS habitat within 2,200 feet of occupied aquatic habitat filled or removed, would reduce this impact to a less than significant level. These measures may be modified by USFWS during the Section 7 consultation process. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-12: The proposed project could result in significant impacts to western pond turtles due to direct take or indirect impacts. **[Significant Impact]**	Impacts to WPT shall be mitigated by implementation of Mitigation Measures BIO-10.3, BIO-10.4, BIO-10.5, BIO-10.6, BIO-10.7, BIO-10.8, and BIO-10.9 as well as by the mitigation measures described below. **MM BIO-12.1:** To determine areas of aquatic habitat occupied by WPT, surveys shall be performed in all portions of the Development Area where suitable aquatic habitat exists, including Coyote Creek. Wherever possible, turtle habitat will be avoided and those areas containing the species will be preserved. If avoidance of aquatic habitat occupied by WPT is not feasible, a CDFG-approved mitigation and monitoring plan shall be prepared that includes methodology for capture, relocation, and monitoring of western pond turtles.

Biological Resources Impacts, continued

	MM BIO-12.2: Development or disturbance in upland oviposition habitats (uplands within 200 feet of occupied aquatic habitat) will likely impact turtle nest sites. Any construction activity to take place adjacent to occupied aquatic habitat shall be surrounded by exclusion fencing to prevent turtles from entering the construction area and daily monitoring and repair of the fence shall occur. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-15: The proposed CVSP project could result in impacts to Western Burrowing Owls due to loss of individuals during construction, loss of habitat, increased predation, widening and construction of roadways and nest disturbance. The project would also result in the loss of up to 1,130 acres of potential Burrowing Owl habitat. **[Significant Impact]**	Impacts to nesting Western Burrowing Owls shall be mitigated by implementation of Mitigation Measures BIO-10.7, BIO-10.8, and BIO-10.9 as well as by the mitigation measures described below. **MM BIO-15.1:** *Passive Relocation:* After pre-construction surveys and prior to construction, during the non-nesting season, any owls occupying burrows within construction zones shall be passively relocated under the authorization of the CDFG. Passive relocation involves the installation of one-way doors in all ground squirrel burrows occurring on the site. The one-way doors allow owls to leave their burrows but do not allow them to return, thereby forcing owls to move to a different area. Owl doors shall be monitored by a qualified biologist daily for a period of no less than three days and after installation, burrows shall be destroyed to preclude owls from returning to the burrows, and grading of these areas shall commence within seven days. The passive relocation shall be repeated if owls move back to the development areas. **MM BIO-15.2:** *Active Relocation*: Prior to construction, during the non-nesting season, any owls occupying burrows within the construction zones can be actively relocated as partial compensation for impacts to on-site burrowing owl habitat. An active relocation would be preferred over passive relocation in the event that any off-site mitigation alternative for impacts to burrowing owl habitat is chosen. Although the CDFG has historically recommended only passive relocation, which is the preferred method of relocation, active relocations may be considered if sufficient information can be provided that such active relocations have been successful. Any active relocation effort would need to be undertaken under consultation with CDFG and under the guidance of a qualified biologist who is experienced with active relocation techniques and possesses the proper permits to conduct active relocations. Funding for any active relocation effort would be provided by the project proponent.

Biological Resources Impacts, continued

Active relocation would require the trapping and physical relocation of owls to established preserve areas that have been set aside in perpetuity for the conservation of burrowing owls and that have been determined by CDFG to provide suitable habitat for burrowing owls.

MM BIO-15.3: Burrows on the site that are occupied by owls shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies that either the owls have not begun laying and incubating eggs, or that juvenile owls have fledged and are able to live independently of their parents. If construction will occur during the nesting season, the project shall establish and maintain a minimum 250-foot buffer around any active nest.

Loss of Burrowing Owl Habitat Mitigation

If they are found to be feasible, the following measures would avoid/mitigate for the loss of Western Burrowing Owl habitat that would result from the development of the CVSP. These measures would be implemented if the City Council determines the measures to be feasible and requires them as conditions of approval. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required.

MM BIO-15.4: *Avoidance*: Compensation for the loss of Burrowing Owl habitat typically requires that 6.5 acres be set aside per resident pair or per resident individual. Based on the number of owls occupying habitat at the time of development, complete avoidance of impacts resulting from a loss of Burrowing Owl nesting habitat would include setting aside an appropriate amount of conservation easements, with deed restrictions that guarantee preservation of the easement as burrowing owl habitat into perpetuity. As part of this measure, a Mitigation and Monitoring Plan would be developed and implemented in consultation with the City of San José and CDFG to manage the easement site for owls.

MM BIO-15.5: *Off-site Mitigation Within the Region*: Full or partial compensation for impacts to Burrowing Owl habitat can also occur in the form of purchasing sufficient credits at a mitigation bank that services the area, or purchasing and setting aside an appropriate amount of suitable habitat in the City of San José, or some combination of on-site and offsite mitigation that equals the appropriate amount of habitat required. If the mitigation is to be done partially on-site and partially off-site, however, it should be noted that relatively small habitat areas left on-site (i.e., less than 13 acres), would be considered insufficient mitigation unless they are contiguous with suitably protected open space areas.

Biological Resources Impacts, continued

	In the case of the CVSP Area, which is surrounded by rural and open space areas, contiguous open space areas may be available. Additionally, although it would lessen impacts to owls overall, complete or partial mitigation that occurs off-site and outside of the local area (i.e., outside of Santa Clara County) would result in a significant unavoidable loss of Burrowing Owl nesting and foraging habitat in the local area. At this time, there are no known mitigation banks within Santa Clara County that offers credits for Burrowing Owl habitat. There may, however, be vacant land available that is suitable as Burrowing Owl habitat elsewhere in Santa Clara County. **MM BIO-15.6:** *Off-site Mitigation Outside of Region*: Impacts to Burrowing Owl habitat may be partially compensated through off-site mitigation outside of the region (i.e., outside of Santa Clara County), either by purchasing sufficient credits at an established mitigation bank or by purchasing and setting aside sufficient acreage of lands outside of the region for burrowing owl habitat management. The implementation of either MM BIO-15.4 or MM BIO-15.5 (if lands were purchased locally) would fully and adequately offset/reduce impacts to Burrowing Owl habitat to a less than significant level. The implementation of MM BIO-15.6 alone would not reduce impacts to local Burrowing Owl habitat to a less than significant level; however it would further reduce impacts if implemented along with MM BIO-15.4 or MM BIO-15.5. **[Less than Significant Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval]** **[Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**
Impact BIO-16: The proposed project could result in disturbance to nesting Golden Eagles due to construction activities, development, and increased human activity. **[Significant Impact]**	**MM BIO-16.1:** If Golden Eagle nests within one-quarter mile (1,320 feet) of the CVSP Area, disturbance to nesting eagles during the breeding season (typically February 1 to July 1) could occur as a result of increased human activity and use of heavy equipment during construction, and increased human activity and presence of development near the nest following construction. Construction activities should commence during the non-breeding season (between September 1 and January 31) to avoid potential impacts to nesting eagles. If avoidance of the breeding season is not feasible, a qualified biologist shall conduct pre-construction surveys for breeding birds, including the Golden Eagle.

Biological Resources Impacts, continued

	If eagles are nesting within one-quarter mile of the CVSP Area, no ground disturbance activities shall occur within 1,320 feet of the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-17: Although the project would not result in a significant loss of nesting habitat, it could result in impacts to special status avian species during the breeding season due to construction-related disturbance and increased human activity. **[Significant Impact]**	**MM BIO-17.1:** Construction activities or removal of vegetation should commence during the non-breeding season (September 1 and February 28) to avoid potential impacts to nesting special status birds. If avoidance of the breeding season is not feasible, a qualified biologist shall complete pre-construction surveys for breeding birds not more than 30 days prior to the onset of ground disturbance or tree removal. If active nests are observed, no ground disturbance activities shall occur within a 100-foot buffer zone for passerine birds, and 300-foot buffer zone for raptors and other non-passerine species. These buffer zones shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. A report summarizing the results of the pre-construction surveys and subsequent efforts to protecting nesting raptors (if found to be present) shall be submitted to the City's Director of Planning, Building, and Code Enforcement for review. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-18: The proposed project could result in significant impacts to coast horned lizard due to the loss of suitable habitat and/or the direct loss of individuals. **[Significant Impact]**	**MM BIO 18.1:** Pre-construction surveys shall be completed by a qualified biologist in habitat considered suitable for California horned lizard and subject to ground disturbance. If horned lizards are found, a mitigation and monitoring plan approved by CDFG shall be prepared and implemented by the applicant. The plan shall include details regarding trapping, relocation of the species to the nearest suitable habitat, and preservation of the habitat under a conservation easement. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-20: Although the project would not result in a significant loss of foraging habitat, it could result in impacts to special status bat species related to the disturbance of roost sites. **[Significant Impact]**	**MM BIO-20.1:** Pre-construction surveys for potential bat roost habitat shall be completed in all trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, acoustic or visual detections). If evidence is found, then acoustic surveys shall be performed to determine whether a site is occupied.

Biological Resources Impacts, continued

A minimum of three surveys shall be completed between April and November under appropriate conditions using an acoustic detector. Exclusion of bats from occupied roosts shall be done in the fall prior to construction. A qualified wildlife biologist shall be present during exclusion.
[Less than Significant Impact with Mitigation Incorporated]

Impact BIO-21: Although the project would not result in a significant loss of nesting habitat, it could result in impacts to common migratory bird species during the breeding season due to construction-related disturbance and increased human activity.
[Significant Impact]

MM BIO-21.1: Implementation of MM BIO-17.1, as described above, would address potential impacts to breeding birds.
[Less than Significant Impact with Mitigation Incorporated]

Impact BIO-22: The proposed project could result in the loss of at least 888 ordinance-size and candidate Heritage Trees. This is a significant impact.
[Significant Impact]

MM BIO-22.1: Implementation of the CVSP shall incorporate preservation of existing trees with emphasis on ordinance-size or larger native species and candidate Heritage Trees in good or better condition, to the maximum extent practicable, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement.
MM BIO-22.2: In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in the table below. Trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

TREE REPLACEMENT REQUIREMENTS				
Diameter of Tree to be Removed	**Type of Tree to be Removed**			**Minimum Size of Each Replace-ment Tree**
	Native	**Non-Native**	**Orchard**	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree removal ratio				

MM BIO-22.3: The species and exact number of trees to be planted on the site during the construction phase shall be determined in consultation with the City Arborist and to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

Biological Resources Impacts, continued

MM BIO-22.4: In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the development permit stage:

- An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement.
- A donation equal to the replacement/installation cost per replacement tree shall be made to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the City's Planning Project Manager prior to issuance of a development permit.
- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.

[Significant Unavoidable Impact]

Impact BIO-23: While the project proposes to protect the Keesling walnut trees during construction and in perpetuity, the loss of any of these trees due to removal or construction would be a significant unavoidable impact.
[Significant Unavoidable Impact if Keesling Walnut Trees are Removed]
[Less than Significant Impact if Keesling Walnut Trees are Retained]

MM BIO-23.1 and 24.1: Prior to the issuance of any approval or development permit, a Tree Preservation Plan shall be prepared by a certified arborist to the satisfaction of the City's Director of Planning, Building, and Code Enforcement for all sites with trees. Information in the Plan shall include an inventory of all trees on the subject development sites as to size, species, and eligibility for Heritage Tree status. This information, the locations of all trees, and grading plans shall be submitted on a topographical map to the City's Director of Planning, Building, and Code Enforcement.
MM BIO-23.2 and 24.2: Prior to the implementation of the CVSP, all trees shall be inventoried for Heritage Tree status, as defined by San José Municipal Code Section 13.32.140. To preserve and protect these trees of special significance, the inventory shall be presented to the City Council for approval. These trees could then be incorporated into the final CVSP.
MM BIO-23.3 and 24.3: Implementation of the CVSP shall incorporate preservation of the Keesling walnut trees to the maximum extent practicable, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement.
MM BIO-23.4 and 24.4: The construction superintendent shall meet with the consulting arborist before beginning work to discuss the Tree Preservation Plan, work procedures, and tree protection.

Biological Resources Impacts, continued

MM BIO-23.5 and 24.5: All trees to be retained shall be fenced to completely enclose the tree protection zone prior to demolition, grubbing, or grading. Fences shall be as approved by the consulting arborist and are to remain until all grading and construction is completed.
MM BIO-23.6 and 24.6: Trees to be preserved shall be pruned to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
MM BIO-23.7 and 24.7: No grading, construction, demolition or other work shall occur within the tree protection zone. No construction equipment, vehicles, or materials shall be stored, parked, or left standing within the tree dripline. Signs, wires, or other items shall not be attached to trees.
MM BIO-23.8 and 24.8: No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process.
MM BIO-23.9 and 24.9: Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist. Appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130)
MM BIO-23.10 and 24.10: Supplemental irrigation shall be applied as determined by the consulting arborist.
MM BIO-23.11 and 24.11: If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
MM BIO-23.12 and 24.12: As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore foundations, footings, and pavements on expansive soils near the trees shall be designed to withstand differential displacement.
MM BIO-23.13 and 24.13: A final report on tree protection measures, and the health of the protected trees, shall be submitted to the City's Environmental Principal Planner after grading and construction have been completed.
[Significant Unavoidable Impact if Keesling Walnut Trees are Lost]

Biological Resources Impacts, continued

Impact BIO-24: The health of the trees to be preserved could be significantly impacted in the short-term by construction activities and in the long-term due to the proposed development. **[Significant Impact]**	The health of the trees to be preserved could be significantly impacted in the short-term by construction activities and in the long-term due to the proposed development. Implementation of the mitigation measures described above (MM BIO-24.1 through 24.11) would reduce these impacts to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-26: The proposed project could result in significant impacts to existing land traversing wildlife migration corridors. **[Significant Impact]**	Impacts to the Coyote Creek wildlife corridor during the construction of the two bridges over the creek and impacts to existing land traversing wildlife migration corridors (Impacts BIO-9 and BIO-25) would be mitigated to a less than significant level with the implementation of MM BIO-3.1, BIO-5.1, BIO-6.1 through -6.3, BIO-9.1, BIO-11.1, BIO-11.2, BIO-12.1, BIO-12.2, BIO 15.1-15.6, BIO-16.1, BIO-17.1, BIO-18.1, BIO-20.1, BIO-21.1, BIO-22.1 through -22.4, BIO-24.1 through -24.13, as well as the mitigation measure described below. **MM BIO-26.1:** The project shall include appropriate measures to facilitate wildlife movement through the CVSP Area. The design of new roads, overpasses, fences, and other linear facilities should, where possible, remove existing obstacles to wildlife movement and incorporate design elements to promote, where possible, wildlife movement through the Tulare Hill area and the Greenbelt. Such improvements or modifications can include enlargement of culverts beneath roadways, provision of areas for wildlife movement on overpasses, reduction in night time lighting near potential wildlife corridors, removal of barriers such as walls and fences near critical crossing areas, maintenance of naturally vegetated areas within protected open space areas to provide cover for various species, and other measures that eliminate barriers to movement in these two areas. The project shall include a minimum 100-foot buffer on either side of Coyote Creek and Fisher Creek that will be maintained with natural vegetation to promote movement of wildlife along these creek corridors and prevent potential interference of wildlife movement by domestic animals. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-27: Indirect impacts may occur to approximately 149 acres of serpentine grassland areas in the foothills of the Santa Cruz Mountains, Santa Teresa Hills, Tulare Hill, and Coyote Ridge as a result of non-native grasses overtaking native serpentine plant species due to the output of depositional nitrogen from the CVSP project. **[Significant Impact]**	The CVSP may have indirect impacts to approximately 149 acres of surrounding serpentine grassland areas in the foothills of the Santa Cruz Mountains, Santa Teresa Hills, Tulare Hill, and Coyote Ridge. The following mitigation measures will reduce direct and indirect impacts to serpentine grassland communities in and adjacent to the CVSP Area to a less than significant level.

Biological Resources Impacts, continued

	MM BIO-27.1: Based on the mitigation ratio used for CVRP (3:1, preserved to impacted), the proposed CVSP project would be required to preserve a total of approximately 447 acres of serpentine grassland. This mitigation ratio may be adjusted in the future, based on best available science as advances are made in modeling the relationship between nitrogen emissions and nitrogen deposition. To mitigate for potential indirect impacts to serpentine grassland as a result of nitrogen deposition, preservation of serpentine grassland shall be accomplished through establishment of a serpentine grassland preserve. In addition, a Preserve Management Plan shall be prepared or included in the development of the overall CVSP RMP. Management of the preserve should focus on alleviating potential effects of increased nitrogen deposition. The preservation of serpentine grassland for direct and indirect impacts to serpentine grassland may be combined, for establishment of one preserve area. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-28: The proposed project could result in significant impacts to Bay checkerspot butterfly as a result of nitrogen deposition and loss of stepping stone dispersal habitats. **[Significant Impact]** **Impact BIO-29:** The proposed project could result in significant impacts to Santa Clara Valley dudleya, fragrant fritillary, smooth lessingia, Metcalf Canyon jewelflower, most-beautiful jewelflower, and woolly-headed lessingia as a result of nitrogen deposition. **[Significant Impact]** **Impact BIO-30:** The proposed project could result in significant impacts to special status invertebrate species, including Opler's longhorn moth, as a result of nitrogen deposition. **[Significant Impact]**	Implementation of MM BIO-8.1, 8.2, and 27.1 would reduce indirect impacts to serpentine grassland dependent special status species (Bay checkerspot butterfly, woolly-headed lessingia, Santa Clara Valley dudleya, fragrant fritillary, smooth lessingia, Metcalf Canyon jewelflower, most-beautiful jewelflower, Hom's micro harvestman, Jung's microblind harvestman, Edgewood blind harvestman, and Opler's longhorn moth, as described in Impacts 28, 29, and 30, to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-31: The future construction of the BOH roadway could result in the significant loss of sensitive biological habitats and presumably ordinance-size trees in the alignment area. **[Significant Impact]**	**MM BIO-31.1:** Surveys of biological communities, including a Section 404 delineation of wetlands and waters, shall be completed within the BOH alignment area prior to roadway construction to determine impacts to these communities. Implementation of MM BIO-6.1 through 6.3 may be required. **MM BIO-31.2:** Mitigation Measures BIO-22.1 through 22.4 and BIO-24.1 through 24.11 would be implemented prior to and during construction of the future BOH roadway. The City's Director of Planning, Building, and Code Enforcement will determine, based on the number, sizes, and locations of the trees

Biological Resources Impacts, continued

	ultimately to be removed or potentially disturbed during construction, whether impacts would be reduced to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-32: The proposed project could result in significant impacts to special status plant species, including Santa Clara dudleya, if present in the Bailey-over-the-Hill alignment area. **[Significant Impact]**	**MM BIO-32.1:** A biological assessment report shall be completed within the BOH alignment area to determine whether the biological communities present have the potential to support special status plant species. Based on the results of the biological assessment, focused rare plant surveys may be necessary to determine the presence or absence of special status plant species with the potential to occur in the BOH alignment area. If these species are found in the BOH Area, the population and supporting habitat will be preserved if feasible. If preservation is not feasible, populations will be transplanted to suitable habitat in a preserved area and monitored for a minimum of five years. Transplantation of populations may be accomplished by relocating individual plants or through seed collection and dispersal, or a combination of both, to be determined based on species habitat requirements and lifecycle. Implementation of MM BIO-8.1 and 8.2 may also be necessary, depending on the roadway alignment and potential traffic impacts. **[Less than Significant Impact with Mitigation Incorporated]**
Impact BIO-33: The proposed project could result in significant impacts to special status animal species, including California tiger salamander and Bay checkerspot butterfly, if present in the Bailey-over-the-Hill alignment area. **[Significant Impact]**	**MM BIO-33.1:** Future construction of the BOH roadway would be subject to San José 2020 General Plan policies as well as other measures to be considered at the time of development which would be similar to those described above in this section that relate to project-specific impacts. A biological assessment report shall be completed within the BOH alignment area to determine whether the biological communities present have the potential to support special status animal species. Based on the results of the biological assessment, focused surveys to determine the presence or absence of special status wildlife species may be necessary. If special status wildlife species are found in the CVSP Area, the population and occupied habitat will be avoided if feasible. If avoidance is not feasible, implementation of MM BIO-10.1 through 10.9, MM BIO- 11.1, BIO-11.2, BIO-15.1 through 15.6, BIO-16.1, BIO-17.1, BIO-18.1, BIO-20.1, and BIO 21.1 may be required. **MM BIO-33.2:** To offset impacts to designated critical habitat for CTS and Bay checkerspot butterfly within the BOH area, the applicant shall provide off-site habitat conservation, either through a conservation bank and/or easement at a 3:1 ratio of like-habitat for every acre of critical habitat impacted.

Biological Resources Impacts, continued

	If critical habitat areas designated by USFWS do not contain suitable habitat for these species, no mitigation is necessary. **[Less than Significant Impact with Mitigation Incorporated]**

Geology Impacts

Impact GEO-3: If the Shannon fault is located during pre-construction exploration and determined to be active, buildings constructed within, or immediately adjacent to the fault zone could sustain substantial damage due to such movement or rupture, which could in turn endanger the occupants of the buildings. **[Significant Impact]**	**MM GEO-3.1:** Prior to environmental clearance for a development permit within the City of San José Potential Fault Hazard Zone and Potentially Active Fault Zone (Cooper-Clark, 1974), additional fault exploration in conjunction with geotechnical studies shall be required. These studies shall be done in coordination with input from the City Engineering Geologist. Once a sufficient number of studies are produced with negative results, the City Engineering Geologist may determine that no further exploration is required and development can proceed within the zone without further fault studies. **MM GEO-3.2:** If an active fault zone is identified within the CVSP Development Area, a building exclusion zone shall be established within the City of San José Potential Fault Hazard Zone and Potentially Active Fault Zone (Cooper-Clark, 1974) to the satisfaction of the City Geologist. The establishment of this zone will avoid impacts associated with potential movement/ground rupture if it is determined that an active fault is located within the Development Area. Development adjacent to the building exclusion zone would be required to include special design considerations as recommended in the site specific geotechnical reports. **[Less than Significant Impact with Mitigation Incorporated]**
Impact GEO-4: The future construction of the BOH roadway could result in slope instability and erosion in the alignment area, and will be subject to the General Plan policies depending upon the roadway slopes ultimately proposed. **[Significant Impact]**	**MM GEO-4.1:** In general, cut fills along the proposed roadway should be not steeper than 2:1, unless geogrid-reinforced fill construction methods are used and the project is designed with a debris catchment bench located between the toe of all slopes and the roadway. Geotechnical buttress keyways would be constructed at the toes of the fill slopes, and drainage systems should be constructed in the keyways and within the planned fill areas. Other appropriate grading and construction techniques could also be used to reduce erosion and stability concerns. **MM GEO-4.2:** Landslide materials would be removed and those areas would be filled with engineered fill materials using selective grading techniques and high compaction specifications. **[Less than Significant Impact with Mitigation Incorporated]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES

Hydrology and Water Quality Impacts

Impact H/WQ-5: The proposed project would result in significant water quality impacts during construction.
[Significant Impact]

The following measures are included in the project and will reduce construction-related water quality impacts to a less than significant level. These measures apply to locations where construction will occur:

MM H/WQ-5.1: Prior to construction of any phase of the project, the City of San José shall require that the applicants prepare Stormwater Pollution Prevention Plans (SWPPPs) and submit Notices of Intent to the State Water Resources Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, Erosion Control Plans will be required. The Erosion Control Plans may include Best Management Practices (BMPs) as specified in the California Stormwater Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices and
- Non-stormwater management, waste management, & disposal control practices.

MM H/WQ-5.2: Prior to issuance of grading permits, all applicants shall be required to submit copies of the Notices of Intent and Erosion Control Plans (if required) to the City Project Engineer, Department of Public Works. The applicants shall also be required to maintain copies of the most current SWPPPs on-site and provide copies to any City representative or inspector on demand.

MM H/WQ-5.3: Each phase of development shall comply with the City's Grading Ordinance, including erosion- and dust-control during site preparation, and with the City's Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

[Less than Significant Impact with Mitigation Incorporated]

Impact H/WQ-6: The proposed project would result in the long-term degradation of the quality of existing and future surface water resources.
[Significant Impact]

The following mitigation measures are included in the project and will reduce long-term water quality impacts to a less than significant level.

MM H/WQ-6.1: Permanent BMPs to be used on-site over the long-term may include, but are not limited to the following: 1) underground vaults, 2) oversized pipes, 3) vegetated filter strips, 4) vegetated swales, 5) flow-through planter boxes; 6) median filtration devices; 7) green roofs; 8) permeable pavements, and/or 9) other design techniques and Treatment Control Measures (TCMs) that reduce impermeable surfaces.

Hydrology and Water Quality Impacts, continued

The project applicants shall defer to the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for New Development and Redevelopment (January 2003) for the design and sizing of extended detention basins. Basin depths should optimally range from two to five feet with side slopes of 4:1 (horizontal:vertical) or flatter.

MM H/WQ-6.2: The final design of all on-site detention basins, including but not limited to locations, sizes, depths, and side slopes, shall require review by the City and approval by the Directors of Planning, Building & Code Enforcement and Public Works. Detention basins and other water quality features within public street right-of-ways will be reviewed and approved by the City and maintained by the City. This will ensure that the final design of specific development projects not only meets the requirements of City Council Policies 6-29 and 8-14, but also addresses related issues such as groundwater protection, dual use, safety, visual and aesthetic considerations, vector control, the capacity of receiving pipelines, and provisions for emergency release of water.

MM H/WQ-6.3: To ensure all stormwater BMPs are maintained for the life of the specific developments, maintenance and monitoring plans shall be developed at the building permit stage to the satisfaction of the Director of Planning, Building & Code Enforcement. The maintenance and monitoring plans shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowner's Association(s), or equivalent, for the life of the development, to the satisfaction of the Director of Planning, Building & Code Enforcement.

MM H/WQ-6.4: Maintenance techniques listed in Landscape Maintenance Techniques for Pest Reduction (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff.

[Less than Significant Impact with Mitigation Incorporated]

Hazardous Materials Impacts

Impact HAZ-1: The proposed project could result in the exposure of construction workers and/or nearby sensitive receptors to the release of hazardous materials, including naturally-occurring asbestos, underground tanks, and fill materials during construction.

[Significant Impact]

As previously described, the policies in the City of San José's 2020 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future CVSP development projects shall be subject to these General Plan policies, as well as the following standard measures to mitigate environmental impacts. Additional or modified mitigation measures may be identified based on subsequent environmental

review, once specific development is proposed.

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Hazardous Materials Impacts, continued	
	MM HAZ-1.1, 2.1, 3.1, and 4.1: Prior to environmental clearance for a development permit for a parcel within the CVSP Development Area, the City of San José will require that a Phase I site assessment be completed by a qualified professional (e.g., a California-registered environmental assessor). The study will identify current and historical land uses or conditions that may have resulted in a release of hazardous materials into the environment, or impact the proposed development of the site. The assessment will be performed in conformance with standards adopted by American Society for Testing Materials (ASTM) for Phase I site assessments. The Phase I site assessment shall identify any limitations to development due to the presence of hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if necessary. **MM HAZ-1.2, 2.2, 3.2, and 4.2:** If a Phase I site assessment indicates that a release of hazardous materials could have affected the site, the City's Environmental Compliance Officer shall require that additional soil and/or groundwater investigation be done by a qualified environmental professional to assess the presence and extent of contamination at the site. Soil and groundwater investigations would conform to State and local guidelines and regulations. **MM HAZ-1.3, 2.3, 3.3, and 4.3:** If results of the subsurface investigation(s) indicate the presence of hazardous materials, site remediation shall be required by the applicable State or local regulatory agencies. Depending on the nature of contamination, remediation may consist of soils removal, groundwater extraction/treatment, or modification to site planning and building design to minimize risks of exposure. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies. **MM HAZ-1.4, 2.4, 3.4, and 4.4:** For any site where contamination has been identified, the City shall require that construction only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event that contamination is identified above action levels and identify emergency procedures and responsible personnel. The presence of lead-based paint or asbestos-containing materials at the site may require additional site safety procedures. Construction workers at contaminated sites would need to receive hazardous materials training in accordance with Federal and State regulations.

Hazardous Materials Impacts, continued

MM HAZ 1.5: The key to reducing the potential for significant asbestos emissions during subsurface activities in serpentine rock is dust control. If good dust control is maintained, asbestos emissions can be kept well below potential impact levels. For locations within the Development Area with serpentine soils, the following dust control measures will be implemented:

- Each area proposed for work that may contain asbestos shall be sufficiently moisture conditioned before beginning work to minimize dust emissions during excavation and grading. If dust is observed, additional water must be applied.
- Water applied for dust control purposes can be treated with a small amount of a biodegradable wetting agent to increase dust suppression.
- All working surfaces (including haul roads and other roads subject to traffic) on material potentially containing asbestos shall be kept sufficiently moist so that visible dust is not emitted during grading or driving.
- Travel speeds of grading equipment and vehicles traveling in the grading area on-site must be limited.
- The exposed surface of loads transported on-site by scraper or truck must be kept sufficiently moist to minimize potential dust/asbestos emissions.
- Equipment operators must avoid excessive disturbance of asbestos-containing material such as overfilling of scrapers or pushing material over the sides of stockpiles.
- If significant downwind asbestos emissions are expected, given the location of the work and the wind directions, at least one of the following options must be implemented: limit the duration of the work as long as wind conditions are adverse, work at another location upwind from the area of concern, or erect a mist curtain downwind of the work area.

MM HAZ 1.6: Asbestos surveys will be completed for buildings to be demolished that were constructed prior to 1980 as required under National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. In addition, NESHAP guidelines require that all potentially friable asbestos-containing materials be removed prior to building demolition.

MM HAZ 1.7: A lead survey of painted surfaces and soil around buildings built prior to 1978 will be completed prior to demolition. Requirements in the California Code of Regulation will be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

[Less than Significant Impact with Mitigation Incorporated]

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES

Hazardous Materials Impacts, continued

Impact HAZ-3: The construction of sensitive land uses on sites within the Development Area with past and existing hazardous materials contamination would result in significant adverse environmental impacts. **[Significant Impact]**	**MM HAZ 3.5:** The Regional Water Quality Control Board and DTSC are responsible for overseeing cleanup of contaminated soils and water and for overseeing development activities on contaminated sites. While the identified sites have been closed, the City of San José shall require Risk Management Plans, Remediation, or Clearance Letters approved by these agencies should additional sites be discovered during further site review prior to construction. **[Less than Significant Impact with Mitigation Incorporated]**
Impact HAZ-4: Soil testing on accessible sites in the Development Area found that levels of contaminants in excess of residential ESLs are present on some sites that may be proposed for sensitive uses such as residences and schools. The construction of these uses on sites with contamination would be a significant impact. **[Significant Impact]**	**MM HAZ 4.5:** DTSC is responsible for assessing, investigating, and clean-up for proposed school property sites. All proposed school site locations that receive state funding for acquisition or construction will be required to undergo rigorous environmental review and a clean-up process under DTSC's oversight. **[Less than Significant Impact with Mitigation Incorporated]**

Visual and Aesthetic Resource Impacts

Impact AES-1: The proposed CVSP will have a substantial adverse effect on existing scenic views in the Coyote Valley area. **Impact AES-2:** The proposed project will result in damage to scenic resources within view of US 101, a scenic highway. **Impact AES-3:** The proposed CVSP will substantially change the existing visual and aesthetic character of the Coyote Valley area. **Impact AES-4:** The proposed CVSP will create a new source of substantial light in the Coyote Valley area. **Impact AES-5:** The future construction of the BOH roadway would result in significant visual impacts to views from the valley floor and a designated scenic route. Impacts associated with the introduction of new lighting would also be significant. **[Significant Impacts]**	As previously described, the policies in the City of San José's 2020 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future CVSP development projects shall be subject to these General Plan policies, as well as standard measures to mitigate environmental impacts. Additional or modified mitigation measures may be identified based on subsequent environmental review, once specific development is proposed. The above analysis concluded that the proposed CVSP will result in significant visual and aesthetic impacts. This is not to say that the project would not include many aesthetically-pleasing features. However, there are no feasible mitigation measures that would mitigate the blockage of scenic views, the damage to scenic resources, the significant change in visual character, and the substantial increase in nighttime lighting, all of which would result from the development of the CVSP. **[Significant Unavoidable Impacts]**

Energy and Mineral Resources Impacts

Impact EMR-1: The proposed project would result in the use of significant amounts of electricity and natural gas.
[Significant Impact]

Final design of the proposed project will incorporate many of the energy policies of the San José 2020 General Plan and the City's Green Building Policy to reduce energy impacts related to electricity and natural gas. In addition, other mitigation measures shall be considered as technology develops. If it is determined by the City Council that these measures are feasible and requires them as conditions of approval, they would reduce significant impacts to a less than significant level. These measures shall be implemented at the permitting stage to the satisfaction of the Director of Planning, Building, and Code Enforcement, the Director of the Environmental Services Department, and/or the Manager of the City's Construction & Demolition Recycling Program. In the event the mitigation is determined to be infeasible, the impact would be significant and unavoidable and adoption of a statement of overriding considerations will be required.

MM EMR-1.1: The project shall incorporate principles of passive solar design. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun's heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.

MM EMR-1.2: The project shall install reflective, *EnergyStar*™ cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.

MM EMR-1.3: The project shall utilize local and regional building materials in order to reduce energy consumption associated with transporting materials over long distances. Of the building materials used, 20-50% shall have been manufactured within 500 miles of the building site.

Energy and Mineral Resources Impacts, continued

MM EMR-1.4: The project shall utilize building products that contain post-consumer recycled materials to reduce the use of raw materials and divert material from landfills. Construction material uses shall be at least 5-10% salvaged or refurbished materials. Specifically, a minimum of 25-50% of building materials shall contain at least 20% post-consumer recycled content material, or a minimum of 40% pose-industrial recycled content material.

MM EMR-1.5: All residences shall be constructed to meet the requirements of the *EnergyStar*™ program for new homes. Such residences improve energy efficiency by a minimum of 15 percent as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems.

MM EMR-1.6: Although there is not a formal *EnergyStar* program for non-residential buildings, all buildings to be constructed by the project could be constructed to meet the same standards as those that apply to the residential program.

MM EMR-1.7: All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWhr annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. [Note: The rule of thumb is that each square foot of photovoltaic cells produces 10 watts of power in bright sunlight.][2]

MM EMR-1.8: Geothermal heat pumps shall be installed to provide heating, cooling, and hot water. Geothermal heat pumps are generally more efficient and less expensive to operate and maintain than conventional systems.

MM EMR-1.9: The project shall incorporate the use of the following in all development, to the extent feasible:

- Installation of motion detectors or dimmers to control lighting;
- Installation of efficient security, street, and parking lot lighting (e.g., high pressure low sodium fixtures);
- Installation of reflective window film or awnings on south and west facing windows;

[2]The cost for photovoltaic systems has been decreasing in recent years, and the State of California provides rebates and tax credits to builders for such systems. In addition, some builders are incorporating such systems into the design of their new homes.

Energy and Mineral Resources Impacts, continued

	• Installation of ceiling and wall insulation; • Installation of Energy Management Systems to control HVAC systems including operating hours, set points, scheduling of chillers, etc. **[Less than Significant Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval]** **[Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**
Impact EMR-2: Development proposed by this project would result in a significant increase in gasoline use. **[Significant Impact]**	The construction of an employment center in the southern portion of the Santa Clara County would reduce the lengths of regional commute trips. In addition, the construction of housing in proximity to future jobs would reduce local vehicle miles traveled. Although overall trip lengths may be shorter as a result of the project, the CVSP project would still result in a substantial increase in the use of gasoline. The above-described impact regarding increased use of gasoline associated with commute trips cannot be mitigated by the project, as proposed. Therefore, the impact would be significant and unavoidable and the adoption of a statement of overriding considerations will be required. **[Significant Unavoidable Impact]**

Cumulative Land Use Impacts

Impact C-LU-2: The implementation of the identified cumulative projects would result in a significant cumulative impact due to the loss of agricultural lands and the CVSP project would make a considerable contribution towards that impact. **[Significant Cumulative Impact]**	Mitigation for the cumulative loss of agricultural land is the same as that described for the loss of agricultural lands due to implementation of the CVSP and iStar projects. Please refer to the text in *Section 4.1.3.3, Mitigation for Loss of Agricultural Lands* for a discussion of CVSP mitigation measures. As described in the iStar EIR, impacts to Important Farmlands from that development would also be significant and unavoidable. **[Less than Significant Cumulative Land Use Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval]** **[Significant Unavoidable Cumulative Land Use Impact if Mitigation is Determined to be Infeasible]**

Cumulative Transportation & Traffic Impacts

Impact C-TRAN-1: The increases in regional VHT and VHT of the cumulative projects including either CVSP build-out scenarios are cumulatively significant impacts. Both build-out scenarios would make a significant contribution towards this significant cumulative impact.

Impact C-TRAN-2: The increases in peak hour trips countywide of the cumulative projects including either CVSP build-out scenarios are cumulatively significant impacts. The increase in peak hour trips across the subarea cordon lines under both build-out scenarios would be cumulatively significant. Both build-out scenarios would make a significant contribution towards this significant cumulative impact.

Impact C-TRAN-3: Based on the screenline impact criteria, the increases in V/C and the corresponding increases in traffic volumes on all studied links under the CVSP Full Build-out scenario and on all but one of the studied links under the CVSP Partial Build-out scenario. This would constitute significant adverse traffic impacts. Both scenarios of CVSP build-out would make a considerable contribution towards this significant cumulative impact.

Impact C-TRAN-4: Based on the screenline impact criteria, a total of 22 of the E/F link sets would be significantly impacted during at least one peak hour under both the CVSP Full and Partial Build-out scenarios. This would constitute significant adverse traffic impacts. Both scenarios of CVSP build-out would make a considerable contribution towards this significant cumulative impact.

[Significant Cumulative Impacts]

Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation beyond that already included in each project, was identified that would reduce the impacts to a less than significant level. This conclusion notwithstanding, it is important to summarize the mitigation/avoidance measures that are included in the CVSP project under consideration in this cumulative scenario:

- Consistent with the policies and strategies of the General Plan, all of the projects are infill development.
- Consistent with adopted City policies and policies embodied in various regional transportation and clean air plans, each of the large cumulative projects (i.e., North San José, Downtown, Evergreen, Coyote Valley, Hitachi, and iStar) include a proposed intensification of development along existing/planned rail corridors.
- Four of the large cumulative projects (North San José, Downtown, Coyote Valley, and Hitachi) include new residential land uses proximate to existing/planned job centers.
- As applicable, each project will be required to include facilities (e.g., showers, bike lockers, transit amenities, pedestrian pathways, etc.) that facilitate use of alternative modes of transportation.
- The approved North San José Development Policies project includes a comprehensive package of roadway improvements (including upgrades to freeway, expressway, and local street facilities), and a financing plan for their funding. The North San José project is also proposing improvements to the transit system.
- The approved Downtown Strategy 2000 project includes a comprehensive package of roadway improvements, including upgrades to US 101, I-280, and State Route 87 freeway ramps, and local street facilities such as the new Autumn Street connection and Coleman Avenue widening.
- The proposed EEHVS contains a comprehensive package of highway improvements, including upgrades to US 101, White Road, and local intersections.
- The proposed CVSP project would include improvements to interchanges on US 101, new/widened roadways in Coyote Valley, and the widening of Bailey Avenue between Coyote Valley and Almaden Valley. The CVSP would include a fixed guideway BRT system, a Caltrain station, and potentially, the extension of VTA LRT to the valley.

Cumulative Transportation & Traffic Impacts, continued

These measures will have the effect of reducing cumulative traffic impacts, compared to that which would occur in the absence of such measures. The measures would not, however, be sufficient to reduce impacts to a less-than-significant level. Given the practical limitations on future roadway expansions, further reductions in cumulative traffic impacts will be largely dependent upon long term changes in the behavior of commuters. Changes in commute behavior (i.e., relying less on single occupant automobile transportation) may, over time, reduce the significant traffic congestion identified in this cumulative impacts analysis. Government actions that encourage use of alternative transportation and discourage reliance on single occupant automobiles, consistent with the City's General Plan and the Countywide Congestion Management Plan, are specific actions that also might be taken to reduce the significant traffic impacts. Such changes will be necessary in order to reduce the overwhelming dependence on single occupant automobile transportation that is the basis of both the project specific and cumulative traffic impact analyses. However, a significant reduction in cumulative traffic congestion is unlikely to occur during the current General Plan horizon.

[Significant Unavoidable Cumulative Transportation & Traffic Impacts]

Cumulative Noise Impacts

Impact C-NOI-2: Noise level increases resulting from the cumulative projects would be significant and the CVSP project would make a considerable contribution towards that impact.

Impact C-NOI-4: The cumulative projects would result in a significant cumulative construction noise impact and the CVSP project would make a considerable contribution towards that impact.

[Significant Cumulative Impacts]

Mitigation for noise impacts at existing receptors along roadways frequently consists of the construction of soundwalls along the roadway right-of-way. Soundwalls are effective, however, only where the noise-sensitive land use does not front onto the roadway. At locations where land uses front onto the roadway, soundwalls become impractical due to the gaps needed for driveways and because front yard walls are undesirable for aesthetic reasons. In such cases, mitigation often takes the form of installing upgraded windows, doors, and ventilation to reduce interior noise levels.

Exterior noise impacts may be unavoidable; the San José General Plan acknowledges this situation by stating that the City's noise goals can often not be achieved near major roadways.

It is important to note that, while it is technically feasible, to mitigate many noise impacts adjacent to roadways, such mitigation is frequently not required at the project level because its cost renders it economically infeasible. In addition, since increases in traffic noise are often incremental and are not attributable to just one project, there is no nexus for

Cumulative Noise Impacts, continued

requiring noise mitigation from a single source. In those circumstances, there is no existing mechanism for mitigating cumulative noise impacts.

Given the extent and variety of projects and the multiple sources of noise, it is unlikely that any mitigation program can reduce the cumulative noise impacts to a less than significant level. While noise impacts of many individual construction projects can be minimized or reduced to a less than significant level, the cumulative impacts of construction noise in areas planned for multiple or very large developments would be significant and unavoidable.

[Significant Unavoidable Cumulative Noise Impacts]

Cumulative Air Quality Impacts

Impact C-AQ-1: The impact of implementing all of the cumulative projects would be a lack of conformance with the CAP and a cumulatively significant increase in air pollution. The proposed CVSP project would make a significant contribution towards this significant cumulative impact.

[Significant Cumulative Impact]

The City's adopted General Plan includes all of the Transportation Control Measures (TCMs) identified in the BAAQMD Guidelines that can be implemented by a local government. Goals and objectives for all of the major projects evaluated in this cumulative section include designing for transit access where such design is feasible. As development is proposed, the City evaluates specific development design for consistency with the General Plan policies.

The CVSP project would include high density development adjacent to a planned Caltrain Station. The CVSP project includes bus stops, sidewalks, bike racks, pathways, etc. that are compatible with alternative transportation modes (including walking and bicycling). It also includes shuttle bus service between the industrial development and regional transit centers and an internal fixed guideway transit system. All of these measures are consistent with the BAAQMD Guidelines for reducing long term air quality impacts, and with the provisions of the CAP.

While there are no specific measures identified that would reduce air quality impacts to a less than significant level, the CVSP includes all feasible measures to reduce long-term air quality impacts. While the cumulative projects would not be consistent with the population projections in the current CAP, the inclusion of TCMs and design measures to support alternative transportation modes and the provision for improvements to the existing transit system are consistent with CAP policies. The project's contribution to the cumulatively significant air quality impacts will remain significant and unavoidable.

[Significant Unavoidable Cumulative Air Quality Impact]

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Cumulative Biological Resources Impacts	
Impact C-BIO-2: The cumulative projects would result in significant impacts to Burrowing Owl habitat. The CVSP project would make cumulatively considerable contribution towards the cumulative impact. **[Significant Cumulative Impact]**	Mitigation for the cumulative loss of Burrowing Owl habitat could include the establishment of a County-wide program to set aside one or more large area(s) of publicly owned, permanent open space and improve this habitat for use by Burrowing Owls, as described in Section 4.6.4. Each individual project resulting in a loss of Burrowing Owl habitat could contribute to the improvement and maintenance of this permanent habitat through the payment of an impact fee. The level of required participation by each new development project could be assessed, based on a reasonable relationship to the individual development's contribution to the cumulative loss of Burrowing Owl habitat. Through such a mitigation program, permanent, good quality habitat for Burrowing Owls could be retained in perpetuity at locations deemed appropriate by biologists. There is currently no established program. In the absence of replacement habitat to offset the loss of the remaining Burrowing Owl habitat in the area, the development proposed as part of the CVSP in combination with the other cumulative projects would result in a cumulatively significant, unavoidable loss of Burrowing Owl habitat. **[Significant Unavoidable Cumulative Biological Resources Impact]**
Impact C-BIO-5: The cumulative effect of the removal of thousands of existing mature trees, many of which are native species, will be cumulatively significant, and the proposed CVSP project would contribute towards a significant cumulative impact. **[Significant Cumulative Impact]**	On a cumulative basis, the loss of mature, native trees cannot, in the short-term, be mitigated to a less than significant level by replacing them with new trees. Native tree species have a higher biological value than non-native trees, because they are adapted for long-term survival in California's soils and climate, are more resistant to insects and disease than are non-native tree species, and provide superior habitat for a wide range of wildlife. In the circumstances that would result from simultaneous and ongoing implementation of all of the recently-approved and proposed projects, thousands of native and non-native trees would be removed citywide - literally from one end of the City to the other. While replacement planting would be included in the future development and redevelopment projects to reduce the long-term effects of habitat loss from tree removal, the loss of mature trees, particularly native trees, resulting from development of all of the cumulative projects would result in a cumulatively significant biological impact for which there is no effective mitigation in the short-term. **[Significant Unavoidable Cumulative Biological Resources Impact]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES

Cumulative Biological Resources Impacts, continued

Impact C-BIO-6: The cumulative projects would result in significant impacts to raptors and their nests, and the proposed CVSP project would contribute significantly towards that significant impact. [Significant Cumulative Impact]

The following mitigation for cumulative impacts to nesting raptors and owls is the same as that included as part of the CVSP for project-specific impacts (see Section 4.6). To comply with federal and state laws, these measures are part of all projects approved in San José on sites where these resources could be present.

In conformance with federal and state regulations regarding protection of raptors, appropriate surveys for Burrowing Owls following CDFG protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for Burrowing Owls, or prior to redevelopment occurring on sites identified as having potential burrowing owl habitat. Likewise, preconstruction surveys for nesting raptors will be conducted on proposed development or redevelopment sites with mature trees.

If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation measures to minimize or avoid impacts to the individual raptors, their occupied burrows or nests, would be identified and implemented. Implementation of pre-construction surveys and establishment of construction-free buffers, in the event raptors or active owl nests are present, will avoid project impacts and avoid a significant cumulative impact to raptors.
[Less than Significant Cumulative Biological Resources Impact with Mitigation Incorporated]

Cumulative Visual and Aesthetic Resources Impacts

Impact C-AES-1: The cumulative proposed and recently approved projects would result in cumulatively significant visual and aesthetic impacts, and the proposed CVSP project would make a substantial contribution towards this cumulative impact.
[Significant Cumulative Impact]

Available mitigation measures to reduce the visual impacts associated with change in character and the loss of visual corridors and open space (including planning for permanently protected open space and inclusion of landscaping with development project) are assumed to be in place and/or included in all of the cumulative projects. The significant unavoidable visual impacts that would result from approval and implementation of all identified projects are therefore significant and unavoidable.
[Significant Unavoidable Cumulative Visual & Aesthetic Impact]

Cumulative Energy Impacts

Impact C-ENG-1: Cumulative development would result in significant cumulative energy impacts. The proposed CVSP project would make a considerable contribution towards this significant impact. **[Significant Cumulative Impact]**	There are many measures available to reduce energy consumption in both residences and businesses, as listed in Section 4.12. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings. Section 4.12 identifies a number of measures (e.g., installation of photovoltaic systems on rooftops) that could further reduce increased energy use from the proposed CVSP, which would in turn lessen the project's contribution to the cumulatively significant increased use of energy. However, the degree to which such measures will be incorporated into the CVSP or other cumulative projects is not presently known. **[Significant Unavoidable Cumulative Energy Impact]**

SUMMARY OF ALTERNATIVES

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines specifically require consideration of a "No Project" Alternative. The purpose of analyzing a No Project Alternative is to allow the project decision-makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed.

Existing San Jose 2020 General Plan policies and Land Use/Transportation Diagram designations allow the development of the approximately 1,700-acre North Coyote Campus Industrial Area (NCCIA) with up to 50,000 jobs. The Campus Industrial designation is intended to support development of large, single-user industrial sites through a master Planned Development Zoning for each site. Projects are required to be consistent with the North Coyote Valley Campus Industrial Master Development Plan. For purposes of sizing the required infrastructure for North Coyote Valley, the land area is assumed to accommodate 50,000 employees based on an employee density of 40 employees per acre.

Four Planned Development (PD) zonings are currently approved in North Coyote Valley. Construction of the existing IBM facility, located on the north side of Bailey Avenue, was approved under a 1974 PD zoning. There are two projects for properties (Xilinx and Sobrato) under PD zonings that were approved in the mid-1980s but have not been constructed and are not currently active with approved PD permits. The most recently approved project is the CVRP project which was approved in 2000. The total number of industrial jobs represented by these four approved projects is approximately 35,000 employees.

Planned Development (PD) zoning and PD permits are only active for the CVRP project that would allow the construction of approximately 6.6 million square feet of campus industrial uses to accommodate approximately 20,000 employees on approximately 688 acres (385 net acres) of the NCCIA as part of the CVRP project.[3] The remaining 303 acres of the CVRP include Fisher Creek and Laguna Seca, open space, and the flood control facilities. Building heights would range between two and eight stories, with a minimum building size of 50,000 square feet. The overall floor area ratio (FARs) would be approximately 0.23 over the site (net without public streets).

For the purposes of this discussion, the No Project Alternative includes no changes to the existing Campus Industrial San José 2020 General Plan Land Use/Transportation Diagram designation for North Coyote Valley, anticipated 50,000 jobs and the approved Master Development Plan. This alternative also includes the development of the CVRP project in the NCCIA, the environmental impacts of which were previously disclosed in the Coyote Valley Research Park EIR. Findings were made regarding the significant unavoidable impacts of that project (loss of agricultural land, impacts to freeway segments, roadway and construction noise impacts, loss of Heritage Trees, and visual impacts).[4] Implementation of the CVRP project or the additional 30,000 jobs would not require the extension of the City's Urban Service Area, or prezoning and annexation of the Urban Reserve to the City of San José. In addition, the No Project Alternative would not include the construction of the Bailey-over-the-Hill roadway extension, focal lake, urban canal, additional interchange on US 101, bridge crossings of Coyote Creek, or relocation and restoration of Fisher Creek.

When compared to the CVRP project, the proposed project would result in the loss of an additional 1,435 acres of prime or important farmland. The No Project Alternative would result in the loss of approximately one-quarter of the agricultural lands lost with the CVSP Project. The proposed CVSP project would result in significantly greater traffic, noise, and air quality impacts when compared to the No Project Alternative. The No Project Alternative would result in fewer impacts to biological and visual resources when compared to the proposed CVSP project and less energy usage.

All other environmental impacts that result from the implementation of the CVSP project would be reduced or avoided by the No Project Alternative due to the fact that a reduced level of development would occur on fewer acres.

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[3] City of San José, Coyote Valley Research Park, PDC99-06-053, granted in the fall of 2000. It should be noted that while PD zonings do not expire, PD Permits do.

[4] City of San José, certified fall of 2000, California State Clearinghouse Number 990923031.

It should be noted that the No Project Alternative would not include the relocation and restoration of Fisher Creek through the CVSP Development Area. Therefore, existing Fisher Creek would remain in its current location and condition. The existing creek would not be impacted as a result of relocation; the CVSP project would result in improvements to the functions and values of this creek which would not occur under the No Project Alternative. Because less development is included in this alternative, impacts associated with wildlife movement would be reduced. The No Project Alternative would also not require the construction of schools and other public facilities. Water requirements would be less with the No Project Alternative.

The No Project Alternative would deliver 50,000 jobs but not any of the mixed use objectives of the proposed project. It would not result in the development of a highly livable urban community with a variety of housing types, schools, parklands, trails, bicycle paths, transit, commercial uses, and other community services. This alternative is consistent with the existing adopted San José 2020 General Plan policies and Land Use/Transportation Diagram designation. It would improve the City's jobs to housing balance because 20,000 jobs are included in the CVRP project, with an additional 30,000 planned for in the General Plan for the remainder of the NCCIA and would foster the reverse commute pattern to better maximize use of the existing lanes on US 101. This alternative could result in an increase in pressure to develop residential uses elsewhere in San José and the region.

The No Project Alternative would be developed through implementation of the existing policies and Planned Development permits of the CVRP project, and future industrial conformance with the San José 2020 General Plan policies for the *Campus Industrial* designation. It would be feasible from an approval and implementation standpoint.

B. REDUCED SCALE ALTERNATIVE I: 20,000 JOBS AND 10,000 HOUSING UNITS IN NORTH COYOTE VALLEY

This Reduced Scale Alternative I includes the two following development scenarios: 1) Segregated Uses scenario: industrial development consistent with existing PD permits could occur on the CVRP properties with residential uses developed on properties primarily south of Bailey Avenue, and surrounding the existing IBM facility (approximately 1,000 gross acres); or 2) Mixed Uses scenario: a planned community, similar in design to the CVSP but smaller in scale, could be implemented where land uses are integrated to create an urban, pedestrian, and transit-oriented mixed use community in North Coyote Valley. "Workplace" uses, including R&D and office, rather than the CVRP campus industrial uses, would comprise the 20,000 jobs.

The Reduced Scale Alternative I scenarios would not require an expansion of the Urban Service Area or annexation of the Coyote Valley Urban Reserve. General Plan amendments would be required to remove approximately 30,000 jobs from the General Plan to allow residential uses in the NCCIA. The flood control system for the development of the NCCIA, including the areas south of Bailey Avenue, has been approved, permitted, and is currently under construction. This system would be able to accommodate the approximately 20,000 jobs and 10,000 residential units in the NCCIA.[5] Therefore, Fisher Creek would not be relocated and restored and the lake and urban canal would not be built.

The Reduced Scale Alternative I scenarios would not require the construction of the Bailey-over-the-Hill roadway extension. The Bailey Avenue interchange and connection to Monterey Road was recently constructed for the CVRP project and is considered to be sufficient to serve the Reduced Scale Alternative scenarios.[6] Therefore, the Reduced Scale Alternative scenarios would not require the construction of the new interchange at Coyote Valley Parkway (existing Scheller Avenue), improvements to the existing interchange at Coyote Golf Course Drive, or the corresponding roadway connections that include bridges over Coyote Creek. In addition, an internal fixed guideway BRT system may not be required or financially feasible. The construction of a Caltrain station could still be included in these scenarios, and the extension of the VTA LRT to the valley could be considered.

The Reduced Scale Alternative I scenarios would result in the loss of significantly fewer acres of agricultural lands, when compared to the proposed CVSP project. Traffic impacts of the Reduced Scale Alternative I scenarios would be significantly less than the proposed CVSP project. As with the proposed project, the construction of 10,000 dwelling units in proximity to jobs would allow the internalization of vehicle trips. While the Reduced Scale Alternative I scenarios would require General Plan amendments and additional analysis would be required, it can be

[5] Personal communication, Bill Wagner, President, HMH Engineers and Chuck Anderson, Vice President, Schaaf & Wheeler, February 2007.

[6] Personal communication, Bill Wagner, President, HMH Engineers, February 2007.

assumed that the scenarios would result in significantly reduced long-term traffic impacts because they include significantly less development than the proposed CVSP project.

The Reduced Scale Alternative I scenarios would result in reduced noise and air quality impacts, when compared to the CVSP project. The Reduced Scale Alternative I scenarios would result in the loss of fewer trees and Burrowing Owl habitat when compared to the proposed CVSP project. They would result in fewer visual and aesthetic impacts when compared to the proposed CVSP project, but the significant unavoidable impact would not be avoided. The Reduced Scale Alternative I scenarios would result in the direct consumption of less energy when compared to the proposed CVSP project due to the fact that they would result in less development.

All other environmental impacts that result from the implementation of the CVSP project would be reduced or avoided by the Reduced Scale Alternative I scenarios due to the fact that less development would occur on fewer acres.

The Reduced Scale Alternative I scenarios would not be consistent with the basic objective of the CVSP project of constructing at least 25,000 dwelling units and 50,000 industry-driving jobs as described in the City Council's Vision and Expected Outcomes statement. Some of the other identified objectives of the proposed project could be met with these two alternative scenarios, as described below. While the Mixed Uses Alternative could result in the development of a highly livable urban community with a variety of housing types, schools, parklands, trails, bicycle paths, transit, commercial uses, and other community services in the North Coyote Valley area, the Segregated Uses Alternative also has the potential to meet some of these objectives.

The Reduced Scale Alternative I Scenarios would be consistent with the project objectives relating to the provision of public facilities, including parks, and preservation of the South Coyote Greenbelt. While the implementation of these Scenarios would require General Plan amendments and rezonings, the intent of objectives 10 through 16 that relate to the sequencing and financing of development and the provision of affordable housing, could be met with less development within the NCCIA.

It should be noted that these Scenarios would not improve the City's jobs to housing balance to the same extent as the proposed CVSP project, because fewer jobs would be provided. In addition, the functions and values of Fisher Creek would not be improved because the creek would not be restored and realigned under the Reduced Scale Alternative I scenarios.

The Reduced Scale Alternative I scenarios, which would consist of developing only the NCCIA with jobs and residential uses, would be feasible from an approval and implementation standpoint.

C. REDUCED SCALE ALTERNATIVE II: 20,000 JOBS AND 10,000 DWELLING UNITS IN NORTH AND MID- COYOTE VALLEY

This Reduced Scale Alternative II could be constructed in one of two scenarios: 1) CVRP + Residential scenario: campus industrial development (20,000 jobs) could be constructed on the CVRP properties consistent with existing approvals, with the residential uses spread throughout the remaining CVSP Development Area (3,100 acres); or 2) Smaller CVSP scenario: a planned community similar in design to the CVSP but smaller in scale (approximately half the CVSP Development Area or 1,900 acres), could be implemented in a designated location within the CVSP Development Area, where uses are integrated to create an urban, pedestrian, and transit-oriented mixed use community.

These Reduced Scale Alternative II scenarios would require an expansion of the Urban Service Area boundary, and prezoning and annexation of the Urban Reserve. General Plan amendments would be required to remove approximately 30,000 jobs from the General Plan to allow residential uses in the NCCIA. The previously described flood control system currently under construction for the development of North Coyote Valley would not be able to accommodate the approximately 20,000 jobs and 10,000 residential units in areas outside of the NCCIA. Therefore, Fisher Creek could possibly be relocated and restored as part of a future flood control system. It is unknown if the alternative scenarios would require a lake and/or urban canal as components of the future flood control system.

These Reduced Scale Alternative II scenarios would not require the construction of the Bailey-over-the-Hill roadway extension. The Bailey Avenue interchange with US 101 and connection to Monterey Road was constructed for the CVRP project and, with minor improvements, is considered to be sufficient to serve the traffic generated by

these Reduced Scale Alternative II scenarios. Therefore, these scenarios would not require the construction of the new interchange at Coyote Valley Parkway or improvements to the existing interchange at Coyote Golf Course Drive, or the corresponding connections that include bridges over Coyote Creek. In addition, an internal fixed guideway BRT system may not be required or financially feasible. The construction of a Caltrain station could still be included in these scenarios, and the extension of the VTA LRT to the valley could be considered.

The Reduced Scale Alternative II scenarios would reduce impacts to Prime and Important Farmlands because a smaller footprint would be required for development. The near-term and long-term traffic impacts of the Reduced Scale Alternative scenarios would be significantly less than the proposed CVSP project. Noise and air quality impacts would also be reduced. The Reduced Scale Alternative II scenarios could result in the loss of fewer acres of potential Burrowing Owl habitat when compared to the proposed CVSP project because fewer acres would be developed and avoidance could be possible. Fewer and less severe impacts to biological resources, including trees, would occur when compared to the proposed CVSP project because fewer acres and fewer resources would be affected. The Reduced Scale Alternative II scenarios would result in the development of fewer acres with less intense uses, and therefore, would result in reduced visual and aesthetic impacts when compared to the proposed CVSP project, but the significant unavoidable impact would not be avoided. The Reduced Scale Alternative II scenarios would result in the consumption of less energy when compared to the proposed CVSP project due to the fact that they would result in less development.

All other environmental impacts that result from the implementation of the CVSP project would be reduced or avoided by the Reduced Scale Alternative scenarios due to the fact that less development would occur on fewer acres.

The Reduced Scale Alternative II scenarios would not be consistent with the basic objective of the CVSP project of constructing at least 25,000 dwelling units and 50,000 industry-driving jobs. Some of the other identified objectives of the proposed project, however, could be met with these Reduced Scale Alternative scenarios. The Smaller CVSP scenario could result in the development of a highly livable urban community with a variety of housing types, schools, parklands, trails, bicycle paths, transit, commercial uses, and other community services in the North Coyote Valley area, although at a smaller scale when compared to the proposed CVSP project. The CVRP + Residential scenario would not be consistent with this objective.

These Reduced Scale Alternative II scenarios could be consistent with the project objectives relating to the provision of public facilities, including parks, and preservation of the South Coyote Greenbelt. While the implementation of these scenarios would require General Plan amendments and annexation of the Urban Reserve to the City of San José, the intent of objectives 10 through 16 that relate to the sequencing and financing of development and the provision of affordable housing, could be met with less development within the CVSP Development Area.

It should be noted that these Reduced Scale Alternative II scenarios would not improve the City's jobs to housing balance or utilization of the reverse commute roadway capacity to the same extent as the proposed project. In addition, the CVRP + Residential Alternative may not be financially feasible due to the cost of extending infrastructure to specific and possibly separate properties within the Urban Reserve to serve only residential development.

These Reduced Scale Alternative II scenarios, which would consist of developing 20,000 jobs and 10,000 residential uses in the NCCIA and/or Urban Reserve, would be feasible from an approval and implementation standpoint. The CVRP + Residential Alternative may not be financially feasible due to the cost of extending infrastructure to the Urban Reserve solely for residential development. This could result in the cost of infrastructure being reflected in the cost of housing, which could result in prohibitively higher home prices.

D. DESIGN ALTERNATIVE – "GETTING IT RIGHT" PLAN

Prior to the preparation of the CVSP, the Greenbelt Alliance, a local environmental group that works to protect open space and promote communities in the San Francisco Bay Area, prepared a plan for the development of the Coyote Valley based on Smart Growth principles that promote using land efficiently to make vibrant neighborhoods with a variety of housing choices. The "Getting it Right" plan is similar to the proposed CVSP in many ways. Both plans were prepared based on smart growth principles that build community without encouraging urban sprawl, protect the environment and agriculture, ensure social equity through the dedication of at least 20 percent of all housing as affordable, and promote economic vitality. The "Getting it Right" concept includes the construction of approximately 25,000 housing units and 53,000 jobs with a town center near Bailey Avenue between Monterey Road and Santa Teresa Boulevard. It also includes a dedicated right-of-way for a bus rapid transit and the permanent protection of the South Coyote Greenbelt, similar to the CVSP project.

The "Getting it Right" plan would require General Plan amendments for its development, similar to those of the CVSP. Expansion of the Urban Service Area boundary, and prezoning and annexation of the Urban Reserve would also be required.

The "Getting it Right" plan would result in the loss of approximately 1,875 acres of farmland compared to 2,400 acres with the CVSP project.

As previously described in Sections 5.3 and 5.4, the avoidance of some properties requires the intensification of land use densities on other properties in order to construct the proposed minimum of 25,000 dwelling units and 50,000 jobs. Intensifying land uses can result in increased traffic congestion and noise in the immediate vicinity of the developed areas. In addition, as previously described in the Reduced Scale Alternative scenarios, as farmlands are protected, it may not be possible to avoid biologically and culturally sensitive properties and those with hazardous materials issues. The "Getting it Right" plan would result in the loss of approximately 1,875 acres of Prime and Important Farmlands compared to 2,400 acres that would be lost as a result of the CVSP project. As previously described, keeping the overall level of development constant, but concentrating it on fewer acres, could have certain adverse effects.

Because the CVSP and "Getting it Right" plans are similar in size, they would be expected to result in similar overall impacts on freeway segments. In addition, the CVSP project and the "Getting it Right" plan would result in similar significant and unavoidable long-term traffic impacts. Noise and air quality impacts would be similar.

While the CVSP would develop more acres overall, the "Getting it Right" plan would develop at higher densities overall. The two plans would result in similar impacts to Burrowing Owls and ordinance-size trees because they both would require the development of the Development Area. Both plans would substantially change the existing visual and aesthetic character of the Coyote Valley area, including views from scenic roadways. As previously described, the "Getting it Right" plan would result in the development of fewer acres overall; however, its development density would be greater because it includes approximately the same amount of development as the proposed CVSP project on a smaller land area. The CVSP project and the "Getting it Right" plan would result in the use of similar amounts of energy because they would include similar amounts of development with the Coyote Valley. It should be noted that both plans include "Green Building" policies to reduce energy use.

The CVSP project and the "Getting it Right" plan would result in approximately the same environmental impacts primarily because they include approximately the same amount of the development within the Coyote Valley.

The "Getting it Right" plan would be consistent with the basic objective of constructing at least 25,000 dwelling units and 50,000 industry-driving jobs as described in the City Council's Vision and Expected Outcomes statement. The "Getting it Right" plan would result in the development of a highly livable urban community with a variety of housing types, schools, parklands, trails, bicycle paths, transit, commercial uses, and other community services.

The "Getting it Right" plan would be consistent with the project objectives relating to the provision of public facilities, including schools, parks, and preservation of the South Coyote Greenbelt. The implementation of the "Getting it Right" plan would require General Plan amendments and rezonings, similar to the proposed CVSP project. In addition, the intent of objectives 10 through 16 that relate to the sequencing and financing of development and the provision of affordable housing, could be met with implementation of the "Getting it Right" plan. Finally, it should be noted that the "Getting it Right" plan would improve the City's jobs to housing balance to the same extent as the proposed CVSP project.

The "Getting it Right" plan, which would consist of developing the same amount of jobs and residential uses as the proposed CVSP project on fewer acres, would be feasible.

E. ALTERNATIVE LOCATION IN NORTH SAN JOSÉ

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in an EIR.

Although the Coyote Valley is primarily undeveloped, an alternative location would not necessarily be vacant land. It should, however, be predominantly industrial or commercial land uses, since the dislocation of a substantial number of existing housing units would create an unacceptable significant impact due to residential relocation and resident displacement. The area which comes closest to meeting most of the criteria is the recently approved (June 2005) North San José Development Policies Update (NSJDPU) project for the approximately 5,000 acre Rincon de los Esteros area of North San José.

The North San José Development Policies Update (NSJDPU) project includes General Plan amendments, policy revisions, and infrastructure implementation necessary to allow the development of approximately 26.7 million square feet (approximately 83,300 jobs) of new industrial/office/R&D building space in the Rincon area – a substantial concentration of high tech and support companies in the "Golden Triangle" of Silicon Valley. In addition, the NSJDPU project includes up to 32,000 new dwelling units at minimum densities of 20, 55, or 90 dwelling units to the acre, depending on location. The new development is expected to increase the population of San José by approximately 56,640 persons. The new development would also require associated commercial uses, infrastructure, and public/quasi-public facilities (including schools, parks, day care centers, and recreational facilities) to be developed in or near the new residential development.

For both areas (North San José and Coyote Valley), there are existing General Plan land use designations and other entitlements in place that would allow some of the projected industrial/office/R&D development to occur under the No Project Alternative condition. The No Project Alternative (CVRP project) would allow the construction of approximately 20,000 jobs and the San Jose 2020 General Plan includes an additional 30,000 jobs in the NCCIA, for a total of 50,000 jobs. The NSJDPU project area is primarily developed with urban uses. Implementation of either the CVSP or NSJDPU project in the Rincon area will require that demolition of existing buildings and infrastructure occur prior to redevelopment with substantially more intense new development.

The significant unavoidable land use impacts of the proposed CVSP project include impacts from the loss of approximately 2,400 acres of Prime and Important Farmlands in the Development Area. The NSJDPU project area includes approximately 34 acres of designated Prime Farmland. Therefore, the construction of the CVSP project in North San José would result in the loss of significantly fewer acres of Prime Farmland.

The CVSP project and constructing the CVSP project in North San José would result in significant near- and long-term traffic impacts, including impacts to freeway segments. Noise and air quality impacts would be similar. The CVSP and NSJDPU projects would both result in impacts to Burrowing Owls and ordinance-size trees because they would require development and/or redevelopment of large development areas. The CVSP would develop more vacant acres overall, therefore, it would result in greater impacts to trees and Burrowing Owl habitat. Visual impacts of the CVSP project and energy use would be greater than the North San José Alternative Location.

Constructing the CVSP project within the NSJDPU project area would not utilize roadway capacity in the reverse commute direction and would not improve the functions and values of Fisher Creek within Coyote Valley.

The proposed CVSP project could be constructed in the NSJDPU project area. The construction of a minimum of 25,000 dwelling units and 50,000 jobs in North San José, would not however, meet the objectives of the project as described in the City Council's Vision and Expected Outcomes statement because these uses would not be constructed in the Coyote Valley. Although the NSJDPU project area is primarily developed, the basic objective of implementing a plan that would result in the development of a highly livable urban community with a variety of housing types, schools, parklands, trails, bicycle paths, transit, commercial uses, and other community services could be achievable.

The other objectives of the CVSP project could be met; however, most of the objectives are related to implementing the CVSP *in the Coyote Valley*. For example, constructing the project in North San José could include 20% affordable housing; however, the protection of the Greenbelt area as a non-urban buffer between the cities of San José and Morgan Hill would probably not occur under the NSJDPU Alternative Location, because there is no nexus between the two actions.

The implementation of the CVSP project in the Rincon area of North San José is feasible; however, several of the objectives of the CVSP project would not be met, as previously described.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires an EIR to identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the "No Project" Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative would result in less impact than the proposed project, the environmentally superior alternative among the alternatives identified are the Reduced Scale Alternative I: 20,000 jobs and 10,000 Housing Units in North Coyote Valley as described in *Section 5.3* of this EIR.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

Issues raised by individuals and agencies have included concerns related to the following:

- Loss of sensitive biological habitats including wetlands, oak woodlands, and grasslands;
- Impacts to special status plant and animal species;
- Impacts to wildlife migration;
- Loss of habitat and wildlife species associated with NOx emissions;
- Long-term water quality impacts;
- Loss of agricultural lands;
- Impacts to the Greenbelt Area;
- Increases in traffic within and outside of the CVSP Development Area.