

Initial Study/Negative Declaration **Revised 08-30-2018**

**Signs on City-owned Sites, including
Billboards, Programmable Electronic
Signs and Signs Displaying Off-site
Commercial Speech**

**General Plan Text, Municipal Code
and Council Policy Amendments
File No.: PP18-058**



June 2018

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for proposed amendments to the Envision San José 2040 General Plan (General Plan), San José Municipal Code and City Council Policy 6-4, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The purpose of this Initial Study is to evaluate the environmental impacts of the proposed amendments to the General Plan, Municipal Code and Council Policy that would allow the City Council to consider approving use of designated City-owned sites for Signs, including Billboards, Programmable Electronic Signs and Signs Displaying Off-Site Commercial Speech. This Initial Study evaluates the environmental impacts that might reasonably be anticipated as a result of the implementation of the proposed project.

1.2 DEFINITIONS

Except where the context otherwise requires, the definitions set forth in Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code are incorporated by reference into this Initial Study. Where a word or phrase is not defined in Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code, the definitions set forth in Chapter 20.200 of Title 20 of the San José Municipal Code are incorporated by reference into this Initial Study.

1.3 CONSIDERATION OF THE INITIAL STUDY/NEGATIVE DECLARATION AND PROJECT

The City Council will consider the adoption of this Initial Study/Negative Declaration for the project at a scheduled meeting. The City Council shall consider the Initial Study/Negative Declaration together with any comments received at or prior to the public hearing. Upon adoption of the Initial Study/Negative Declaration, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

General Plan Text, Municipal Code and City Council Policy Amendments for consideration of Signs on City-owned property, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech.

2.2 LEAD AGENCY CONTACT

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2.3 PROJECT PROPONENT

City of San José

2.4 PROJECT LOCATION

Citywide

2.5 ASSESSOR'S PARCEL NUMBER

Citywide

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Citywide

2.7 HABITAT PLAN DESIGNATION

Not Applicable

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

City Council approval of: 1) a resolution amending the Envision San José 2040 General Plan to delete Policy CD-10.4 in Chapter 4 (Quality of Life); 2) adoption of an ordinance amending Chapter 23.02 of Title 23 of the San José Municipal Code; and 3) adoption of a resolution amending City Council Policy 6-4.

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

In 1969, the City Council approved an ordinance adding comprehensive regulation of signs and billboards to the San José Municipal Code, including locational restrictions on billboards and signs displaying off-site commercial messages. In 1972, the City Council approved Council Policy 6-4, prohibiting future use of billboards on City-owned land and directing the removal of existing billboards from City-owned land within five years. In 1974, the City Council adopted an ordinance prohibiting the placement of billboards within five (500) hundred feet of the right-of-way of certain freeways if designed to be visible to the freeway. In 1985, in response to community concerns about visual clutter and blight, the City Council adopted a citywide ban on new billboards and continues in effect its prohibitions of other types of signs displaying off-site commercial speech. In 1992, the City first began permitting programmable electronic signs displaying on-site commercial speech in selected locations.

In 2010, the City Council conducted a public hearing to consider a staff presentation outlining a preferred strategy for updating Title 23 of the San José Municipal Code (the Sign Code) and addressing billboards on private property. At the conclusion of the public hearing, Council approved maintaining the cap (ban) on the number of billboards in the City and directed staff to explore opportunities for moving existing billboards from residential areas to commercial areas.

In October 2015, City Council directed staff to explore a three (3)-year pilot program for generating revenue for public art and cultural activities from off-site advertising in a limited area of downtown. In December 2015, electronic digital off-site advertising signs and billboard installations were added to the Council priority list as a work item for staff. This item has been one of the top ten Council priorities since March 7, 2017.

On December 19, 2017, the Council accepted the Community and Economic Development Committee status report on implementing the staff recommended phased work plan to investigate removing existing barriers to off-premise (off-site) commercial advertising on City-owned and non-City-owned sites in the City of San José, that could allow:

- a) New off-site advertising on City-owned sites throughout the City, including the exchange of existing legal static billboards on other sites for new electronic billboards on city-owned sites (Phase 1);
- b) Exchange of existing legal static billboards to electronic billboards on non-City-owned existing freeway-facing sites and new freeway-facing sites in the North San José Development Policy Area (Phase 2);
- c) New offsite advertising on non-City-owned sites in the Downtown Sign Zone, including exchange of existing legal static billboards on other sites for new electronic billboards in the Downtown Sign Zone (Phase 2).

The Phase 1 project evaluated by this Initial Study could potentially allow up to twenty-two (22) additional signs on seventeen (17) City-owned sites, including billboards, programmable electronic

signs and signs displaying off-site commercial speech, in accordance with Council direction, and in compliance with State and federal regulations. The sites on which the additional signs may be allowed are listed in Appendix 2.

The purposes of the proposed project are to:

1. Generate revenue for the City, including revenue to support City-owned facilities, programs, or services; and/or eliminate visual clutter and blight by reducing the overall number of existing billboards City-wide, or eliminating existing billboards from locations where they are particularly unsightly or incompatible with surrounding land uses.
2. Implement a regulated pilot program on City-owned sites to evaluate the public health, safety and environmental impacts of a program for additional signs, including billboards, programmable electronic signs and signs displaying off-site commercial speech, throughout the City.
3. Explore the effectiveness of location, design and operational criteria, and related requirements for City-owned sites to assist in the development of criteria and best practices for privately-owned sites should Council decide to proceed with a program for additional signs, including billboards, programmable electronic signs and signs displaying off-site commercial speech, on non-City-owned sites.

3.2 FEDERAL AND STATE REGULATORY BACKGROUND

Federal: The Federal Highway Beautification Act of 1965 (23 U.S.C.131) provides for control of outdoor advertising, including removal of certain types of signs, along the interstate highway system. Effective October 1, 2012, the interstate highway system was extended to include a number of principal arterials in San José, in addition to the freeways located in the City (the complete map of federal interstate highways is known as MAP 21.) As part of its enforcement efforts, the FHWA has entered into agreements regarding the Act with state departments of transportation. The agreements with California are described under the State provisions, below.

In addition, the FHWA has responded to the development of signs that present changing messages, either mechanically or digitally, with an interpretation of its agreements with the states pursuant to the Highway Beautification Act. The FHWA discussed changeable message signs in a Memorandum dated July 17, 1996, concluding that a state could reasonably interpret the provisions of its agreement with the FHWA "...to allow changeable message signs."

The FHWA issued a subsequent memorandum on September 25, 2007 on the subject of off-premises changeable electronic variable message signs (CEVMS). The memorandum stated that proposed laws, regulations, and procedures that allowed changeable message signs subject to acceptable criteria would not violate the prohibition on "intermittent, flashing, or moving" signs as used in the state agreements. The 2007 memorandum identified ranges of acceptability relating to key location and operational characteristics, which have resulted in consistent basic guidelines throughout the country:

- Brightness: The sign brightness should be adjusted to respond to changes in light levels.
- Duration of Message: Duration of display is generally between four (4) and ten (10) seconds; eight (8) seconds is recommended.

- Transition Time: Transition between messages is generally between one (1) and four (4) seconds; one (1) to two (2) seconds is recommended.
- Spacing: Spacing between signs should not be less than the minimum specified for other billboards, or greater if deemed required for safety.
- Locations: Location criteria are the same as for other signs unless it is determined that specific locations are inappropriate.

The memorandum also refers to other standards that have been found helpful to ensure driver safety, including a default designed to freeze the display in one still position if a malfunction occurs; a process for modifying display and lighting levels where directed by the state departments of transportation to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, or intermittent or full-motion video.

Thirteen (13) of the seventeen (17) City-owned sites on which new signs may be allowed by the proposed project are subject to control under the Federal Act.

State: The California Department of Transportation (Caltrans) is involved in the control of “off-site” displays along State highways as result of the State’s agreements with the FHA. Such displays advertise products or services of businesses located on properties other than that which the display is located. Caltrans exercises limited regulations over on-site signs. The Outdoor Advertising Act (Business & Professions Code Section 5200 et seq) contains a number of provisions relating to the construction and operation of signs, including:

1. All signs that are located within 660 feet of and visible to a Caltrans-regulated highway must obtain a permit from Caltrans (§5300); must be constructed to withstand a wind pressure of 20 pounds per square foot of exposed surface (§5401); cannot be an improper display, which includes a prohibition on signs displaying flashing, intermittent or moving light or lights (§5403(h)); and are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (§5404);
2. Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or exposes a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (§5405);
- 3.. Off-site advertising signs must be placed in a business area (§5408(a)); shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim and supports (§5498(a)); and off-site advertising signs on the same side of a freeway must be separated by at least 500 feet (§5408(d)).

The State exercises additional control over freeways that it classifies as “landscaped freeways.” A landscaped freeway is defined as a segment of freeway that is improved by the planting of lawns, trees, shrubs, flowers, or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (§5216). No new off-site advertising display may be placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped

freeway (§ 5440), except as part of a relocation agreement approved by Caltrans pursuant to §5412, or in one of the category of displays that have expressly exempted from the landscaped freeway prohibition, such certain advertising related to large arenas (§5272(b)).

Thirteen (13) of the seventeen (17) City-owned sites on which new signs may be allowed by the proposed project are subject to control under the general provisions of the Outdoor Advertising Act. In addition, two (2) of these thirteen (13) sites are located on landscaped freeway segments and accordingly can only be used for on-site advertising, arena related advertising in accordance with Business & Profession Code §5272(b), or a relocation agreement approved by Caltrans.

The California Vehicle Code also includes restrictions relevant to outdoor signage, such as Sections 21466 and 21466.5, which prohibit the placing of any light source that could interfere with the ability of a driver to readily recognize any official traffic control device, or which impair the vision of drivers upon the highway. The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities.

3.3 PROPOSED PROJECT

3.3.1 Amendment of Envision San José 2040 General Plan

Amendment of Envision San José 2040 General Plan to delete Policy CD-10.4 in Chapter 4 (Quality of Life) will eliminate the prohibition of billboards at Gateway locations and along freeways and Grand Boulevards within San José.

3.3.2 Amendment of Sections 23.02.870 and 23.02.1310 of the San José Municipal Code

3.3.3 Proposed amendments to Sections 23.02.870 and 23.02.1310 of the San José Municipal Code are attached in Appendix 4. Adoption of an ordinance amending the Code as shown in Appendix 4 will allow the City to move forward with a contractual, rather than a regulatory, process for allowing and regulating additional signs on City-owned sites, including billboards, programmable electronic signs and signs that may display off-site commercial speech.

3.3.4 Approval of Revised Council Policy 6-4

The proposed revision of Council Policy 6-4 includes the following elements:

- Continued prohibition of new signs, including billboards, programmable electronic signs and signs displaying off-site commercial speech on City-owned sites, except as expressly allowed in Title 23 or Council Policy 6-4
- Identification of selection criteria for City-owned sites where the City Council may consider allowing signs including billboards and signs displaying off-site commercial speech, in addition to such signs as may otherwise be allowed on the site under Title 23 of the Municipal Code, which at a minimum will require all of the following:

1. The site, which may consist of parcels, a parcel, or a portion of a parcel, does not have a General Plan Land Use/Transportation Diagram designation of Open Space, Parkland, Habitat, or Lower Hillside, Agriculture, Private Recreation and Open Space, Open Hillside, Mixed-use Neighborhood, Transit Residential, Urban Residential or Residential Neighborhood.
 2. New billboard signage installations on sites that are in OS Open Space or A Agricultural Zoning Districts will not be allowed.
 3. A sign can be located on the site consistent with Council Policy 6-34 (Riparian Corridor Protection and Bird Safe Design.)
 4. A sign can be located on the site consistent with City policies and design guidelines for development in proximity to or on structures designated as historical resources as defined in CEQA Guidelines Section 15064.5, or historic landmarks or candidate historic landmarks by the City, State, or Federal government, and shall conform to the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*, as well as Title 13, Chapter 13.48 "Historic Preservation," of the Municipal Code.
 5. A sign on the site has been determined to be compatible with any existing use on the site or any potential use of the site for purposes other than a sign.
 6. The Finance Department has determined that, as of the date of the Policy, the site can be used for a sign without violating bond covenants or other financing restrictions.
- Designation by the City Council, from Appendix A, of up to seventeen (17) sites, which meet the above selection criteria and on which up to twenty-two (22) signs might be allowed, in addition to such signs as may be allowed on the site under Title 23 of the Municipal Code.
 - Additional location, design and operational requirements for signs that may be approved pursuant to this Policy that at a minimum must include the following:
 1. Location.
 - A. A sign can be located on the site such that:
 - i. The sign is not visible to any dwelling unit that is located within one hundred fifty (150) linear feet of the sign; and
 - ii. The sign is greater than one hundred fifty (150) linear feet from the nearest boundary line of a residential zoning district.

B. The site is not ineligible for a sign under State or federal law.

2. Size and Type of Sign

A. No sign shall be allowed to exceed 1,200 square feet.

B. No attached nonprogrammable sign shall be allowed except in the Downtown Sign Zone.

C. Height

1. Signage, including supporting structure, shall not exceed sixty (60) feet in height above surrounding grade, except for Freestanding Freeway Signs meeting the criteria for a height exception specified in Section 23.04.035C.2 of Title 23 of the San José Municipal Code. Height shall be determined in conformance with the provisions of Title 23 of the San José Municipal Code
2. All free-standing signs shall have a base ~~of at least eighteen (18) inches in height with the following features:~~
 - i. The height to the top of the base of a Freestanding Monument Sign shall not be more than twenty-two (22) feet above grade.
 - ii. The base of a Freestanding Monument Sign shall be architecturally consistent with the main building of the parcel and the freeway sign it supports. The base shall be constructed of durable materials and surrounded by landscaping, as needed.
 - iii. Signage located within airport influence areas must meet FAA criteria.

3. Illumination

1. All programmable electronic signs, including billboards shall operate in conformance with the operational requirements for digital signs as specified in Section 23.02.905 of the San José Municipal Code, except that such signs may display off-site commercial speech.
2. All signs shall cease operation between the hours of 12:00 a.m. and 6:00 a.m., except that signs may display emergency messages from local, state, and federal governments at any time.
3. Signs shall be constructed of high-quality and durable materials, and shall be installed with sensors to automatically lower light output in accordance with atmospheric conditions. Throughout sign operation, the dimness setting shall be

automatically adjusted so that it does not exceed the level of illumination.

4. Signage located within an airport influence area shall conform to illumination requirements as specified in Section 23.04.250 of Title 23 of the San José Municipal Code.
5. Illuminated and programmable electronic signs, including billboards shall at a minimum meet the following additional requirements between the hours of sunset and 12:00 a.m.:
 - i. The signs must be tilted downwards to the ground by at least fifteen (15) degrees and provide a rimmed edge along the top of the sign, or shall utilize other alternative(s) which the City determines will provide equivalent attenuation of upward illumination.
 - ii. The signs shall utilize warmer colors, or display a background with bright text, and/or image(s), and restrict white or bright backgrounds.
 - iii. No new east-facing programmable electronic signs or billboards will be allowed in the Alum Rock Planning Area.

Environmental Checklist and Impact Discussion

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.

- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

4.1 AESTHETICS

4.1.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.1.2 Impact Discussion

a)-d) Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Substantially degrade the existing visual character or quality of the site and its surroundings? Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The proposed project includes a Council Policy that could allow the City Council to approve additional signs on City-owned sites that would affect the visual character of the City. These proposed General Plan, Municipal Code and Council Policy changes have been formulated to control the size, placement, brightness, and type of signage in a manner that minimizes sign clutter and visual blight, with provision for more intense signage in the more urbanized central areas of the City, generally in areas as delineated in the boundaries for the North San José, Central San José, and Alum Rock Planning Areas (see attached maps in Appendix 3).

The proposed allowance of additional programmable electronic signs, and allowance of off-premise messaging, increase in allowable sign area, and additional signs could result in a less than significant increase in nighttime lighting in specific locations. However, the proposed sign provisions would potentially allow signs that would be highway-facing, on non-residentially used sites that are also zoned for commercial or industrial uses, would be subject to General Plan Community Design Policies including but not limited to CD-1.30, CD-1.31, CD-6.9, CD-6.10, CD-9.1, CD-9.2, CD-9.3, CD-9.6, CD-10.2, CD-10.3, CD-10.6, and CD-10.7, that pertain to the design and siting of signs, and would comply with State and Federal regulations for Outdoor Advertising that limit aesthetic impacts. The regulations provide minimum required setbacks from exclusively

residential uses, specific requirements for signage installation in commercial, industrial, and public/quasi-public zoning districts, prohibit off-site signs in primarily residential zoning districts, and limit the operation and lighting of signs so that sign illumination does not result in significant light and glare impacts in scenic areas or on sensitive uses; therefore, less than significant impacts would occur as a result of the project.

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. This project does not involve the construction of new buildings. Future signage installations on specific City-owned sites would be subject to requirements in a Council-approved agreement, following site-specific environmental review pursuant to CEQA, as applicable. For each individual signage installation with associated development, the potential for proposed physical modifications to result in significant aesthetics impacts would further be evaluated, and mitigation measures would be implemented where required. Moreover, the potential future signage would be limited to at most 22 programmable electronic or static signs at a maximum height of 60 feet as measured in conformance with the provisions of Title 23 of the San José Municipal Code, with each sign not to exceed 1,200 square feet on 17 City-owned sites located in urbanized areas of the City. This potential amount and intensity of development in these urbanized areas is minimal in terms of its contribution to signage in the City and even signage in the areas where the 17 sites are located. This project, therefore, would not have a substantial adverse effect on a scenic vista, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the potential City-owned sites and their surroundings.

To minimize upward light from future signage in order to address the astronomical observation needs of Lick Observatory for a dark night sky, the proposed policy changes include a requirement that programmable electronic signs meet the following requirements during the hours of sunset to 12:00 a.m.: be inclined at least 15 degrees towards the ground, and provide a rimmed edge along the top of the sign, or shall utilize other alternative(s) which the City determines will provide equivalent attenuation of upward illumination; and be dominated by dark colors or a dark background with bright text and/or image(s). Display with white or bright background will be restricted. Although the project may result in some aesthetic impacts during nighttime hours from light, additional regulations for automatic shut-off and display dimming controls for specific signage, including a shut-down period from at least 12:00 a.m. to 6:00 a.m., will limit the effects of a new source of substantial light or glare, from potential future programmable electronic signage allowable under the proposed ordinance and policy provisions, so that adverse effects on day or nighttime views in the surrounding area would be less than significant. **(Less than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.2.2 Impact Discussion

a)-e) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

Result in a loss of forest land or conversion of forest land to non-forest use?

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

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. This project does not involve the construction of new buildings. Future signage installations on specific City-owned sites would be subject to requirements in a Council approved agreement and future development-project-level, site-specific environmental review pursuant to CEQA, as applicable. The project would potentially allow the installation of new free-standing billboard structures, both static and programmable electronic, and/or building-mounted static and programmable electronic signage within urban areas on City-owned sites, in locations that meet the criteria of the ordinance and policy changes. New billboard signage installations on sites that are in OS Open Space or A Agricultural Zoning Districts will not be allowed. Therefore, the project would result in less than significant impacts to agricultural and forestry resources. **(Less Than Significant Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.3.2 Impact Discussion

a)-e) Conflict with or obstruct implementation of the applicable air quality plan?

Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?

Expose sensitive receptors to substantial pollutant concentrations?

Create objectionable odors affecting a substantial number of people?

The project would establish new ordinance and policy provisions that may potentially allow the installation of new static or programmable electronic billboard structures or building-mounted

static or programmable electronic signage on City-owned sites. The project complies with the adopted Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan: *Spare the Air, Cool the Climate* (CAP), which is the currently applicable Clean Air Plan for the San Francisco Bay Air Basin. The 2017 CAP addresses air quality impacts with respect to obtaining ambient air quality standards, reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas emissions (GHGs). Because the proposed project does not involve population or employment growth, determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented. The control measures are geared towards traditional land uses (e.g., residential, commercial, industrial uses) and buildings. The 2017 CAP control measures are not applicable to signs. The proposed amendments to the General Plan text, City Council Policy, and Municipal Code would not, therefore, obstruct implementation of the 2017 CAP.

The proposed ordinance and policy changes would potentially allow new billboard signs, including their height, size, location, lighting, and message content (to allow off-premise messaging) will result in a less than significant number of new vehicle trips. Further, the proposed ordinance and policy changes are not expected to result in substantial construction emissions. As a result, the project would not result in a substantial increase in the emissions of pollutants. The project, therefore, would not alter or obstruct implementation of the applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase of any criteria pollutant, or expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.4.2 Impact Discussion

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

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

Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. This project does not involve the construction of new buildings. Future signage installations on specific City-owned sites would be subject to requirements in a Council-approved agreement and future development-project-level, site-specific environmental review pursuant to CEQA, as applicable. The project would potentially allow the installation of new free-standing billboard structures, both static and programmable electronic, and/or building-mounted static and programmable electronic signage within urban areas on City-owned sites, in locations that meet the criteria of the proposed ordinance and policy changes. The signage will not be allowed within or in close proximity to or directly face riparian corridors, and will include minimum required separation distances, sign design, lighting, and operation that are consistent with the City Council Policy on Riparian Corridor Protection and Bird-safe Design, thereby minimizing impacts that can disrupt use of those areas by wildlife. The proposed changes to Council Policy 6-4 will have provisions for new signage to comply with minimum required riparian setback provisions for new buildings. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
<i>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
<i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

a)-d) Cause a substantial adverse change in the significance of an historical resource?

Cause a substantial adverse change in the significance of an archaeological resource?

Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Disturb any human remains, including those interred outside of formal cemeteries?

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the significance of the resource to a California Native American tribe shall be considered.

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. This project does not involve the construction of new buildings. Future signage installations on specific City-owned sites would be requirements of a City Council approved agreement, and future development-project-level, site-specific environmental review pursuant to CEQA, as applicable. The project would potentially allow the installation of new free-standing billboard structures, both static and programmable electronic, and/or building-mounted static and programmable electronic signage within urban areas on City-owned sites, in locations that meet the criteria of the ordinance and policy changes. If historical buildings or structures would be used for programmable electronic or static signage, any physical modifications proposed would be subject to relevant agreement requirements and project-level, site-specific environmental review pursuant to CEQA, as applicable. During the environmental review process, the potential for the proposed development to result in significant cultural resources impacts would be evaluated and mitigation measures would be identified, as deemed necessary. Installation will conform to the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*, as well as Title 13, Chapter 13.48 "Historic Preservation," of the San José Municipal Code, and must be consistent with City policies and design guidelines for development in proximity to structures designated as historical resources as defined in CEQA Guidelines Section 15064.5, or historic landmarks or candidate historic landmarks by the City, State, or Federal government. The project, therefore, would not cause a substantial adverse change in the significance of an historical resource. Additionally, because no significant ground-disturbing activities would occur as a result of the proposed amendments, the project would not cause a substantial adverse change in the significance of an archaeological or

tribal resource, directly or indirectly destroy a unique paleontological resource or unique geologic feature, or disturb any human remains. The City’s development review process includes discretionary review of proposed signs associated with historical resource as defined in CEQA Guidelines Section 15064.5, historic landmarks or candidate historic landmarks as designated by the City, State or Federal Government so that signage conforms to the Secretary of *the Interior’s Standards and Guidelines for Archeology and Historic Preservation*, and does not diminish the significance of an historic resource.

(Less Than Significant Impact)

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.6.2 Impact Discussion

a)-e) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides?

Result in substantial soil erosion or the loss of topsoil?

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

Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. This project does not involve the construction of new buildings. Future signage installations on specific City-owned sites would be subject to requirements in City Council approved agreements and future development-project-level, site-specific environmental review pursuant to CEQA, as applicable. The project would potentially allow the installation of new free-standing billboard structures, both static and programmable electronic, and/or building-mounted static and programmable electronic signage within urban areas on City-owned sites, in locations that meet the criteria of the ordinance and policy changes. Signs implemented pursuant to these ordinance and policy changes will be erected in conformance with Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and liquefaction onsite. All development located in a Geologic Hazard Zone will be required to conform to the Geologic Hazard Clearance Process Ordinance in Title 17, Part 3 of the San José Municipal Code. The project, therefore, would result in less than significant geology and soils impacts. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.7.2 Impact Discussion

a)-b) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Future development of billboards or off-site signage on the 17 City-owned sites would be subject to additional environmental review and would be required to be consistent with the City's existing, adopted codes and policies pertaining to land use development. As discussed in Section 3.0 Project Description, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. The proposed changes could incrementally increase vehicle miles traveled (VMT) and, therefore, could generate additional greenhouse gas (GHG) emissions. Future development allowed under the proposed regulations would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to generate GHG emissions and/or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions would be evaluated and mitigation measures would be identified, as necessary. Future development of billboards or off-site signage in the City of San José would be required to conform to the City's GHG Reduction Strategy.

Greenhouse gas (GHG) emissions generated by activities associated with potential future construction and operation of programmable electronic signs or exterior-lighted static signs for off-site advertising could result from subsequent discretionary actions that the City undertakes if the project is approved. For example, GHG emissions could result from motor-vehicle trips associated with operation of mobile and stationary equipment and maintenance activities (e.g., mobile emissions, emissions from generation of electricity for operations, and emissions from the manufacturing and transport of building materials).

Programmable electronic signs are subject to energy-efficiency requirements under Title 24 of the California Code of Regulations. These signs would be required under the City's ordinance and policy provisions to be dimmable, which would reduce energy use and GHG emissions associated with the generation of electricity. Additionally, the project proposes that programmable electronic signage operations not exceed eighteen (18) hours per day. During operation, the signs would generate infrequent and irregular vehicle trips with vehicles coming to maintain and repair the signs, as needed.

The City's policies, including but not limited to policies in the Envision San José 2040 General Plan and City Council Policies including but not limited to the City's Green Building Policies, as well as the City's Municipal Code and the Green Building Ordinance, contain provisions that would minimize GHG emissions from future signage development. The City of San José has also approved the Climate Smart San José Plan to minimize GHG emissions. The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions to meet goals established by the State of California. The GHG Reduction Strategy identifies GHG reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction.

GHG emissions associated with the production of electricity for the allowable number (fewer than 23), size, and type of new static signs are not anticipated to result in significant GHG emissions on a site-specific basis, and cumulatively on all sites are not anticipated to contribute considerably to the City's GHG emissions.

GHG emissions associated with the production of electricity for the allowable number (fewer than 23), size, and type of programmable electronic signs are not anticipated to result in significant GHG emissions on a site-specific basis, and, cumulatively on all sites, are not anticipated to contribute considerably to the City's GHG emissions.

The proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.8.2 Impact Discussion

a)-c) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Rather, the project would establish provisions that could potentially allow the future installation of static or programmable electronic signage on specific City-owned sites if such development were to be approved by the City through a future discretionary action. Future development on each City-owned site that may be approved under the proposed provisions would be subject to development-specific environmental review pursuant to CEQA by the City.

Hazardous materials may be present in surface and subsurface soils and groundwater as a result of current or former land uses on City-owned sites. Land uses that might be associated with hazardous materials include: pesticide uses; agricultural activities; airport activities; industrial corporation yard operations; manufacturing operations; fueling stations; and hazardous materials storage, treatment, or transfer operations. Among the 17 identified City-owned sites, there are several sites that currently or have previously operated with these land uses.

Currently, there is at least one of the 17 sites within one-quarter mile of an existing school, and in the future there may be other of the 17 sites within one-quarter mile of a proposed school. Future development that potentially may be allowable would be limited to signage that would not emit significant hazardous emissions or handle significant amounts hazardous or acutely hazardous materials, substances, or waster within one-quarter mile of an existing or proposed school.

During the environmental review process for future development proposals, the potential for any proposed development to result in significant hazards and hazardous material impacts would be evaluated and mitigation measures would be identified, as necessary. Numerous laws and

regulations are in place at the Federal, State, and local levels to ensure the safe handling, transport, use, storage, and disposal of hazardous materials. All future development allowed under the proposed ordinance and policy changes would comply with all applicable Federal, State, and local hazardous material laws and regulations. The project would not involve the routine transport, use, or disposal of hazardous materials. Therefore, the proposed new provisions would result in a less than significant impact. **(Less than Significant Impact)**

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

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

For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The Norman Y. Mineta San José International (Mineta) Airport, itself, is one of the 17 identified City-owned sites, and several other of the 17 identified City-owned sites are located within the Mineta Airport influence Area (AIA). These sites can be subject to hazards from aircraft. The AIA is composed of areas surrounding the airport that are affected by noise, height, and other safety considerations. These hazards are addressed in Federal and State regulations as well as in land use regulations and policies in the Mineta Airport Comprehensive Land Use Plan (CLUP).

Future development proposals of signage on the City-owned sites may require notification to the FAA. In particular, development on sites on the Airport or in the AIA is subject to height restrictions under Federal Aviation Regulations, Part 77, which is administered by the Federal Aviation Administration (FAA) and incorporated into Santa Clara County Airport Land Use Commission policy. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the FAA be notified of certain proposed projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

Proposed future signage on Airport property would require:

a. Director of Aviation permit approval; and

b. FAA obstruction review.

Sign-specific CEQA clearance may also require a specialized lighting study to ensure no significant air safety impact.

The General Plan and Airport Land Use Commission (ALUC) policies have provisions for FAA issuance of “no hazard” determinations prior to development approvals that have conditions set forth in an FAA no-hazard determination. The FAA “no Hazard” determination would be included as a condition of a discretionary approval, as appropriate, for development of future signage in the AIA that may be potentially allowed under the proposed ordinance and policy changes.

The Mineta CLUP Policy G-6 states that *‘any proposed uses that may cause a hazard to aircraft in flight are not permitted within the AIA. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), and activities that may produce smoke, dust, or glare.’*

For future signage that may allowed under the proposed ordinance and policy changes that could be subject to FAA regulatory review, such signage would have to comply with the City’s General Plan Policy CD-5.8, requiring FAA issuance of “no hazard” determinations prior to approval.

For pilots (in all aircraft including general aviation and jets), a low-light environment is critical for nighttime landings and takeoffs in order for navigational lighting (approach, runway, taxiway), signage, obstacles, and other aircraft to be clearly visible. For controllers, the ability to pick out aircraft in the vicinity of the Airport against the backdrop of a dark sky is critical to their task of maintaining adequate separation between aircraft. At the San José Airport Tower, when controllers scan the sky to look for both commercial and general aviation aircraft, signs could be visible when lit up after dark. In addition, light from the signs could reflect off of the clouds in low visibility conditions and cause distraction to pilots and/or controllers.

For future proposed signage on the Airport site or within the AIA and which could be visible to pilots or air traffic controllers, development-specific environmental review would be required prior to discretionary approval of development of the signage that may include a technical evaluation of safety hazards to pilots and air traffic controllers. Such signs must also comply with all applicable Sign Code regulations related to the operational standards for programmable signs (Section 23.02.905 of the Sign Code) to reduce safety hazards to aircraft and Airport operations to a less than significant level.

None of the 17 City-owned sites are currently located within ¼ mile of a private airstrip. Installation of signs on the identified 17 City-owned sites would not result in a safety hazard to people residing or working in the area due to the proximity of a private airstrip.

Future proposed signs would be located on City-owned commercial, industrial or public/quasi-public sites within central urbanized areas of the City that already have City services, and would therefore have a less than significant impact on emergency response plans.

Because people do not occupy signs, and future proposed signage would be located in urbanized areas of the City that are not in proximity to large wildland areas, installation and operation of the

signage would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.9.2 Impact Discussion

a-j) Violate any water quality standards or waste discharge requirements?

Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Otherwise substantially degrade water quality?

Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Result in inundation by seiche, tsunami, or mudflow?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions would be subject to development-level, site-specific environmental review pursuant to CEQA by the City prior to discretionary approval by the City. During the environmental review process, the potential for proposed development to have a significant impact on hydrology and water quality would be assessed.

Future installation of attached signage on existing buildings would have no or very minimal impacts on hydrology or water quality because there would likely be little to no grading associated with the installation of the attached signage. Free-standing signage could involve grading and drilling holes in the ground for sign structures, and such development would not significantly change existing drainage patterns or increase the rate or amount of surface runoff. For the sites located in flood hazard zones, future development would be subject to City and federal floodplain management requirements. Future signage structures would be required to comply with the City's life-safety codes to withstand flooding or inundation. Hydrology and water quality impacts would, therefore, be less than significant. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.10.2 Impact Discussion

a)-c) Physically divide an established community?

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Conflict with any applicable habitat conservation plan or natural community conservation plan?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions would be subject to development-level, site-specific environmental review pursuant to CEQA by the City prior to discretionary approval by the City. During the environmental review process, the potential for proposed development to have a significant impact on land use and planning would be assessed. Future signage potentially allowed under the proposed provisions on the identified 17 City-owned sites would not divide an established community in that the new signage would only be allowed in commercial, industrial, and public/quasi-public zoning districts, consistent with the attributes of other land uses already allowed in these zoning districts.

Any new signage would need to comply with City life-safety codes, and State and Federal requirements (including CEQA) as other physical construction projects do. City Policies such as the Council Policy on Riparian Corridor Protection and Bird-safe Design, and Municipal Code

requirements other than the Sign Code would apply to this signage. During the environmental review process, the potential for a future proposed development to physically divide an established community, conflict with any applicable land use plan, policy, or regulation, or conflict with any habitat conservation plan or natural community conservation plan would be evaluated and mitigation measures would be identified, as necessary. Future development in the City would be required to comply with Title 18, Chapter 18.40, “Habitat Conservation Plan,” of the San José Municipal Code, where applicable. Land use and planning impacts from the project would, therefore, be less than significant. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.11.2 Impact Discussion

a)-b) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?

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

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions would be subject to development-level, site-specific environmental review pursuant to CEQA by the City prior to discretionary approval by the City. During the environmental review process, the potential for proposed development to result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site would be evaluated and mitigation measures would be identified, as necessary. Therefore, the project would result in a less than significant impact. **(Less Than Significant Impact)**

4.12 NOISE AND VIBRATION

4.12.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.12.2 Impact Discussion

a)-f) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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

For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions would be subject to development-level, site-specific environmental review pursuant to CEQA by the City. Noise and vibration impacts from future development would be assessed for consistency with the City's General Plan noise and vibration standards. Noise and vibration minimization measures would be identified, if needed, prior to discretionary approval of new signage by the City.

As with any proposed development in the City, some future signage structures may have to incorporate noise reduction and attenuation techniques to limit temporary and permanent exterior noise and vibration effects on noise-sensitive receptors and surrounding properties during and after construction in order to be consistent with the City's General Plan. Because the City has existing regulatory standards to minimize noise and vibration impacts from future development, the project would result in a less than significant impact. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.13.2 Impact Discussion

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

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes would not result in significant direct or indirect impacts to the environment, would not propose new homes or businesses, and would not induce substantial population growth. **(Less Than Significant Impact)**

- b)-c) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes would not result in significant direct or indirect impacts to the environment and would not displace existing housing or people. The project, therefore, would not result in any new significant impacts to population and housing. **(Less Than Significant Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
- Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.14.2 Impact Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?**

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes would not result in significant direct or indirect physical changes to the environment, and potential future new development allowed under the new provisions would be limited to the installation of free-standing or building-mounted static or programmable electronic signs on 17 identified City-owned sites. For these reasons, the project would not result in significant impacts to public services. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.15.2 Impact Discussion

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?**

Potential future development of signage that may be allowed under the proposed ordinance or policy changes will not be allowed on sites that are parks or other recreational facilities thereby limiting impacts to recreational facilities. **(Less Than Significant Impact)**

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

The project would not create new recreational facilities, or require the construction or expansion of recreational facilities. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.16.2 Impact Discussion

a), b), f) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions would be subject to development-level, site-specific environmental review pursuant to CEQA by the City prior to discretionary approval by the City. During the environmental review process, the potential for proposed development to result in a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, or a conflict with an applicable congestion management program, or a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or an otherwise decrease in the performance or safety of such facilities would be evaluated, and mitigation measures would be identified, as necessary. Impacts would, therefore, be less than significant. **(Less Than Significant Impact)**

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Operation of any future signage would be subject to the Mineta Airport Comprehensive Land Use Plan (CLUP) and the City's General Plan provisions to minimize impacts to existing air traffic patterns. As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Future development potentially allowed under the proposed provisions, would be subject to development-level, site-specific environmental review pursuant to CEQA by the City prior to discretionary approval by the City. During the environmental review process, the potential for proposed development to result in a change in air traffic patterns would be evaluated and mitigation measures would be identified, as necessary. Therefore, the project would not result in a significant change in air traffic patterns. **(Less Than Significant Impact)**

d)-e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? Result in inadequate emergency access?

The project would establish provisions that could potentially allow the installation of new static and programmable signage on specific City-owned sites. Future development allowed under the proposed provisions, would be subject to development-level, site-specific environmental review pursuant to CEQA by the City. During the environmental review process, the potential for proposed development to substantially increase hazards due to a design feature or incompatible land use or result in inadequate emergency access would be evaluated and mitigation measures

would be identified, as necessary. Additionally, the existing buildings upon which future signage may be mounted would continue to be required to comply with all requirements pertaining to emergency access. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.17.2 Impact Discussion

a)-f) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs

Potential future development that may be allowed under provisions of the proposed ordinance and policy changes, if approved, would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the potential future development would be limited to at most 22 programmable electronic or static signs at a maximum height of 60 feet as measured in conformance with the provisions of Title 23 of the San José Municipal Code, with each sign not to exceed 1,200 square feet on 17 City-owned sites located within the City of San José Urban Service Area where such facilities exist, and have the capacity to serve the construction and operations of the development. Future development allowed under the proposed ordinance and policy changes, would be subject to development-level, site-specific environmental review pursuant to CEQA by the City. During the environmental review process, the potential for the proposed development to result in substantial adverse effects on utilities and service systems would be evaluated and mitigation measures would be identified, as necessary. Signage currently operating in San José is using and discharging comparably modest amounts of water and wastewater, respectively, to that of other land uses located on similar sites with the project's land use designations as identified in the General Plan. Therefore, future allowable signage that would be located in San José would also be expected to use and discharge comparable amounts of water and wastewater. Therefore, the proposed new ordinance and policy changes would result in a less than significant impact. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.18.2 Impact Discussion

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

As discussed in *Section 3.0 Project Description*, the proposed ordinance and policy changes do not involve any direct physical changes to the environment. Rather, the project would establish provisions that could potentially allow, after subsequent discretionary actions by the City, the installation of free-standing or building-mounted static or programmable electronic signage on specific City-owned sites, and does not involve any direct physical changes to the environment. As

discussed in the individual sections of the Initial Study, the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. **(Less Than Significant Impact)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

The project would not directly impact agricultural, forestry, biological, cultural, or mineral resources, nor would it directly impact aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, or land use. Moreover, the potential future development would be limited to at most 22 programmable electronic or static signs at a maximum height of 60 feet except for Freestanding Freeway Signs meeting the criteria for a height exception specified in Section 23.04.035C.2 of the San José Municipal Code, with each sign not to exceed 1,200 square feet on 17 City-owned sites located in urbanized areas of the City. This potential amount and intensity of development in these urbanized areas is individually limited and also minimal in terms of its contribution to cumulative development and environmental impacts from development. Therefore, the project would not contribute to cumulative impacts in those areas.

The project would result in less than significant impacts in the areas of air quality, noise, population and housing, public services, recreation, transportation, and utilities and service systems. **(Less Than Significant Impact)**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human

beings include aesthetics, air pollutants, geological hazards, hazardous materials, and noise and vibration. As described in Sections 4.1 through 4.17 of this Initial Study, the project would not have environmental effects which would result in significant direct or indirect adverse effects on human beings. **(Less Than Significant Impact)**

Checklist Sources

1. Professional judgment of the environmental specialist preparing this assessment.
2. City of San José. *Envision San José 2040 General Plan*. November 2011, as amended.
3. City of San José. *San José Municipal Code*.

SECTION 5.0 REFERENCES

City of San José. *Envision San José 2040 General Plan*. November 2011, as amended.

City of San José. *San José Municipal Code*

Lead Agency and Consultants

5.1 LEAD AGENCY

City of San José

Department of Planning, Building, and Code Enforcement

Rosalynn Hughey, Director

Environmental Review

Jenny Nusbaum, Principal Planner

Aparna Ankola, Project Manager

Citywide Planning - Ordinance

Lea Simvoulakis, Supervising Planner

Aparna Ankola, Planning Project Manager

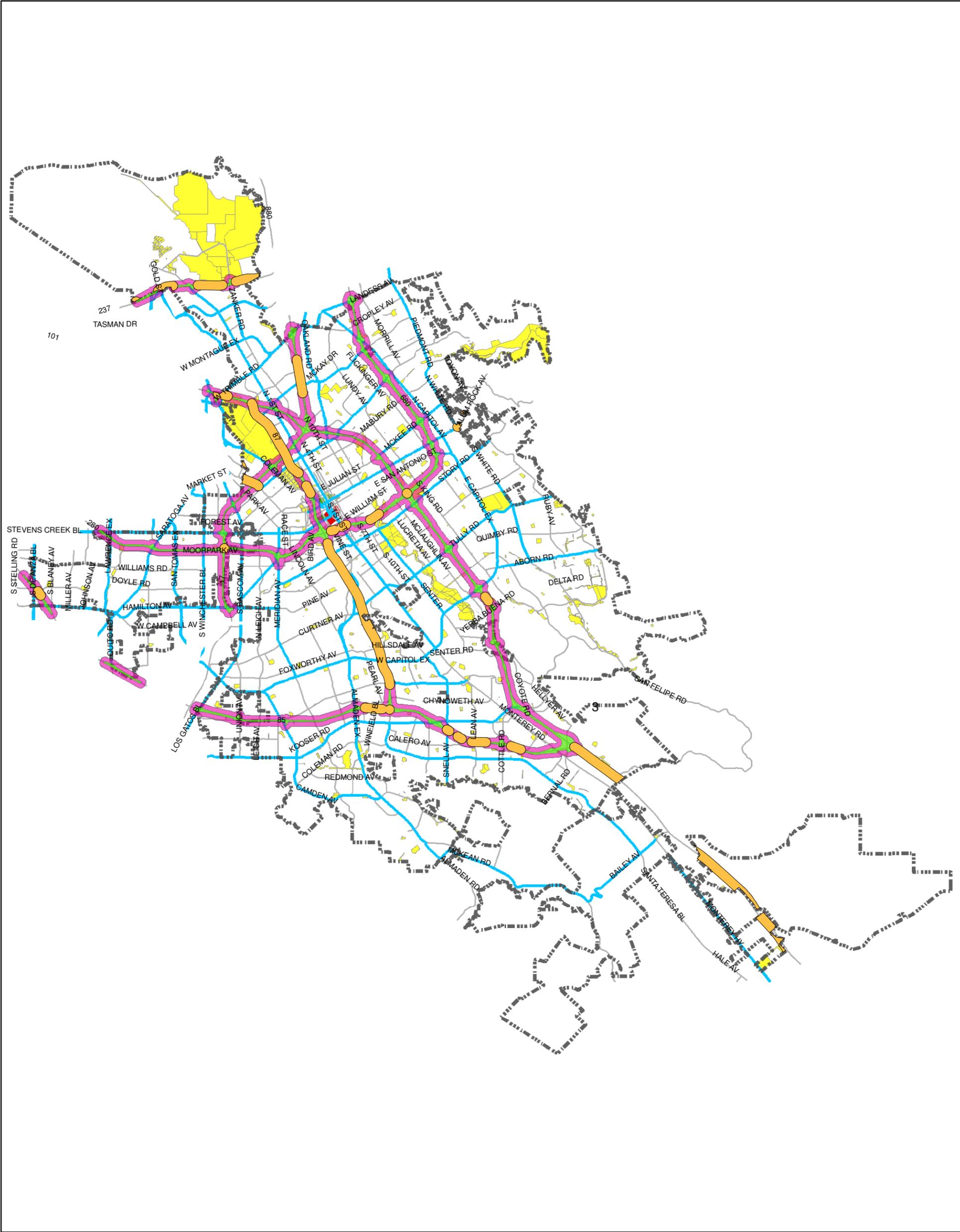
Art Henriques, Policy and Ordinance Technical Advisor

5.2 CONSULTANTS

Appendix 1

Regulated Highway Areas for
Billboards

Regulated Highway Areas for Billboards



- Freeway Non-Landscaped Area Penalty Buffered
- City Owned Parcels
- Principal Arterials
- Freeway Landscaped Area
- Freeway Landscaped Buffered

ILLUSTRATIVE ONLY
NOT TO BE USED FOR ANY LEGAL PURPOSE
 Map is a snapshot in time that reflects best available data as of October 19, 2017



Planning, Building and Code Enforcement



Appendix 2

Potential City-owned Sites

POTENTIAL CITY-OWNED SITES

Total Number of Sites: 17; Total Number of Signs: 22

	APN	CURRENT USE	ADDRESS	SIGNS
1	259-34-039	San Pedro Market Parking Garage	45 North Market Street	2
2	467-21-002	CSJ Parking Garage	95 North Third Street	1
3	259-43-064	Center for Performing Arts	255 Almaden Boulevard	2
4	467-46-109	Hammer Theater	101 Paseo San Antonio	2
5	467-46-097	CSJ Parking Garage	280 South Second Street	1
6	259-40-066	San Jose Museum of Art	110 South Market Street	1
7	259-42-023	The Tech	201 South Market Street	1
8	264-29-113	McEnery Convention Center	150 West San Carlos Street	2
9	259-28-043	SAP Center	525 West Santa Clara Street	2
10	230-37-020	Vacant Lot (Near National Guard)	Hwy 87 and West Hedding Street	1
11	254-01-004	Mabury Service Yard	1404 Mabury Road	1
12	259-06-054	CSJ Parking Lot	737 North San Pedro Street	1
13	259-04-019	CSJ Parking Lot	Hwy 87 and West Mission Street	1
14	101-03-009	Airport Facility	2500 Seaboard Avenue	1
15	230-01-058	Airport Facility	2200 Airport Boulevard	1
16	230-46-065	Airport Facility	1128 Coleman Avenue	1
17	230-02-021	Airport Facility	2341 Airport Boulevard	1

**All sites located within 1000 feet of commercial/ industrial activity.*

Potential City-owned Sites

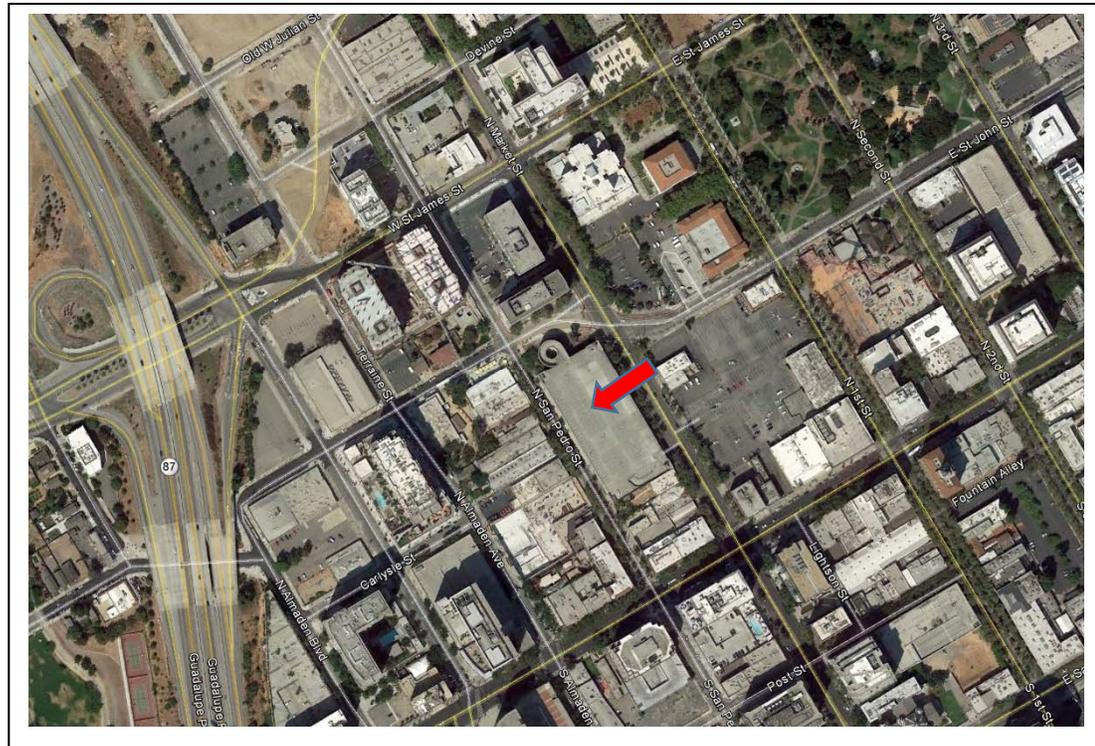
1. San Pedro Market Parking Garage

APN: 259-34-039 Address: 45 North Market Street



*Zoning Designation: DC
(Downtown Primary Commercial)*

General Plan Designation: DT (Downtown)



Aerial View

Potential City-owned Sites

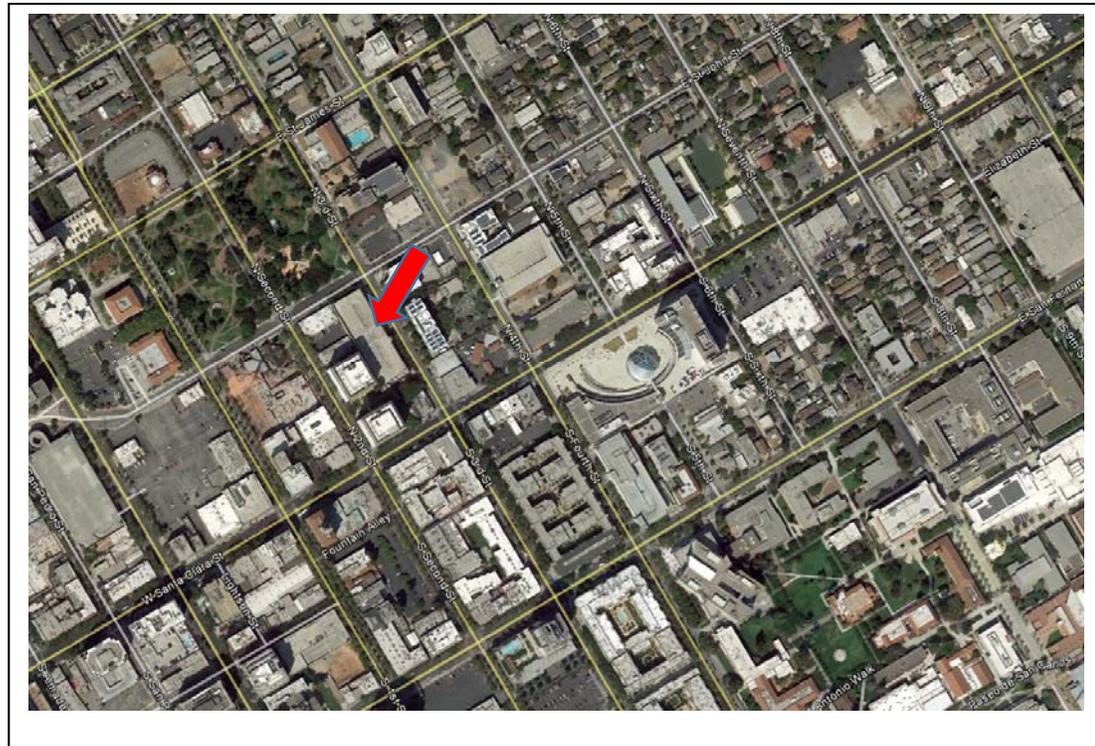
2. City of San Jose Parking Garage

APN: 467-21-002 Address: 95 North Third Street



*Zoning Designation: DC
(Downtown Primary Commercial)*

General Plan Designation: DT (Downtown)



Aerial View

Potential City-owned Sites

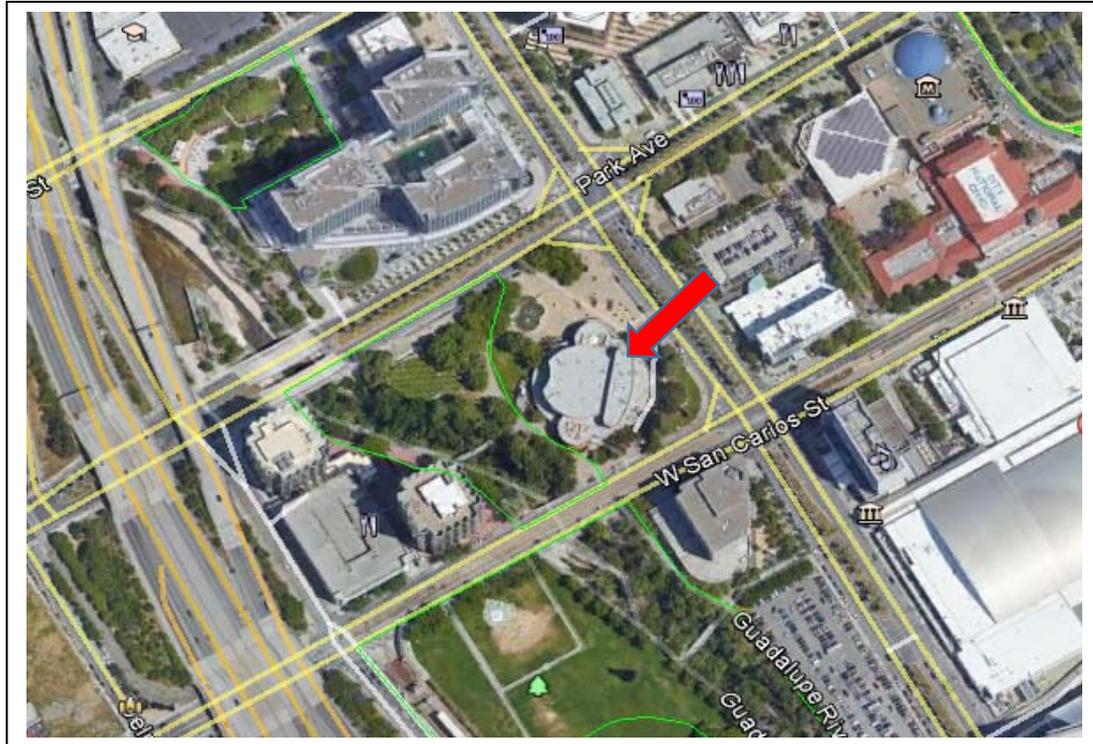
3. Center for Performing Arts

APN: 259-43-064 Address: 255 Almaden Boulevard



*Zoning Designation: DC
(Downtown Primary Commercial)*

*General Plan Designation: PQP (Public/
Quasi-Public)*



Aerial View

Potential City-owned Sites

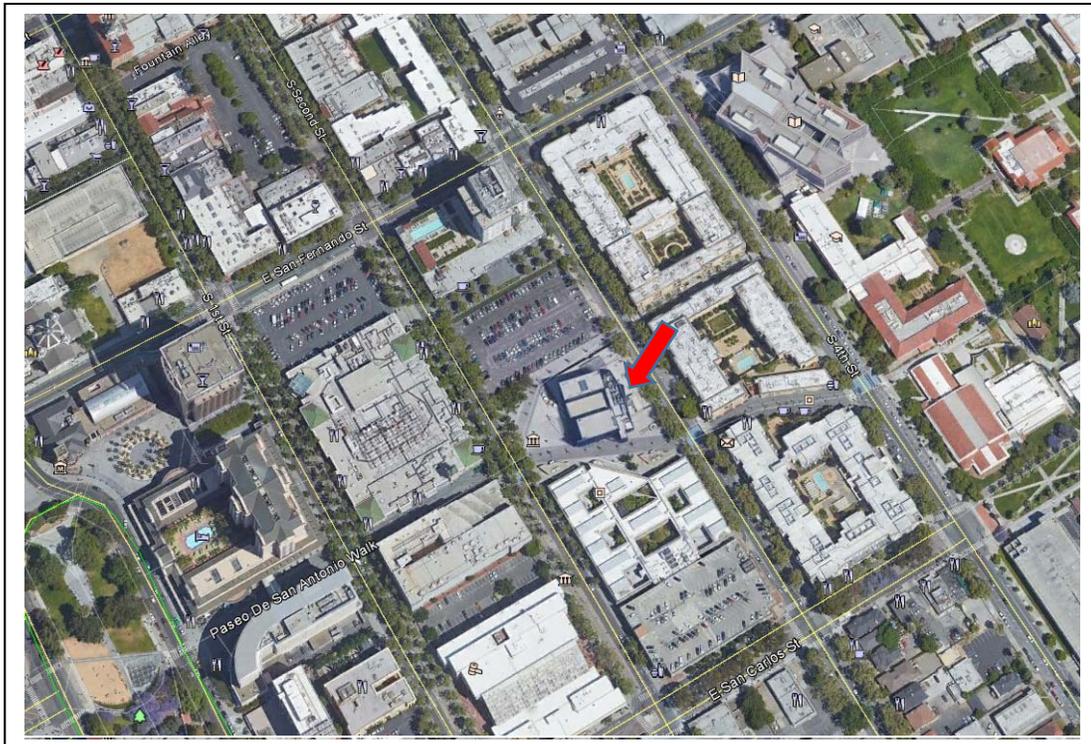
4. Hammer Theater

APN: 467-46-109 Address: 101 Paseo San Antonio



Zoning Designation: DC
(Downtown Primary Commercial)

General Plan Designation: DT (Downtown)



Aerial View

Potential City-owned Sites

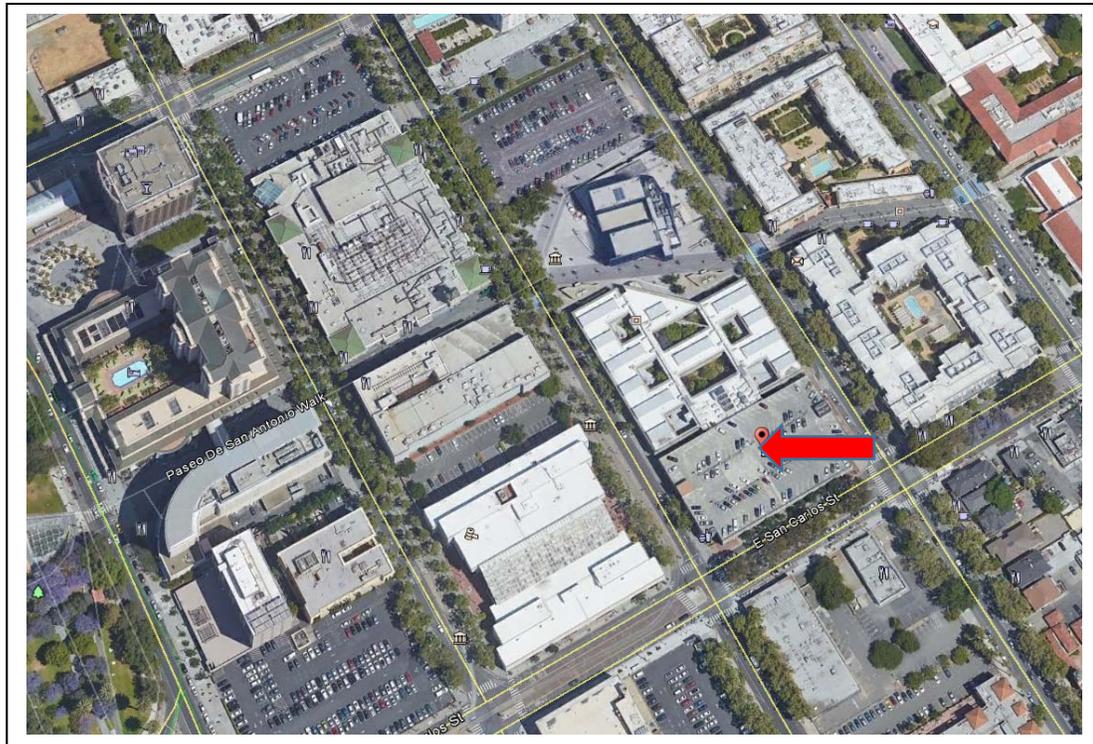
5. City of San Jose Parking Garage

APN: 467-46-097 Address: 280 South Second Street



*Zoning Designation: DC
(Downtown Primary Commercial)*

General Plan Designation: DT (Downtown)

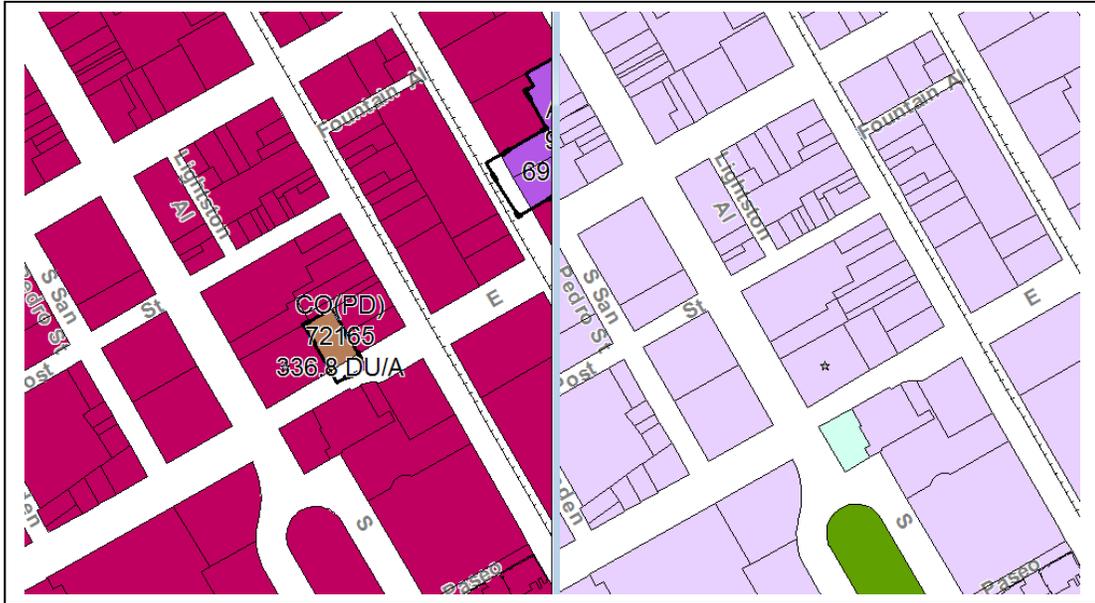


Aerial View

Potential City-owned Sites

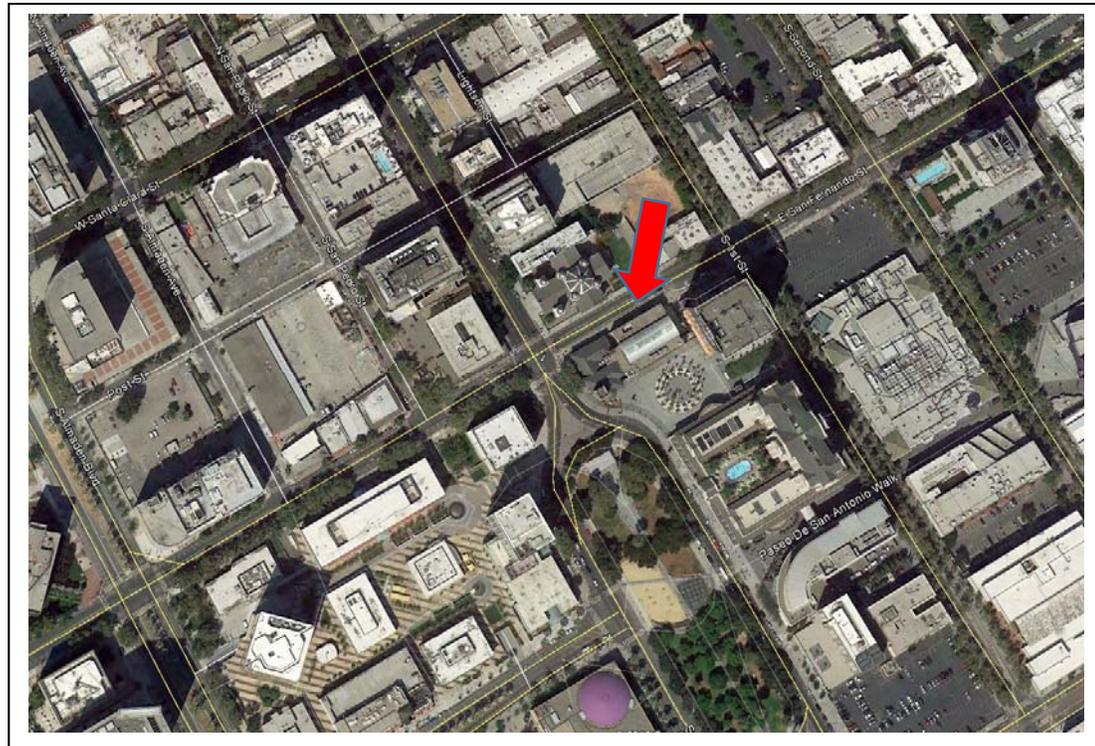
6. San Jose Museum of Art

APN: 259-40-066 Address: 110 South Market Street



*Zoning Designation: DC
(Downtown Primary Commercial)*

General Plan Designation: DT (Downtown)



Aerial View

Potential City-owned Sites

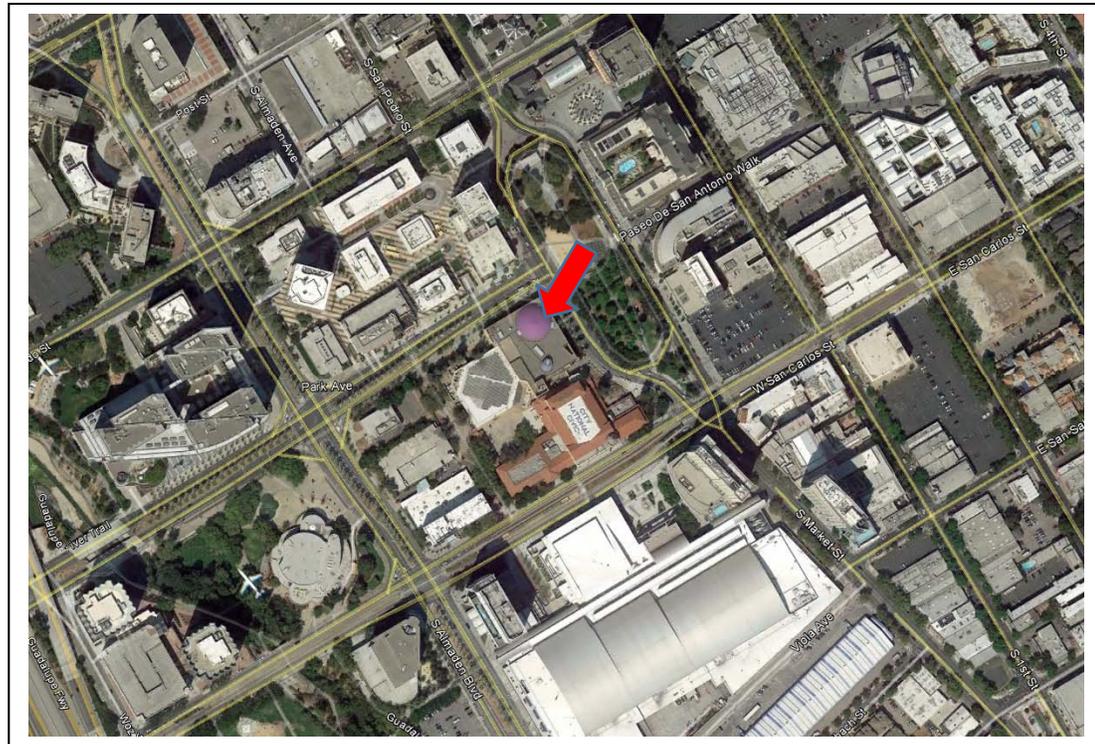
7. The Tech

APN: 259-42-023 Address: 201 South Market Street



*Zoning Designation: DC
(Downtown Primary Commercial)*

*General Plan Designation PQP (Public/
Quasi-Public)*

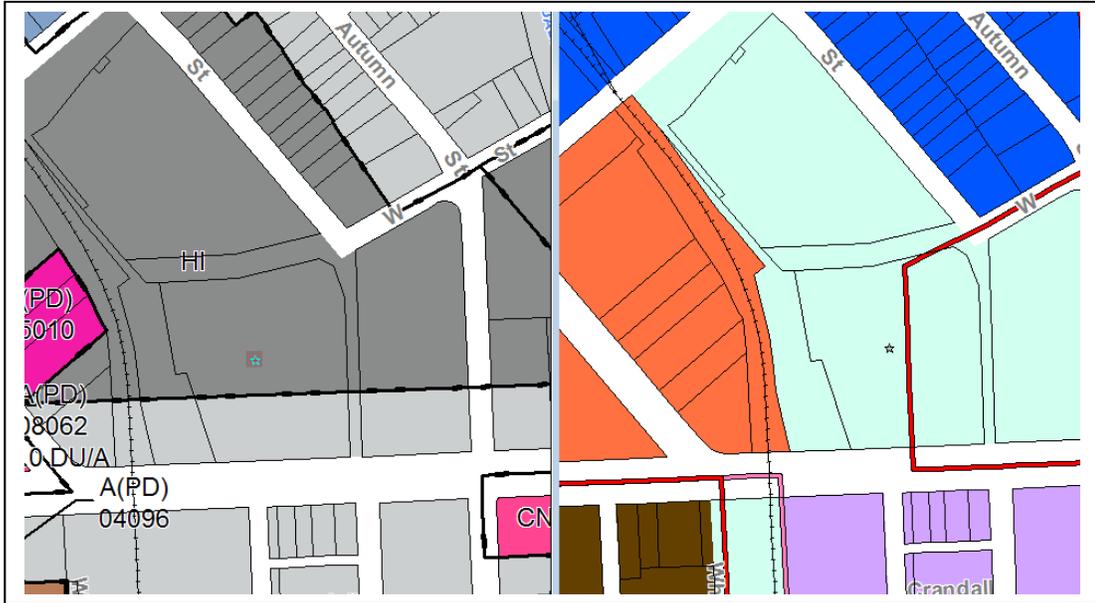


Aerial View

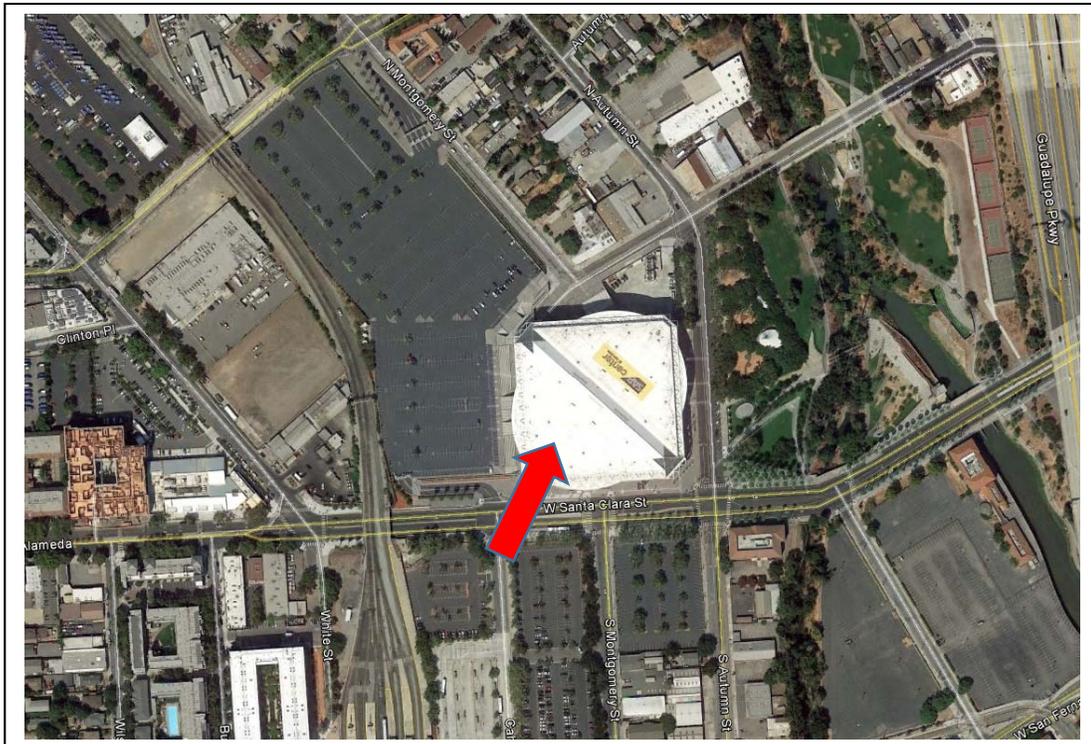
Potential City-owned Sites

9. SAP Center

APN: 259-28-043 Address: 525 West Santa Clara Street



Zoning Designation: HI (Heavy Industrial), General Plan Designation: PQP
LI (Light Industrial) (Public/ Quasi-Public)

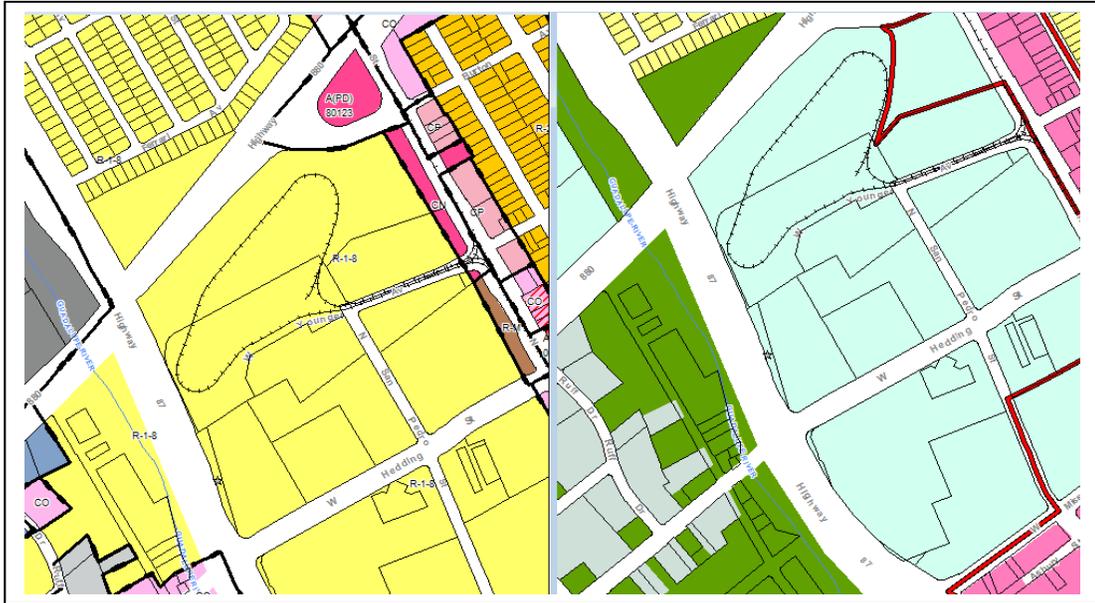


Aerial View

Potential City-owned Sites

10. Vacant Lot

APN: 230-37-020 Address: Highway 87 and West Hedding Street



*Zoning Designation: R-1-8
(Single-Family Residence)*

*General Plan Designation: PQP
(Public/ Quasi-Public)*

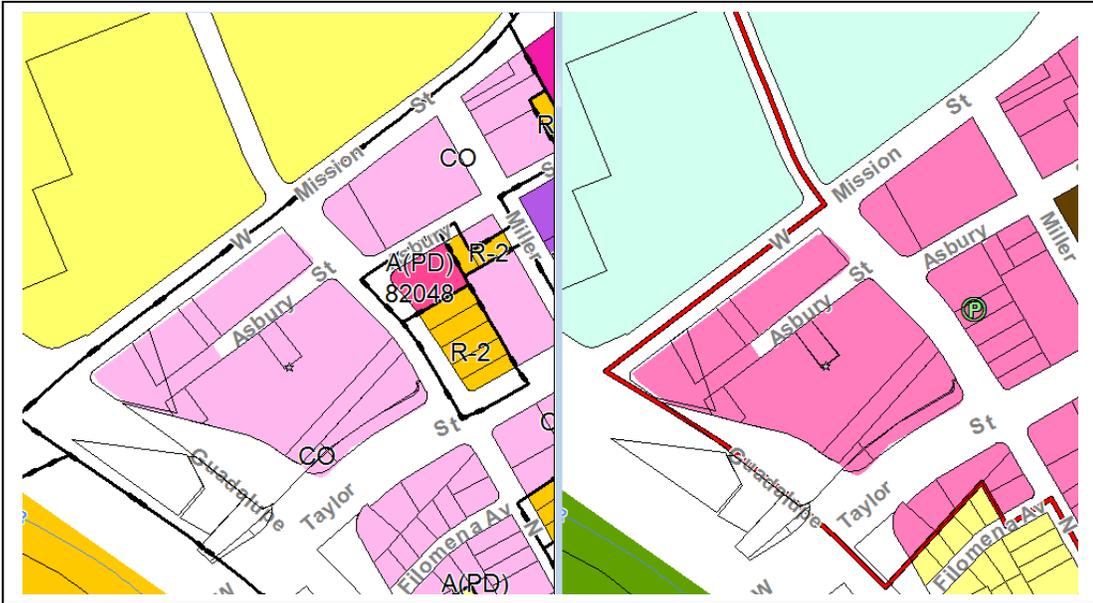


Aerial View

Potential City-owned Sites

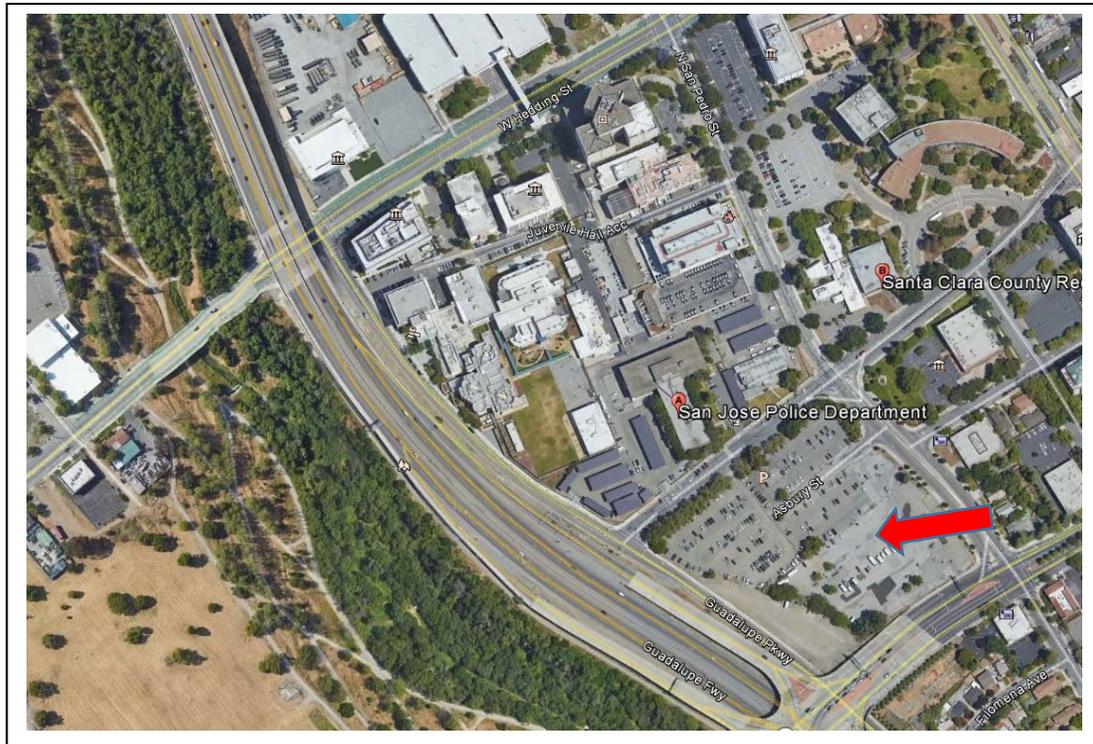
12. City of San Jose Parking Lot

APN: 259-06-054 Address: 737 North San Pedro Street



*Zoning Designation: CO
(Commercial Office)*

*General Plan Designation: NCC
(Neighborhood/ Community Commercial)*



Aerial View

Potential City-owned Sites

13. City of San Jose Parking Lot

APN: 259-04-019 Address: Highway 87 and West Mission Street



*Zoning Designation: CO
(Commercial Office)*

*General Plan Designation: PQP
(Public/ Quasi-Public)*

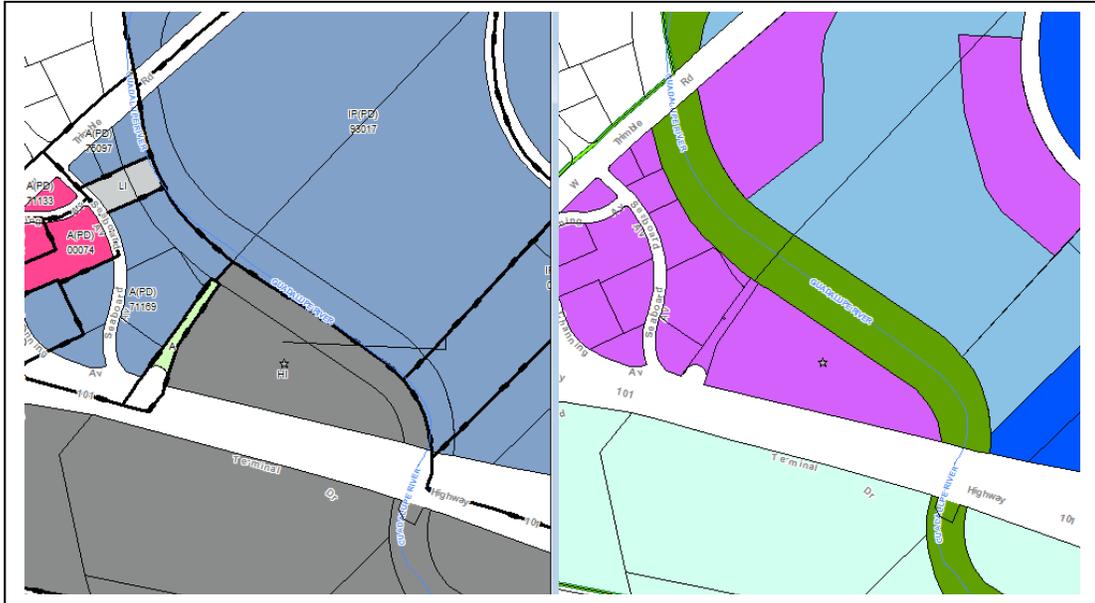


Aerial View

Potential City-owned Sites

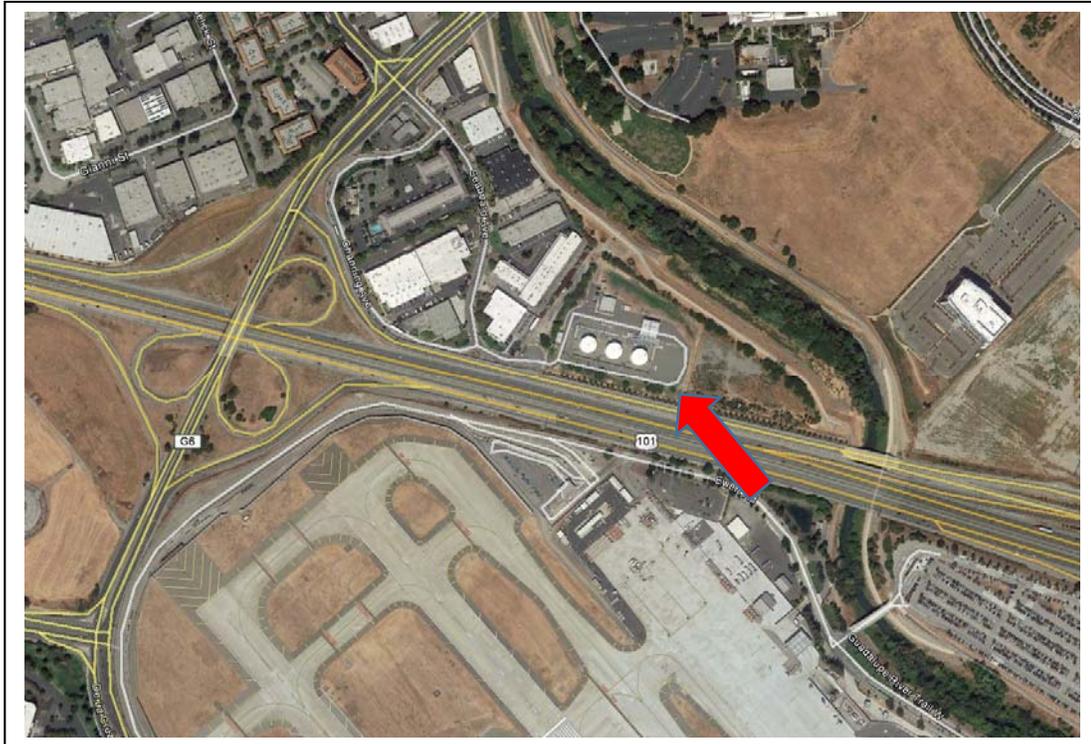
14. Airport Facility

APN: 101-03-009 Address: 2500 Seaboard Avenue



*Zoning Designation: HI
(Heavy Industrial)*

*General Plan Designation: CIC
(Combined Industrial/ Commercial)*

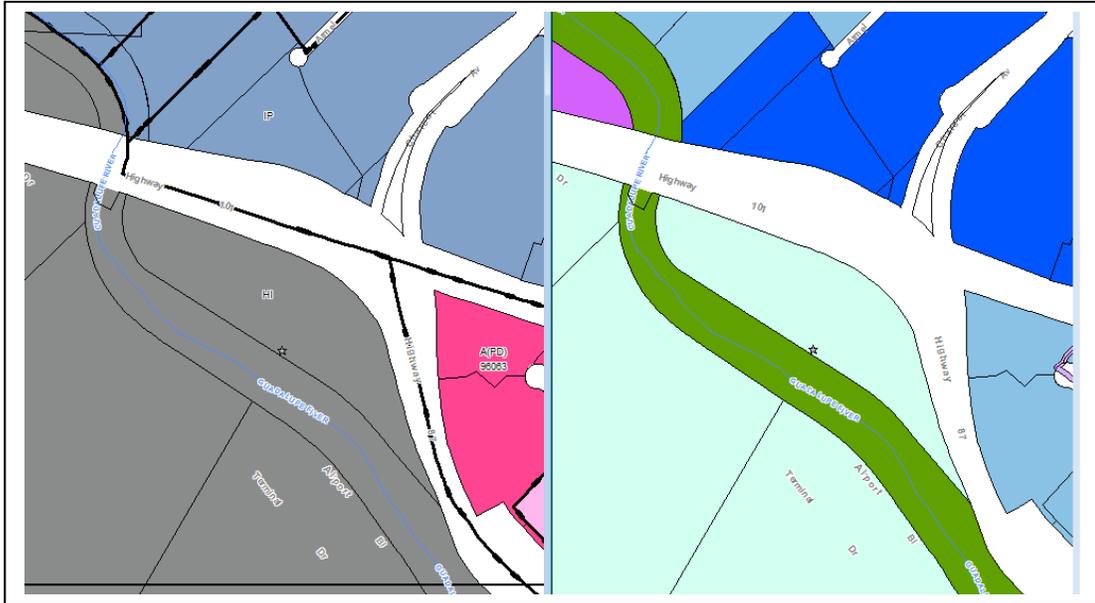


Aerial View

Potential City-owned Sites

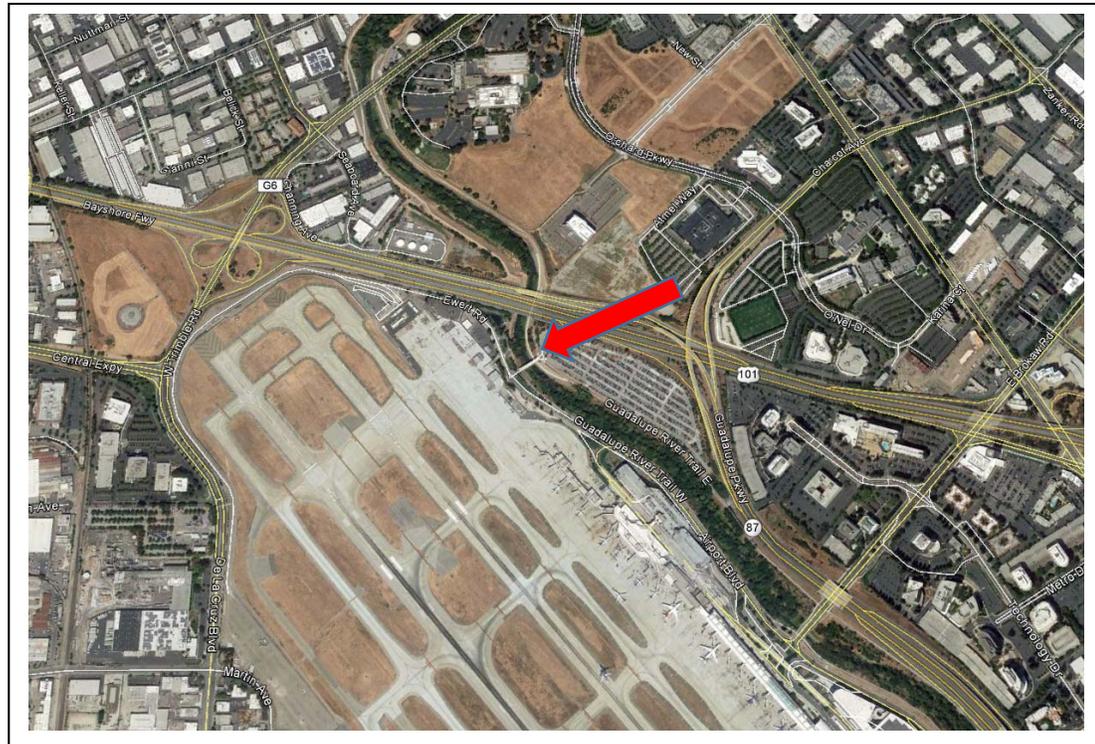
15. Airport Facility

APN: 230-01-058 Address: 2200 Airport Boulevard



Zoning Designation: HI
(Heavy Industrial)

General Plan Designation: PQP
(Public/ Quasi-Public)



Aerial View

Potential City-owned Sites

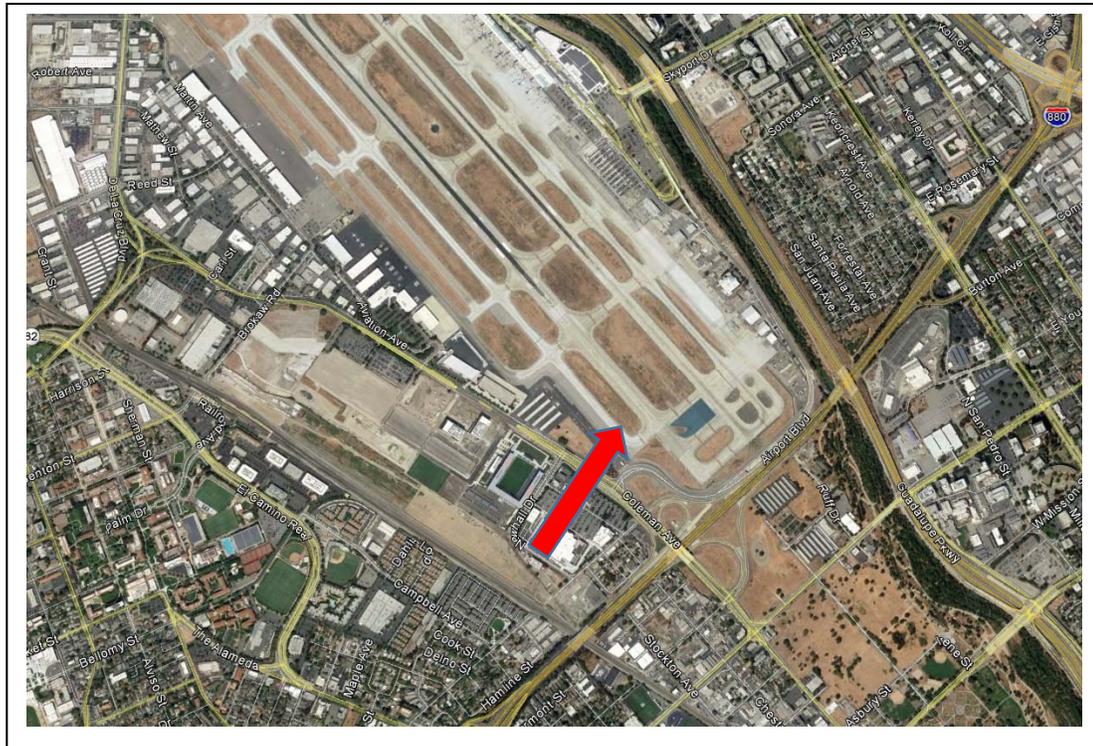
16. Airport Facility

APN: 230-01-065 Address: 1128 Coleman Avenue



Zoning Designation: HI
(Heavy Industrial)

General Plan Designation: PQP
(Public/ Quasi-Public)

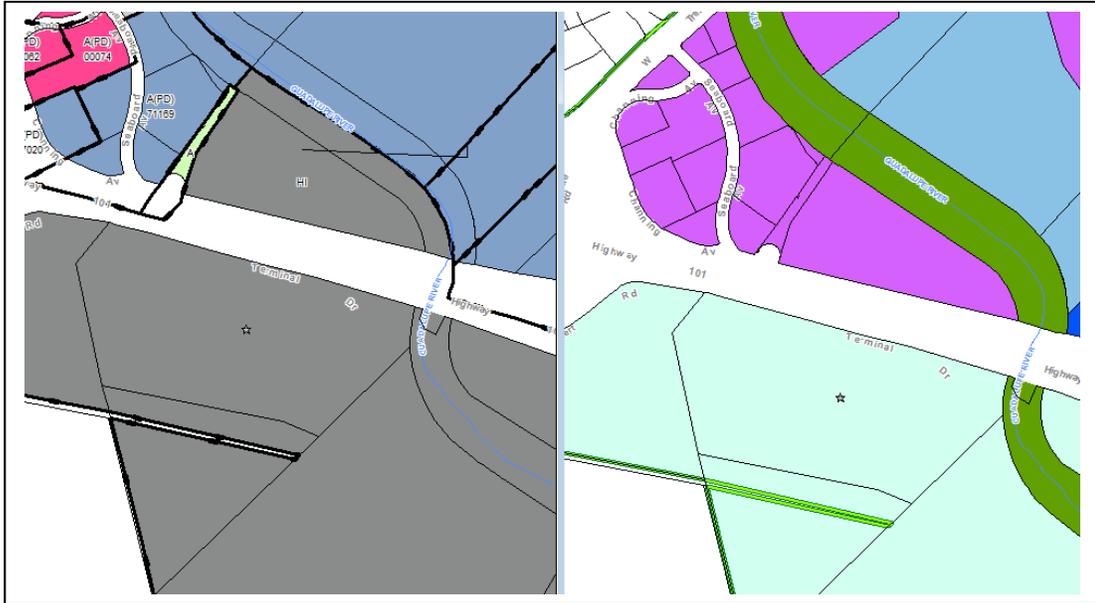


Aerial View

Potential City-owned Sites

17. Airport Facility

APN: 230-02-021 Address: 2341 Airport Boulevard



Zoning Designation: HI
(Heavy Industrial)

General Plan Designation: PQP
(Public/ Quasi-Public)

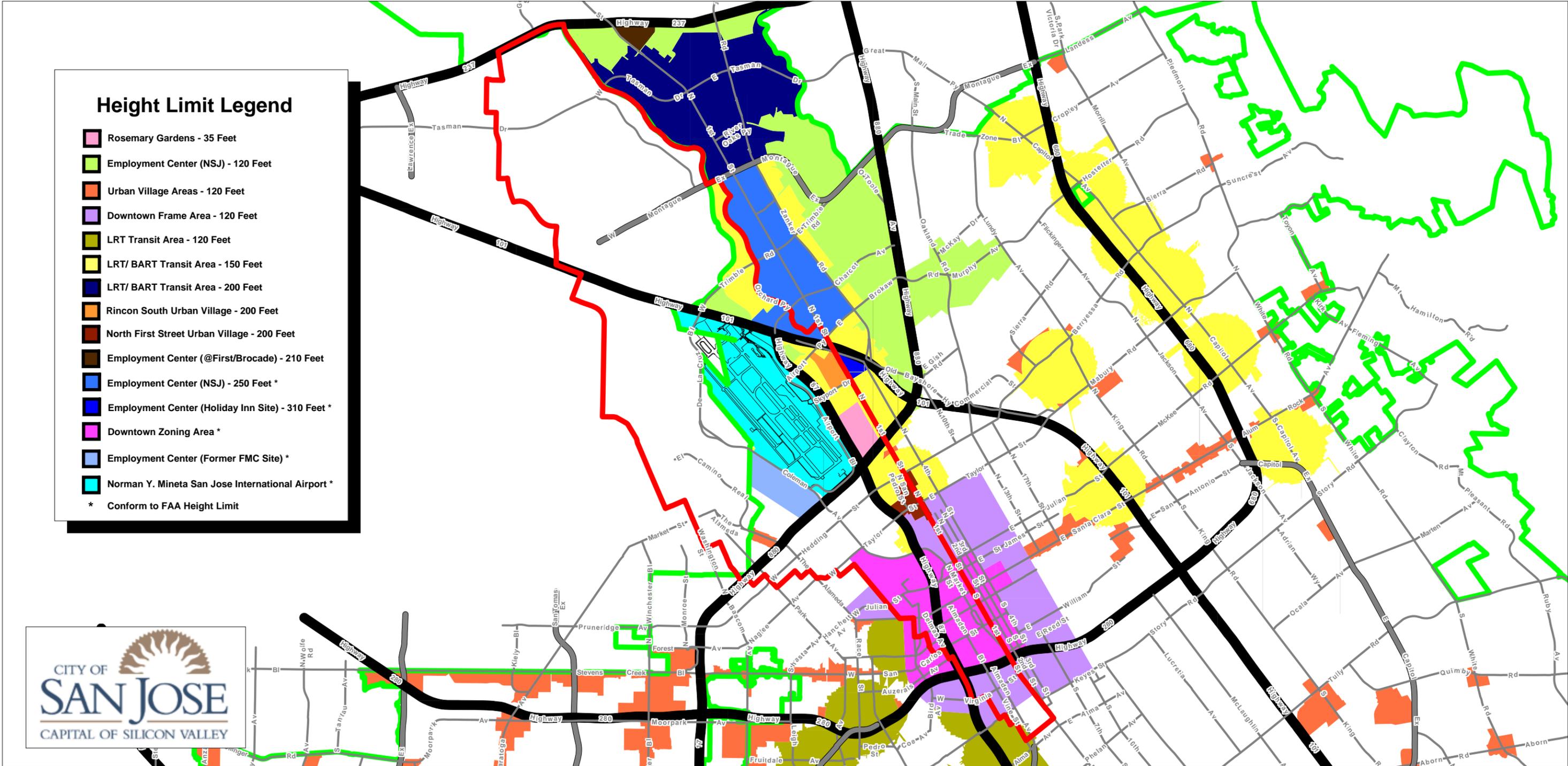


Aerial View

Appendix 3

1. City of San Jose Specific Height Limitation Areas
2. San Jose Planning Areas
3. Downtown Sign Intensification Boundary
4. North San Jose Area Development Policy

City of San Jose Specific Height Limitation Areas



 Norman Y. Mineta San Jose Int'l Airport Influence Area

 San Jose City Limits

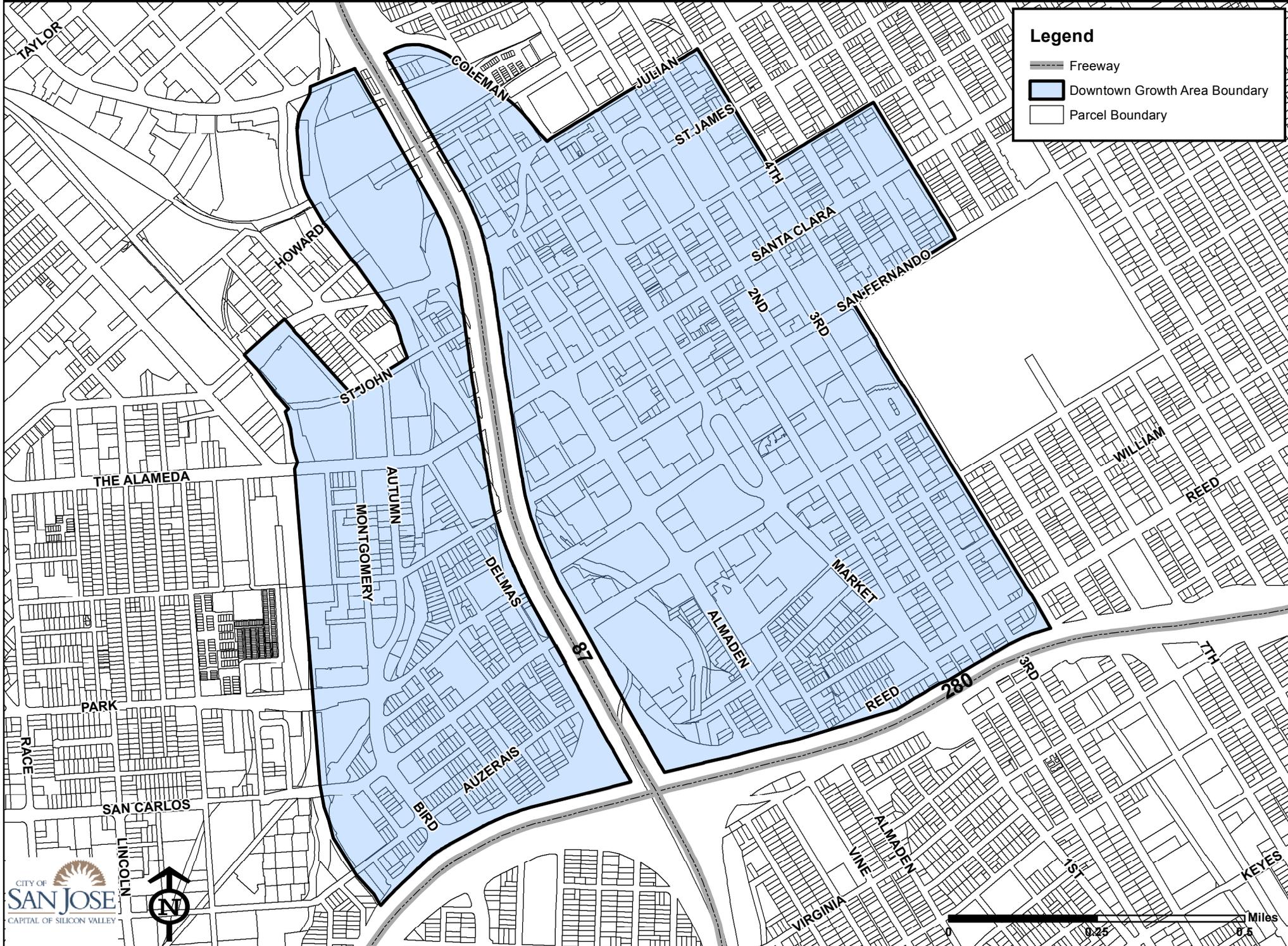


San Jose Planning Areas



Scale: 1 inch = 4,500 feet

Downtown Growth Area Boundary/Proposed Downtown Sign Intensification Boundary



Appendix 4

General Plan Text and
Code Amendments

(General Plan Text and Code Amendments)

General City Design Goal CD-1 – Attractive City Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

Policy CD-1.28 To maintain and protect the integrity, character, and aesthetic environment of the streetscape in industrial, commercial, and residential neighborhoods, new billboards should be permitted only through a discretionary review process and only where they do not create visual clutter and blight. The relocation of existing billboards from impacted areas to locations where they would have a less visually blighting effect should be encouraged.

Goal CD-9 – Access to Scenic Resources Preserve and enhance the visual access to scenic resources of San José and its environs through a system of scenic routes.

Policy CD-9.6 Prohibit billboards adjacent to all Rural Scenic Routes.

Goal CD-10 – Attractive Gateways Create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and Grand Boulevards, to contribute towards the positive image of the City

~~**Policy CD-10.4 Prohibit billboards at Gateway locations and along freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) and Grand Boulevards within San José.**~~

23.02.870 - Administrative authority; appeals.

A. Administrative authority for the implementation of the sign regulations set forth in this title and for the issuance of permits, if required under Part 4 of this chapter, shall be as follows:

District or Type of Sign	Administrative Authority
CO, CP, CN, CG, IP, LI, HI, OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M and R-MH zoning districts; neighborhood business districts; downtown sign zone; urban mixed-use development area sign zone; Capitol Expressway Auto Mall signage area, billboard relocation; rotation message billboards; temporary signs	Department of planning, building and code enforcement
Public right-of-way signs	Department of transportation

District or Type of Sign	Administrative Authority
Signs on public property other than public right-of-way	Department of Public Works for Signs at City facilities; <u>except for Signs in Parks and Signs on City-Owned Property approved pursuant to City Council Policy 6-4</u> ; Department of Parks, Recreation and Neighborhood Services for Signs in Parks
Signs within Airport Sign Zone	Airport Department

"Director" as used in this title and not otherwise identified shall refer to the director of the applicable administrative authority.

B. Enforcement authority for this title shall be in the code enforcement division of the department of planning, building and code enforcement, except that the department of transportation shall have enforcement authority for signs in public right-of-way, the department of parks, recreation and neighborhood services shall have enforcement authority for signs in parks, the department of public works shall have enforcement authority for signs at city facilities, and the director of aviation shall have enforcement authority for signs in the airport sign zone.

23.02.1310 - Exemption from permit.

A. The following signs shall comply with all other requirements of this title but are exempted from the permit requirements of [Section 23.02.1300](#), unless otherwise expressly required elsewhere:

1. Temporary signs.
2. Safety or directional signs of four square feet or less that are not programmable electronic signs.
3. Safety or directional signs regardless of size if erected by a public entity or public utility.

~~4. Signs erected by the city.~~

~~5.~~ Election signs.

~~6.~~ Window signs.

~~7.~~ U.S. flags; any other flags displayed on flagpoles erected in conformance with all applicable laws.

~~8.~~ Required signs as described in [Section 23.02.1030](#).

89. Signage for residential uses where there are four or fewer residential occupancy units on the parcel.

409. Signs allowed on outdoor vending facilities under [Section 20.80.870](#) of Part 10 of [Chapter 20.80](#) of [Title 20](#) of this Code.

4110. Signs allowed on recycling facilities by Sections 20.80.1130.B.5. and C.11. of Part 13 of [Chapter 20.80](#) of [Title 20](#) of this Code.

4211. Signs allowed on temporary trailers by Section 20.80.1740F of Part 18 of [Chapter 20.80](#) of [Title 20](#) of this Code.

B. Signs erected by the City are exempt from permit requirements, but shall comply with all other requirements of this Title, except that Signs erected by the City, including under contract to the City, pursuant to City Council Policy 6-4 shall comply with the requirements of Council Policy 6-4.

DRAFT