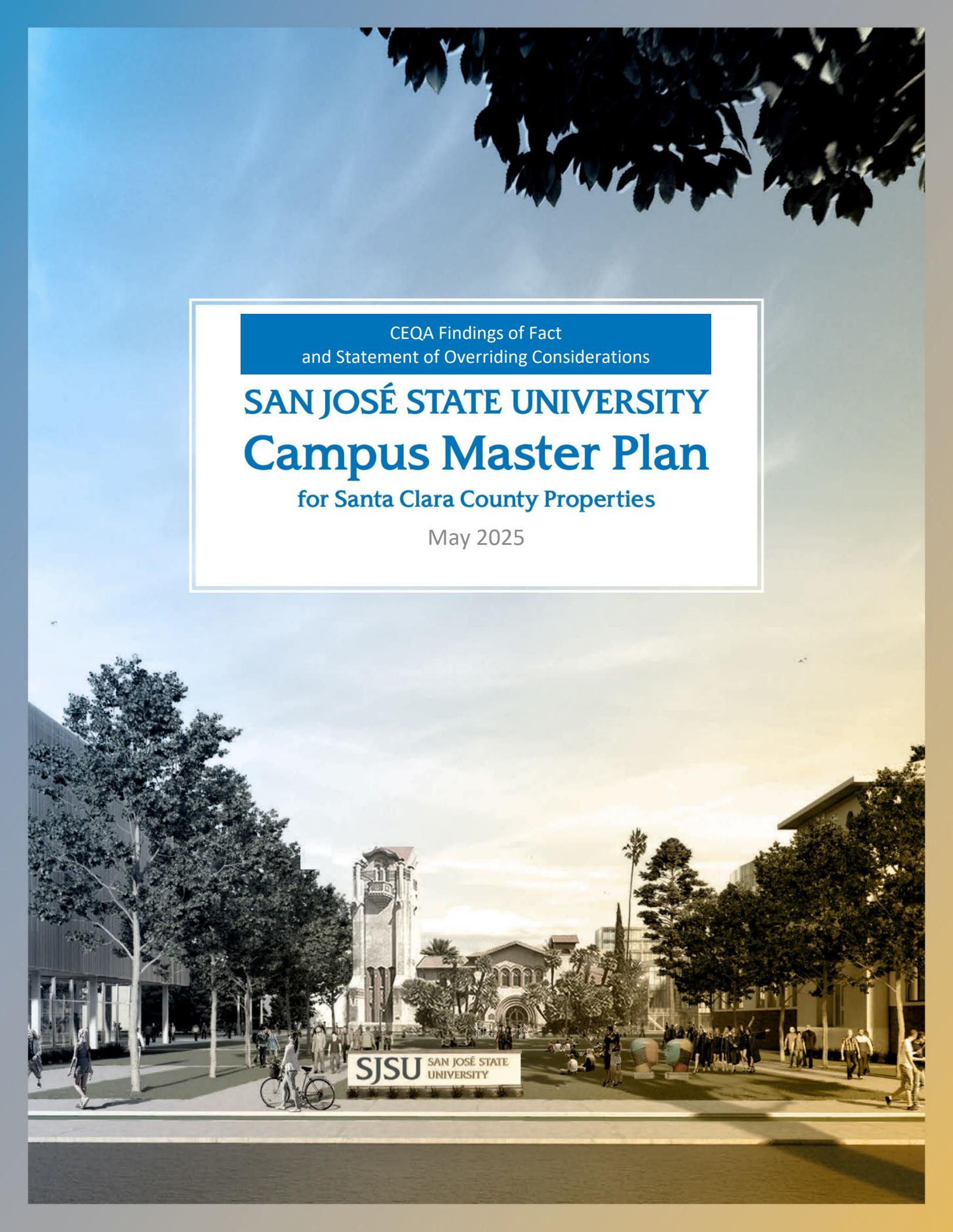


CEQA Findings of Fact  
and Statement of Overriding Considerations

# SAN JOSÉ STATE UNIVERSITY Campus Master Plan

for Santa Clara County Properties

May 2025



SJSU SAN JOSÉ STATE  
UNIVERSITY

CEQA Findings of Fact and Statement of  
Overriding Considerations  
for the  
San José State University Campus Master Plan  
State Clearinghouse No. 2023030435

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# TABLE OF CONTENTS

Section		Page
<b>1</b>	<b>FINDINGS OF FACT .....</b>	<b>1</b>
1.1	Introduction .....	1
1.1.1	Purpose.....	1
1.1.2	Organization and Format of Findings .....	2
1.1.3	Project Purpose .....	2
1.1.4	Summary of Project Description .....	3
1.1.5	Project Objectives.....	4
1.1.6	Environmental Review Process .....	5
1.2	CEQA Findings of Independent Judgment.....	6
1.2.1	Effects Determined Not to Be Significant.....	6
1.2.2	Less Than Significant Impacts .....	7
1.2.3	Potentially Significant or Significant Impacts Mitigated Below a Level of Significance .....	12
1.2.4	Significant Impacts That Cannot Be Mitigated Below a Level of Significance .....	23
1.3	Findings Regarding Alternatives.....	32
1.3.1	Alternatives Considered but Not Evaluated in Detail in the EIR .....	33
1.3.2	Alternatives Evaluated in the EIR.....	34
1.4	General CEQA Findings.....	37
1.4.1	Mitigation Monitoring and Reporting Program .....	37
1.4.2	CEQA Guidelines Section 15091 and 15092 Findings .....	37
1.4.3	CSU Board of Trustees Independent Judgment.....	38
1.4.4	Nature of Findings.....	38
1.4.5	Reliance on Administrative Record .....	38
1.5	Certification of the Final Environmental Impact Report .....	40
<b>2</b>	<b>STATEMENT OF OVERRIDING CONSIDERATIONS.....</b>	<b>41</b>

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# 1 FINDINGS OF FACT

## 1.1 INTRODUCTION

### 1.1.1 Purpose

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with the proposed San José State University (SJSU or University) Campus Master Plan (Campus Master Plan) located on the Main and South campuses of the University, as well as various off-campus properties in and around the City of San José (City) in Santa Clara County. These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the

specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the Campus Master Plan identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of Campus Master Plan approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the CSU Board of Trustees adopts these Findings as part of its certification of the Final EIR for the Campus Master Plan. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the CSU Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the Campus Master Plan. As required by CEQA, the CSU Board of Trustees, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Campus Master Plan. The CSU Board of Trustees finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Campus Master Plan.

## 1.1.2 Organization and Format of Findings

Section 1.1, "Introduction," contains a summary description of the Campus Master Plan and background facts relative to the environmental review process.

Section 1.2 discusses the CEQA findings of independent judgment. Subsection 1.2.1 describes the environmental effects determined not to be significant during the Notice of Preparation (NOP) scoping process, do not require mitigation measures, and were therefore not discussed in detail in the EIR. Section 1.2.2 identifies the Campus Master Plan's potential environmental effects that were determined not to be significant during preparation of the EIR and, therefore, do not require mitigation measures. Subsection 1.2.3 identifies the potentially significant effects of the Campus Master Plan that would be mitigated to a less than significant level with implementation of the identified mitigation measures. Subsection 1.2.4 identifies the significant impacts of the Campus Master Plan that cannot be mitigated to a less than significant level, although all feasible mitigation measures have been identified and incorporated into the Campus Master Plan.

Section 1.3 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 1.4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the MMRP.

Section 1.5 describes the certification of the Final EIR.

Chapter 2 contains the Statement of Overriding Considerations providing the CSU Board of Trustees' views on the balance between the Campus Master Plan's significant environmental effects and the merits and objectives of the Campus Master Plan.

## 1.1.3 Project Purpose

SJSU is the oldest state institution for higher education in California, founded in 1857 as part of the San Francisco School System. The campus moved to the City of San José in 1871. Fifty years later, in 1921, it became the San José State Teachers College and changed names again in 1934 as the San José State College. The present name of San José State University was adopted in 1974. Over time, facilities on the campus have evolved and developed to accommodate additional academic programming and student enrollment. In order to provide a more structured and cohesive path of academic programming for an evolving student body, the CSU Chancellor's Office requires all

universities to have a Campus Master Plan for each campus. A Campus Master Plan is a comprehensive land use plan that guides the physical development necessary to achieve the campus' mission, including the needs of academic and administrative space, housing, open space, circulation, and other land uses that facilitate the function of the campus and the appropriate siting of new capital projects. Ultimately, a Campus Master Plan is a long-range planning document that guides the development and uses of campus lands to accommodate growth in student enrollment and in fulfillment of a university's academic mission.

Currently, development of the SJSU campus is guided by the 2001 Master Plan, but this plan only addresses the Main Campus. Planning for the South Campus was later provided in the South Campus Facilities Development Plan prepared in 2016. In 2020, SJSU initiated its Campus Master Plan update process for its properties in Santa Clara County to address continued campus growth and emerging higher education needs of the University. Over the next several years (i.e., through 2045), SJSU anticipates increased demand for academic facilities, additional housing, recreation and athletics facilities, and student support facilities and services on campus.

### 1.1.4 Summary of Project Description

SJSU is one of 23 universities in the California State University (CSU) system. SJSU is composed of seven colleges: the Lucas College and Graduate School of Business; Connie L. Lurie College of Education; Charles W. Davidson College of Engineering; College of Graduate Studies; College of Health and Human Sciences; College of Humanities and the Arts; College of Information, Data, and Society; College of Science; and College of Social Sciences. In keeping with its state charter and California Education Code 66202.5, and in response to projections of continued increases in demand for higher education enrollment to meet California's future workforce needs, the CSU Board of Trustees (Trustees) has directed each CSU university to take the necessary steps to accommodate additional systemwide enrollment increases. To comply with this directive, CSU universities are required to periodically review and revise their physical master plans, in part, to ensure that proposed University capital improvement programs remain consistent with those plans.

The Campus Master Plan is a long-range planning document that guides the development and use of campus lands to accommodate projected growth in student enrollment and in fulfillment of SJSU's academic mission. To accommodate the anticipated enrollment growth and increase in demand for academic facilities, additional housing, recreation and athletic facilities, and student support facilities and services on campus through 2045, the Campus Master Plan would include the demolition and replacement of approximately 1,065,000 gross square feet (GSF) of existing academic, administrative, housing, and support facilities to allow the campus to add density in both the Main and South campuses while maintaining and increasing the amount of open space on the Main Campus. Approximately 1,400,000 GSF of academic, research, and administrative space and an additional 400,000 GSF of student support space would be added. This includes approximately 900,000 GSF of new student housing space to accommodate the 2,100 new student beds and up to 1,000,000 GSF of new housing at the Alquist Building site. The new housing development at the site of the Alquist Building would provide up to 1,000 residential units with up to 500 units for faculty, staff, and graduate students. In total, approximately 3,700,000 GSF of net new construction, 1,065,000 GSF of replacement, and 1,600,000 GSF of renovation would occur within the Master Plan Area.

In terms of assignable square feet (ASF), an additional 750,000 ASF of academic and administrative, and an additional 225,000 ASF of support space would be developed. In addition, 650,000 ASF of existing aging or obsolete academic, administrative, and support space would be demolished and replaced with new facilities.

The Campus Master Plan estimates overall student enrollment to increase from a total headcount of 35,475 (AY 2018-2019) students to 44,000 students (27,500 full-time equivalent students [FTES]) by 2045, along with sufficient faculty and staff to provide instruction and support services that would accommodate the demand of this increased

headcount.<sup>1</sup> More than half of that growth would occur in Special Sessions (i.e., academic programs provided to matriculated students on a self-support basis) and online enrollment.

## 1.1.5 Project Objectives

The following objectives of the Campus Master Plan have been identified to support the underlying purpose of the Campus Master Plan in advancement of the University's academic mission, vision, and values by guiding the physical development of the campus and to accommodate changes in enrollment:

- ▶ Support and advance the University's educational mission by guiding the physical development of the campus to accommodate gradual student enrollment growth up to a future on-campus enrollment of 27,500 FTES (37,500 headcount) while preserving and enhancing the quality of campus life.
- ▶ Expand campus programs, services, facilities, and housing to support and enhance the diversity of students, faculty, and staff.
- ▶ Optimize the use of existing acreage within the Main and South campuses and promote compact and clustered development of academic/administrative facilities where possible.
- ▶ Renovate or demolish buildings that are inefficient in terms of operation, maintenance, and user comfort due to age and that have critical deferred maintenance issues.
- ▶ Replace demolished buildings with higher density, mixed-use buildings that consolidate and integrate colleges and student support spaces, while maintaining the campus character and history.
- ▶ Improve access and permeability between the campuses and their surroundings, including between the City of San José and the University, as well as the promotion of cross-disciplinary synergies between complementary academic, student/faculty support, and housing programs.
- ▶ Enhance the physical interface between the University and the surrounding communities to further integrate and engage the University with the community.
- ▶ Increase and modernize on-campus and campus-adjacent (i.e., within a walkable distance [0.25 mile] of either the Main or South campuses) housing for students to serve at least 20 percent (7,500 student beds) of projected on-campus student enrollment to enliven existing housing and activate those parts of campus.
- ▶ Provide and enhance the campus environment with appealing open space, more gathering places, engaging outdoor activity areas and a strong pedestrian orientation.
- ▶ Further enhance a modal shift from vehicles to more pedestrian, bicycle, and transit use through the provision of additional on-campus opportunities for alternative transportation (e.g., bicycle lanes/parking, additional transit stops, and enhanced safety measures for bicyclists and pedestrians) in a manner consistent with local and regional alternative transportation improvements.
- ▶ Advance campus-wide environmental sustainability and make progress toward goals of carbon neutrality and climate resilience through replacement of aging and inefficient buildings and infrastructure with new/renovated buildings and infrastructure that meet or exceed CSU Sustainability Policy requirements.

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<sup>1</sup> FTES is a calculation of university capacity based on the assumptions that a full-time undergraduate student is expected to enroll in 15 units each term (i.e., quarter) and a full-time graduate student is expected to enroll in 12 units each term (i.e., quarter). FTES balances out the amount of instruction involved and level of academic instruction required because not all students take exactly these loads each term.

## 1.1.6 Environmental Review Process

### NOTICE OF PREPARATION

In accordance with CEQA (Public Resources Code [PRC] Section 21092) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082), SJSU issued a Notice of Preparation (NOP) on March 16, 2023. SJSU circulated the NOP to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the Campus Master Plan. The NOP was also posted to the State Clearinghouse (State Clearinghouse No. 2023030435) and to SJSU's website (<https://www.sjsu.edu/campusmasterplan/>). A hybrid public scoping meeting (i.e., in-person meeting with online webinar for those who prefer to attend virtually) was held by SJSU on March 29, 2023, and public review ended on April 14, 2023.

### DRAFT EIR

In accordance with CEQA (PRC Sections 21000-21177) and the State CEQA Guidelines (14 CCR Sections 15000-15387), SJSU prepared a Draft EIR (which is the subject of these Findings) to address the potential significant environmental effects associated with the Campus Master Plan. The Draft EIR addresses the following potentially significant environmental issues:

- ▶ Aesthetics;
- ▶ Air Quality;
- ▶ Biological Resources;
- ▶ Cultural Resources;
- ▶ Energy;
- ▶ Geology and Soils;
- ▶ Greenhouse Gas Emissions and Climate Change;
- ▶ Hazards and Hazardous Materials;
- ▶ Hydrology and Water Quality;
- ▶ Land Use and Planning;
- ▶ Noise and Vibration;
- ▶ Population and Housing;
- ▶ Public Services and Recreation;
- ▶ Transportation;
- ▶ Tribal Cultural Resources;
- ▶ Utilities and Service Systems; and
- ▶ Wildfire.

SJSU published the Draft EIR for public and agency review on January 17, 2025 for a 45-day public review period that ended on March 3, 2025. A virtual public meeting, during which written and verbal comments were received, was held on February 5, 2025. The Draft EIR was posted and remains accessible online at <https://www.sjsu.edu/campusmasterplan/> and with the State Clearinghouse.

During the Draft EIR public review period, SJSU received one letter from state agencies, two letters from local/regional agencies, and 10 letters from organizations/individuals, and heard verbal comments during the public meeting. All written and verbal comments received in response to the Draft EIR were reviewed and included as part of the Final EIR in Appendix F, and responses to the comments relevant to the environmental analysis were provided in the Final EIR in compliance with CEQA Guidelines Sections 15088 and 15132.

### FINAL EIR

Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written responses addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR, as needed and as appropriate.

The Final EIR assembles in one document all the environmental information and analysis prepared for the Campus Master Plan, including comments on the Draft EIR and responses to those comments.

In accordance with State CEQA Guidelines Section 15132, the Final EIR for the Campus Master Plan consists of: (i) the Draft EIR and subsequent revisions; (ii) comments received on the Draft EIR; (iii) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (iv) written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (v) other information contained in the EIR, including EIR appendices.

The Final EIR was released on May 6, 2025 and was made available for review by commenting agencies, in accordance with CEQA requirements. The Final EIR was also made available to the public online at <https://www.sjsu.edu/campusmasterplan/>.

## 1.2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

### 1.2.1 Effects Determined Not to Be Significant

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a Campus Master Plan were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading “Issues Not Discussed Further” in each resource section of the Final EIR and, with respect to those issue areas that were scoped out as part of the NOP process, at the beginning of Chapter 3, “Environmental Impacts and Mitigation Measures” of the Final EIR. Based on these discussions, implementation of the Campus Master Plan was determined to result in no potentially significant impacts related to the following issues that consequently are not discussed in detail in the EIR:

- ▶ Aesthetics: The Campus Master Plan would not have a substantial adverse effect on a scenic vista.
- ▶ Aesthetics: The Campus Master Plan would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- ▶ Agricultural Resources: The Campus Master Plan would not 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.
- ▶ Agricultural Resources: The Campus Master Plan would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract.
- ▶ Agricultural Resources: The Campus Master Plan would not conflict with existing zoning for, or cause rezoning of, forestland or timberland.
- ▶ Agricultural Resources: The Campus Master Plan would not result in the loss of forest land or conversion of forest land to non-forest use.
- ▶ Agricultural Resources: The Campus Master Plan would not 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.
- ▶ Biological Resources: The Campus Master Plan would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS.
- ▶ Biological Resources: The Campus Master Plan would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- ▶ Biological Resources: The Campus Master Plan would not conflict with any applicable local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- ▶ Biological Resources: The Campus Master Plan would not conflict with the provisions of an applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- ▶ Geology and Soils: The Campus Master Plan would not directly or indirectly cause potential adverse impacts, including the risk of loss, injury, or death through the rupture of a known earthquake fault or landslides.
- ▶ Geology and Soils: The Campus Master Plan would not be located on a geologic unit or soil that is unstable, or that would become unstable resulting in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- ▶ Geology and Soils: The Campus Master Plan would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.
- ▶ Hazards and Hazardous Materials: The Campus Master Plan would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.
- ▶ Hydrology and Water Quality: The Campus Master Plan would not be located in flood hazard, tsunami, or seiche zones, risking the release of pollutants due to project inundation.
- ▶ Land Use and Planning: The Campus Master Plan would not physically divide an established community.
- ▶ Mineral Resources: The Campus Master Plan would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state.
- ▶ Mineral Resources: The Campus Master Plan would not result in the loss of availability of a locally-important mineral resource recovery site delineated on an applicable land use plan.
- ▶ Noise: The Campus Master Plan would not expose people residing or working in the project area to excessive noise levels from being 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.
- ▶ Population and Housing: The Campus Master Plan would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.
- ▶ Transportation: The Campus Master Plan would not result in inadequate emergency access.
- ▶ Wildfire: The Campus Master Plan would not expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, exacerbate wildfire risks.
- ▶ Wildfire: The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- ▶ Wildfire: The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

## 1.2.2 Less Than Significant Impacts

The CSU Board of Trustees finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to Public Resources Code section 21081(a) and CEQA Guidelines section 15091(a):

### AESTHETICS

An evaluation of the Campus Master Plan's impacts related to aesthetics is provided in Section 3.1, "Aesthetics," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to substantial

degradation of the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality (**Impact 3.1-1**).

### **Finding**

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to substantial degradation of the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality are less than significant, and no mitigation measures are required.

## **AIR QUALITY**

An evaluation of the Campus Master Plan's impacts related to air quality is provided in Section 3.2, "Air Quality," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to air quality plan consistency (**Impact 3.2-1**); carbon monoxide hot spots (**Impact 3.2-3**); or odorous emissions (**Impact 3.2-5**).

### **Finding**

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to air quality plan consistency, carbon monoxide hot spots, or odorous emissions are less than significant, and no mitigation measures are required.

## **BIOLOGICAL RESOURCES**

An evaluation of the Campus Master Plan's impacts related to biological resources is provided in Section 3.3, "Biological Resources," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to conflicts with habitat conservation plans (**Impact 3.3-4**).

### **Finding**

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to conflicts with habitat conservation plans are less than significant, and no mitigation measures are required.

## **ENERGY**

An evaluation of the Campus Master Plan's impacts related to energy is provided in Section 3.5, "Energy," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources (**Impact 3.5-1**); or conflicting with or obstructing a state or local plan for renewable energy or energy efficiency (**Impact 3.5-2**).

### **Finding**

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to the wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources and conflicting with or obstructing a state or local plan for renewable energy or energy efficiency are less than significant, and no mitigation measures are required.

## **GEOLOGY AND SOILS**

An evaluation of the Campus Master Plan's impacts related to geology and soils is provided in Section 3.6, "Geology and Soils," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to directly or indirectly causing potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic shaking (**Impact 3.6-1**); or resulting in substantial erosion or loss of topsoil during construction, operations, or maintenance (**Impact 3.6-3**).

## Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to directly or indirectly causing potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic shaking and resulting in substantial erosion or loss of topsoil during construction, operations, or maintenance are less than significant, and no mitigation measures are required.

## HAZARDS AND HAZARDOUS MATERIALS

An evaluation of the Campus Master Plan's impacts related to hazards and hazardous materials is provided in Section 3.8, "Hazards and Hazardous Materials," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (**Impact 3.8-1**); resulting in a safety hazard or excessive noise for people residing or working in the project area 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 (**Impact 3.8-5**); and impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan (**Impact 3.8-6**).

## Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; resulting in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport; and impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan are less than significant, and no mitigation measures are required.

## HYDROLOGY AND WATER QUALITY

An evaluation of the Campus Master Plan's impacts related to hydrology and water quality is provided in Section 3.9, "Hydrology and Water Quality," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to violating water quality standards or waste discharge requirements or otherwise substantially degrading surface water or groundwater quality during construction (**Impact 3.9-1**); violating water quality standards or waste discharge requirements or otherwise substantially degrading surface water or groundwater quality during operation (**Impact 3.9-2**); substantially decreasing groundwater supplies or interfering substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (**Impact 3.9-3**); and conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan (**Impact 3.9-5**).

## Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to violating water quality standards or waste discharge requirements or otherwise substantially degrading surface water or groundwater quality during construction; violating water quality standards or waste discharge requirements or otherwise substantially degrading surface water or groundwater quality during operation; substantially decreasing groundwater supplies or interfering substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; and conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan are less than significant, and no mitigation measures are required.

## LAND USE AND PLANNING

An evaluation of the Campus Master Plan's impacts related to land use and planning is provided in Section 3.10, "Land Use and Planning," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to conflicts with applicable land use plans, policies, or zoning (**Impact 3.10-1**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus master Plan related to conflicts with applicable land use plans, policies, or zoning are less than significant, and no mitigation measures are required.

## NOISE AND VIBRATION

An evaluation of the Campus Master Plan's impacts related to noise and vibration is found in Section 3.11, "Noise and Vibration," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to the generation of a substantial increase in long-term (traffic) noise levels (**Impact 3.8-3**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to the generation of a substantial increase in long-term (traffic) noise levels are less than significant, and no mitigation measures are required.

## POPULATION, EMPLOYMENT, AND HOUSING

An evaluation of the Campus Master Plan's impacts related to population, employment, and housing is found in Section 3.12, "Population, Employment, and Housing," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to directly or indirectly inducing substantial unplanned population growth and housing demand (**Impact 3.9-1**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to directly or indirectly inducing substantial unplanned population growth and housing demand are less than significant, and no mitigation measures are required.

## PUBLIC SERVICES AND RECREATION

An evaluation of the Campus Master Plan's impacts related to public services and recreation is provided in Section 3.13, "Public Services and Recreation," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered fire facilities to maintain acceptable service ratios (**Impact 3.13-1**); substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered police facilities, to maintain acceptable service ratios (**Impact 3.13-2**); substantial adverse physical construction-related impacts associated with the provision or the need for new or physically altered school facilities, to maintain acceptable service ratios (**Impact 3.13-3**); substantial adverse physical construction-related impacts associated with the provision or the need for new or physically altered library facilities, to maintain acceptable service ratios (**Impact 3.13-4**); or substantial deterioration of neighborhood and regional parks, or requiring construction or expansion of recreational facilities (**Impact 3.13-5**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to substantial adverse physical construction-related impacts associated with the

provision of or the need for new or physically altered fire facilities to maintain acceptable service ratios; substantial adverse physical construction-related impacts associated with the provision of or the need for new or physically altered police facilities, to maintain acceptable service ratios; substantial adverse physical construction-related impacts associated with the provision or the need for new or physically altered school facilities, to maintain acceptable service ratios; substantial adverse physical construction-related impacts associated with the provision or the need for new or physically altered library facilities, to maintain acceptable service ratios; or substantial deterioration of neighborhood and regional parks, or requiring construction or expansion of recreational facilities are less than significant, and no mitigation measures are required.

## TRANSPORTATION

An evaluation of the Campus Master Plan's impacts related to transportation is provided in Section 3.14, "Transportation," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to conflicting with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (**Impact 3.14-1**); conflicting or being inconsistent with CEQA guidelines section 15064.3(b) regarding vehicle miles traveled (**Impact 3.14-2**); or substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (**Impact 3.14-3**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to conflicting with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflicting or being inconsistent with CEQA guidelines section 15064.3(b) regarding vehicle miles traveled; or substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) are less than significant, and no mitigation measures are required.

## TRIBAL CULTURAL RESOURCES

An evaluation of the Campus Master Plan's impacts related to Tribal cultural resources is provided in Section 3.15, "Tribal Cultural Resources," of the Final EIR. Implementation of the Campus Master Plan would not result significant impacts related to human remains (**Impact 3.15-2**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to human remains are less than significant, and no mitigation measures are required.

## UTILITIES AND SERVICE SYSTEMS

An evaluation of the Campus Master Plan's impacts related to utilities and service systems is provided in Section 3.16, "Utilities and Service Systems," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to requiring or resulting in the relocation or construction of new or expanded utility infrastructure (**Impact 3.16-1**); the availability of sufficient water supplies (**Impact 3.16-2**); the availability of wastewater treatment capacity (**Impact 3.16-3**); or generating solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impairing the attainment of solid waste reduction goals or requirements (**Impact 3.16-4**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to requiring or resulting in the relocation or construction of new or expanded utility infrastructure; the availability of sufficient water supplies; the availability of wastewater treatment capacity; or

generating solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impairing the attainment of solid waste reduction goals or requirements are less than significant, and no mitigation measures are required.

## WILDFIRE

An evaluation of the Campus Master Plan's impacts related to wildfire is provided in Section 3.17, "Wildfire," of the Final EIR. Implementation of the Campus Master Plan would not result in significant impacts related to the substantial impairment of an adopted emergency response plan or emergency evacuation plan (**Impact 3.17-1**).

### Finding

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts of the Campus Master Plan related to the substantial impairment of an adopted emergency response plan or emergency evacuation plan are less than significant, and no mitigation measures are required.

## 1.2.3 Potentially Significant or Significant Impacts Mitigated Below a Level of Significance

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the CSU Board of Trustees finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed Campus Master Plan, which mitigate or avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

## AESTHETICS

An evaluation of the Campus Master Plan's impacts related to aesthetics is provided in Section 3.1, "Aesthetics," of the Final EIR. Implementation of the Campus Master Plan would create a new source of substantial light or glare that adversely affects day or nighttime views (**Impact 3.1-2**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to aesthetics.

### Mitigation Measure 3.1-2a: Use Minimally Reflective Materials on Building Surfaces

SJSU shall require the use of minimally reflective exterior surfaces and nonreflective (mirrored) glass for all new or redeveloped buildings and structures.

### Mitigation Measure 3.1-2b: Prepare and Implement Lighting Plans

Before approval of development plans for any buildings or structures over five stories in height or modifications to existing field lighting, SJSU shall prepare site-specific lighting plans that shall be implemented as part of project construction/implementation. The lighting plans shall be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America using guidance and best practices endorsed by the International Dark Sky Association. The lighting plans shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking lots, driveways, safety, and signage. The lighting plans shall include the following, as feasible, in conjunction with other measures determined feasible by the illumination engineer:

- ▶ the point source of exterior lighting shall be shielded from off-site viewing locations;
- ▶ light trespass from exterior lights shall be minimized by directing light downward and using cutoff fixtures or shields; and
- ▶ illumination from exterior lights shall be the lowest level necessary to provide adequate public safety.

### **Mitigation Measure 3.1-2c: Use Directional Lighting for Campus Development**

SJSU shall require all new, permanent outdoor lighting fixtures to utilize directional lighting methods (e.g., shielding and/or cutoff-type light fixtures) to minimize glare and light spillover onto adjacent buildings and structures. In addition, light placement and orientation shall also be considered such that light spillover is reduced at nearby land uses, to the extent feasible. Verification of inclusion in project design shall be provided at the time of design review.

### **Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.1-2a through 3.1-2c are feasible, and will reduce the significant aesthetics impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require the use of minimally reflective exterior building surfaces, preparation and implementation of site-specific lighting plans, and the use of directional lighting methods to reduce light and glare. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (**Impact 3.1-2**).

## **AIR QUALITY**

An evaluation of the Campus Master Plan's impacts related to air quality is provided in Section 3.2, "Air Quality," of the Final EIR. Implementation of Campus Master Plan would result in the generation of toxic air contaminants (**Impact 3.2-4**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to air quality.

### **Mitigation Measure 3.2-4a: Reduce Construction-Generated Emissions of Diesel PM**

To reduce construction-related diesel PM exhaust emissions from the use of heavy-duty construction equipment, SJSU shall ensure that all construction contractors comply with the following measures:

- ▶ SJSU shall require by contract specification that all off-road diesel construction equipment (greater than 50 horsepower) used by the contractor shall be powered by engines that meet, at a minimum, the Tier 4 (final) California Emissions Standards for off-road diesel engines.
- ▶ Lower tiered engines will be allowed when the contractor has documented that no Tier 4 final equipment or emissions equivalent retrofit equipment is available or feasible for the project; however, the use of lower tiered engines would require the use of alternatives to traditional diesel fuel, such as High-Performance Renewable Diesel or electrification of equipment, to ensure that overall fleetwide average emissions are sufficiently reduced.

### **Mitigation Measure 3.2-4b: Reduce Onsite Diesel Particulate Matter Emissions from Stationary Sources**

SJSU shall design all future building energy needs and associated backup power sources such that diesel fuel is not required. The design may incorporate the use of onsite renewable energy sources such as solar, backup battery storage, or other available technologies at the time of final building design and construction, so long as diesel powered stationary equipment are not used.

### **Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.2-4a and 3.2-4b are feasible and will reduce the significant air quality impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require the implementation of measures to reduce construction-generated emissions of diesel particulate matter and future buildings to be designed to reduce onsite diesel particulate matter emissions from stationary sources. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (**Impact 3.2-4**).

## BIOLOGICAL RESOURCES

An evaluation of the potential biological resource impacts of the project is provided in 3.3, "Biological Resources," of the Final EIR. Implementation of the Campus Master Plan would result in disturbance to or loss of American peregrine falcon and common raptor and other common native bird nests (**Impact 3.3-1**); result in disturbance to or loss of special-status bat maternity and hibernation roosts (**Impact 3.3-2**); and result in disturbance to wildlife movement corridors or nurseries (**Impact 3.3-3**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to biological resources.

### Mitigation Measure 3.3-1: Avoid Disturbance to American Peregrine Falcon and Common Bird Nests

- ▶ To avoid and minimize impacts on American peregrine falcon and the nests of common raptors and other nesting birds, following measures will be implemented prior to and during demolition and construction activities:
- ▶ To the extent feasible, SJSU or its designated contractor(s) shall schedule work between August 31 and February 1 to avoid the nesting period for American peregrine falcon, common raptors, and other common native nesting birds.
- ▶ If work is required during the nesting season for American Peregrine falcon, common raptors, and other common native nesting birds (February 1 – August 31), a qualified biologist shall conduct a preconstruction survey to identify American peregrine falcon nests and other raptor nests within 500 feet, and other bird nests within 50 feet, of the work area. The survey shall be conducted no more than 14 calendar days before the beginning of construction.
- ▶ If non-raptor bird nests are located within 50 feet of the work area, or American peregrine falcon or other raptor nests are located within 500 feet of the work area, SJSU or its designated contractor(s) shall establish appropriate no-construction buffers around active nest sites. Project activities shall not commence within the buffer areas until a qualified biologist has determined that the nest is no longer active, the young have fledged, or that reducing the buffer would not likely result in nest abandonment.
  - Factors to be considered for determining the appropriate location and extent of no-construction buffers shall include presence of natural buffers provided by vegetation, buildings, or topography; nest height above ground; baseline levels of noise and human activity (e.g., Senter Road, other nearby urban development); and species sensitivity.
- ▶ Monitoring of active nests by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect a nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases.

### Mitigation Measure 3.3-2: Avoid Disturbance of Bat Maternity and Hibernation Roosts

To avoid and minimize impacts to special-status and common bat species the following measures shall be implemented before and during demolition and construction activities:

- ▶ Within 14 days prior to initiating work, a qualified bat biologist shall inspect the area of disturbance and adjacent areas (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost may be determined, or the presence of pallid bat and Townsend's big-eared bat may be assumed. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- ▶ If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity roosting season (April 15 through August 31) and hibernation season (October 15 through March 1). Eviction and exclusion of bats may be implemented prior to demolition using daytime installation of one-way exits and blocking material during the period of March 1 through April 15 or September 1 through October 15, outside of the maternity roosting season

and hibernation season. Once it is determined that bats are no longer present within the roost, demolition may proceed.

- ▶ If bat roosts are determined to be present within trees on the Master Plan Area, any removal of trees occupied by bats shall occur during the period of March 1 through April 15 or September 1 through October 15, outside of the maternity roosting season and hibernation season. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.

### **Mitigation Measure 3.3-3: Avoid Disturbance of Special-Status and Common Bat Maternity Roosts**

To avoid and minimize impacts to maternity roosts of common bats, SJSU shall implement the measures described in Mitigation Measure 3.3-2, above.

### **Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.3-1 through 3.3-3 are feasible and will reduce the potentially significant and significant biological resources impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require preconstruction surveys and avoidance measures for American peregrine falcon and common nesting birds and surveys and avoidance measures for special-status and common bat species. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the potentially significant and significant environmental effects as identified in the Final EIR (**Impacts 3.3-1, 3.3-2, and 3.3-3**).

## **CULTURAL RESOURCES**

An evaluation of the Campus Master Plan's impacts related to cultural resources is found in Section 3.4, "Cultural Resources," of the Final EIR. Implementation of the Campus Master Plan would result in a substantial adverse change in the significance of unique archaeological resources (**Impact 3.4-2**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to cultural resources.

### **Mitigation Measure 3.4-2a: Identify and Protect Unknown Archaeological Resources**

During project-specific environmental review of development under the Campus Master Plan, SJSU shall define each project's area of effect for archaeological resources. The University shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The University shall determine the level of archaeological investigation that is appropriate for the project site and activity, as follows:

- ▶ Minimum: excavation less than 18 inches deep and less than 1,000 sf of disturbance (e.g., a trench for lawn irrigation, tree planting, etc.). Implement Mitigation Measure 3.4-2a(i).
- ▶ Moderate: excavation below 18 inches deep and/or over a large area on any site that is not adjacent to a recorded archaeological site and is not suspected to be a likely location for archaeological resources. Implement Mitigation Measure 3.4-2a(i) and (ii).
- ▶ Intensive: excavation below 18 inches and/or over a large area on any site that is adjacent to a recorded archaeological site. Implement Mitigation Measure 3.4-2a(i), (ii), and (iii).

The University shall implement the following steps to identify and protect archaeological resources that may be present in the project's area of effects:

- (i) For project sites at all levels of investigation, contractor crews shall be required to attend a training session prior to the start of earth moving, regarding how to recognize archaeological sites and artifacts and what steps shall be taken to avoid impacts to those sites and artifacts. In addition, campus employees whose work routinely

involves disturbing the soil shall be informed how to recognize evidence of potential archaeological sites and artifacts. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify SJSU if any are found. In the event of a find, SJSU shall implement item (v), below.

- (ii) For project sites requiring a moderate or intensive level of investigation, a surface survey shall be conducted by a qualified archaeologist once the area of ground disturbance has been identified and prior to soil-disturbing activities. For sites requiring moderate investigation, in the event of a surface find, intensive investigation will be implemented, as per item (iii), below. Irrespective of findings, the qualified archaeologist shall, in consultation with SJSU, develop an archaeological monitoring plan to be implemented during the construction phase of the project. If the project site contains precontact archaeological site(s) or it is recommended by the archaeologists, SJSU shall notify the appropriate Native American tribe and extend an invitation for monitoring. The frequency and duration of monitoring shall be adjusted in accordance with survey results, the nature of construction activities, and results during the monitoring period. A written report of the results of the monitoring will be prepared and filed with the appropriate Information Center of the California Historical Resources Information System. In the event of a discovery, SJSU shall implement item (v), below.
- (iii) For project sites requiring intensive investigation, irrespective of subsurface finds, SJSU shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and file with the appropriate Information Center of the California Historical Resources Information System.

If it is determined that the resource extends into the project's area of effects, the resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5. If the resource does not qualify, or if no resource is present within the project's area of effects, this shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery item (v), below shall be implemented.

- (iv) If archaeological material within the project's area of effects is determined to qualify as an historical resource or a unique archaeological resource (as defined by CEQA), SJSU shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, SJSU shall implement Mitigation Measure 3.4-2b.
- (v) If archaeological material is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease. The University shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. Mitigation Measure 3.4-2a, steps (iii) and (iv) shall be implemented.

#### **Mitigation Measure 3.4-2b: Protect Known Unique Archaeological Resources**

For an archaeological site that has been determined by a qualified archaeologist to qualify as a unique archaeological resource through the process set forth under Mitigation Measure 3.4-2a, and where it has been determined under Mitigation Measure 3.4-2a that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the University, and Native American tribes as applicable, shall:

- (i) Prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site.

- (ii) Perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.
- (iii) If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the CRHR, the University shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the campus shall implement Mitigation Measure 3.4-1c.

#### **Mitigation Measure 3.4-2c: Document Unique Archaeological Resources**

If a significant unique archaeological resource cannot be preserved intact, before the property is damaged or destroyed, the University shall ensure that the resource is appropriately documented. For an archaeological site, a program of research-directed data recovery shall be conducted and reported, consistent with Mitigation Measure 3.4-2a.

#### **Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.4-2a through 3.4-2c are feasible and will reduce the potentially significant cultural resources impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require identification, avoidance, movement, recordation, and if necessary, treatment of previously undiscovered archaeological resources in accordance with pertinent laws and regulations. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the potentially significant environmental effect as identified in the Final EIR (**Impact 3.3-1 and 3.3-2**).

## **GEOLOGY AND SOILS**

An evaluation of the Campus Master Plan's impacts related to geology and soils is provided in Section 3.6, "Geology and Soils," of the Final EIR. Implementation of the Campus Master Plan would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (**Impact 3.6-2**); be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (**Impact 3.6-4**); be located on expansive soil, as defined in table 18-1-b of the uniform building code (1994), creating substantial direct or indirect risks to life and property (**Impact 3.6-5**); and directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (**Impact 3.6-6**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to geology and soils.

#### **Mitigation Measure 3.6-2: Perform Site-Specific Geotechnical Investigations and/or Soils Engineering Reports**

For any areas within the Master Plan Area where development is proposed and which is located within an area designated as having a potential for liquefaction and other geologic hazards, SJSU shall perform site-specific geotechnical investigations and/or soils engineering reports. Based on the findings above, the Master Plan Area is located within an area susceptible to liquefaction. Any appropriate stabilization and site design recommendations or low impact development features determined to be necessary to support proposed development shall be incorporated into the project design and implemented as part of project construction and operation. Before final project approval, the University shall incorporate into the project design all recommendations identified in the final site-specific geotechnical investigation and/or soils engineering report prepared for the project. All recommendations shall be shown on final plans and/or included as project specifications and conditions of approval.

**Mitigation Measure 3.6-4: Perform Site-Specific Geotechnical Investigations and/or Soils Engineering Reports**

Implement Mitigation Measure 3.6-2, described above.

**Mitigation Measure 3.6-5: Perform Site-Specific Geotechnical Investigations and/or Soils Engineering Reports**

Implement Mitigation Measure 3.6-2, described above.

**Mitigation Measure 3.6-6: Implement Procedures for the Inadvertent Discovery of Paleontological Resources**

If any paleontological resources are encountered during the course of development of specific projects under the Campus Master Plan, the construction contractor shall ensure that activities in the immediate area of the find are halted and the University is informed. The University shall retain a qualified paleontologist to evaluate the discovery and prepare a survey, study, or report evaluating the discovery and include recommendations pursuant to guidelines developed by the Society of Vertebrate Paleontology, including development and implementation of a paleontological resource impact mitigation program for treatment of the discovery, if applicable. SJSU shall comply with the recommendations of the qualified paleontologist, as documented in the survey, study, or report.

**Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.6-2, 3.6-4, 3.6-5, and 3.6-6 are feasible and will reduce the potentially significant geology and soil impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require SJSU to perform site-specific geotechnical investigations and/or soils engineering reports and implement procedures for the inadvertent discovery of paleontological resources. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (**Impacts 3.6-2, 3.6-4, 3.6-5, and 3.6-6**).

**GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE**

An evaluation of the Campus Master Plan's impacts related to greenhouse gas emissions and climate change is provided in Section 3.7, "Greenhouse Gas Emissions and Climate Change," of the Final EIR. Implementation of the Campus Master Plan would generate GHG emissions, either indirectly or directly, that may have a significant impact on the environment (**Impact 3.7-1**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to greenhouse gas emissions and climate change.

**Mitigation Measure 3.7-1a: Reduce Greenhouse Gas Emissions from Construction Activities**

To reduce emissions from construction activities, SJSU shall require their construction contractors for individual site-specific projects to comply with the following construction practices, which shall be documented within construction contractor bid specifications.

- ▶ use EPA SmartWay certified trucks for deliveries and equipment transport,
- ▶ reduce electricity use in construction offices by using LED bulbs, powering off computers every day, and using high-efficiency heating and cooling units,
- ▶ recycle or salvage nonhazardous construction and demolition debris with the goal of recycling at least 15 percent more by weight than the diversion requirements in the most current version of Title 24, at the time of construction,
- ▶ use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program, and
- ▶ use low-carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.

### Mitigation Measure 3.7-1b: Installation of EV Charging Stations Meeting the Tier 2 Requirements of the Most Recent CalGreen Code

Prior to the final design of individual site-specific projects, SJSU shall incorporate the appropriate number of EV chargers to meet the most recent Tier 2 requirements of Part 6 of the Title 24 California Building Code (CalGreen code) in effect at the time of project construction. SJSU shall verify construction and operation of the EV chargers prior to occupancy.

The EV charging Tier 2 requirements of the 2022 CalGreen code are specifically tied to the number of parking spaces proposed for a given project. As the Campus Master Plan would not provide additional parking capacity (either through structures or otherwise), the number of EV-capable and EVSE spaces shall be determined based on the square footage of proposed new development, for ease of implementation as the Campus Master Plan develops over time.

As a mixed-use project that would include both residential and nonresidential uses, nonresidential EV-capable and residential EVSE requirements were applied, per the CalGreen Tier 2 Code Table A5.106.5.3.2, 45 percent of total parking spaces shall be EV-capable and for residential projects with more than 20 dwelling units, 15 percent of all parking spaces shall be equipped with EVSE. In total, the Main Campus currently provides 5,896 parking spaces at the North Parking Facility, the South Parking Facility, the West Parking Facility, and various surface parking lots throughout the Main Campus, while the South Campus currently provides 2,480 spaces, for a total of 8,376 existing parking spaces. Based on the CalGreen standards, this equates to a total campuswide requirement of 3,769 EV-capable spaces with 1,256 of those spaces having EVSE. This number may be adjusted to reflect updated regulations.

The Campus Master Plan does not introduce new parking spaces; however, to comply with the recommendations of BAAQMD's CEQA guide, SJSU shall renovate one parking space to be EVSE per every 982 square feet of new development (calculated by dividing the total GSF of anticipated new development [3,700,000] by the required total number of EV-capable spaces [3,769]), until 1,256 EVSE have been installed; thereafter, all subsequent renovations can be EV-capable. Alternatively, decreased rates of EVSE installations may occur, so long as the total required number of EV charging spaces is achieved (i.e., 3,769 EV-capable with 1,256 of those having EVSE, based on currently regulations) over the course of Campus Master Plan implementation.

### Finding

The CSU Board of Trustees finds that Mitigation Measures 3.7-1a and 3.7-1b are feasible and will reduce the potentially significant greenhouse gas emissions and climate change impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require the implementation of measures to reduce greenhouse gas emissions from construction activities and installation of EV charging stations meeting the Tier 2 requirements of the most recent CalGreen Code. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (**Impact 3.7-1**).

## HAZARDS AND HAZARDOUS MATERIALS

An evaluation of the Campus Master Plan's impacts related to hazards and hazardous materials is provided in Section 3.8, "Hazards and Hazardous Materials," of the Final EIR. Implementation of the Campus Master Plan would 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 (**Impact 3.8-2**); emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (**Impact 3.8-3**); and be located on a site which is included on a list of hazardous materials sites compiled pursuant to government code section 65962.5 and, as a result, would it create a significant hazard to the public or environment (**Impact 3.8-4**). SJSU shall implement the following mitigation measure to avoid or reduce the environmental effects of the Campus Master Plan related to hazards and hazardous materials.

**Mitigation Measure 3.8-2a: Conduct Preliminary Site Investigation**

During planning of project-specific development under the Campus Master Plan, the SJSU Facilities and Development Office, Environmental Health and Safety (EHS) Division shall be consulted to identify if any unknown sites of contamination could potentially occur in areas proposed for demolition or renovation as part of the Campus Master Plan. EHS shall consider the cases on file at SJSU, on GeoTracker, and on EnviroStor, and use information on historical uses in the area to be impacted, such as old maps and photos. If EHS determines that there is no potential or minimal potential for contamination to occur on-site, no additional mitigation is necessary. If it is determined that contamination has the potential to exist on a project site, Mitigation Measure 3.8-2b shall be implemented.

**Mitigation Measure 3.8-2b: Conduct Site-Specific Investigation and Prepare and Implement Work Plan**

If the preliminary site investigation (Mitigation Measure 3.8-2a) indicates the potential for contamination, SJSU shall conduct soil sampling within the boundaries of the development and renovation site prior to initiation of renovation, demolition, grading, or other ground-disturbing activities. This investigation shall follow the American Society for Testing and Materials (ASTM) standards for preparation of a Phase II ESA and/or other appropriate testing guidelines. If the results indicate that contamination exists at levels above regulatory action standards, then the development and renovation site shall be remediated in accordance with recommendations made by applicable regulatory agencies, including the County's HMCD, which is the CUPA for the City of San José, the San Francisco Bay RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination. Based on the results of the site-specific investigation, SJSU shall prepare a work plan that identifies any necessary remediation activities, including excavation and removal of on-site contaminated materials. The work plan shall include measures that ensure the safe transport, use, and disposal of contaminated materials removed from the development/renovation site.

**Mitigation Measure 3.8-2c: Prepare and Implement a Hazardous Materials Contingency Plan**

Prior to demolition, renovation, or ground-disturbing construction activities, SJSU shall provide a hazardous materials contingency plan to EHS and the HMCD, as appropriate. The contingency plan shall describe the necessary actions that would be taken if evidence of contaminated materials is encountered during construction or renovation activities, including soil discoloration, petroleum or chemical odors, asbestos-containing materials, LBP, PCBs, or other hazardous material. If at any time during construction or renovation activities encounter evidence of contamination or hazardous materials, SJSU shall immediately halt all activity on-site and contact EHS and HMCD. Work shall not be resumed until the discovery has been assessed and/or treated appropriately through sampling and remediation, if the hazardous materials are detected above threshold levels, to the satisfaction of the HMCD, San Francisco Bay RWQCB, and DTSC, as applicable. The hazardous materials contingency plan shall be incorporated into the construction and contract specifications for future individual Campus Master Plan projects.

**Mitigation Measure 3.8-2d: Minimize Release of Hazardous Materials during Demolition**

Prior to demolition and/or renovation activities, to minimize the potential for accidental release of hazardous materials, SJSU shall complete the following:

- ▶ Locate and dispose of encountered hazardous materials in compliance with all applicable federal, state, and local regulations. This shall include: (1) identifying locations that could contain hazardous materials; (2) removing materials known to have or potentially have hazardous materials; (3) determining waste classification of the hazardous materials; (4) appropriately packaging hazardous materials; and (5) identifying disposal site(s) permitted to accept hazardous materials.
- ▶ If applicable, provide written documentation to the appropriate County department that asbestos testing and abatement is consistent with EPA regulations under Title 40 of the CFR, as appropriate, has occurred in compliance with federal, state, and local laws.
- ▶ If applicable, provide written documentation to the appropriate County department that LBP testing and abatement is consistent and has been completed in accordance with federal, state, and local laws. If lead-contaminated soil is present at the demolition or renovation site, SJSU shall submit a soil management plan to the HMCD.

## Finding

The CSU Board of Trustees finds that Mitigation Measures 3.8-2a through 3.8-2d are feasible and will reduce the potentially significant hazards and hazardous materials impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require SJSU to conduct preliminary site investigations, conduct site-specific investigations and prepare and implement a work plan, prepare and implement a hazardous materials contingency plan, and implement measures to minimize release of hazardous materials during demolition. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (**Impacts 3.8-2, 3.8-3, and 3.8-4**).

## HYDROLOGY AND WATER QUALITY

An evaluation of the Campus Master Plan's impacts related to hydrology and water quality is provided in Section 3.9, "Hydrology and Water Quality," of the Final EIR. Implementation of the Campus Master Plan would substantially alter the existing drainage pattern of the site or area such that substantial erosion, siltation, flooding, polluted runoff, or an exceedance of the capacity of storm drainage systems would occur (**Impact 3.9-4**). SJSU shall implement the following mitigation measure to avoid or reduce the environmental effects of the Campus Master Plan related to hydrology and water quality.

### Mitigation Measure 3.9-4: Prepare a Drainage Plan and Supportive Hydrologic Analysis

Before the commencement of construction activities associated with new development that will modify existing drainage and/or require the construction of new drainage infrastructure to collect and control stormwater runoff, SJSU shall prepare a drainage plan and supportive hydrologic analysis demonstrating compliance with the following, or equally effective similar measures, to maximize groundwater recharge and maintain similar drainage patterns and flow rates:

- a) Off-site runoff shall not exceed existing flow rates during storm events.
- b) If required to maintain the current flow rate, appropriate methods/design features (e.g., detention/retention basins, infiltration systems, or bioswales) shall be installed to reduce local increases in runoff, particularly on frequent runoff events (up to 10-year frequency) and to maximize groundwater recharge.
- c) If proposed, drainage discharge points shall include erosion protection and be designed such that flow hydraulics exiting the site mimics the natural condition as much as possible.
- d) Drainage from impervious surfaces (e.g., roads, driveways, buildings) shall be directed to a common drainage basin.
- e) Where feasible, grading and earth contouring shall be done in a way to direct surface runoff towards the above-referenced drainage improvements (and/or closed depressions).

## Finding

The CSU Board of Trustees finds that Mitigation Measures 3.9-4 is feasible and will reduce the potentially significant hydrology and water quality impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts this mitigation measure. This mitigation measure requires SJSU to prepare a drainage plan and supportive hydrologic analysis to maximize groundwater recharge and maintain similar drainage patterns and flow rates. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (**Impact 3.9-4**).

## NOISE AND VIBRATION

An evaluation of the Campus Master Plan's impacts related to noise and vibration is provided in Section 3.11, "Noise and Vibration," of the Final EIR. Implementation of the Campus Master Plan would generate substantial temporary (construction) vibration levels (**Impact 3.11-2**). SJSU shall implement the following mitigation measures to avoid or reduce the environmental effects of the Campus Master Plan related to noise and vibration.

### **Mitigation Measure 3.11-2a: Implement Measures to Reduce Ground Vibration**

For any future construction activity that would involve pile driving and be located within 300 feet of an existing sensitive land use or occupied building, the following measures shall be implemented:

- ▶ To the extent feasible, earthmoving and ground-impacting operations shall be phased so as not to occur simultaneously in areas close to sensitive receptors (i.e., within 300 feet). The total vibration level produced could be significantly less when each vibration source is operated at separate times.
- ▶ Where there is flexibility in the location of use of heavy-duty construction equipment, or impact equipment, the equipment shall be operated as far away from vibration-sensitive sites as reasonably feasible.

### **Mitigation Measure 3.11-2b: Develop and Implement a Vibration Control Plan**

To assess and, when needed, reduce vibration and noise impacts from construction activities within 300 feet of a residential unit, the following measures shall be implemented:

- ▶ A vibration control plan shall be developed prior to initiating any pile-driving activities within 300 feet of a residential building. Applicable elements of the plan shall be implemented before, during, and after pile-driving activity. The plan will include measures sufficient to reduce vibration at sensitive receptors to levels below applicable thresholds. Items that shall be addressed in the plan include, but are not limited to, the following:
  - Identification of the maximum allowable vibration levels at nearby buildings may consider the City's General Plan recommended standards with respect to the prevention of architectural building damage of 0.08 in/sec PPV for historic and some old buildings and for buildings that are occupied at the time of pile driving, FTA's maximum-acceptable-vibration standard with respect to human response, 80 VdB. However, based on site-specific parameters (e.g., building age, structural integrity), and construction specifics (e.g., time of day when vibration activities occur, pile frequency), these standards may be adjusted, as long as sensitive receptors and structures are protected.
  - Pre-construction surveys shall be conducted to identify any pre-existing structural damage to buildings that may be affected by project-generated vibration.
  - Identification of minimum setback requirements for different types of ground-vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures and preventing adverse effects on people. Factors to be considered include the nature of the vibration-producing activity, local soil conditions, and the fragility/resiliency of the nearby structures. Initial setback requirements can be reduced if a project- and site-specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage to buildings or structures would occur.
  - Vibration levels from pile driving shall be monitored and documented at the nearest sensitive land use to document that applicable thresholds are not exceeded. Recorded data shall be submitted on a twice-weekly basis to SJSU. If it is found at any time that thresholds are exceeded, pile driving shall cease in that location, and methods shall be implemented to reduce vibration to below applicable thresholds, or an alternative pile installation method shall be used at that location.

## Finding

The CSU Board of Trustees finds that Mitigation Measures 3.11-2a and 3.11-2b are feasible and will reduce the potentially significant noise and vibration impacts of the Campus Master Plan to a less than significant level. The CSU Board of Trustees adopts these mitigation measures. These mitigation measures require SJSU to implement measures

to reduce ground vibration during specified construction activities and develop and implement a vibration control plan during construction. Accordingly, the CSU Board of Trustees finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR (**Impact 3.11-2**).

## 1.2.4 Significant Impacts That Cannot Be Mitigated Below a Level of Significance

This section identifies the Campus Master Plan's significant and unavoidable impacts that require a statement of overriding considerations to be issued by the CSU Board of Trustees, pursuant to Section 15093 of the CEQA Guidelines, if the Campus Master Plan is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable.

### AIR QUALITY - CONSTRUCTION AND OPERATIONAL CRITERIA AIR POLLUTANTS AND OZONE PRECURSORS

An evaluation of the Campus Master Plan's impacts related to air quality is found in Section 3.2, "Air Quality," of the Final EIR. Emissions would result from demolition, site preparation (e.g., excavation, clearing), off-road equipment use, material and equipment delivery trips, worker commute trips, and other construction activities (e.g., building, asphalt paving, application of architectural coatings). Average daily emissions during construction alone are anticipated to exceed adopted BAAQMD thresholds for ROG during Phase 1, but average daily and annual emissions of ROG during operations are anticipated to exceed adopted BAAQMD thresholds. In addition, during periods when construction and operational emissions could occur concurrently, average daily emissions are anticipated to exceed the BAAQMD threshold for ROG emissions. This impact would be significant (**Impact 3.1-1**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen the Campus Master Plan's impacts related to air quality to the greatest extent feasible is provided below.

#### Mitigation Measure 3.2-2a: Construction Dust Control Measures

To reduce construction-related fugitive dust emissions during construction activities, SJSU shall ensure that all construction contractors comply with the following measures during all construction activities:

- ▶ All exposed ground surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or as otherwise needed to control dust.
- ▶ All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- ▶ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day when necessary. The use of dry power sweeping is prohibited.
- ▶ All vehicle speeds on unpaved roads shall be limited to 15 mph.
- ▶ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.
- ▶ All trucks and equipment, including their tires, shall be washed off prior to leaving the site, where worksites are unpaved.
- ▶ Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, gravel, road base, or any other suitable material so long as it achieves the desired outcome of reducing entrained road dust from vehicular travel.

- ▶ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- ▶ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- ▶ All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- ▶ Post a publicly visible sign with the telephone number and person to contact as the Responsible Entity regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

#### **Mitigation Measure 3.2-2b: Use Low VOC Paints**

To reduce construction-related ROG emissions during construction, all construction activities shall use low-VOC (i.e., ROG) interior and exterior coatings that are no greater than 10 grams per liter.

#### **Mitigation Measure 3.2-2c: Reduce Operational Emissions of ROG and PM<sub>10</sub> from All Sources**

To reduce area-wide emissions of ROG from architectural coatings and landscaping equipment, SJSU shall implement the following measures as part of operations and maintenance activities by the University:

- ▶ Use zero or low-VOC consumer products and cleaning supplies that exceed CARB's consumer product VOC standards (as defined in CCR Title 17, Division 3, Chapter 1, Subchapter 8.5, Articles 1 through 5), such as those using electrolyzed water.
- ▶ Use zero-VOC architectural coatings with a VOC content no greater than 0 grams per liter.
- ▶ Choose zero emission vehicles for all new light-duty fleet purchases, where available and suitable to the proposed use.
- ▶ Choose zero or low emission vehicles for all new heavy-duty fleet purchases, where available.

#### **Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.2-2a through 3.2-2c would substantially reduce ROG emissions by requiring the implementation of dust control measures during construction, the use of low-VOC interior and exterior coatings, and implementation of measures as part of operations and maintenance activities to reduce operational emissions of ROG and PM<sub>10</sub> from all sources. While implementation of Mitigation Measures 3.2-2a through 3.2-2c would substantially reduce ROG emissions. Construction-related ROG emissions would be reduced to a level below BAAQMD thresholds. However, even if all ROG were eliminated through the use of zero or low VOC architectural coatings, the contribution of ROG emissions from consumer products during operations would continue to exceed thresholds. Therefore, this impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

## **AIR QUALITY - CUMULATIVE IMPACT RELATED TO CONSTRUCTION AND OPERATIONAL CRITERIA AIR POLLUTANTS AND OZONE PRECURSORS**

An evaluation of the potential cumulative impacts of the Campus Master Plan related to air quality is found in Chapter 4, "Cumulative Impacts," of the Final EIR. BAAQMD has established construction emission thresholds for individual construction projects, which determine whether that particular project's emissions would be cumulatively considerable. Construction-related activities would generate emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with off-road equipment, material delivery, hauling trips, worker commute trips, and other miscellaneous activities (e.g.,

application of architectural coatings). Based on the most intensive likely construction schedule (which assumes multiple Campus Master Plan projects would be under construction simultaneously), and application of the BAAQMD's individual project emission thresholds to these projects, construction activities, alone, are not anticipated to result in exceedances of any of the average daily thresholds established by BAAQMD, except for under Phase 1 where the ROG threshold is anticipated to be exceeded. Average daily and annual thresholds during operation are not anticipated to be exceeded during any phase, except under Phase 2, 3, and full implementation, where ROG emissions would exceed average daily and annual thresholds established by BAAQMD. In addition, during operation of individual phases that occur while subsequent phases commence construction, for example, when Phase 1 becomes operational and Phase 2 construction begins, average daily ROG emissions would exceed average daily thresholds established by BAAQMD. Thus, implementation of the Campus Master Plan would be anticipated to result in cumulatively considerable increases in criteria air pollutants and ozone precursors that would contribute to the nonattainment status of the SFBAAB.

The implementation of Mitigation Measures 3.2-2a through 3.2-2c (above) would address construction and operational emissions and minimize, where feasible, cumulative impacts related to criteria pollutant emissions. However, no additional feasible mitigation is available to reduce the Campus Master Plan's contribution to less than cumulatively considerable.

### Finding

The CSU Board of Trustees finds that implementation of Mitigation Measures 3.2-2a through 3.2-2c would reduce the Campus Master Plan's contribution to cumulative impacts related to construction and operational criteria air pollutant and ozone precursor emissions. Construction-related ROG emissions would be reduced to a level below BAAQMD thresholds. However, even if all ROG were eliminated from the use of zero or low VOC architectural coatings, the contribution of ROG emissions from consumer products during operations would continue to exceed thresholds. Therefore, after mitigation, the Campus Master Plan's contribution to cumulative criteria pollutant impacts would be cumulatively considerable. Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this cumulatively significant air quality impact, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the contribution of the Campus Master Plan to a less than cumulatively considerable level. Therefore, this cumulative impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

## CULTURAL RESOURCES - CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE

An evaluation of the Campus Master Plan's impacts related to cultural resources is found in Section 3.4, "Cultural Resources," of the Final EIR. The Campus Master Plan proposes general types of campus development and land uses to support projected campus population growth and to enable expanded and new program initiatives, including the renovation of some existing buildings. This could result in damage to or destruction of a historic building or structure, thereby resulting in a substantial adverse change in the significance of a historical resource. This impact would be potentially significant (**Impact 3.4-1**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen the Campus Master Plan's impacts related to cultural resources to the greatest extent feasible is provided below.

**Mitigation Measure 3.4-1a: Conduct Project-Specific Evaluations Within the Historic District**

Prior to the alteration or demolition of any building within the historic district defined under P-43-3536 (Tower Hall, Morris Dailey Auditorium, Dwight Bentel Hall, Old Science Building [Washington Square Hall], Home Economics Building [Central Classroom Building], or the Men's Gym [Yoshihiro Uchida Hall]), SJSU shall retain a qualified architectural historian to evaluate all buildings against National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and California Landmark criteria to comply with PRC Section 5024.5. This evaluation shall be done at a district level and character-defining features shall be identified.

**Mitigation Measure 3.4-1b: Conduct Project-Specific Level Surveys**

Prior to altering or otherwise affecting a building or structure 50 years old or older, SJSU shall retain a qualified architectural historian to record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building or structure has not previously been evaluated. Its significance shall be assessed by a qualified architectural historian and evaluated against National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and California Landmark criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the history of the University system, the campus, and the region. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.

**Mitigation Measure 3.4-1c: Protect Historical Resources**

Prior to the repair, alteration, or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian and SJSU shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure:

- (i) If the building or structure can be preserved on-site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.
- (ii) If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, SJSU shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping and setting. Documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the University's library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- (iii) If preservation and reuse at the site are not feasible, the qualified architectural historian shall document the historical building as described in item (ii) and, when physically and financially feasible, be moved and preserved or reused.
- (iv) If, in the opinion of the qualified architectural historian, the nature and significance of the building is such that its demolition or destruction cannot be fully mitigated through documentation, SJSU shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the structure to be preserved intact. These could include project redesign, relocation, or abandonment. If no such measures are feasible, the historical building shall be documented by the qualified architectural historian as described in item (ii).

**Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.4-1a through 3.4-1c would reduce potentially significant impacts on historic resources because actions would be taken to record, evaluate, avoid, or otherwise treat the

resource appropriately, in accordance with pertinent laws and regulations. However, the State CEQA Guidelines (Section 15126.4[b][2]) note that in some circumstances, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less than significant level because the historic resources would no longer exist. Therefore, because the potential for permanent loss of a historic resource or its integrity cannot be precluded, the Campus Master Plan's impact on historical resources would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

## **CULTURAL RESOURCES - CUMULATIVE IMPACTS RELATED TO CAUSING A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE**

An evaluation of the potential cumulative impacts of the Campus Master Plan related to cultural resources is found in Chapter 4, "Cumulative Impacts," of the Final EIR. Some of the buildings that are currently being considered for renovation have not been formally evaluated to date. Therefore, there is a potential that some of these buildings could be historically significant. Damage to or destruction of a building or structure that is a designated historical resource, eligible for listing as a historical resource, or a potential historical resource that has not yet been evaluated, could result in a substantial adverse change in its historical significance.

The implementation of Mitigation Measures 3.4-1a through 3.4-1c (above) would address historical resources and minimize, where feasible, cumulative impacts related to potential adverse effects on historical resources. However, no additional feasible mitigation is available to reduce the Campus Master Plan's contribution to less than cumulatively considerable.

### **Finding**

The CSU Board of Trustees finds that implementation of Mitigation Measures 3.4-1a through 3.4-1c would reduce the Campus Master Plan's contribution to cumulative impacts related to potential adverse effects on historical resources by conducting site-specific, project level surveys and identifying and implementing the listed measures to protect historical resources. However, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less than significant level because the historical resource would no longer exist. Therefore, because the potential for permanent loss of a historical resource or its integrity cannot be precluded, the Campus Master Plan's contribution to cumulative historical resources impacts, when combined with past, present, and reasonably foreseeable future projects, would be cumulatively considerable.

Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this cumulatively significant cultural resources impact, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the contribution of the Campus Master Plan to a less than cumulatively considerable level. Therefore, this cumulative impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

## **NOISE - GENERATE SUBSTANTIAL TEMPORARY (CONSTRUCTION) NOISE**

An evaluation of the Campus Master Plan's impacts related to noise and vibration is found in Section 3.11, "Noise and Vibration," of the Final EIR. Although construction activities would be intermittent and temporary, would not exceed noise levels of 90 dBA  $L_{eq}$  at the nearest sensitive receptor, and would only occur between 7:00 a.m. and 7:00 p.m., construction noise could occur for over 12 continuous months. This impact would be significant (**Impact 3.11-1**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen the Campus Master Plan's impacts related to noise and vibration to the greatest extent feasible is provided below.

### **Mitigation Measure 3.11-1: Implement Construction-Noise Reduction Measures**

For all construction activities related to new/renovated structures, SJSU shall implement or incorporate the following noise reduction measures into construction specifications for contractor(s) implementation during project construction:

- ▶ For any construction activities that occur during the nighttime hours (i.e., 7:00 p.m. to 7:00 a.m.) and are within 500 feet of an occupied building where people sleep, noise levels at the receiving land use shall not exceed 80 dBA  $L_{eq}$  from construction activities. Measures including temporary noise barriers (e.g., solid plywood wall, sound curtains attached to chain-link fences, or equipment enclosures) may be used to achieve acceptable noise limits.
- ▶ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▶ All motorized construction equipment shall be shut down when not in use to prevent idling.
- ▶ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line-of-site between affected noise-sensitive land uses and construction staging areas.
- ▶ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment where feasible and consistent with building codes and other applicable laws and regulations).
- ▶ Stationary noise sources such as generators or pumps shall be located as far away from noise-sensitive uses as feasible and shall only operate when needed.
- ▶ No less than 1 week prior to the start of construction activities at a particular location, notification shall be provided to nearby off-campus noise-sensitive land uses (e.g., residential uses) that are located within 500 feet of the construction site (i.e., based on the construction noise modeling, distance at which noise-sensitive receptors would experience noise levels exceeding acceptable daytime construction-noise levels).
- ▶ When construction would occur within 500 feet of on-campus housing or other on-campus or off-campus noise-sensitive uses and may result in temporary noise levels in excess of 90  $L_{eq}$  at the exterior of the adjacent noise-sensitive structure, temporary noise barriers (e.g., noise-insulating blankets or temporary plywood structures) shall be erected, between the noise source and sensitive receptor to reduce construction-related noise levels to 90  $L_{eq}$  or less at the receptor.
- ▶ Loud construction activity (e.g., jackhammering, concrete sawing, asphalt removal, and large-scale grading operations) within 500 feet of classrooms (both on and off campus) shall not occur during state standardized testing time periods for the surrounding school district or during university finals periods.
- ▶ When construction requires material hauling, a haul route plan shall be prepared for construction of each facility and/or improvement for review and approval by SJSU that designates haul routes as far as feasible from sensitive receptors.
- ▶ The contractor shall designate a disturbance coordinator, whose contact information shall be posted conspicuously around the construction site alongside the contact information of a University staff member responsible for addressing noise complaints and provided to nearby off-campus noise-sensitive receptors (i.e., within 500 feet of construction). The disturbance coordinator shall receive all public complaints and be

responsible for determining the cause of the complaint, notifying the designated University staff member of the complaint and all recommended measures, and implementing any feasible measures to alleviate the problem.

## Finding

The CSU Board of Trustees finds that Mitigation Measure 3.11-1 would limit the periods during which construction activities would occur in the vicinity of nearby noise-sensitive land uses. Additional measures would be required to further reduce the potential for noise exposure, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses.

Implementation of these noise-reduction features can reduce construction noise levels by approximately 10 dBA, or more. With mitigation, construction-generated noise levels would be substantially reduced. However, construction noise levels at some nearby land uses may need to be reduced by up to 24.1 dBA during daytime hours to achieve applicable noise standards; thus, even with implementation of all feasible mitigation, construction noise could still exceed existing ambient noise levels by more than 5 dBA, which would be considered substantial. Therefore, this impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

## NOISE - STATIONARY OPERATIONAL NOISE

An evaluation of the Campus Master Plan's impacts related to noise and vibration is found in Section 3.11, "Noise and Vibration," of the Final EIR. The new buildings and facilities constructed as part of the Campus Master Plan may include stationary noise sources and equipment, and increased noise levels associated with athletic and special events. Depending on location and design, equipment location, intervening shielding, and noise-reduction features incorporated, noise levels associated with new/relocated stationary noise sources (SJSU baseball stadium, the South Campus operations building, HVAC systems) could result in exceedances of exterior noise limits at existing sensitive land uses. This impact would be significant (**Impact 3.11-4**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen the Campus Master Plan's impacts related to noise and vibration to the greatest extent feasible is provided below.

### Mitigation Measure 3.11-4a: Implement Noise Reduction Measures to Reduce Long-Term Noise Impacts of SJSU Baseball Stadium

To minimize noise levels generated by the proposed SJSU baseball stadium, the following measures shall be implemented:

- ▶ Prior to final design, a noise assessment shall be conducted by a qualified acoustical engineer or noise specialist to evaluate potential increases in noise levels associated with the proposed SJSU baseball stadium. Noise-reduction measures shall be incorporated to reduce increases in projected operational noise levels (i.e., 5 dBA, or greater) at nearby noise-sensitive land uses, including the single-family homes along E. Humboldt Street. Such measures may include, but are not limited to, the incorporation of structural shielding, enclosed bleachers, and optimal placement for amplified sound system speakers.

### Mitigation Measure 3.11-4b: Implement Noise Reduction Measures to Reduce Long-Term Noise Impacts of Building Mechanical Equipment

To minimize noise levels generated by building mechanical equipment, the following measures shall be implemented:

- ▶ Building air conditioning units for proposed structures shall be located on building rooftops or shielded from direct line-of-sight of adjacent noise-sensitive land uses. Building parapets shall be constructed, when necessary, to shield nearby land uses from direct line-of-site of air conditioning units.

- ▶ During project design of individual projects proposed as part of the Campus Master Plan, SJSU shall review and ensure that external building mechanical equipment (e.g., HVAC systems) incorporate noise-reduction features sufficient to reduce average-hourly exterior operational noise levels at nearby noise-sensitive land uses to 55  $L_{eq}$  or less within outdoor activity areas. Noise-reduction measures to be incorporated may include, but are not limited to, the selection of alternative or lower noise-generating equipment, relocation of equipment, and use of equipment enclosures.

### Finding

The CSU Board of Trustees finds that Mitigation Measure 3.11-4a would reduce significant operational noise impacts by requiring the preparation of an acoustical analysis for the proposed SJSU baseball stadium, prior to final site design. The acoustical analysis would be required to evaluate changes in operational noise levels associated with the proposed stadium and, where practical, incorporate noise reduction measures (e.g., structural shielding, enclosed bleachers, and changes in speaker placement for amplified sound systems).

Implementation of Mitigation Measure 3.11-4b would require that all external building mechanical equipment noise sources are oriented, located, and designed in such a way that reduces noise exposure and would ensure that exterior and interior noise levels at nearby noise-sensitive land uses would not exceed the exterior noise standards for stationary sources. Thus, incorporated mitigation would ensure that stationary equipment would not exceed applicable standards. However, depending on the final site design of the SJSU baseball stadium reconstruction, the implementation of mitigation measures may not be sufficient to fully mitigate associated increases in operational noise levels at all nearby noise-sensitive land uses to levels at or below the 55 dBA  $L_{max}$  noise standard. Therefore, this impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

## TRIBAL CULTURAL RESOURCES - CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, INCLUDING HUMAN REMAINS

An evaluation of the Campus Master Plan's impacts related to Tribal cultural resources is found in Section 3.15, "Tribal Cultural Resources," of the Final EIR. Construction activities for future Campus Master Plan projects, including earth-moving, excavation, and use of heavy equipment that may cause ground compaction, may disturb or destroy any previously undisturbed and significant Tribal cultural resources or deposits throughout the Master Plan Area. Therefore, the Campus Master Plan's impact on Tribal cultural resources would be significant (**Impact 3.15-1**).

Even where impacts cannot be reduced to a less than significant level, Section 15021 of the State CEQA Guidelines establishes a duty for public agencies to minimize environmental damage where feasible. Accordingly, required mitigation that would lessen the Campus Master Plan's impacts related to Tribal cultural resources to the greatest extent feasible is provided below.

### Mitigation Measure 3.15-1a: Prepare and Implement Worker Cultural Resources Awareness Training Program

For all future Campus Master Plan projects, a cultural resources respect training program shall be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A representative or representatives from culturally affiliated Native American Tribe(s) that participated in AB 52 consultation will be invited to participate in the development and presentation of the cultural resources awareness and respect training program in coordination with a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive Tribal cultural resources, including protocols for resource avoidance, applicable laws and regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values.

**Mitigation Measure 3.15-1b: Implement Native American Monitoring**

SJSU shall retain the services of a Tribal monitor/consultant who is approved by either Tamien Nation, the Muwekma Ohlone Tribe, or both Tribes. SJSU shall contact the tribal representative a minimum of 7 days before beginning earthwork or other ground-disturbing activities; construction activities will proceed if no response is received 48 hours before ground-disturbing activities begin. The Tribal monitor shall be present on-site only during the construction phases that involve ground-disturbing activities, including tree removal, boring, excavation, trenching, and demolition; monitoring shall be conducted in real time during these activities, with no stockpiling of soil permitted prior to hauling and disposal off-site. The Tribal monitor shall complete daily monitoring logs that provide details on each day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the site grading and excavation activities are completed or when the Tribal representatives and monitor have determined that the site has a low potential for affecting Tribal cultural resources.

**Mitigation Measure 3.15-1c: Implement Native American Response and Treatment Protocol**

If evidence of any tribal cultural sites, features, or deposits is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the discovery shall be halted until a culturally affiliated Native American representative can assess the significance of the find. If, after evaluation, a resource is considered to be a Tribal cultural resource, a treatment plan shall be developed with input from the consulting Tribe(s) and subsequently implemented.

In addition, prior to initiation of construction activities related to renovation of CEFCU Stadium (117), a treatment plan shall be developed and implemented. All preservation options shall be considered as required by CEQA (see PRC Section 21084.3), including possible data recovery, mapping, capping, or avoidance of the resource. If artifacts are recovered from significant Tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate Tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or, if requested by a Tribal Representative, another mutually agreed upon (with the Native American representative) location within the Master Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting Tribe.

Additionally and at the time a treatment plan is being developed, SJSU shall coordinate with the appropriate Tribe(s) regarding additional considerations, including on-campus art provided by Native American artists, educational signage, funding of Tribal studies (e.g., traditional food cultivation, language preservation, cultural fire training), and tribal cultural resources respect training for SJSU faculty/staff.

**Finding**

The CSU Board of Trustees finds that Mitigation Measures 3.15-1a through 3.15-1c would reduce potentially significant impacts related to Tribal cultural resources because mitigation would be developed in coordination with SJSU and Tribe(s) to avoid, move, record, or otherwise treat Tribal cultural resources resource appropriately, in accordance with pertinent laws and regulations. However, because the previously encountered village site and other unknown resources throughout the Master Plan Area may not be able to be avoided during construction of future projects, the potential for implementation of the Campus Master Plan to adversely affect previously unknown Tribal cultural resources cannot be precluded. As such, this impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweighs this significant and unavoidable impact.

## **TRIBAL CULTURAL RESOURCES - CUMULATIVE IMPACTS RELATED TO CAUSING A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, INCLUDING HUMAN REMAINS**

An evaluation of the potential cumulative impacts of the Campus Master Plan related to Tribal cultural resources is found in Chapter 4, "Cumulative Impacts," of the Final EIR. Ground-disturbing construction activities could disturb or

destroy any previously undisturbed and significant tribal cultural resources or deposits or uncover previously unknown human remains, which could be archaeologically or culturally significant. Additionally, consultation with the Tamien Nation and Muwekma Ohlone has resulted in the identification of one Tribal cultural resource as described under AB 52. The ethnographic village within the South Campus of the Master Plan Area has the potential to be disturbed and be treated as a Tribal cultural resource during the analysis of subsequent projects.

The implementation of Mitigation 3.15-1a through 3.15-1c (above) would address Tribal cultural resources and minimize, where feasible, cumulative impacts related to potential adverse effects on Tribal cultural resources. However, no additional feasible mitigation is available to reduce the Campus Master Plan's contribution to less than cumulatively considerable.

## Finding

The CSU Board of Trustees finds that Mitigation Measure 3.15-1a through 3.15-1c would reduce the impacts on tribal cultural resources but not to a less than significant level. These project-specific mitigation measures require the preparation and implementation of a worker tribal cultural resources awareness and respect training, the preparation and implementation of a discovery and treatment plan including preservation options and proper care of significant artifacts if they are recovered, and post-demolition measures to protect subsurface resources. These mitigation measures would reduce the Project's contribution to cumulative tribal cultural resource impacts, but not to a level that would be less than cumulatively considerable because the possibility remains that construction activities (especially those associated with CEFCU Stadium Renovations) might not be able to avoid impacting significant tribal cultural resources. Therefore, despite implementation of all feasible mitigation measures, implementation of the Campus Master Plan would result in a considerable contribution to significant cumulative tribal cultural resource impacts.

Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which will mitigate, in part, this cumulatively significant Tribal cultural resources impact, as identified in the Final EIR. However, there are no feasible mitigation measures that will reduce the contribution of the Campus Master Plan to a less than cumulatively considerable level. Therefore, this cumulative impact would remain significant and unavoidable.

Pursuant to PRC Section 21081(b), see Chapter 2, "Statement of Overriding Considerations," of this document for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

## 1.3 FINDINGS REGARDING ALTERNATIVES

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

"[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if

they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives for the project.

All of the environmental impacts associated with the Campus Master Plan would be substantially lessened or avoided with the adoption of the mitigation measures set forth in these Findings, with the exception of air quality impacts related to construction and operational criteria air pollutants and ozone precursors (Impacts 3.2-2), cultural resources impacts related to causing a substantial adverse change in the significance of a historical resource (Impact 3.4-1), noise impacts related to the generation of substantial temporary (construction) noise and operational noise from stationary sources (Impacts 3.11-1 and 3.11-4), and Tribal cultural resources impacts related to causing a substantial adverse change in the significance of a Tribal cultural resource, including human remains (Impact 3.15-1). SJSU's goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the Campus Master Plan's significant and unavoidable impacts.

The CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project..." (CEQA Guidelines Section 15126.6[a]). The lead agency has the discretion to determine how many alternatives constitute a reasonable range and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Additionally, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR analysis considered a reasonable range of alternatives.

### 1.3.1 Alternatives Considered but Not Evaluated in Detail in the EIR

The Final EIR identifies alternatives that were considered by SJSU but were rejected during the planning or scoping process and briefly explains the reasons underlying the lead agency's determination. The following alternatives were considered by SJSU but were not evaluated further in the EIR.

- ▶ **South Campus Administrative Facilities Alternative:** Under this alternative, all existing and future Main Campus administrative facilities would be relocated to the South Campus, which currently houses the Athletic Department's administration offices. This alternative would include relocation of the existing Administration offices currently located in Building 100A on the Main Campus. Additionally, this alternative includes relocation of planned administrative facilities currently proposed in the Campus Master Plan from the Main Campus to the South Campus. This would allow for lower-intensity development within the Main Campus, especially along its southern and eastern boundaries.

Potential historic resources and aesthetic impacts would be reduced compared to the proposed Campus Master Plan because fewer potentially historic buildings or structures would be altered (including through demolition or renovation) and fewer high-rise structures would be developed on the Main Campus, but impacts related to transportation and per capita GHG emissions would likely increase as additional shuttle service to and from the Main Campus would be necessary.

Further, this alternative would not fulfill most of the basic project objectives, including the objectives of enhancing synergies between existing and new educational and research programs, facilitating the use of shared resources, and facilitating faculty-student interaction. This alternative would also disaggregate academic and administrative support programming compared to existing conditions, which would create less cohesion between the Main and South campuses and would be contrary to the project objective promoting compact and clustered development of academic/administrative facilities where possible. Thus, because this alternative would not meet most of the basic project objectives, compared to the Campus Master Plan, this alternative is not feasible and is not considered in further detail.

- ▶ **Remote/Distance Learning Alternative:** Under this alternative, SJSU would serve all future enrollment growth through expanded online course curricula. This would reduce the need for on-campus facilities, although certain academic programs (e.g., those that involve scientific laboratory coursework) and tenure track faculty would still require on-campus building space. Additional student housing would not be constructed. With respect to on-campus employment, up to 500 FTE faculty/staff, based on existing faculty ratios at the Main Campus and the lack of need for non-instructional staff under this alternative, would be needed to support a distance learning program. This alternative is not consistent with the current academic programming needs of the SJSU or the CSU. Further, this alternative would not fulfill most of the basic project objectives, including the promotion of synergies between existing and new educational and research programs, facilitate use of shared resources, facilitate faculty-student interaction, and promote an environment conducive to learning. Further, the feasibility of further expanding remote/distance learning in terms of total enrollment is not considered feasible beyond that currently provided in the Campus Master Plan. Therefore, this alternative is not feasible and is not considered in further detail.
- ▶ **No Development along City Interface Alternative:** This alternative would include development of the campus similar to that under the Campus Master Plan; however, no development would be proposed along (i.e., within 300 feet) the Master Plan Area's boundary with land uses within the City of San José (i.e., excluding roadways that extend through the South Campus). Those projects associated with the Campus Master Plan that would be located within these areas would be relocated within the central portions of the Main and South campuses. Under this alternative, improvements to campus buildings within this buffer would be limited to interior renovations and widening of the existing paseos and entrances to the Master Plan Area would not occur. Potential construction noise impacts on adjacent land uses within the City of San José would be substantially reduced, however, the development potential of the Master Plan Area would also be substantially reduced. In addition, this alternative would not fulfill most of the basic project objectives, including improving the access and permeability of the Main and South campuses, enhancing the interface between the campuses and their surroundings, improving open spaces, and maximizing the use of existing acreage within the Master Plan Area. Thus, because this alternative would not meet most of the basic project objectives, relative to the Campus Master Plan, this alternative is not feasible and is not considered in further detail.

### 1.3.2 Alternatives Evaluated in the EIR

The Final EIR identified and considered the following reasonable range of feasible alternatives to the Campus Master Plan that would be capable, to varying degrees, of reducing identified significant impacts:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative 2: Reduced Administrative/Academic Development Program Alternative
- ▶ Alternative 3: Reduced Development and Historic Preservation Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the significant environmental impacts of the Campus Master Plan identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the Campus Master Plan as described in the Final EIR. In compliance with CEQA, these Findings examine these three alternatives and the extent to which they lessen or avoid the Campus Master Plan's significant environmental effects while meeting the project objectives.

In addressing the No Project Alternative, CSU Board of Trustees followed the direction of the State CEQA Guidelines, which provide that the no project analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6[e][2]).

The CSU Board of Trustees find that a good faith effort was made to evaluate all reasonable alternatives to the Campus Master Plan that could feasibly obtain its basic objectives, even when the alternatives might impede the attainment of the objectives or might be more costly. The CSU Board of Trustees also finds that all reasonable

alternatives were reviewed, analyzed, and discussed in the review process of the Final EIR and the ultimate decision on the Campus Master Plan.

## NO PROJECT-NO DEVELOPMENT ALTERNATIVE

### Description

CEQA Guidelines Section 15126.6(e)(1) requires that the “no project” alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” The no project analysis is required to discuss “the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (Section 15126.6[e][2]). “If the project is...a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this ‘no project’ consequence should be discussed. In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment” (Section 15126[e][3][B]).

The 2001 Master Plan and the 2016 Facilities Development Plan are the existing physical development plans for the Main Campus and the South Campus, respectively. Continued implementation of both plans would continue if SJSU does not adopt and begin implementation of the Campus Master Plan or other long-term plan for the Master Plan Area. The 2018/19 academic year fall headcount at SJSU (not including online and Special Session students) was 32,828 students, and 2018/2019 academic year face-to-face on campus FTES was 22,015. Based on existing data and forecasts, implementation of this alternative and continued implementation of the 2001 Master Plan could result in up to an additional approximately 2,485 additional FTES students compared to baseline conditions, as approved under the prior Master Plan. However, no enrollment growth could occur beyond the 25,000 FTES. Faculty and staff growth would be limited to be commensurate with student and campus growth. Some renovation of existing facilities, consistent with CSU Sustainability Policy and the need to provide modernized facilities to meet educational programming needs would occur. It’s assumed that up to 500,000 GSF of on-campus space would be renovated and 250,000 GSF of new development may occur under this alternative. New facilities development would be largely limited to some academic/administrative space, primarily along S. Fourth Street within the Main Campus, and student-family housing within the South Campus.

### Finding

The No Project Alternative would not provide the guidance for the physical development of the campus and its facilities to accommodate gradual student enrollment growth while preserving and enhancing the quality of campus life, which is the primary objective of the Campus Master Plan. Further, Alternative 1 would not expand campus programs, services, facilities, and housing, nor would it further optimize the use of acreage with the Master Plan Area. The No Project Alternative would also not provide modern, dense development to increase efficiency to the extent of the proposed Campus Master Plan. This alternative would also not allow for SJSU to further integrate and improve the interface between the City of San José and SJSU, nor would it improve access and permeability between and within the campus or optimize existing acreage within the Master Plan Area, which would not achieve several of the objectives. Thus, the No Project Alternative would not meet most of the basic project objectives. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

## REDUCED ADMINISTRATIVE/ACADEMIC DEVELOPMENT PROGRAM ALTERNATIVE

### Description

Under this alternative, SJSU would implement a master plan for the campus with an overall reduction in planned campus development of administrative/academic space compared to the proposed Campus Master Plan. Approximately 500,000 GSF of new academic/administrative space would be provided under this alternative, compared to approximately 1,400,000 GSF of new academic/administrative space proposed under the Campus Master Plan, resulting in less ground disturbance and other development-related impacts. Further, approximately 500,000 GSF of renovations would occur within existing buildings under this alternative, compared to approximately 1,600,000 GSF under the Campus Master Plan, for a total development/renovation of 1,000,000 GSF. Proposed growth in on-campus student housing (approximately 2,100 student beds) and growth in enrollment would be the same as the proposed Campus Master Plan. However, this alternative would not include the up to 1,000,000 GSF of new housing development (consisting of 1,000 residential units [with up to 500 units for faculty, staff, and graduate students]) at the Alquist Building site that could occur under the proposed Campus Master Plan. This alternative would involve lesser overall construction than the proposed Campus Master Plan, approximately 1,500,000 GSF of new development and 1,100,000 GSF of renovation less. This alternative would also retain a greater number of the existing buildings (including potentially historic buildings) within the Master Plan Area.

### Finding

Under the Reduced Administrative/Academic Development Program Alternative, new student housing would be provided on-campus to accommodate the same level of student growth as the Campus Master Plan. Because this alternative would provide less academic/administrative space, it would limit the ability for SJSU to support the University's education mission and enhance academic quality and student success. By providing less academic and administrative uses, this alternative may not be able to expand campus programs, services, and facilities to support and enhance the diversity of students, faculty, and staff to the degree achieved by the Campus Master Plan. It would also not allow for modernization/replacement of existing, outdated campus buildings with higher maintenance costs that limit integration of colleges and student support space. Further, this alternative would not allow for the enhancement of campus facilities, nor would it modify the interface between the University and the surrounding communities to the extent of the Campus Master Plan. With respect to the Alquist Building Redevelopment, SJSU is obligated by the California Department of General Services (DGS), from whom the property was acquired, to pursue and progress towards planning, design, and redevelopment of the Alquist Building with residential and other uses in a timely fashion (conditional upon CEQA compliance). Under this alternative, SJSU would not be able to fulfill its obligation to DGS. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

## REDUCED DEVELOPMENT AND HISTORIC PRESERVATION ALTERNATIVE

### Description

Under this alternative, new on-campus development (i.e., new buildings) would be limited to no more than 6 stories in height, and any on-campus building found to meet state or federal criteria as a historic structure would be preserved or renovated in accordance with the *Secretary of the Interior Standards for the Treatment Historic Properties*. It is assumed that up to 2,600,000 GSF of existing campus space would be renovated and 2,300,000 GSF of new construction would occur under this alternative, as compared to the Campus Master Plan which would provide 1,600,000 GSF of renovation, 3,750,000 GSF of new construction, and 1,000,000 GSF of replacement. The number of student beds that would be provided under this alternative would also be reduced to approximately 1,100 due to the reduction in height of on-campus buildings compared to 2,100 beds under the proposed Campus Master Plan. The Alquist Building would be replaced under this alternative, but due to the height restriction, the number of units would be reduced compared to the proposed Campus Master Plan to approximately 500 residential units (250 market-rate and 250 workforce [faculty, staff, and graduate students]). This alternative would involve lesser overall construction than the proposed Campus Master Plan, approximately 2,300,000 GSF of new development in total (which would be

half of the proposed Campus Master Plan) but more renovation, which would be primarily associated with interior renovations of potentially historic structures.

## Finding

Under the Reduced Development and Historic Preservation Alternative, some new development would occur within both the Main and South campuses, although the height of new development would be limited to up to half of that anticipated under the Campus Master Plan. This alternative would instead focus on renovation of existing facilities. As a result, this alternative would not achieve certain project objectives to the degree of the Campus Master Plan, including optimization of existing acreage within the Master Plan Area (as the footprint of existing facilities would be largely maintained), the removal and replacement of potentially inefficient structures with higher-density, mixed-use buildings, improving access and permeability between the campus and its surroundings. More specifically, certain buildings, especially those along E. San Fernando Street and S. Fourth Street may require renovations/modifications in accordance with the *Secretary of the Interior Standards for the Treatment Historic Properties*, which would reduce the ability for SJSU to improve access and permeability between the Main Campus and its surroundings. This would also reduce the ability of SJSU to enhance the physical interface of SJSU, as well as campus's ability to provide and enhance appealing open space, more gathering places, and engaging outdoor activity areas. With respect to Alquist, this alternative would fulfill SJSU's obligation to DGS to pursue and progress towards planning, design, and redevelopment of the Alquist Building with residential and other uses in a timely fashion (conditional upon CEQA compliance), however, it would be to a lesser degree than the proposed Campus Master Plan. Therefore, the CSU Board of Trustees declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

## 1.4 GENERAL CEQA FINDINGS

### 1.4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the CSU Board of Trustees and having considered the unavoidable significant impacts of the Campus Master Plan, the CSU Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of SJSU has been adopted to reduce or avoid the potentially significant and significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Subsections 1.2.3 and 1.2.4, above, and are set forth in the MMRP.

Section 21081.6 of the Public Resources Code requires the CSU Board of Trustees to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid the project's significant effects on the environment. The MMRP for the Campus Master Plan is hereby adopted by the CSU Board of Trustees because it fulfills the following CEQA mitigation monitoring requirements:

- ▶ The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation.
- ▶ Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

### 1.4.2 CEQA Guidelines Section 15091 and 15092 Findings

Based on the foregoing findings and the information contained in the administrative record, the CSU Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the Campus Master Plan:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

### **1.4.3 CSU Board of Trustees Independent Judgment**

The Final EIR for SJSU Campus Master Plan reflects the CSU Board of Trustees' independent judgment. The CSU Board of Trustees has exercised independent judgment in accordance with PRC 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the CSU Board of Trustees hereby makes findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

### **1.4.4 Nature of Findings**

Any findings made by the CSU Board of Trustees shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the CSU Board of Trustees, whether or not any particular sentence or clause includes a statement to that effect. The CSU Board of Trustees intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the CSU Board of Trustees with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

### **1.4.5 Reliance on Administrative Record**

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

## **RECORD OF PROCEEDINGS**

In accordance with PRC Section 21167.6(e), the record of proceedings for the CSU Board of Trustees' decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The Draft EIR for the project (SCH No. 2023030435) and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;

- ▶ The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft EIR and Final EIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the CSU Board of Trustees in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the CSU Board of Trustees' action on the project;
- ▶ All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the CSU regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the CSU Board of Trustees' compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the CSU Board of Trustees non-privileged retained files for the EIR or project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The CSU Board of Trustees intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the CSU Board of Trustees and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the CSU Board of Trustees prior to reviewing and reaching its decision on the EIR and project.

## CUSTODIAN OF RECORDS

The custodian of the documents or other material that constitute the record of proceedings, upon which the CSU Board of Trustees' decision is based, is identified as follows:

San José State University  
 Facilities Development and Operations  
 Attn: Traci Ferdolage, Senior Associate Vice President  
 1 Washington Square, Corporation Yard A  
 San José, CA 95192

## RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines Section 15088.5(a).) “Significant new information,” as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a “substantial adverse environmental effect” or a “feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented”; that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance”; or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.” (CEQA Guidelines, §15088.5(a)(1)–(3).)

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (CEQA Guidelines Section 15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the CSU Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the Campus Master Plan will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

## 1.5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CSU Board of Trustees certifies that the Final EIR, dated May 2025, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the CSU Board of Trustees, and that the CSU Board of Trustees reviewed and considered the information contained therein before approving the Campus Master Plan as the project, and that the EIR reflects the independent judgment and analysis of the CSU Board of Trustees. (CEQA Guidelines Section 15090.)

## 2 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), the CSU Board of Trustees is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (CEQA Guidelines Section 15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to a community plan, and provision of construction jobs. (See *Towards Responsibility in Planning v. City Council (1988) 200 Cal App. 3d 671*; *Dusek v. Redevelopment Agency (1985) 173 Cal App. 3d 1029*; *City of Poway v City of San Diego (1984) 155 Cal App. 3d 1037*; *Markley v. City Council (1982) 131 Cal App.3d 656*.) In accordance with the requirements of CEQA and the CEQA Guidelines, the CSU Board of Trustees finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the proposed Campus Master Plan. However, certain significant impacts of the Campus Master Plan are unavoidable even after incorporation of all feasible mitigation measures. The Campus Master Plan would result in significant and unavoidable impacts on air quality (project-level and cumulative) (construction and operational criteria air pollutants and ozone precursors); cultural resources (project-level and cumulative) (cause a substantial adverse change in the significance of a historical resource); noise (project-level) (substantial temporary construction noise and stationary operational noise); and Tribal cultural resources (project-level and cumulative) (cause a substantial adverse change in the significance of a Tribal cultural resource, including human remains). The Final EIR provides detailed information regarding these impacts (see Section 1.2.4, “Significant Impacts that Cannot Be Mitigated Below a Level of Significance,” of this document).

The CSU Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of CSU Board of Trustees will be implemented with implementation of the Campus Master Plan, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

1. CSU has identified the need to serve the higher education needs of the historically underrepresented populations and cultures of the State of California, and the Campus Master Plan will enable SJSU to continue to meet projected increases in student demand for higher education. The Campus Master Plan, by providing 2,100 new student beds and 500 residential units for faculty, staff, and graduate students, and adding approximately 1.4 million net new gross square feet (gsf) of academic, administrative, and support space in addition to renovation and replacement of existing facilities, will enable SJSU to accommodate the projected increase in student demand on the Main and South campuses through 2045. Additionally, providing more on-campus housing will relieve pressure on local and regional housing markets.
2. Development consistent with the Campus Master Plan will provide modern academic, administrative, and support space to correct deficiencies and technological obsolescence in existing facilities, accommodate planned program direction in instruction, research and public service functions, and provide capacity for future program requirements.
3. The Campus Master Plan supports SJSU in its objective of creating a physical framework to support the teaching, research, and public service mission of the campus, including infrastructure and instruction, research, support,

and residential facilities; a dynamic learning and discovery environment; and educational opportunities for an increasingly diverse population.

4. The Campus Master Plan provides appropriate facilities for student interaction, student learning, passive recreation, and informal and organized recreation.
5. The Campus Master Plan will further integrate the university with the local community both visually and physically at both the Main and South campuses.
6. The Campus Master Plan will improve campus pedestrian and bicycle connections and circulation.
7. The Campus Master Plan will advance California's economic, social, and cultural development, which depends upon broad access to an educational system that prepares the state's inhabitants for responsible citizenship and meaningful careers. Locally, SJSU provides many indirect community contributions in the form of education, recreation, and artistic and cultural enrichment to residents of the San José area through such functions as extension courses, performing arts events, art exhibits, sporting events, conferences and workshops. As the Campus Master Plan is implemented, the level of these services will grow.
8. The Campus Master Plan will provide many necessary services for both on-campus and off-campus users, including but not limited to: library services; recreation facilities; and academic and support services. Under the Campus Master Plan, these services will grow.
9. The Campus Master Plan, when compared to the other alternatives analyzed in the Final EIR (including the No Project Alternative), provides the best available balance between maximizing attainment of the project objectives and minimizing significant environmental impacts.

Considering all the factors, the CSU Board of Trustees finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the CSU Board of Trustees hereby adopts this Statement of Overriding Considerations.