

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES AND MAKING FINDINGS CONCERNING ALTERNATIVES ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH THE *ENVISION SAN JOSÉ 2040 GENERAL PLAN* FOR WHICH A PROGRAM ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED**

WHEREAS, the City of San Jose, a municipal corporation ("CITY") has prepared that certain comprehensive update to its general plan, entitled "Envision San José 2040 General Plan" (the "2040 General Plan") proposed for approval by CITY's City Council; and

WHEREAS, approval of the 2040 General Plan would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

WHEREAS, in connection with the 2040 General Plan, that certain Final Program Environmental Impact Report was prepared, which Final Program Environmental Impact Report comprises that certain Draft Program Environmental Impact Report for the Project (the "DPEIR"), together with that certain First Amendment to the Draft Program Environmental Impact Report and that certain Second Amendment to the Draft Program Environmental Impact Report (collectively, all of said documents are referred to herein as the "FPEIR"); and

WHEREAS, prior to the adoption of this Resolution, the Planning Commission of the City of San Jose certified the FPEIR) prepared for the for the 2040 General Plan (also sometimes referred to herein as the "Project") and found the FPEIR was completed in accordance with the requirements of CEQA; and

WHEREAS, no appeal of the Planning Commission's certification of the FPEIR was filed with CITY as provided for under Title 21 of the San José Municipal Code; and

WHEREAS, CEQA requires that in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects.

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

THAT THE CITY COUNCIL does hereby find and certify that the FPEIR has been prepared and completed in compliance with CEQA; and

THAT THE CITY COUNCIL was presented with, and has independently reviewed and analyzed, the FPEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FPEIR and the Project, prior to acting upon and approving the Project, and has found that the FPEIR represents the independent judgment of the CITY, as lead agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San Jose, California 95113, as the custodian of documents and record of proceedings on which the decision of CITY is based; and

THAT THE CITY COUNCIL does find and recognize that the FPEIR contains additions, clarifications, modifications and other information received in response to comments received on the DPEIR or obtained by CITY after the DPEIR was issued and circulated for public review and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact (not already disclosed and evaluated in the DPEIR), (ii) any feasible mitigation measure considerably different from those analyzed in the DPEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the DPEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and

THAT THE CITY COUNCIL does find and determine that recirculation of the FPEIR for further public review and comment is not warranted or required under the provisions of CEQA; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to significant effects on the environment of such Project, as identified in the FPEIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FPEIR, which full administrative record should be consulted for the full details supporting these findings:

**I. LAND USE**

**A(1). Impact:** The proposed General Plan will allow new development on several sites designated as Prime Farmland. Although lands within the CITY's Urban Growth Boundary ("UGB") have been planned and designated for urban uses for a number of years, loss of the remaining Prime Farmland in these areas would be a significant impact. (Significant Impact)

**A(2). Mitigation (a):** Policy LU-12.3 requires the protection of agricultural lands not planned for urbanization in the timeframe of the 2040 General Plan, through the use of Williamson Act contracts, agricultural conservation easements, and transfers of development rights. The methods discussed in Section 3.1.4.1 of the FPEIR provide options for the implementation of this Policy. As an alternative to providing individual agricultural easements, the City may also consider participation in an appropriate agricultural mitigation program established for the purpose of mitigating or avoiding loss of at-risk agricultural land.

The protection of other existing farmland inside the UGB and previously approved for urban development, such as through the use of agricultural easements or outright purchase of other agricultural land, would not mitigate the loss of farmland in San José under CEQA because the net result of such actions would still be a net loss of farmland acreage. However, such actions do benefit agriculture by preventing the conversion of otherwise vulnerable farmland to non-agricultural uses. If a proposed development project that results in the loss of farmland contributes to the protection of other farmland where the threat or likelihood of conversion to non-agricultural use is imminent, that fact can be taken into account when the City considers adopting a statement of overriding considerations.

In the case of remaining farmland within the City of San José, those properties currently planned for urban development have been designated for urban uses within the city's UGB for a number of years. For properties without existing entitlements that include some Prime Farmland, agricultural easements may be considered at the time of future development; however, as noted above, such easements would not reduce the impact to Prime Farmland to a less than significant level.

The implementation of the following proposed General Plan land use policies will protect farmland outside the planned urban areas of the City of San José and will reduce impacts to agricultural resources within the city, but not to a less than significant level: Policies FS-5.10, LU-12.3, LU-12.4, LU-19.4, LU-19.9, and LU-20.1.

No feasible mitigation measures are available to reduce the loss of agricultural land within areas planned and designated by this General Plan development within the City's UGB. Therefore, the loss of agricultural land would remain significant. (**Significant Impact**)

**A(3). Finding:** Most of the existing agricultural land outside the UGB and inside the City's Sphere of Influence will not be approved for urban development by the City of San José, consistent with policies in the 2040 General Plan. Agricultural lands inside

the UGB that are and have been designated for urban uses will likely be developed with urban uses during the lifetime of this 2040 General Plan. The impact to prime farmland inside the UGB will therefore be **significant and unavoidable**.

**A(4). Facts in Support of Finding:** Any property inside the UGB on which development is proposed would be annexed into the City and will be subject to the City's design review process and additional CEQA analysis. Development outside the UGB will be required to adhere to the policy requirements listed above that minimize the developed and graded footprints of development proposed and avoids adverse effects on adjacent agricultural lands. These facts support the City's finding.

## II. TRANSPORTATION

**A(1). Impact:** New development and redevelopment allowed under the proposed 2040 General Plan will generate a significant increase in traffic, resulting in what is currently forecast to be a level of vehicle miles traveled (VMT) per service population of 16.08 which is a substantial increase over existing conditions. Implementation of the 2040 General Plan Policies and Actions will reduce VMT substantially over time, but the impact will still be significant. (Significant Impact)

**A(2). Mitigation:** The mix and location of land uses proposed and new street typologies, combined with design and infrastructure priorities represented in the 2040 General Plan Policies and Actions listed below can create a new dynamic that ultimately reduces the VMT generated by individuals' reliance on automobiles in all aspects of daily life. Compliance with existing federal, state, and local regulations will also reduce or avoid VMT impacts.

Implementation of the following proposed 2040 General Plan Policies and Actions will decrease VMT substantially over the life of the 2040 General Plan: Policies TR-1.2, TR-1.3, and TR-1.4 and Action TR-1.13; Policies TR-5.1, TR-5.3, and Action Tr-1.6; Policy TR-7.1 and Actions TR-7.2 and Tr-7.3; Policies TR-8.4, TR-8.6, TR-8.7, TR-8.8, TR-8.9, and Actions TR-8.10, TR-8.11, and TR-8.12; Policies TR-12.1, TR-12.2, and Actions Tr-o12.3, TR-12.4, TR-12.5, TR-12.8, and TR-12.9; Policies TN-2.2, TN-2.3, TN-2.5 and TN-2.6; Policies CD.2-1, CD-2.3, and CD-2.10; Policies CD-3.2, CD-3.3, CD-3.4, and CD-3.6; Tier 1 Policies TR-9.1 and TR-9.2; and Tier II Actions TR-10.1, TR-10.2, TR-10.3; and TR-10.4.

A substantial (over nine percent) reduction in projected VMT would be required to reduce impacts to a less than significant level and it cannot be verified through the use of any available tools that the policies and programs proposed will reduce the impact to a less than significant level.

**A(3). Finding:** The range of actions and policies represent a substantial commitment to use and encourage alternative transportation modes throughout the City. It is believed that implementation of the land use patterns embedded in the *Land*

*Use/Transportation Diagram* of the 2040 General Plan in conformance with the listed 2040 General Plan Policies and Actions will reduce reliance on the single-occupancy automobile and reduce VMT over time. There is, however, no way to accurately quantify the benefits that can be achieved from those Policies and Actions using existing analytic tools. The increased VMT from the proposed General Plan is therefore identified as a **significant and unavoidable impact**.

**A(4). Facts in Support of Finding:** All future development will be processed through the City's design review process and project-specific CEQA analysis. Development that is consistent with the *Land Use/Transportation Diagram* and with the 2040 General Plan Policies and Actions listed above will include physical and operational features to encourage use of non-automobile transportation modes. Development that is not consistent with these 2040 General Plan Policies and Actions will require subsequent CEQA review and may be found inconsistent with the 2040 General Plan.

**B(1). Impact:** Implementation of the proposed 2040 General Plan will result in significant increases in congestion on already congested roadways that cross most of the 27 identified screenlines. Implementation of proposed 2040 General Plan Policies and Actions will serve to reduce the impacts, but not to less than significant levels. Roadway congestion along the screenlines will be significant. (Significant Impact)

**B(2). Mitigation:** General Plan policies that will reduce screenline congestion include changing the focus of impact analyses done for development projects through a process that does not envision continually widening streets and expanding intersections to the detriment of neighborhoods and other transportation modes, but instead emphasizes the use of resources to expand and encourage use of alternate transportation modes.

Implementation of the 2040 General Plan through consistency with Policies TR-1.2, TR-5.1, TR-5.3, TR-5.4, and Action TR-5.6, and with local and regional plans for expanding alternative modes, will reduce traffic congestion but not to less than significant levels. The impacts will remain **significant**.

**B(3). Finding:** Historically, mitigation for congested roadways has been to increase their capacity. As described in the FPEIR, continuously increasing the capacity of impacted roadway facilities such as those along the identified screenlines could create substantial secondary impacts such as noise and air quality, particularly along roadways that are located in already developed areas and neighborhoods, and it may also impact adjacent built out neighborhoods and induce unplanned growth in neighboring areas. Experience in other major urban areas has been that roadway congestion encourages use of alternative transportation modes. Policies to expand and encourage use of alternative transportation modes will reduce roadway congestion, but not to a less than significant level. Screenline congestion impacts will remain **significant and unavoidable**.

**B(4). Facts in Support of Finding:** The City will implement its 2040 General Plan *Land Use/Transportation Diagram*, the City's adopted *Greenprint* and the Bicycle Master Plan using available resources including grants and the City's Capital Improvement Program. Additional resources for improvements in alternative modes will also be available through implementation of adopted Council Policy 5-3 - Transportation Impact Policy.

**C(1). Impact:** Implementation of the proposed 2040 General Plan will result in traffic congestion that will have significant adverse impacts on 12 of 14 designated Transit Priority Corridors. (Significant Impact)

**C(2). Mitigation:** Consistency with local, state, and federal regulations and policies, and implementation of the following 2040 General Plan Policies and Actions will reduce traffic congestion in identified Transit Priority Corridors, but not all of the measures can be fully implemented by the City alone. The following 2040 General Plan Policies and Actions would be implemented by the City: Policies TR-1.2, TR-5.1, TR-3.1, TR-3.2, TR-3.3, TR-3.4, Actions TR-3.6 and TR-3.8, Policies TR-12.1, TR-12.2, and Actions TR-12.3, TR-12.5, TR-12.6, and TR-12.7. Actions by the City alone cannot reduce impacts to a less than significant level, and therefore the impacts will remain **significant**.

**C(3). Finding:** Much of the future growth in this General Plan is located along the Grand Boulevards that are intended to be major transit corridors in the future. General Plan policies prioritize transit as a substantial element in the transportation system, and actions are identified to facilitate the expansion and operations of transit systems. The analysis finds that part of the transition to greater use of transit will be creation of substantial congestion along these transit corridors. The City is unable to ensure that these impacts can and will be reduced to a less than significant level by actions that are within the City's control. The congestion impacts on Transit Priority Corridors will therefore remain **significant and unavoidable**.

**C(4). Facts in Support of Finding:** The City will implement its 2040 General Plan *Land Use/Transportation Diagram*, the City's adopted *Greenprint* and the Bicycle Master Plan using available resources including grants and the City's Capital Improvement Program. Additional resources for improvements in alternative modes will also be available through implementation of adopted Council Policy 5-3 - Transportation Impact Policy.

**D(1). Impact:** Implementation of the proposed 2040 General Plan will result in significant increases in traffic congestion on congested roadways in 13 of 14 neighboring cities and on County and Caltrans facilities. (Significant Impact)

**D(2). Mitigation:** Implementation of federal, state and local regulations and policies, and consistency with the following policies and action would reduce congestion on roadways in nearby jurisdictions: Policies TR-1.2, TR-2.9, TR-2.19, TR-3.1, TR-3.2, Actions TR-3.6, TR-3.7, and Policy TR-5.1. Cooperation with these jurisdictions, especially Caltrans and VTA, will help facilitate movement of transit vehicles and will improve regional

roadways. It cannot be ascertained at this time whether future cooperation and improvements could reduce impacts to a less than significant level.

**D(3). Finding:** The City of San José has no jurisdiction over any of these transit facilities at the location of the anticipated roadway impacts. Traffic generated within San José is only part of the source of the congestion in all cases. Given the cumulative nature of the impact and the lack of jurisdiction over many of the facilities, San José's ability to mitigate the impacts is limited. The nature of the actions to be taken, primarily cooperation with other jurisdictions, precludes City from being able to demonstrate quantified improvements. The impact will therefore remain **significant and unavoidable**.

**D(4). Facts in Support of Finding:** All of these impacts are either located on facilities within the boundaries of other cities or are facilities owned and operated by Caltrans or VTA.

### III. NOISE

**A(1). Impact:** Implementation of the proposed 2040 General Plan would result in significant noise impacts to sensitive land uses adjacent to roadways throughout the City due to increases in traffic-generated noise. (Significant Impact)

**A(2). Mitigation:** 2040 General Plan policies will provide sufficient mitigation for new development built pursuant to the 2040 General Plan to reduce impacts to a less than significant level. Widening of major roadways adjacent to existing sensitive roadways may, however, result in noise impacts to existing land uses that cannot be reduced to less than significant levels, consistent with the General Plan guidelines.

**A(3). Finding:** The proposed General Plan policies require that new development include design to reduce noise impacts in living areas to acceptable levels and stipulates that the noise impact analysis must account for noise impact levels from buildout of the 2040 General Plan. It cannot be determined at this time, however, that there will always be feasible mitigation available to reduce noise impacts from widening roadways to planned widths to an acceptable level. This impact would therefore be **significant and unavoidable**.

**A(4). Facts in Support of Finding:** Widening of City streets in conformance with the Land Use/Transportation Diagram of the 2040 General Plan may result in noise sources being placed closer to sensitive uses. Final design of the street widening is approved by the City Council prior to award of contract, and must include feasible mitigation to reduce noise to acceptable levels, if such mitigation is available.

### IV. AIR QUALITY

**A(1). Impact:** The projected rates of both VMT and vehicle trip growth are greater than the rate of population growth. Therefore, the proposed 2040 General Plan would not be consistent with the Bay Area 2010 Clean Air Plan. This would be a significant impact. (Significant Impact)

**A(2). Mitigation:** Implementation of the proposed 2040 General Plan in accordance with proposed policies and actions would reduce emissions associated with vehicle trips through planned multi-modal improvements, trip reduction, and local land use strategies. Specific policies and action intended to reduce VMT and associated air pollution substantially over the life of this 2040 General Plan include: Policies TR-1.2, TR.1-3, and TR-1.4 and Action TR-1.13; Policies TR-5.1, TR-5.3, and Action Tr-1.6; Policy TR-7.1 and Actions TR-7.2 and Tr-7.3; Policies TR-8.4, TR-8.6, TR-8.7, TR-8.8, TR-8.9, and Actions TR-8.10, TR-8.11, and TR-8.12; Policies TR-12.1, TR-12.2, and Actions Tr-o12.3, TR-12.4, TR-12.5, TR-12.8, and TR-12.9; Policies TN-2.2, TN-2.3, TN-2.5 and TN-2.6; Policies CD.2-1, CD-2.3, and CD-2.10; Policies CD-3.2, CD-3.3, CD-3.4, and CD-3.6; Tier 1 Policies TR-9.1 and TR-9.2; and Tier II Actions TR-10.1, TR-10.2, TR-10.3; and TR-10.4.

**A(3). Finding:** Measures to achieve the 40 percent reduction in VMT citywide, consistent with the City's adopted Green Vision will require coordination and implementation from regional agencies to implement congestion pricing, toll lanes, and new infrastructure for transit, bicycles and pedestrians. It is estimated that up to a 20 percent reduction by 2035 can be achieved through Tier II, as described in 2040 General Plan Goal TR-10. The remaining impact will be **significant and unavoidable**.

**A(4). Facts in Support of Finding:** Growth shown in this General Plan concentrates both jobs and housing at locations that support public transit and alternative transportation modes. Future development, combined with existing development at locations served by existing and planned transit and alternative transportation modes, can change travel patterns to achieve up to a 20 percent reduction in VMT per service population. Low density development not served by transit cannot be assumed to substantially reduce VMT in the near term.

**B(1). Impact:** New development and redevelopment allowed under the proposed 2040 General Plan could increase air pollutant emissions and concentrations within the Air Basin. (Significant Impact)

**B(2). Mitigation:** Conformance with existing state, regional, and local laws, regulations and adopted plans, and implementation of the following 2040 General Plan Policies and Actions will reduce impacts but not to a less than significant level: Policies TR-1.2, TR.1-3, and TR-1.4 and Action TR-1.13; Policies TR-5.1, TR-5.3, and Action Tr-1.6; Policy TR-7.1 and Actions TR-7.2 and Tr-7.3; Policies TR-8.4, TR-8.6, TR-8.7, TR-8.8, TR-8.9, and Actions TR-8.10, TR-8.11, and TR-8.12; Policies TR-12.1, TR-12.2, and Actions Tr-o12.3, TR-12.4, TR-12.5, TR-12.8, and TR-12.9; Policies TN-2.2, TN-2.3, TN-2.5 and TN-2.6;

Policies CD-2-1, CD-2.3, and CD-2.10; Policies CD-3.2, CD-3.3, CD-3.4, and CD-3.6; Tier 1 Policies TR-9.1 and TR-9.2; and Tier II Actions TR-10.1, TR-10.2, TR-10.3; and TR-10.4.

**B(3). Finding:** VMT can be affected by demographics, economic, social and cultural influences, the mix of employment available, distances between residences and work places, proximity to transit, congestion levels, and the availability of alternative modes of transportation. The proposed Land Use/Transportation Diagram of the 2040 General Plan and associated policies proposes to restructure as many of the variables as possible, and to create conditions conducive to alternate travel modes. There is, however, no way to assure that the future reduction in VMT will be sufficient to offset the growth in population and travel behaviors. The impact is therefore identified as **significant and unavoidable**.

**B(4). Facts in Support of Finding:** Transportation behavior in 2035 is predicted based on a model that uses conservative assumptions about land use and behavior patterns. Given existing preferences for automobile travel, there is no guarantee that the proposed policies will reduce projected VMT/service population sufficiently to offset projected increases in service population.

## V. BIOLOGICAL RESOURCES

**A(1). Impact:** New development and redevelopment allowed under the proposed 2040 General Plan would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands. Implementation of the proposed policies and existing regulations would substantially reduce or offset indirect effects from nitrogen oxide deposition from vehicular trips within the region upon serpentine grassland communities; however, there currently is no assurance that a Habitat Conservation Plan/Natural Communities Conservation Plan ("HCP/NCCP") program or other system of managed preserves would be established to offset new nitrogen deposition impacts from vehicular emissions. (Significant Impact)

**A(2). Mitigation:** The proposed 2040 General Plan includes two identified Actions to mitigate this impact, Action ER-2.9 and Action ER-2.10. Either of these actions would achieve mitigation sufficient to reduce the impacts from nitrogen deposition to less than significant levels, combined with implementation of the policies to reduce VMT listed under II.A(2) above.

**A(3). Finding:** The City of San José cannot ensure adoption of an HCP/NCCP unilaterally (Action ER-2.9). Ongoing budget deficits also reduce the City's ability to plan for any expansion of staff or other resources in the near term to implement the HCP/NCCP, precluding any assurance that Action ER-2.10 could be implemented. In the absence of any reasonable certainty that one or the other of the mitigation scenarios (Action ER-2.9 or ER-2.10) can be implemented, this impact will be **significant and unavoidable**.

**A(4). Fact in Support of Finding:** The technical analysis and survey work for an HCP/NCCP within Santa Clara County and including the City of San José is virtually complete, although not currently finalized or adopted. The basis for concluding that adoption of an HCP/NCCP could avoid or mitigate the indirect impacts of nitrogen deposition if adopted is therefore established. The City of San José is the largest single jurisdiction within the geographic boundaries of the HCP/NCCP but cannot participate in further development and implementation the Plan without sufficient resources.

## **VI. AESTHETICS**

**A(1). Impact:** New development and redevelopment allowed under the proposed 2040 General Plan generally would occur on the valley floor and would not adversely affect scenic hillside resources. Where small-scale or larger-scale development (such as a retreat center, golf course or cemetery) does occur in hillside areas, implementation of the proposed 2040 General Plan policies and existing regulations and adopted plans would substantially reduce impacts to scenic resources on hillsides through careful siting and design.

New development and redevelopment allowed under the proposed 2040 General Plan also would alter views from key roadways that serve as gateways to the City or currently provide substantial views of the natural environment within or adjacent to the City. Implementation of the proposed 2040 General Plan policies generally would avoid or substantially reduce impacts to natural scenic views from key gateways and roadways within the City.

Build out of the Communications Hill Specific Plan area and the North Coyote Planning Area in conformance with previously approved entitlements, however, would alter or block views of grassy or wooded hillsides through the construction of new, multiple-storied development, which would result in a significant aesthetic impact at these locations. (Significant Impact)

Build out of the Communications Hill Specific Plan area and the North Coyote Planning Area (in conformance with previously approved entitlements) would alter or block views of grassy or wooded hillsides through the construction of new, multiple-storied development. There are no measures that would fully eliminate these visual impacts.

**A(2). Mitigation:** Impacts to aesthetic impacts to scenic vistas will be reduced or avoided by maintaining consistency with existing City codes and with the following: Policies CD-1.28, CD-9.1, CD-9.2, CD-9.3, CD-9.6, CD-10.2, CD-10.3, CD-10.4, LU-17.2, LU-17.3, LU-17.4, LU-17.5, LU-17.6, LU-17.9, and LU-19.6.

**A(3). Finding:** All development allowed in the scenic hillsides, including areas outside the UGB but within the City limits, must complete design review by the City of San José. Development that adheres to the policies listed above and to the City's adopted Design Guidelines will minimize impacts to scenic vistas by restricting development that will impact scenic vistas. Because previously approved development on Communications Hill

and in the North Coyote Valley were found to alter or block views of grassy or wooded hillsides through the construction of new, multiple-storied development, and those developments continue to be a part of this 2040 General Plan, those impacts will continue to be **significant and unavoidable**.

**A(4). Fact in Support of Finding:** Listed Policies limit the amount of visible development in hillsides, including utilities and roadways, emphasize compatibility with natural landscape, specify limits on grading, and require adherence to adopted design guidelines.

## VII. POPULATION AND HOUSING/INDUCED GROWTH

**A(1). Impact:** New development and redevelopment allowed under the proposed 2040 General Plan would not induce growth beyond that anticipated in ABAG projections for the San Francisco Bay Area in the near term. The anticipated level of job growth by 2035 will outpace housing development within the City, resulting in a new jobs/housing imbalance. The proposed 2040 General Plan job growth could require substantial residential development elsewhere in the region to provide adequate housing opportunities for future workers located in the City. Traffic and the environmental effects of traffic, such as air pollution, noise, and greenhouse gases resulting from induced population growth in other jurisdictions would, under those circumstances, likely result in significant environmental impacts. (Significant Impact)

**A(2). Mitigation:** The City proposes to implement the following policies and actions to reduce VMT generated by implementation of the 2040 General Plan: Policies TR-1.2, TR-1.3, and TR-1.4 and Action TR-1.13; Policies TR-5.1, TR-5.3, and Action Tr-1.6; Policy TR-7.1 and Actions TR-7.2 and Tr-7.3; Policies TR-8.4, TR-8.6, TR-8.7, TR-8.8, TR-8.9, and Actions TR-8.10, TR-8.11, and TR-8.12; Policies TR-12.1, TR-12.2, and Actions Tr-12.3, TR-12.4, TR-12.5, TR-12.8, and TR-12.9; Policies TN-2.2, TN-2.3, TN-2.5 and TN-2.6; Policies CD-2.1, CD-2.3, and CD-2.10; Policies CD-3.2, CD-3.3, CD-3.4, and CD-3.6; Tier 1 Policies TR-9.1 and TR-9.2; and Tier II Actions TR-10.1, TR-10.2, TR-10.3; and TR-10.4.

There is no assurance at this time that these measures would reduce air emissions and transportation congestion impacts related to population growth to a less than significant level. Potentially induced residential development outside San José, especially outside of Santa Clara County and southern Alameda County, could also result in significant secondary impacts resulting from traffic, such as energy consumption and greenhouse gas emissions, but which are not within the City's jurisdiction to address.

**A(3). Finding:** The 2040 General Plan includes policies to reduce VMT and encourage use of alternative transportation. Transportation and air quality impacts associated with commuting to other jurisdictions because of a projected jobs/housing imbalance could generate impacts associated with traffic congestion and air emissions, plus

other secondary impacts that are significant and beyond the ability of the City of San José to reduce or avoid. The impacts would remain **significant and unavoidable**.

**A(4). Fact in Support of Finding:** Buildout of the proposed 2040 General Plan as proposed would produce a jobs/housing imbalance that could induce population growth in other jurisdictions. The City proposes a comprehensive approach to reducing VMT, including encouraging the expansion of public transit systems that would in some cases serve employees living outside San José. To the extent that other jurisdictions approve residential development at outlying locations and persons working in San José are prepared to commute to those locations, significant impacts associated with this out-commuting will continue to occur.

## VIII. GREENHOUSE GAS EMISSIONS

**A(1). Impact:** The City's projected 2035 GHG emissions, without further reductions, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by Executive Order S-3-05. (Significant Impact)

**A(2). Mitigation:** The General Plan includes a program-level Greenhouse Gas Reduction Strategy that provides the framework for implementing measures within the City's purview and control. The Greenhouse Gas Reduction Strategy consists of a phased approach to update GHG emission inventories and projections, refine and improve reduction strategies, and confirm that the City is on track to first meet targets per AB 32 and then move progressively towards meeting the more aggressive goal of an 80 percent reduction in GHG emissions by 2050 (or 40 percent by 2035) compared to a 1990 baseline.

**A(3). Finding:** Achieving the substantial emissions reductions needed beyond 2020 will require a multiple-pronged approach that includes policy decisions at the federal and state level and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. Policy and regulatory decisions by other agencies and most technological advances (for example, in the area of motor vehicle emissions) are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2035 emissions reductions, the City's contribution to greenhouse gas emissions and climate change for the 2035 timeframe is conservatively identified as cumulatively considerable and both **significant and unavoidable**.

**A(4). Fact in Support of Finding:** Measures are identified in the inaugural version of the Greenhouse Gas Reduction Strategy that could result in GHG emission reductions of approximately 1.2 MMT beyond the business-as-usual emissions estimated for 2035. The emission reductions identified at this time are not large enough to meet the identified 3.04 MT CO<sub>2</sub>e/SP efficiency metric. Given that much of the built environment currently in place

will likely remain in 2035, significantly more “retrofit” measures in addition to the efficiencies of proposed new compact and transit oriented development will be needed.

## **IX. CUMULATIVE IMPACTS**

**A(1). Facts regarding Impact:** Build-out of the proposed General Plan in the north Coyote Valley area in conjunction with other planned or proposed development would be a cumulatively considerable contribution to cumulative impacts to agricultural resources. (Significant Cumulative Impact)

**A(2). Facts regarding Mitigation:** While conservation easements or strengthened zoning protections for agriculture could be used to limit future loss of Prime Farmland in other parts of the County, no feasible mitigation measures are available to offset the cumulative loss of agricultural land, especially prime agricultural land, within areas previously planned and designated for development within the City’s UGB or areas of the County already planned and approved for development. Conversion of developed rural or suburban areas (e.g., “ranchettes” or residences on lots of five to 20 acres) back to farmland may be possible in limited areas as housing stock ages; however opportunities to convert sizeable areas back to prime farmland are limited by the challenges of assembling a sizeable group of properties, removing physical improvements (such as buildings, pavement, and underground utility lines), and cost. Therefore, the contribution to the cumulative loss of agricultural land would remain significant.

**A(3). Finding:** No feasible mitigation measures are available to reduce the cumulatively considerable loss of agricultural land within areas previously planned and designated by the 2040 General Plan for development within the City’s UGB. Therefore, the loss of agricultural land would remain cumulatively significant and unavoidable. (Significant Unavoidable Cumulative Impact)

**B(1). Facts regarding Impact:** Build-out of the proposed 2040 General Plan in conjunction with other planned development in the South Bay would cause a substantial contribution to cumulatively significant regional transportation impacts. (Significant Cumulative Impact)

**(B2). Facts regarding Mitigation:** While ultimately the only way to reduce the significant local and regional transportation impacts is to reduce dependency on the automobile, near term efforts by local and regional agencies to facilitate multimodal facilities, including bicycle paths and trails and mass transit, will be an increasingly vital component of the regional transportation system. It may not be possible or desirable to offset cumulative transportation impacts by widening congested roadways, given physical constraints for improvements within existing roadways and the secondary effects of noise and air pollution associated with widening in established neighborhoods. Also, given the degree of right-of-

way acquisition that would be required along streets and regional roadway facilities, roadway widening may not be economically or physically feasible.

**B(3). Finding:** There is no feasible method identified for reducing the cumulative impacts of traffic congestion . **(Significant Unavoidable Cumulative Impact)**

**C(1). Facts regarding Impact:** Increased development in the South Bay area will result in a significant increase in traffic noise levels on roadway segments throughout the region, beyond accepted thresholds in various communities. (Significant Cumulative Impact)

**C(2). Facts regarding Mitigation:** While implementation of noise attenuation measures as a part of the design of new development (as required under local building codes and ordinances) would reduce interior noise levels, adequate mitigation measures for all outdoor areas and existing development near busy transportation corridors may not be feasible to implement without constructing high walls that would block light and exterior views from both interior and outdoor areas, and which would compromise the purpose of the outdoor spaces. This impact, and the contribution to it from build-out of the draft 2040 General Plan, will be cumulatively significant and unavoidable because there are no feasible measures to mitigate noise levels for all outdoor areas and existing development.

**C(3). Finding:** There is no feasible method for mitigating impacts from noise on all outdoor activity areas near busy transportation corridors. **(Significant Unavoidable Cumulative Impact)**

**D(1). Facts regarding Impact:** Cumulative development would result in emissions of nitrogen compounds that could affect the species composition and viability of sensitive serpentine grasslands. Implementation of existing regulations and proposed policies for VMT reduction would reduce or offset indirect effects to serpentine grassland communities; however there currently is no assurance that a system of managed preserves would be established to offset new nitrogen deposition impacts from vehicular emissions. (Significant Cumulative Impact)

**D(2). Facts regarding Mitigation:** The draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and various power plant projects in Santa Clara County identify acquisition and management of serpentine grassland habitats (including grazing to remove non-native grasses) as suitable mitigation to offset nitrogen deposition impacts to these sensitive habitats.

Mitigation for the regional impacts to serpentine grassland habitats has been included in the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) in preparation for the last 6 years. The timeline for adoption of an

HCP/NCCP that covers southern Santa Clara County, including portions of San José, has been delayed and the scope of the draft HCP/NCCP may be modified. Alternative mitigation would be for the City to establish and maintain an independent system of serpentine grassland preserves. While it is the City's intent to address nitrogen deposition impacts from development within the City (refer to Actions ER 2.9 and ER 2.10 in the proposed 2040 General Plan), given the condition of its current resources, the City cannot commit to designing and implementing an independent system of serpentine grassland preserves.

**D(3). Finding:** Therefore, this impact, and the City's contribution to it with build-out of the draft 2040 General Plan, would be significant and unavoidable because there is at this time no assurance that a program of managed serpentine preserves will be established either as a part of implementation of an adopted Santa Clara Valley HCP/NCCP, or through an independent program unilaterally designed and implemented by the City. **(Significant Unavoidable Cumulative Impact)**

**E(1). Facts regarding Impact:** Build-out of the proposed 2040 General Plan in conjunction with other planned development would contribute cumulatively to impacts arising from a regional jobs-housing imbalance. (Significant Cumulative Impact)

**E(2). Facts regarding Mitigation:** Mitigation for a jobs-housing imbalance and associated physical environmental effects could use one of several approaches. The amount of employment in a community could be limited so that each community is in balance with the housing it provides. This approach is not proposed in any of the General Plans in Santa Clara County and would be inconsistent with project objectives. A second approach, more consistent with the project objectives, is to reduce the physical effects of a jobs-housing imbalance. An example of this approach would be providing services and increasing housing near transit systems in all contributing communities, that could reduce environmental effects associated with commuting between housing and jobs for those residents employed locally.

As listed above under the individual impacts, the City proposes to implement measures to reduce VMT and associated air pollutant emissions. There is at present no assurance that these measures would reduce air emissions and transportation congestion impacts to a less than significant level. Residential development outside San José, especially outside of Santa Clara County and southern Alameda County, could contribute to regional growth inducing impacts that are not reduced to a less than significant level. Therefore, the identified cumulative population and housing impact related to the jobs/housing balance and induced growth is significant and unavoidable.

**E(3). Finding:** There is no feasible method that could be identified that would reduce the City's contribution to regionally significant impacts from induced growth

associated with the jobs/housing ratio in this proposed General Plan to less than significant.  
**(Significant Unavoidable Cumulative Impact)**

## **X. FINDINGS CONCERNING ALTERNATIVES**

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

Key objectives of the Project are for the City to become more of a regional job center, to increase utilization of regional transportation systems, and support the City's fiscal health. Given the ongoing problems with providing services to a community that has had far more housing than jobs for decades and in conformance with General Plan objectives for fiscal sustainability, scenarios which would allow job and housing growth corresponding to a J/ER ratio of less than 1.0 would not meet the basic objectives of the project and were not considered further.

An alternative which would accelerate implementation of parking strategies, such as reducing on-site parking and/or charging employees and customers for parking, to the first tier of implementation of the 2040 General Plan was considered and rejected. While it has been shown that such strategies can be highly effective in reducing congestion and motor vehicle trips at prime locations (such as attractive commercial areas and institutions), implementation of these strategies by the City of San José alone within the South Bay Area would put the City at a substantial disadvantage in attracting industrial and commercial employers in the near term. As an acceleration of parking strategy implementation would not be consistent with several of the basic objectives of the Project (e.g., increasing the J/ER ratio for fiscal sustainability in the near term of the 2040 General Plan), this alternative is not addressed further. Although not considered further as a CEQA alternative, the City recognizes that parking strategies and similar pricing measures are likely to be important tools for reducing motor vehicle travel in the future, especially as part of regional planning implementation efforts.

The following alternatives were evaluated as alternatives to the proposed 2040 General Plan.

- No Project/Retain Existing General Plan
- Scenario 1 Low Growth Alternative
- Scenario 2 More Housing/Fewer Jobs Alternative

- Scenario 3 ABAG (Association of Bay Area Governments) Projections Alternative
- Scenario 4 More Jobs/Less Housing Alternative
- Scenario 5 Slightly More Housing/Slightly Fewer Jobs Alternative

The basic differences between these alternatives are summarized in Table 1. Scenarios 1-5 all meet the basic objectives of the Project to some extent.

Table 1 General Plan Alternatives Overview						
CEQA Alternative	Type of Alternative					
	No Project	Less Growth	Housing		Jobs/Housing Ratio 1:1	Reduced Jobs
			More	Less		
No Project/Retain Existing General Plan	X	X		X		X
Scenario 1: Low Growth		X		X		X
Scenario 2: More Housing/Fewer Jobs			X			X
Scenario 3: ABAG Projections			X		X	X
Scenario 4: More Jobs/Less Housing				X		
Scenario 5: Slightly More Housing/Less Jobs			X			X

**1. NO PROJECT/RETAIN EXISTING GENERAL PLAN ALTERNATIVE**

**A. Description of Alternative:** The purpose of this alternative is to identify what development and associated environmental impacts would occur if the City does not adopt a comprehensive update of its existing general plan, in other words, how the City would continue to grow and evolve under the current general plan’s goals and policies. This alternative would include:

1. The remaining development potential associated with the current *Focus on the Future San José 2020 General Plan* projected through 2035;

2. All 'in process' residential and non-residential development allowed under the existing general plan.

The No Project/Retain Existing General Plan Alternative assumes the new residential and non-residential development identified above would occur through 2035, as projected in a straight line from past growth patterns. The 2040 General Plan Villages and Corridors would remain primarily commercial areas and would not be redeveloped with as much mixed use, transit-oriented development as called for under the proposed 2040 General Plan because of the underlying land use designations. Intensification in the Alviso, Berryessa, Communications Hill, Jackson-Taylor, Midtown, Rincon South and Tamien Station Specific Plan areas and in identified Employment Lands (above what is currently allowed) would not occur because the land use designations in the these areas would not change. If the currently defined thresholds/triggers are met, development could occur in the Coyote Valley and Almaden Valley Urban Reserves at the edge of the City.

Utilizing the standards and land use designations in the current 2020 general plan, the population of the City under this Alternative would be approximately 116,000 fewer people than is supported by the proposed 2040 General Plan in 2035, and the number of jobs would be 214,000 fewer. The service population (jobs+residents) under the No Project/Retain Existing General Plan Alternative in 2035 is projected to be 1,822,868 (residents+jobs), which is approximately 15 percent less than accommodated by the proposed 2040 General Plan. This also represents substantially less new development occurring within the City than projected by ABAG through 2035 (see Scenario 3 below).

**B. Comparison of Environmental Impacts:** The No Project/Existing General Plan Alternative would incrementally reduce, but not avoid, the significant impacts from the Project associated with Noise, Air Quality, Growth Inducement, and Greenhouse Gas Emissions. Impacts resulting from traffic volumes crossing screenlines and on roadways in other jurisdictions would be less. Some traffic impacts would be greater but the efficiencies of moving people to and from jobs that would come from intensified infill would not be realized, resulting in significant air quality impacts even with significantly fewer jobs. Development of the Urban Reserves under the No Project/Existing General Plan would result in impacts from the loss of Agricultural Resources (prime farmland) because it is assumed the triggers for development in these reserves would eventually be met under the existing general plan. Impacts to prime farmland would be avoided under the proposed 2040 General Plan because it precludes development of the Urban Reserves. Likewise, Aesthetics impacts would also be more extensive and more significant when urban development occurs in the Urban Reserves of mid-Coyote and Almaden Valleys. This Alternative would be

somewhat superior in some areas of environmental impact, but would have greater impacts in others.

**C. Feasibility of the No Project/Retain Existing General Plan Alternative:** The No Project/Retain Existing General Plan Alternative is feasible from the standpoint that no changes to the General Plan would be required. However, general plans are intended to be an integrated, internally consistent and compatible statement of city policies. State law requires that general plans be periodically reviewed and revised as necessary (Government Code §65040.5, §65300, §65300.5). Retaining the current general plan, last comprehensively updated in 1994, without an update to reflect changes in the City's vision for its development would not be consistent with state planning law.

**D. Finding:** The No Project/Retain Existing General Plan Alternative would not meet the basic project objectives of the City of San José in terms of creating an interconnected city where activities of daily life are in close proximity and easily accessible by walking, bicycling and public transit; or promoting public health through a Land Use/Transportation Diagram that promotes walking, biking, and public transit use. The existing general plan would fall short of the proposed 2040 General Plan in "providing for an innovative economy with job opportunities for a demographically diverse population and ample fiscal resources to support a vibrant community and the city's emerging leadership role as the Silicon Valley region's employment center." The proposed 2040 General Plan not only includes space for many more jobs, it allows those jobs in a wider range of locations and in close proximity to a substantially greater supply of potentially affordable housing connected by a more intensive transit system. Additionally, the existing general plan provides far less opportunity for "a wide variety of housing types, both throughout the City as well as within individual communities, which meet the needs of an economically, demographically and culturally diverse population", compared to the proposed 2040 General Plan.

## **2. SCENARIO 1: LOW GROWTH ALTERNATIVE**

**A. Description of Alternative:** The Scenario 1 Alternative is a reduced scale alternative. Pursuant to CEQA, the purpose of examining reduced scale alternatives is to determine if a reduction in the number of units or intensity of land use would avoid significant impacts or reduce significant impacts to less than significant levels. Under the Scenario 1 Alternative, San José's population could increase above existing conditions by approximately 24 percent (232,573 additional residents) to 1,217,880 persons in 2035. Employment could increase by 346,550, to 716,000 jobs. This Alternative allows somewhat less housing and substantially fewer jobs than the proposed 2040 General Plan, however (see Table 8.5-1).

This is one of the scenarios evaluated that would provide for a jobs/employed residents ratio greater than one (1.0). Under this Alternative, the J/ER ratio would be 1.2. As with the proposed 2040 General Plan, the purpose of allowing substantially more jobs than employed residents is to produce a positive economic improvement in the City's fiscal condition (e.g., to generate more fiscal resources for the City from various sources). This Alternative also assumes a rate of housing growth of approximately 3,500 dwelling units per year, a rate comparable to the City's annual housing production between 1999 and 2008. This Alternative has the lowest total Service Population (residents+jobs) of any alternative evaluated other than the No Project (the existing general plan) Alternative.

**B. Comparison of Environmental Impacts:** The Scenario 1 Alternative would reduce, but not to a less than significant level the impacts from Transportation, Noise, Air Quality, Biological Resources, Growth Inducement, and Greenhouse Gas Emissions. The significant impacts to Agricultural Resources and Aesthetics would be the same as those from the proposed 2040 General Plan. This Alternative would be environmentally superior to the proposed Project.

**C. Feasibility of the Low Growth Alternative:** The Scenario 1 Low Growth Alternative is assumed to be a full scale general plan considered with the same set of revised goals, policies and actions as the 2040 General Plan. It is not anticipated to result in land use compatibility impacts or inconsistency with adopted plans or policies substantially different from those evaluated in the FPEIR. This Alternative is feasible, based only on the information in the F PEIR.

**D. Finding:** The Scenario 1 Alternative would not provide for the opportunity of developing Urban Villages within proximity to various neighborhoods more distant from the City center and would not support the degree of employment growth sought in order to achieve the objective of promoting San José as a regional employment center. Scenario 1 would, however, meet the basic project objectives of the City of San José to promote job growth in Downtown and on employment lands at the center of regional transportation systems, promote the expansion of commercial activity throughout the City in mixed use Urban Villages, and promote public health through a Land Use/Transportation Diagram that promotes walking, biking, and public transit use. However, because the Scenario 1 Alternative would not provide for the opportunity of developing Urban Villages as described and would not support the degree of employment growth sought, it is rejected.

### **3. SCENARIO 2: MORE HOUSING/FEWER JOBS ALTERNATIVE**

**A. Description of Alternative:** The Scenario 2 More Housing/Fewer Jobs Alternative is a reduced scale alternative in terms of jobs with a J/ER ratio closer to one

(1.0). The purpose of examining this Alternative is to determine if a reduction in projected employment and an increase in projected housing would avoid significant impacts or reduce significant impacts to less than significant levels. Under the Scenario 2 Alternative, San José's population could increase by approximately 38 percent over existing conditions to 1,361,700 persons in 2035. Employment could almost double compared with 2008 figures, with a projected increase of 360,550 jobs to 730,000 jobs.

This is also one of the alternatives designed to provide for a jobs/employed residents ratio greater than one (1.0). Under this scenario, the J/ER ratio would be 1.1 (the same ratio as the No Project Alternative). Although the J/ER ratio is lower for the Scenario 2 Alternative than for Scenario 1 Alternative, there are 47,000 more dwelling units allowed in the Scenario 2 Alternative (12 percent) and 14,000 more jobs (2 percent) than in the Scenario 1 Alternative. The ratio and the quantity of jobs are both lower in the Scenario 2 Alternative than in the proposed project, but the Scenario 2 Alternative does support more housing growth than the proposed project.

The purpose underlying a plan that produces a greater number of jobs than employed residents in the long-term is to make a positive improvement in the City's fiscal condition (e.g., generate more fiscal resources for the City compared to the higher costs of serving a proportionally greater residential population). This scenario assumes a rate of housing growth of approximately 5,400 dwelling units per year, a rate of production that has historically never been sustained for any substantial period of time in San José.

**B. Comparison of Environmental Impacts:** The Scenario 2 Alternative would reduce, but not completely avoid, those significant impacts from the proposed Project identified as occurring from Transportation, Noise, Air Quality, Biological Resources, Growth Inducement, and Greenhouse Gas Emissions. The significant impacts to Agricultural Resources and Aesthetics would be the same as the impacts from the proposed 2040 General Plan.

**C. Feasibility of the More Housing/Fewer Jobs Alternative:** This Alternative assumes a rate of building and growth in the residential sector that has rarely been achieved or even approached by the City of San José. Considering that a strong housing market supported the production of approximately 3,100 housing units per year between 1999 and 2008, it may not be feasible for the residential development industry to support the level of activity necessary for housing to be developed, constructed and sold at the rate of 5,400 dwelling units per year for any protracted period of time, or to average that number for 25 years. Since the total housing proposed and the rate of housing construction are both only slightly more than would be required to implement the proposed 2040 General Plan, it is likely as feasible as the proposed project.

**D. Finding:** The Scenario 2 More Housing/Fewer Jobs Alternative would not support the amount of employment growth sought in order to achieve the objective of promoting San José as a regional employment center. Scenario 2 would meet the basic project objectives of the City of San José to promote job growth in Downtown and on employment lands at the center of regional transportation systems, promote the expansion of commercial activity throughout the City in mixed use Urban Villages, and promote public health through a Land Use/Transportation Diagram that promotes walking, biking, and public transit use.

#### **4. SCENARIO 3: ABAG PROJECTIONS ALTERNATIVE**

**A. Description of Alternative:** The Scenario 3: ABAG Projections Alternative is a reduced scale alternative in terms of jobs with a J/ER ratio of one (1.0). The purpose of examining this Alternative is to determine if a reduction in projected employment and an increase in housing would avoid significant impacts or reduce significant impacts to less than significant levels.

The Scenario 3 Alternative generally corresponds to the 2009 ABAG projected overall demand for job and housing growth for the City of San José through 2035; however, the location of that growth within the City is distributed differently than was done by ABAG for their projections. Under the Scenario 3 Alternative, San José's population could increase by approximately 45 percent to 1,433,059 persons in 2035. Employment could increase by 339,530 jobs to 708,980 jobs. As shown in Table 8.5-1, build-out of the Scenario 3 Alternative would result in a Jobs/Employed Resident ratio of 1.0, a value that is considered balanced and theoretically, in isolation of existing land use and transportation development patterns, could provide a greater opportunity for the reduction of GHG emissions, provided that development is compact and includes mixed uses, that transportation facilities allow for increased use of transportation modes such as walking, bicycling, and transit, and that a greater share of residents chose to live within the same community as their workplace.

This Alternative assumes a growth rate of approximately 6,400 dwelling units and 13,600 jobs per year for the next 25 years.

**B. Comparison of Environmental Impacts:** The Scenario 3 Alternative would result in slightly fewer total VMT than the proposed 2040 General Plan and would have both lower VMT/capita and VMT/SP ratios. This alternative would also avoid significant growth inducement impacts. It would incrementally reduce, the significant impacts of the project associated with Transportation, Noise, Biological Resources, and Greenhouse Gas Emissions. The significant impacts to Agricultural Resources and Aesthetics would be the same as those from the proposed 2040 General Plan.

**C. Feasibility of the ABAG Projections 2009 Alternative:** This Alternative assumes a sustained 25-year rate of building and growth in the residential sector significantly greater than the rate that has been achieved during the past 20 years in the City of San José. Considering that a strong housing market supported the production of approximately 3,100 housing units per year between 1999 and 2008, it may not be feasible for the residential development industry to support the level of activity necessary for housing to be developed, constructed and sold at the rate of 6,400 dwelling units per year for any protracted period of time or to average that number for 25 years.

**D. Finding:** Given that the growth in jobs would be smaller and would not exceed a ratio of 1.0 jobs per employed resident, it would not fully meet the City's objectives regarding fiscal sustainability, the creation of job opportunities and the City's emerging role as the employment center for the Silicon Valley region. The Scenario 3 Alternative also does not support transit use to the same degree as the Preferred Scenario. The Scenario 3 Alternative would meet some of the basic project objectives of the City of San José to promote job growth in Downtown and on employment lands at the center of regional transportation systems, promote the expansion of commercial activity throughout the City in mixed use Urban Villages, and promote public health through a Land Use/Transportation Diagram that promotes walking, biking, and public transit use.

## **5. SCENARIO 4: MORE JOBS/LESS HOUSING GROWTH ALTERNATIVE**

**A. Description of Alternative:** The Scenario 4: More Jobs/Less Housing Alternative is a reduced scale alternative in terms of housing with a greater intensification of planned employment within the City. The purpose of examining this Alternative is to determine if a shift in the mix of land uses, including an intensification of employment with less housing, would avoid any significant impacts or reduce significant impacts to less than significant levels.

This Alternative provides lands designated for more employment than any other alternative evaluated. Both the total number of jobs (895,500) and the J/ER ratio (1.5) are higher than any of the other alternatives. As with under the Scenario 1, 2, and 5 Alternatives as well as the proposed 2040 General Plan, a higher job to employed resident ratio is expected to make a positive contribution to the City's fiscal condition and to further promote the City as a regional employment center. This Alternative also assumes a rate of housing growth of approximately 3,500 dwelling units per year, a rate comparable to the City's annual housing production between 1999 and 2008.

**B. Comparison of Environmental Impacts:** The Scenario 4 Alternative would generate more total VMT than the proposed 2040 General Plan and would have both higher VMT/capita and VMT/SP ratios. This Alternative could also have more

significant growth inducement impacts. It would incrementally increase the significant impacts of the project associated with Transportation, Noise, Biological Resources, and Greenhouse Gas Emissions. The significant impacts to Agricultural Resources and Aesthetics would be the same as those from the proposed 2040 General Plan. Overall, this Alternative is not environmentally superior to the proposed Project.

**C. Feasibility of the More Jobs/Less Housing Growth Alternative:** This Alternative assumes higher job creation and a rate of building and growth in the residential sector that has occurred for limited time periods. While the City has never sustained such a high rate of growth for a protracted period, there is no basis for assuming it cannot be achieved within San José over the long-term if either San José supports a greater share than projected of regional economic growth or the regional economy as a whole grows at a greater than projected rate.

**D. Finding:** Although the Scenario 4 Alternative would meet the basic Project objectives of the City of San José to promote job growth in Downtown and on employment lands at the center of regional transportation systems, promote the expansion of commercial activity throughout the City in mixed use Urban Villages, and promote public health through a Land Use/ Transportation Diagram that promotes walking, biking, and public transit use, the Alternative is not environmentally superior and, in fact, would exacerbate already significant impacts associated with Transportation, Noise, Biological Resources, and Greenhouse Gas Emissions and have greater growth inducement impacts.

## **6. SCENARIO 5: SLIGHTLY MORE HOUSING/SLIGHTLY FEWER JOBS ALTERNATIVE**

**A. Description of Alternative:** The Scenario 5: Slightly More Housing/Slightly Fewer Jobs Alternative is a reduced scale alternative in terms of jobs with a J/ER ratio of 1.2. Assumptions for job growth are between those of the proposed Project and the Scenario 2 Alternative, which has fewer jobs (refer to Table 8.5-1). The purpose of examining this Alternative is to determine if an intermediate reduction in projected employment and an increase in housing (compared to the proposed Project) would avoid significant impacts or reduce significant impacts to less than significant levels. This is one of the alternatives with a jobs/employed residents ratio greater than one (1.0). Under this scenario, the J/ER ratio would be 1.2, which is very close to the ratio in the Scenario 1 Alternative, but with 12 percent more housing and 12 percent more jobs than would occur with the Scenario 1 Alternative. This Alternative also requires a rate of housing construction of approximately 5,400 dwelling units per year, a rate that is greater than the City has ever experienced over a sustained period of time.

Under the Scenario 5 Alternative, San José's population could increase by approximately 38 percent to 1,361,700 persons in 2035, which is less than the increase assumed in the Scenario 3 Alternative (the "ABAG Projections Alternative") but more than in the proposed 2040 General Plan. Employment could more than double, with an increase of approximately 431,550 jobs to 801,000 jobs, which is still less than under the proposed 2040 General Plan.

**B. Comparison of Environmental Impacts:** The Scenario 5 Alternative would reduce, but not completely avoid the significant impacts of the Project associated with Transportation, Noise, Air Quality, Biological Resources, Growth Inducement, and Greenhouse Gas Emissions. The significant impacts of Land Use (Agricultural Resources) and Aesthetics would be the same as under the proposed 2040 General Plan and Biological Resources impacts would be similar.

**C. Feasibility of the Slightly More Housing/Slightly Fewer Jobs Alternative:** This Alternative assumes a rate of building and growth in the residential sector that has rarely been achieved or even approached by the City of San José. While it may not be feasible for the housing market to support housing to be developed, constructed, and sold at the rate of 5,400 dwelling units per year for a protracted period of time there is no definitive proof that it cannot be done.

**D. Relationship to Project Goals and Objectives:** The Scenario 5 Alternative would not support the regional employment objective to the same degree as the proposed Project. The alternative would, however, meet the basic Project objectives of the City of San José to promote job growth in Downtown and on employment lands at the center of regional transportation systems, promote the expansion of commercial activity throughout the City in mixed use Urban Villages, and promote public health through a Land Use/Transportation Diagram that promotes walking, biking, and public transit use. The alternative still would result in significant impacts associated with Transportation, Noise, Air Quality, Biological Resources, Growth Inducement, and Greenhouse Gas Emissions. The significant impacts of Land Use (Agricultural Resources) and Aesthetics would be the same as under the proposed 2040 General Plan and Biological Resources impacts would be similar.

## **XI. MITIGATION MONITORING AND REPORTING PROGRAM**

The Annual Report on the General Plan will serve as the Monitoring and Reporting Program required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines.

## **XII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to the provisions of CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project.

### **A. Significant Unavoidable Impacts.**

With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined the Project has significant unmitigated or unavoidable impacts, as set forth above, associated with loss of prime farmland, transportation, roadway noise, air quality, biological resources (nitrogen deposition on sensitive serpentine habitats), aesthetics, climate change/greenhouse gas emissions in 2035, and growth inducement.

### **B. Overriding Considerations.**

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant, unavoidable impacts of the Project are acceptable in light of the economic, legal, environmental, social, technological or other considerations noted below, because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the draft 2040 General Plan, the San José Residential/Commercial/Industrial Design Guidelines, the San Jose Greenprint, and the Bicycle Master Plan.

### **C. Benefits of the Proposed Project**

The City Council has considered the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. **Beneficial Economic Impact to the City of San José and Santa Clara County.** Including an ambitious amount of job growth capacity within the 2040 General Plan strongly communicates the City's goal of being an employment center. Maintaining a substantial supply of employment lands and providing flexibility for employment activities will help the City to achieve this goal. Adopting a 2040 General Plan with significant capacity for job growth lays the groundwork for a more fiscally balanced community that will be more viable in the long term.

2. **Increase in Number of Jobs.** Because fiscal strength is tied to the Jobs/Employed Residents (J/ER) ratio, planning for an improved J/ER ratio supports an improvement to the City's fiscal resources. Focusing job and housing growth into more compact, urban centers, including the Downtown, North San José and new Urban Villages, contributes to fiscal strength by helping to reduce service delivery costs.

3. **Environmental Leadership.** Planning for San José to be increasingly an employment center within the region supports the 2040 General Plan goals for environmental leadership. Analysis of long-term traffic patterns concluded that scenarios with a lower J/ER ratio would have comparable amounts of regional automobile traffic and increased amounts of local automobile traffic. In contrast, higher J/ER ratio scenarios were projected to result in higher degrees of transit ridership. The analysis conducted for the Envision San Jose 2040 General Plan process is supported by various academic studies and observation of real-world conditions, which show that the development of traditional urban job centers reduces the potential environmental impacts associated with automobile travel.

4. **In-fill Development.** Urban Villages, a form of infill development described in the 2040 General Plan, will be a key part of the City's future development. Urban Villages will accommodate significant amounts of new employment and housing growth through the redevelopment of existing, underutilized properties at strategy locations throughout San José. These Urban Villages will utilize high-quality urban design, a mix of land use activities, and the creation of a pedestrian-friendly environment to foster the development of urban environments attractive to a broad range of future residents of San José.

5. **Development Near Transit.** The 2040 General Plan long-term traffic analysis indicated that focusing jobs within San José and in particular within proximity to regional transit systems would best promote use of those transit systems. Placing housing along transit systems is also important, particularly for slower-moving light rail systems which effectively serve a smaller geographic area. Placing transit along transit systems and promoting transit will help to minimize vehicle miles traveled and to reduce greenhouse gas emissions associated with automobile travel.

6. **Healthy Neighborhoods.** Healthy Neighborhoods strategies are integrated throughout the 2040 General Plan to establish a policy framework to shape and grow a city that provides for the physical health of its residents. 2040 General Plan policies support good nutrition and healthy air and water, protect the community from human-made and natural hazards and disasters, provide for economic opportunities that meet the needs of all residents, and provide for the equitable distribution of public resources, including public health facilities, throughout the City. To further the Healthy Neighborhoods concept, the Land Use/Transportation Diagram, and the goals and policies related to Quality Neighborhoods, Urban Villages, Urban Design, Complete Streets, and Transportation, encourage physical activity by creating “complete” neighborhoods where most individuals’ daily needs can be met walking or biking on safe and convenient paths and routes.

The City Council has weighed each of the above benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the FPEIR and hereby determines that those benefits outweigh the risks and adverse environmental effects of the Project and, therefore, further determines that these risks and adverse environmental effects are acceptable and overridden.

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