

SECTION 5.0 GROWTH INDUCING IMPACTS

The CEQA Guidelines require that an EIR discuss the ways in which a proposed project could directly or indirectly foster economic or population growth in a surrounding area. Per CEQA Guidelines Section 15126.2(d), it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Negative impacts resulting from induced growth occur only where the projected growth would cause significant adverse environmental effects. To evaluate growth inducement under CEQA, it is necessary to distinguish between the growth (and the impacts from that growth) that is part of the project itself and “induced” growth which may be caused by the project but is not part of the project. This SEIR explicitly identifies all of the impacts that result from the project itself and identifies mitigation for significant impacts from the proposed project.

The development proposed by the project is consistent with the growth assumptions in the City’s Envision 2040 General Plan. As described in *Section 4.15 Population and Housing*, the Envision PEIR concluded that the potential for *direct* growth-inducing impacts from the 2040 General Plan is minimal because growth planned and proposed as part of the General Plan will consist entirely of development within the City’s existing Urban Growth Boundary and Urban Service Area. The proposed project is consistent with the development assumptions in the General Plan.

In terms of *indirect* effects, the Envision PEIR determined that development of employment uses under the 2040 General Plan would outpace housing development within the City, making San José “jobs-rich”. An indirect effect of the new jobs/housing imbalance would be inducing population growth elsewhere in the region, since new workers will need to commute from other jurisdictions where housing is available. Traffic and the environmental effects of traffic, such as air pollution, noise, and greenhouse gases resulting from induced population growth in other jurisdictions will result in significant environmental impacts. While the City proposes to implement measures to reduce VMT within San José, there is no assurance that these measures would reduce environmental impacts to a less than significant level, particularly at a regional level. Therefore, the impact related to the jobs/housing balance and induced growth was identified as significant and unavoidable.

If other jurisdictions within the County do not provide a greater share of the region’s housing need, the new concentration of jobs within San José would exacerbate the existing regional imbalance of jobs to employed workers. The City cannot predict exactly where the housing growth will occur. New housing growth could result in a range of environmental effects depending on its location (e.g., impacts to biological resources, air quality, cultural resources or construction of new facilities that cause significant environmental effects). Conversely, the 2040 General Plan could reduce potential impacts from employment growth in other jurisdictions, because it includes more employment growth capacity than the demand projected by ABAG for San José.

SECTION 6.0 SIGNIFICANT UNAVOIDABLE IMPACTS

This SEIR has identified the following significant unavoidable environmental impacts that would occur as a result of the project. If the project is approved, a Statement of Overriding Considerations would be required for the following significant unavoidable impacts:

Impact TRAN-2: The project would have a significant impact under background plus project conditions at the intersection of Monterey Road and Curtner Avenue. Mitigation measures to reduce these impacts are considered by the City to be infeasible. **(Significant Unavoidable Impact)**

Impact TRAN-3: The project would have a significant impact under background plus project conditions at the intersection of Almaden Expressway and Foxworthy Avenue. Mitigation measures to reduce these impacts are considered by the City to be infeasible. **(Significant Unavoidable Impact)**

Impact TRAN-5: The project would have a significant impact under background plus project conditions at the intersection of Snell Avenue and Capitol Expressway. Mitigation measures to reduce these impacts are considered by the City to be infeasible. **(Significant Unavoidable Impact)**

Impact TRAN-6: The proposed project would result in significant impacts to the following freeway segments:

- SR 87 (NB): SR 85 to Capitol Expressway (AM Peak Hour), Curtner to Almaden Road (AM Peak Hour), Almaden Road to Alma Avenue (AM and PM Peak Hour), Alma Avenue to I-280 (AM Peak Hour)
- SR 87 (SB): Julian Street to I-280 (PM Peak Hour), I-280 to Alma Avenue (PM Peak Hour), Alma Avenue to Almaden Road (PM Peak Hour), Almaden Road to Curtner (PM Peak Hour)
- I-680 (SB): Capitol Expressway to King Road (AM Peak Hour)
- I-280 (WB): Bird Avenue to Meridian Avenue (AM Peak Hour)

Mitigation measures to reduce these impacts are considered by the City to be infeasible. **(Significant Unavoidable Impact)**

Impact AIR-2: Operation of the project would result in significant ROG, NO_x, and PM₁₀ emissions. The implementation of a TDM program (MM AIR-2.1) would reduce emissions but not to a less than significant level. This same impact was identified previously in the certified 2011 Envision San José 2040 General Plan Final EIR (SCH#2009072096). **(Significant and Unavoidable Impact)**

- Impact C-AIR-1:** The project's emissions of ROG, NO_x, and PM₁₀ are considered cumulatively considerable. The implementation of a TDM program (see MM AIR-2.1 in *Section 4.4 Air Quality*) would reduce the project's emissions but not to a less than significant level. This same impact was identified previously in the certified 2011 Envision San José 2040 General Plan Final EIR (SCH#2009072096). **(Significant and Unavoidable Cumulative Impact)**
- Impact C-PH-1:** The proposed project would make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance, as identified in the Envision PEIR. This same impact was identified previously in the certified 2011 Envision San José 2040 General Plan Final EIR (SCH#2009072096). **(Significant Unavoidable Cumulative Impact)**
- Impact VIS-1:** While the proposed project would be designed consistent with the City's design guidelines and applicable General Plan policies to reduce visual impacts, the development of the project would significantly change and degrade the existing visual character and quality of the site as compared to existing conditions on-site. This same impact was identified previously in the certified 2011 Envision San José 2040 General Plan Final EIR (SCH#2009072096). **(Significant and Unavoidable Impact)**

SECTION 7.0 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources. Applicable environmental changes are described in more detail below.

7.1 USE OF NONRENEWABLE RESOURCES

The proposed project, during construction and operation, will require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, will also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

Energy will be consumed during both the construction and operational phases of the project. The construction phase will require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, preparation of the sites, and construction of the buildings. The operational phase will consume energy for multiple purposes including, building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the project sites.

The project would result in a substantial increase in demand upon nonrenewable resources. However, the project is subject to the City's Private Sector Green Building Policy (6-32). Per Policy 6-32, the commercial and office development would be required to achieve LEED Silver rating and the proposed residential development would be required to achieve GreenPoint Rated 50 points or LEED Certified rating. The project's compliance with Policy 6-32 would entail energy efficiency performance in excess of the standard California Code of Regulations Title 24 energy requirements.

The project is consistent with the City's General Plan policies regarding energy use, which foster development that reduces the use of nonrenewable energy resources in transportation, buildings, and urban services (utilities).

7.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

The project proposes commercial, industrial park, and residential uses. The development of the proposed project would commit a substantial amount of resources to prepare the site, construct the buildings, and operate them.

7.3 IRREVERSIBLE DAMAGE RESULTING FROM ENVIRONMENTAL ACCIDENTS ASSOCIATED WITH THE PROJECT

The project does not propose any new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. As discussed in *Section 4.6 Hazards and Hazardous Materials*, there are no significant unmitigatable on-site or off-site sources of contamination (such as on-site soil or groundwater contamination) that would substantially affect the proposed uses on the project site.

The project site is located within a seismically active region and the proposed project would be subject to soil hazards related to expansive soils on-site. Conformance with the standard engineering practices in the Uniform Building Code and implementation of the recommendations in the project-specific geotechnical report to be prepared for the project would not result in significant geological impacts (refer to *Section 4.8 Geology and Soils*).

In addition, the project would not be placing sensitive receptors (i.e., residences) near sources of air pollution that could result in significant health risks in the event of environmental accidents. The future industrial park uses would be required to meet all local, state, and federal requirements related to the use, storage, and transport of hazardous materials.

The project, with the implementation of the identified mitigation measures to reduce hazards and hazardous material impacts (refer to *Section 4.6 Hazards and Hazardous Materials*) and standard measures to reduce geology and soil impacts (refer to *Section 4.8 Geology and Soils*), would not likely result in irreversible damage that may result from environmental accidents.

SECTION 8.0 ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines provides extensive direction on identifying and evaluating alternatives to a proposed project, specifically:

- (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects... There is no ironclad rule governing the nature or scope of the alternatives other than the rule of reason.
- (b) ...the discussion of alternatives shall focus on alternatives... which are capable of avoiding or substantially lessening any significant effects...
- (c) The range... shall include those [alternatives] that... could avoid or substantially lessen one or more significant effects.
- (f) The range of alternatives required in an EIR is governed by a “rule of reason” that requires... only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.

The discussion of alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project. The CEQA Guidelines also advise that the alternatives should feasibly attain most of the project’s basic objectives, but are to be considered even if they impede to “some degree” the attainment of project objectives, or could be more costly than the proposed project. Therefore, the three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) consistency with the project’s objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed further below.

8.1 SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT

As mentioned above, the CEQA Guidelines advise that an alternatives discussion in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. As discussed in Section 6.0, *Significant Unavoidable Impacts* of this EIR, the proposed project would result in significant unavoidable impacts related to traffic, air quality, and aesthetics. The project would also have significant and unavoidable cumulative impacts to air quality and the City’s future jobs/housing balance.

Alternatives may also be considered if they would further reduce impacts that are already less than significant because the project is proposing mitigation. Impacts that would be significant, but for which the project includes mitigation to reduce them to less than significant levels include impacts related to traffic, noise, air quality, cultural resources, hazards and hazardous materials, biological resources, and geology and soils.

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

8.2 PROJECT OBJECTIVES

As described previously, the City of San José has approved the CHSP as a dense, highly urbanized pedestrian-oriented residential neighborhood with industrial park uses. The proposed project has been designed in accordance with the parameters outlined in the Specific Plan and includes parks/playfields, open space, infrastructure, and neighborhood-serving commercial uses.

New development areas within the Specific Plan boundaries are to be integrated with existing and planned residential, industrial, and commercial uses, both on-site and in the project vicinity. Implicit in the planning process is a desire to establish a high-quality living environment through building guidelines and standards for the design of both public and private improvements. Consistency with the Envision San José 2040 General Plan and the Specific Plan are also project objectives.

The main objectives of the project, consistent with the overall goals and policies of the CHSP, include the following:

- Construct the remaining residential units allowed by the CHSP consistent with a very high level of quality in site planning and architectural and landscape design;
- Develop approximately 1.44 million square feet of industrial park uses on the eastern portion of the site, consistent with the CHSP to encourage job opportunities near housing to facilitate ease of access between uses;
- Provide as great a variety of retail opportunities keeping with the neighborhood character while maximizing convenience and accessibility;
- Create an urban neighborhood that fosters community with walkable streets and reasons to walk;
- Distribute housing types and densities, workplaces, and facilities to create a mixed but compatible arrangement of land uses, streets, and buildings;
- Integrate existing land uses with new land uses, ensuring the viability and compatibility of both;
- Provide access to and connections with multiple forms of public transportation;
- Provide parks and open space resources in a manner which will enhance the quality of residential and community uses;
- Minimize grading or re-contouring of Communications Hill to preserve the topography of the land wherever possible and to avoid the creation of visible cut and fill slopes or obviously engineered or flat-surfaced slopes; and
- Minimize the potential adverse impacts of the Communications Hill area development on the immediately surrounding neighborhood.

8.3 FEASIBILITY OF ALTERNATIVES

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. CEQA’s general definition of feasibility is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Among the factors that may be taken into account in considering the feasibility of an alternative are “...site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site...” [Section 15126.6 (f)(1)].

The alternatives analyzed in this SEIR have been developed with the goal of being at least potentially feasible, given project objectives and site constraints, while avoiding or reducing the project’s identified environmental effects. The ultimate feasibility of the alternatives discussed in this SEIR will be determined by the City of San José Planning Commission and/or City Council as it makes a decision concerning the proposed project, taking into account all information in the administrative record.

8.4 SELECTION OF CEQA ALTERNATIVES

In addition to the “No Project” Alternative, the CEQA Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant effects of the project,” or in the case of the proposed project, would further reduce impacts that are considered less than significant with the incorporation of identified mitigation [§15126.6(f)]. For example, the project would result in significant traffic impacts, therefore a Reduced Development Alternative that avoids the project’s significant and unavoidable freeway impacts is analyzed.

The discussion below addresses alternatives which could reduce project impacts. The components of these alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project.

8.4.1 Alternatives Considered but Rejected from Further Consideration

Given that the project is the buildout of the CHSP, and the CHSP is specific to its location on and around Communications Hill, it would not be feasible to evaluate an alternative location (i.e, in another city or location in San José). The CHSP was adopted by the San Jose City Council in 1992, and is included in the City’s current Envision 2040 General Plan. To evaluate another location for such specific development, especially given the recent approval of the General Plan update, which incorporates the CHSP, would not be meaningful for the purposes of informing a decision about the proposed project.

8.5 NO PROJECT ALTERNATIVES

The CEQA Guidelines specifically require consideration of a “No Project” Alternative. The purpose of including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that the No Project Alternative is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment [§15126.6(e)(3)(B)].”

Currently, the project site is unoccupied and mostly undeveloped except for a concrete recycling operation. Under the No Project Alternative, two scenarios could occur: 1) the project site could remain as is (No Project/No Development), or 2) it could be developed with uses consistent with the City’s General Plan (No Project/Allowed Development).⁷⁹ Because the proposed project is the buildout of the Communications Hill Specific Plan (CHSP), which is included in the Envision 2040 General Plan, the existing General Plan allows for essentially the same development as is proposed by the project (ie, 2,200 residential units, 1.44 million square feet of industrial uses, and 67,500 square feet of retail uses).

8.5.1 No Project/No Development Alternative

The No Project/No Development Alternative assumes that the project site would remain as it is today, mostly undeveloped except for an existing concrete recycling operation.

Comparison of Environmental Impacts

The No Project/No Development Alternative would avoid all of the project’s impacts.

Relationship to Project Objectives

The No Project/No Development Alternative would not meet any of the project objectives.

Conclusion

Because the No Project/No Development Alternative would not result in any development on the project site, this Alternative would avoid all of the environmental impacts from the project. However, this Alternative would not meet any of the project objectives.

⁷⁹ Currently, portions of the project site are in the unincorporated area of Santa Clara County. Under the No Project/No Development Scenario, unincorporated areas on the project site, along with a few adjoining properties, would not be annexed to the City of San Jose. In order to allow development under the No Project/Allowed Development scenario, these areas would require annexation.

8.5.2 No Project/Allowed Development Alternative

The No Project/Allowed Development Alternative assumes the eventual development of 2,200 residential units, 1.44 million square feet of industrial uses, and 67,500 square feet of retail uses, as allowed by the current CHSP and General Plan. The major difference when compared to the proposed project is that the industrial uses would be located in the northern portion of the site along the UPRR tracks, as shown on the existing General Plan Land Use/Transportation Diagram in the Envision 2040 General Plan.

Comparison of Environmental Impacts

The project is proposing build-out of the CHSP, which is included in the Envision 2040 General Plan. Therefore, development allowed on the site under the current General Plan designations would be virtually identical to the proposed project. As a result, impacts of the allowed development would be roughly the same as the proposed project, depending on existing conditions at the time of future development. The impacts of build-out of the CHSP were analyzed at a program level in the EIRs prepared for the CHSP and Envision 2040 General Plan, and are analyzed at a project-level in this SEIR.

Relationship to Project Objectives

Since the current General Plan designations on the site would allow virtually the same development as proposed by the project, the No Project/Allowed Development Alternative could meet all of the project's objectives.

Conclusion

The No Project/Allowed Development Alternative would result in roughly the same impacts as the proposed project, and could meet all of the project's objectives.

8.6 REDUCED DEVELOPMENT ALTERNATIVE

The purpose of the Reduced Development Alternative is to avoid the project's significant and unavoidable freeway and intersection impacts. Because the proposed project consists of large residential and industrial components, two reduced development scenarios have been identified that would reduce traffic impacts to a less than significant level: 1) *No Residential Development/Reduced Industrial Development Alternative* (100 percent reduction in residential units, 85 percent reduction in Industrial square footage), and 2) *Reduced Residential Development/Reduced Industrial Development Alternative* (80 percent reduction in residential units and 90 percent reduction in Industrial square footage).⁸⁰ Under Scenario 1, the project would consist of no residential development and 216,000 square feet of industrial development. Under Scenario 2, the project would consist of 440 residential units and 144,000 square feet of industrial development.

⁸⁰ Hexagon Transportation Consultants. Personal communication. April 7, 2014.

Comparison of Environmental Impacts

The Reduced Development Alternative scenarios would avoid the project's significant and unavoidable freeway and intersection impacts. Because the amount of development would be significantly reduced, this alternative would also avoid the project's significant and unavoidable air quality impacts related to emissions of criteria pollutants. Depending on the design and location of the remaining development allowed by this alternative, the significant unavoidable visual impact could be avoided as well. Impacts to biological resources, such as serpentine soils and wetlands, could also be avoided. Because this alternative contains substantially lower levels of jobs and housing than included in the General Plan, the projects contribution to the significant cumulative jobs/housing imbalance impact would be reduced to a less than significant level. In addition, virtually all other impacts associated with the project would be reduced by some degree due to reduced physical disturbance on the project site.

Relationship to Project Objectives

The Reduced Development Alternative scenarios would not meet most of the project objectives. It would not construct the remaining residential units allowed by the CHSP, nor would it construct the 1.44 million square feet of industrial uses that would consistent with the CHSP's intent to encourage job opportunities near housing. Objectives such as creating an urban neighborhood that fosters community and distributes housing types and densities to create a mixed but compatible arrangement of land uses would also not be met. Other objectives, such as minimizing grading and re-contouring of Communications Hill and minimizing potential adverse impacts of the development on the immediately surrounding neighborhood, could still be met by this alternative.

Conclusion

The Reduced Development Alternative scenarios would avoid the project's significant and unavoidable freeway and intersection impacts. Because the amount of allowed development would have to be reduced to such a great extent to avoid these traffic impacts, other significant unavoidable impacts, such as air quality emissions and visual resources, would also be avoided. However, this alternative would not meet most of the project's objectives, nor would it fulfill the intent of the CHSP or the General Plan, which has outlined the City's desired development for the project site since 1992. Additionally, according to the project applicant, development on such a reduced scale would not be economically feasible on this site. The City Council will ultimately determine whether this is a feasible alternative (e.g., economically feasible, etc.) when making a decision on the project.

8.7 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative to the proposed project is the No Project/No Development Alternative because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." All of the other analyzed alternatives would be

environmentally superior to the proposed project, although they may not be considered feasible by the applicant and City Council.

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