

Second Addendum to the Final EIR  
El Paseo Planned Development Permit Amendment  
State Clearinghouse #: 2020090521



Prepared by  
  
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**SAN JOSE**  
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## Section 1.0 Purpose of Addendum

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The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully entitled, one or more of the following changes may occur: 1) the project may change; 2) substantial changes could occur with respect to the circumstances under which the project would be undertaken; or 3) previously unknown information that could not have been known at the time the City of San José certified the Environmental Impact Report (EIR) as complete can arise. Before proceeding with a project that needs a new discretionary approval, CEQA requires the Lead Agency to evaluate these changes to determine whether they affect the conclusions in the environmental document and would require major revisions to the document.

On June 21, 2022, the City of San José (City) approved the El Paseo Mixed-Use Village Project (Planning File Nos. PDC19-049 and PD20-006) and certified the El Paseo Mixed-Use Project Final Environmental Impact Report (FEIR)<sup>1</sup> (State Clearinghouse [SCH] # 2020090521) (City Council Resolution No. 80605). The FEIR analyzed two development options (a Non-Education Mixed-Use Option and an Education Mixed-Use Option), and the project option approved by the City Council was evaluated under the Non-Education Mixed-Use Option, hereinafter also referred to as the “Original Project.” The Original Project is described in Section 2.0.

The 2022 FEIR was challenged, based on claims that the document failed to comply with CEQA. On August 11, 2023, the superior court filed its judgment upholding the 2022 FEIR. The Petitioner in the litigation has appealed the superior court’s judgment and the appeal has since been dismissed.

In 2023, changes to Building 3 of the Original Project were proposed, hereinafter referred to as the “2023 Project.” The 2023 Project is described in Section 2.0, along with the Original Project. An Addendum to the FEIR (dated November 2023) (2023 Addendum) was prepared for the 2023 Project and concluded that the modifications would not result in any new or substantially more severe significant impacts than previously disclosed in the 2022 FEIR. The 2023 Project was approved in November 2023.

Now, the applicant proposes additional modifications to the project, hereinafter referred to as the “2024 Project,” resulting in the need for this Addendum. The purpose of this Second Addendum is to analyze the impacts which may result from the 2024 Project (see Section 3.0 Proposed Changes to the Original Project).

The 2024 Project would continue to include a mix of residential and commercial uses on the project site located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue. The 2024 Project includes a commercial, age-restricted, senior assisted living facility – which was not proposed as part of the Original Project or the 2023 Project. In addition to the senior assisted living facility, the 2024 Project includes the proposal to change Buildings 1, 2, and 4. No changes are proposed to Building 3.

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<sup>1</sup> The 2022 FEIR is comprised of the First Amendment to the Draft Environmental Impact Report (June 2022), together with the Draft Environmental Impact Report (October 2021).

Compared to the 2023 Project, the 2024 Project would result in an overall net increase of 154,790 square feet of commercial square footage and a net decrease in 325 residential units. See Section 3.0 for more details on the proposed modifications.

The CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or Negative Declaration shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 (see above) calling for preparation of a subsequent EIR or Negative Declaration have occurred.

Based on the proposed modifications, knowledge of the project site and surrounding area, and the following discussion and analysis, the 2024 Project would not result in a new or substantially more severe significant impact than previously disclosed in the 2022 FEIR and 2023 Addendum. Therefore, the standard for subsequent environmental review has not been met and an Addendum has been prepared consistent with CEQA Guidelines Section 15164.

This Second Addendum, which is to be considered together with the FEIR and 2023 Addendum, will not be formally circulated for public review, but will be attached to the FEIR, pursuant to CEQA Guidelines Section 15164(c).

# Section 2.0 Summary of Original Project and 2023 Project

The project site is made up of two non-contiguous sites (i.e., the 1312 El Paseo de Saratoga site and the 1777 Saratoga Avenue site) totaling approximately 10.7 acres at the intersection of Saratoga Avenue and Lawrence Expressway/Quito Road.

## 2.1 Original Project

The project approved in 2022 consisted of a Planned Development Zoning (PDC19-049) to rezone the project site from the CG Commercial General Zoning District and CP Commercial Pedestrian Zoning District to the CG(PD) Commercial General Planned Development Zoning District. The project also included a Planned Development Permit (PD20-006) to demolish and remove existing buildings on-site and to develop the Non-Education Mixed-Use Option.

The Original Project evaluated in the 2022 FEIR under the “Non-Education Mixed-Use Option” included the redevelopment of the project sites with up to 1,100 multi-family residential units and 165,000 square feet of commercial space. The residential and commercial development would be located within four mixed-use buildings (Buildings 1 through 4). Buildings 1, 2, and 3 would be located on the El Paseo site and Building 4 would be located on the 1777 Saratoga Avenue site. A summary of the development evaluated in the 2022 FEIR for each of the Original Project’s buildings is provided in Table 2.1-1 below.

**Table 2.1-1: Summary of Original Project/Non-Education Mixed-Use Option**

	<b>Building 1 (El Paseo)</b>	<b>Building 2 (El Paseo)</b>	<b>Building 3 (El Paseo)</b>	<b>Building 4 (Saratoga)</b>
Maximum Commercial Square Footage (Approximate)	63,935	27,800	67,270	6,000
Maximum Number of Residential Units	279	302	239	280
Maximum Height in Feet	135	115	145	145
Maximum Number of Stories	10	9	11	12
Levels of Below Ground Parking	2	0 <sup>1</sup>	2	2

Notes:

<sup>1</sup> The 2022 FEIR assumed that parking for Building 2 would be provided in three above ground levels.

## 2.2 2023 Project

In 2023, the applicant proposed modifications to the Original Project, which were evaluated in the 2023 Addendum. The 2023 Project modified Building 3 on the El Paseo site to:

- Reduce the height of the building from 11 stories to one-story,
- Reduce the commercial square footage from 67,270 to approximately 58,370 square feet,
- Eliminate one level of underground parking, reducing the parking garage from two levels to one level, and
- Eliminate all 239 residential units in Building 3 and relocate them to Buildings 1, 2 and 4.

A summary of the 2023 Project for Building 3 is provided in Table 2.1-2 below.

**Table 2.1-2: Summary of Changes to Building 3 in 2023 Project**

	Original Project	2023 Project	Change
Maximum Commercial Square Footage (Approximate)	67,270	58,370	-8,900
Maximum Number of Residential Units	239	0	-239
Maximum Height in Feet	145	32	-113
Maximum Number of Stories	11	1	-10
Levels of Below Ground Parking	2	1	-1

The relocated 239 residential units from Building 3 were to be accommodated in Buildings 1, 2, and 4 by adjusting the floor plate (e.g., making the ceiling heights lower), changing the mix of unit types (i.e., more studios and one bedrooms), and/or decreasing unit sizes. As stated in the 2023 Addendum, the precise number of units reallocated to Buildings 1, 2, and/or 4 would have been confirmed in future Planned Development Permit applications.

The 8,900 square foot reduction in commercial capacity in Building 3 was reallocated to the other buildings (i.e., Buildings 1, 2, and/or 4). The reallocated commercial square footage was accommodated by reducing the square footage of other ground floor areas such as the entry lobby area, mechanical equipment room, or internal circulation. The precise commercial square footage reallocated to Buildings 1, 2, and/or 4 would be confirmed in future Planned Development Permit applications.

Parking for the reallocated residential units and commercial square footage would be accommodated by the below ground parking facilities evaluated in the 2022 FEIR for Buildings 1 and 2 and surface parking. The 2023 Project would provide parking per the requirements of the Zoning Ordinance/approved Planned Development Zoning, as amended.

While the residential units and commercial uses were relocated to other buildings on-site, the building envelope (i.e., building footprint and height) for Buildings 1, 2, and 4 would have remained the same as evaluated in the 2022 FEIR for the Original Project. Furthermore, the total amount of development on the site did not exceed the development approved in the Planned Development Zoning and evaluated in the 2022 FEIR for the Original Project. The 2023 Project met the 165,000 square feet of commercial space Signature Project requirements of the Planned Development zoning and consistent with the 2022 FEIR for the Original Project.

The Original Project allowed for a mix of commercial uses, including a supermarket. Since certification of the 2022 FEIR, the specific construction and design details of a supermarket onsite was known and disclosed in the 2023 Addendum, and included the following:

- An approximately 58,370 square-foot building, inclusive of a 48,500 square-foot supermarket, 7,850 square-foot commercial space, and 2,020 square-foot of common space in Building 3
- Electrical outlets provided in the two loadings dock bays in Building 3, which allow for loading and unloading of refrigerated delivery trucks without idling

All other major aspects of the 2023 Project (including, but not limited to, amenity space and landscaping, access and parking requirements, green building measures, utility and other roadway improvements, and construction details) remained the same as described and evaluated in the 2022 FEIR.

In summary, the 2023 Project resulted in less overall new building square footage (i.e., Building 3 was reduced in size) but the same amount of development and land uses (i.e., same number of units and same number of commercial square footage) compared to the Original Project evaluated in the certified 2022 FEIR.



## Section 3.0 2024 Project

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### 3.1 2024 Project Overview

The applicant is proposing changes to the approved 2023 Project. Compared to the 2023 Project, the applicant proposes to modify Buildings 1 and 2 on the El Paseo site and Building 4 on the 1777 Saratoga Avenue site as follows:

- Building 1A and 1B:
  - Combine two buildings into one building (Building 1)
  - Develop approximately 13,460 square feet of commercial uses
  - Develop 398 residential units
  - Increase building height from 10 to 12 stories (135 to 136 feet)
  
- Building 2:
  - Develop approximately 16,960 square feet of commercial uses
  - Develop 377 residential units
  - Increase the building height from 9 to 10 stories (115 to 112.3 feet)<sup>2</sup>
  
- Building 4:
  - Develop two separate buildings (Building 4A and 4B) providing a total of approximately 231,000 square feet of senior assisted living facility uses<sup>3</sup>
  - Eliminate all residential units
  - Reduce the building height from 12 to 7 stories (145 to 88.5 feet)

Building 3 would remain the same as the approved 2023 Project. No modifications are proposed to Building 3. A summary of the total residential units and commercial square footage evaluated for the Original Project, 2023 Project, and the 2024 Project is shown in Table 3.1-1 below. Overall, compared to the approved 2023 Project, the 2024 Project would result in a net increase of 154,790 square feet of commercial square footage and net decrease in 325 residential units (which equates to 506,198 square feet). As summarized above and in Table 3.1-1 below, the building height would be similar to the 2023 Project by adjusting the floor plate (e.g., making the ceiling heights lower).

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<sup>2</sup> While the number of stories increases, the building height decreases. This is accomplished by adjusting the floor plate.

<sup>3</sup> The City classifies senior assisted living facilities as a commercial use.



**Table 3.1-1: Summary of Total Development Assumed**

	Original Project	2023 Project	2024 Project
Multifamily Residential Units and Square Feet (Approximate)	1,100 (1,289,657 square feet)	1,100 (1,289,657 square feet)	775 (783,459 square feet)
Commercial Square Footage (Approximate)	165,000	165,000	319,790 (retail 88,790; assisted living 231,000)

The 2024 Project would continue to meet the 165,000 square feet of commercial space Signature Project requirement of the Planned Development zoning and consistent with the 2022 FEIR and 2023 Addendum.

Parking for Buildings 1 and 2 would be shared and provided in two levels of underground parking located beneath both buildings. Parking for Buildings 4A and 4B would be provided in one level of underground parking beneath both buildings. The 2024 Project would provide parking per the requirements of the approved Planned Development Zoning, although since the certification of the 2022 FEIR, the City of San José had eliminated the Municipal Code minimum requirements for parking. Of the parking spaces, 100 would have electric vehicle (EV) charging stations, and 890 would be EV-ready (pre-wired for future chargers).

Full construction of the 2024 Project would take a total of approximately 47 months to complete in the following phases:

1. Demolition of the existing improvements on the El Paseo site
2. Construction of Building 3
3. Construction of Buildings 1 and 2
4. Construction of Building 4
5. Demolition of existing improvements on the 1777 Saratoga Avenue site and construction of Buildings 4A and 4B

The Original Project and the 2024 Project would have similar construction durations of approximately 52 and 47 months, respectively.

The Original Project would excavate a total of approximately 287,308 cubic yards of soil. The 2023 Project would excavate less soil due to the removal of one level of underground parking at Building 3. The 2024 Project would excavate a total of approximately 179,500 cubic yards of soil.

The approved 2023 Project includes nighttime construction from 6:00 a.m. and 9:00 p.m. for a 15-day period in order to construct the parking garage at the El Paseo site. The 2024 Project would also include nighttime construction, but for a 20-day period to construct the parking garage for Buildings 1 and 2, and a three-day period to construct the Building 3 parking garage. Compared to approved 2023 Project, the 2024 Project would remove access to the site on Quito Road. All other major

aspects of the 2023 Project (including, but not limited to, amenity space and landscaping, access from Saratoga Avenue and Campbell Avenue, parking requirements, green building measures, utility and other roadway improvements, and construction details) would remain the same as described and evaluated in the 2022 FEIR and subsequent 2023 Addendum.

A summary of the currently proposed modifications to Buildings 1, 2, and 4 in comparison to the development assumptions for those buildings in the 2022 FEIR and 2023 Addendum are provided in Table 3.1-2, Table 3.1-3, and Table 3.1-4 below. No changes to Building 3 compared to what is shown in Table 2.1-2 are proposed, therefore, there is no additional summary table below for Building 3.

**Table 3.1-2: Summary of Changes to Building 1**

	Original Project	2023 Project	2024 Project
Maximum Commercial Square Footage (Approximate)	63,935	See note below	13,460
Maximum Number of Residential Units	279	See note below	398
Maximum Height in Feet	135	135	136
Maximum Number of Stories	10	10	12
Levels of Below Ground Parking	2	2	2

Note: For the 2023 Project, the maximum commercial square footage and maximum number of residential units were to be confirmed in a future Planned Development Permit application.

**Table 3.1-3: Summary of Changes to Building 2**

	Original Project	2023 Project	2024 Project
Maximum Commercial Square Footage (Approximate)	27,800	See note below	16,960
Maximum Number of Residential Units	302	See note below	377
Maximum Height in Feet	115	115	112.3
Maximum Number of Stories	9	9	10
Levels of Below Ground Parking	0	0	2

Note: For the 2023 Project, the maximum commercial square footage and maximum number of residential units were to be confirmed in a future Planned Development Permit application.

**Table 3.1-4: Summary of Changes to Building 4**

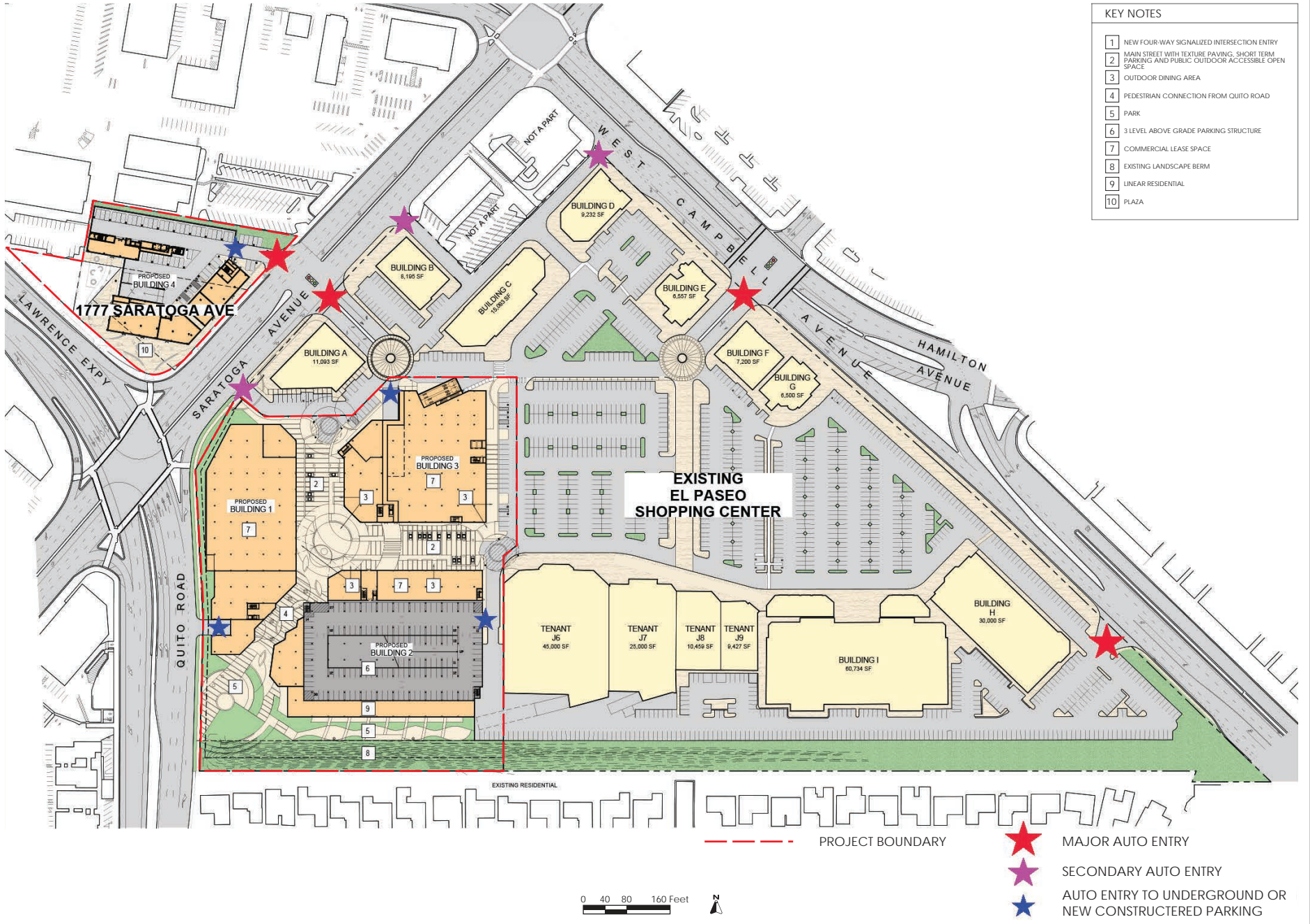
	Original Project	2023 Project	2024 Project	
			Building 4A	Building 4B
Maximum Commercial Square Footage (Approximate)	6,000	See note below	133,000 square feet (residential care facilities)	98,000 square feet (residential care facilities)
Maximum Number of Residential Units	280	See note below	0	0
Maximum Height in Feet	145	145	88.5	88.5
Maximum Number of Stories	12	12	7	7
Levels of Below Ground Parking	2	2	1	1

Note: For the 2023 Project, the maximum commercial square footage and maximum number of residential units were to be confirmed in a future Planned Development Permit application.

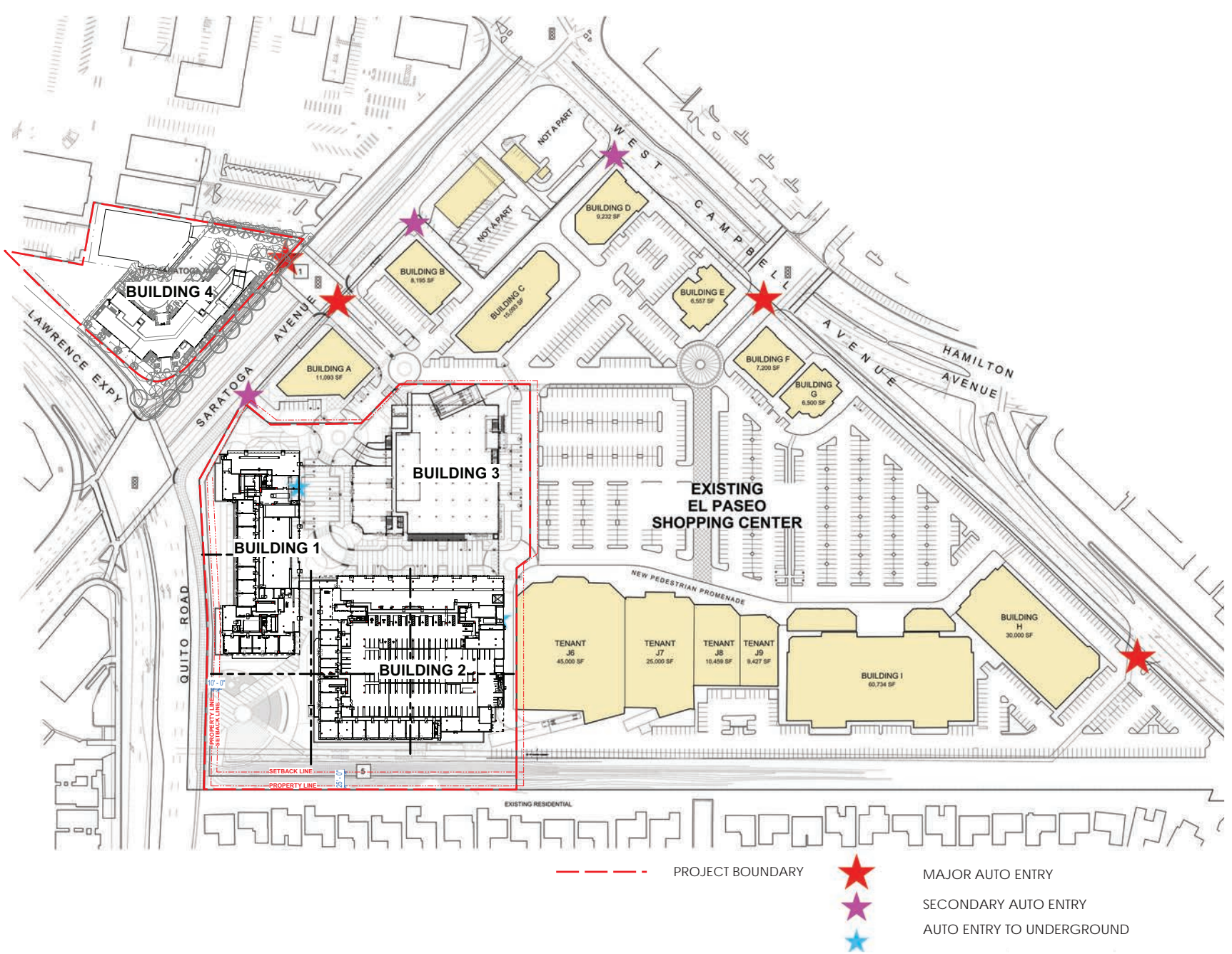
A comparison of the conceptual site plans, building cross-sections, and renderings of the approved project and the 2024 Project are provided in Figures 3.1-1 through 3.1-5, respectively. No changes to Building 3 are proposed, therefore, no figures showing Building 3 are provided.



2022 FEIR



2024 MODIFICATIONS

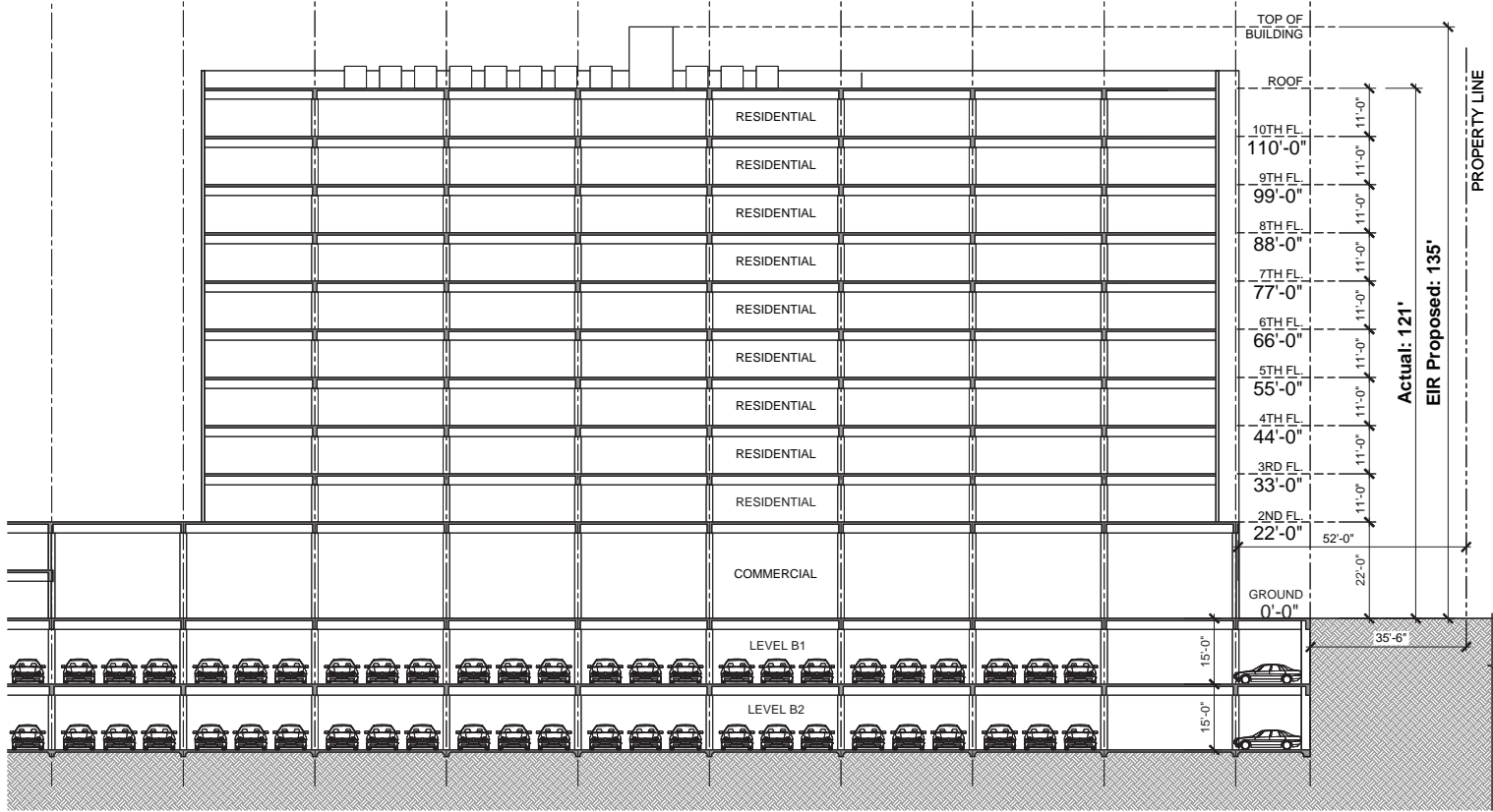


CONCEPTUAL SITE PLAN (2022 FEIR VS. 2024 MODIFICATIONS)

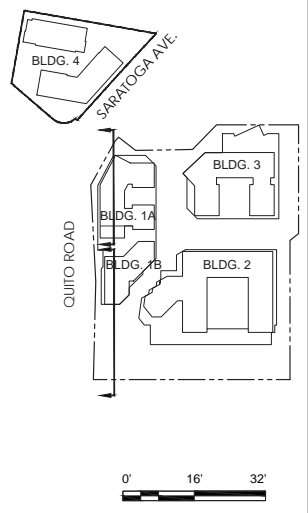
FIGURE 3.1-1



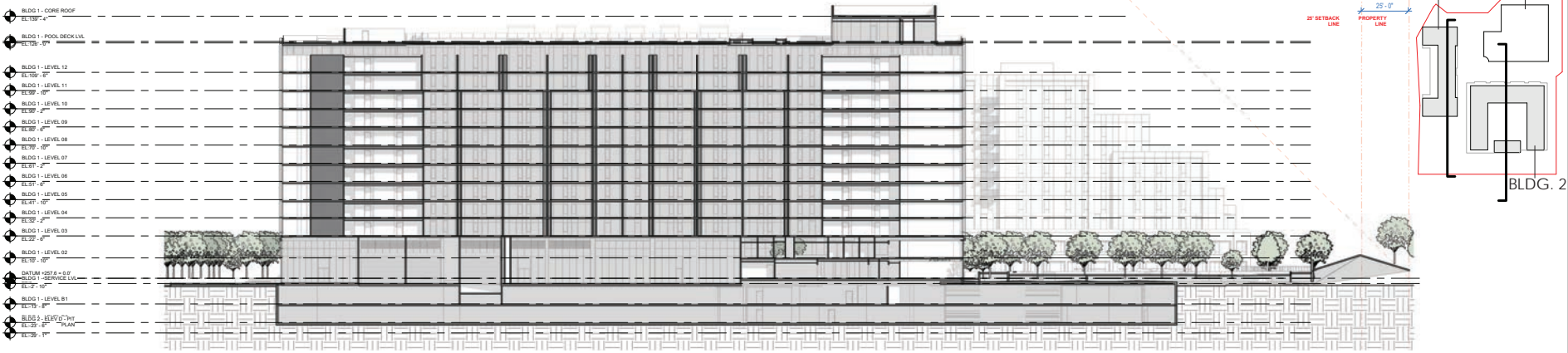
2022 FEIR



KEY MAP



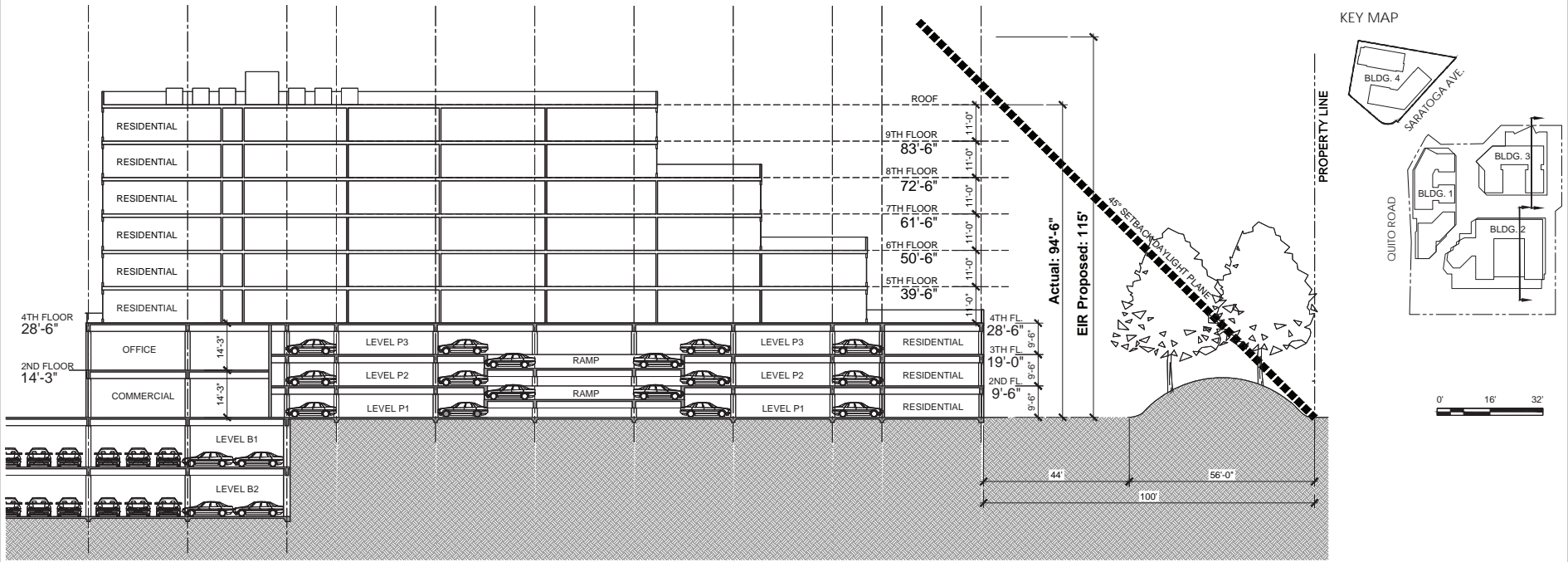
2024 MODIFICATIONS



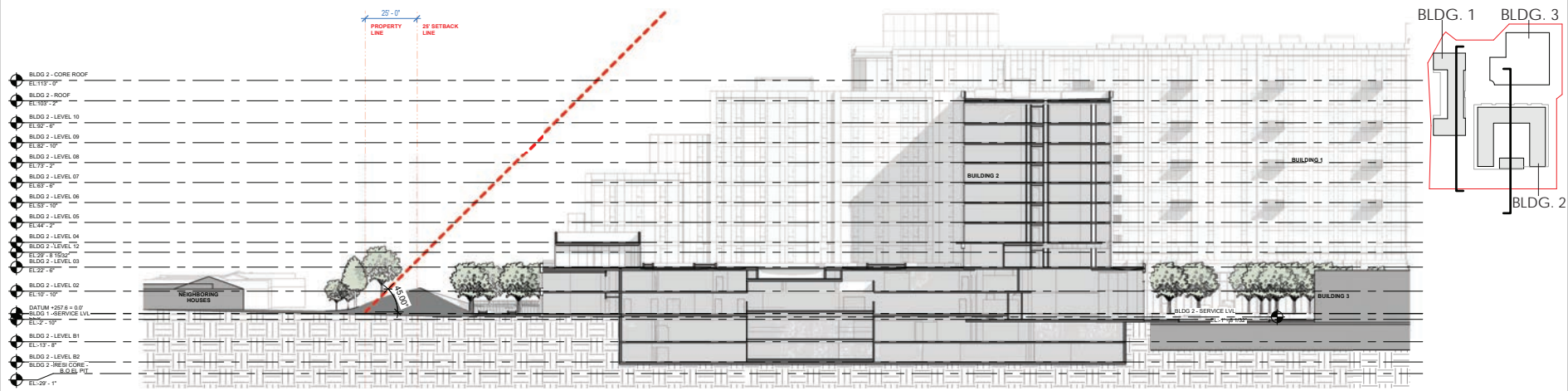
BUILDING 1 CROSS SECTIONS (2022 FEIR VS. 2024 MODIFICATIONS)

FIGURE 3.1-2

2022 FEIR

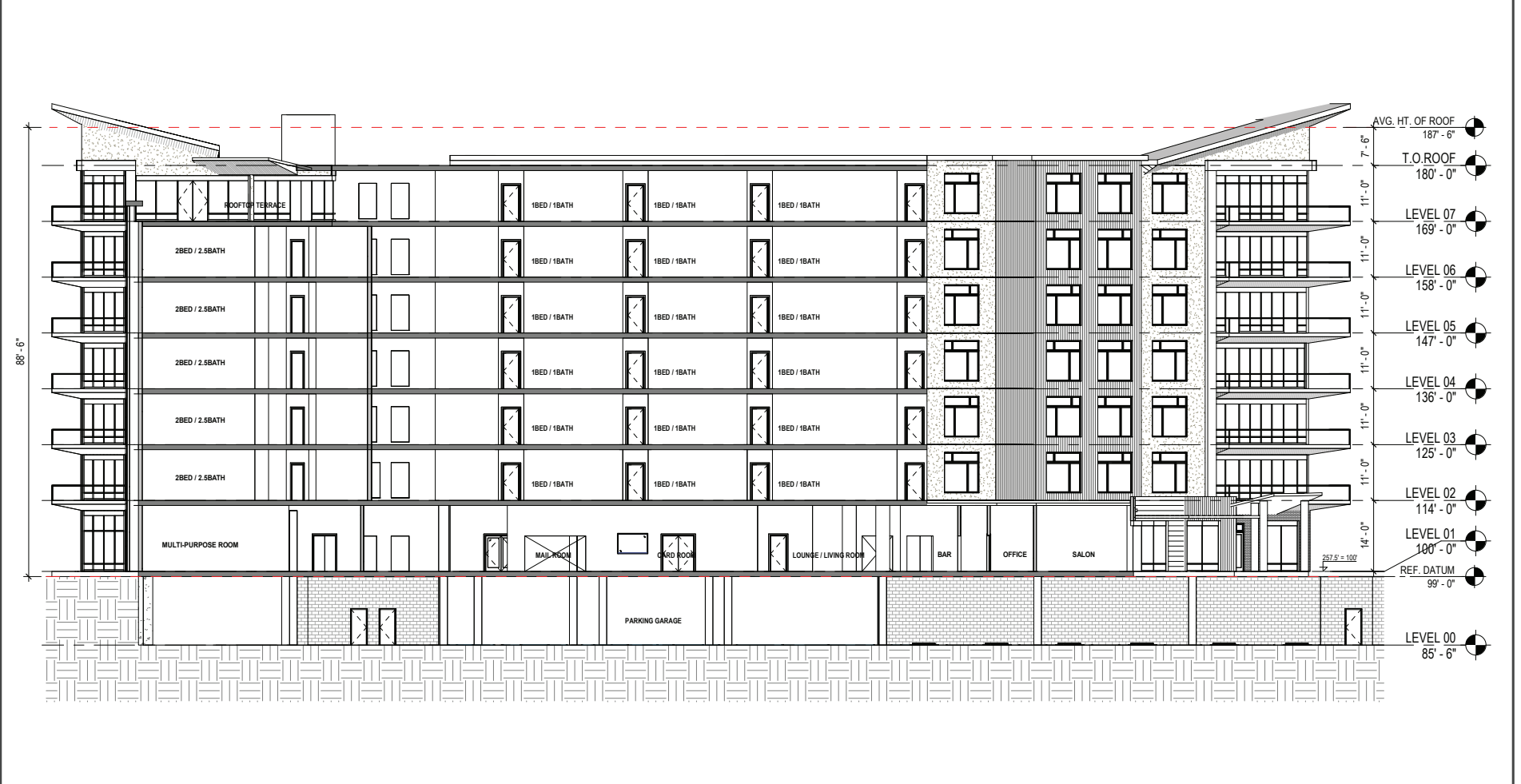
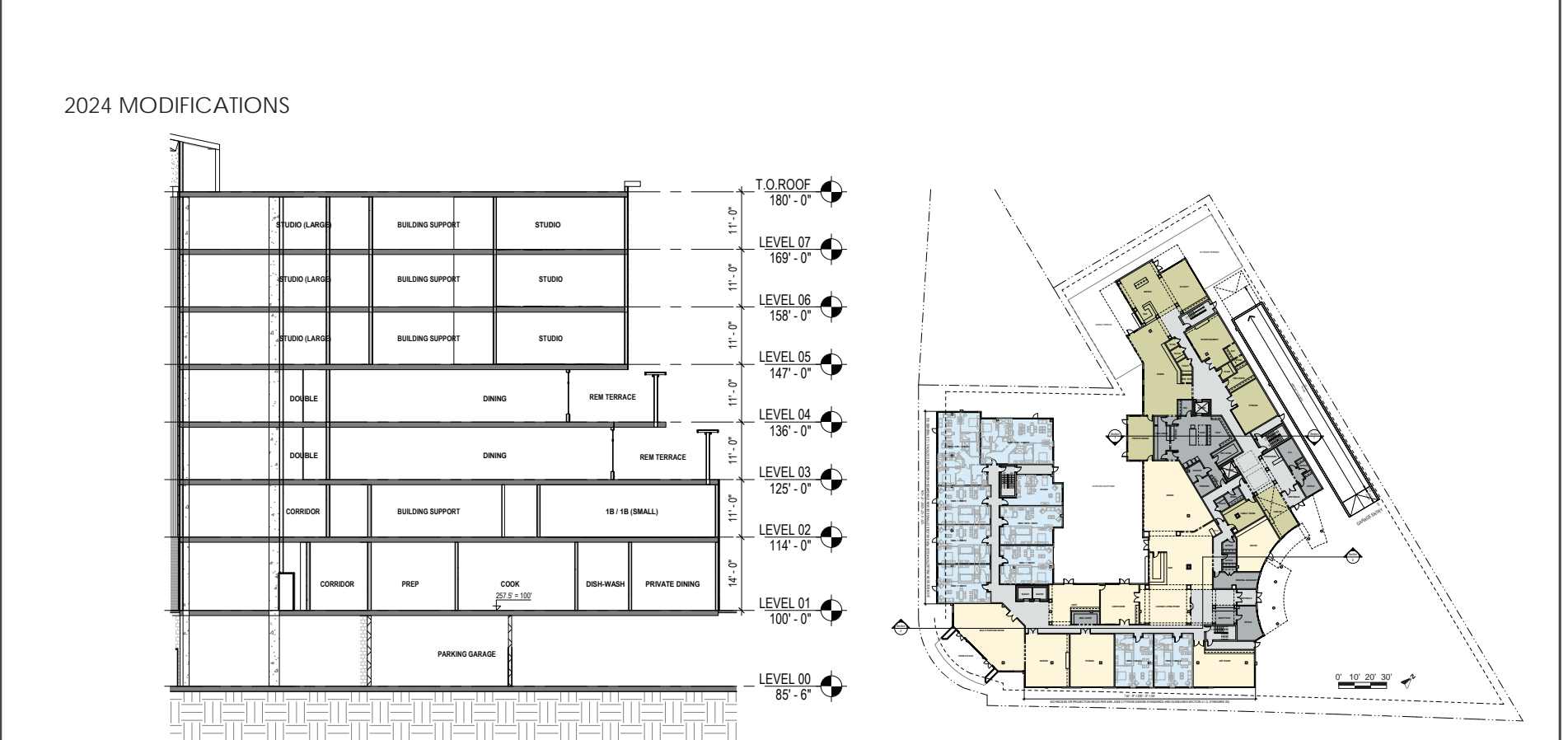
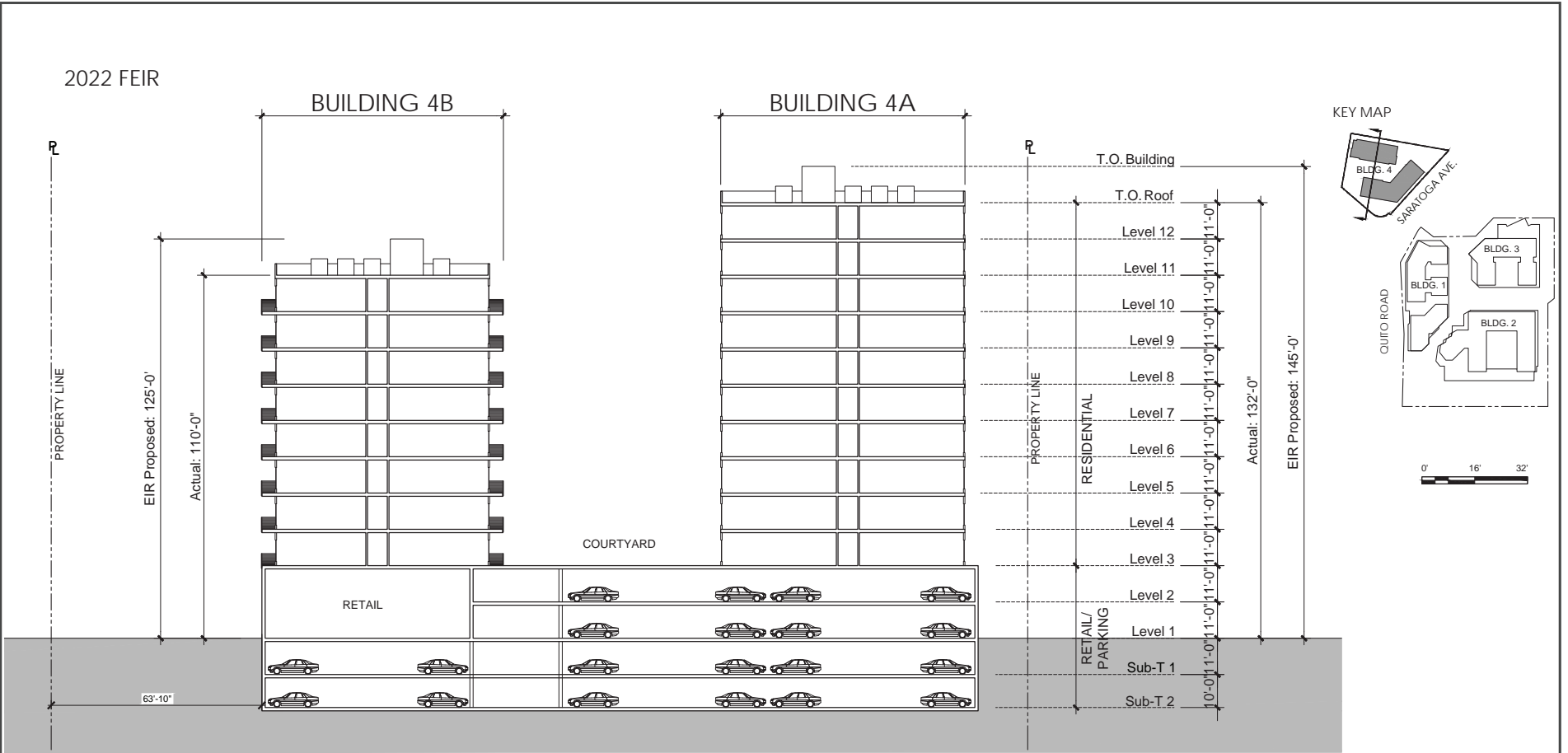


2024 MODIFICATIONS



BUILDING 2 CROSS SECTIONS (2022 FEIR VS. 2024 MODIFICATIONS)

FIGURE 3.1-3



BUILDING 4 CROSS SECTIONS (2022 FEIR VS. 2024 MODIFICATIONS)

FIGURE 3.1-4



2022 FEIR



VIEW LOOKING WEST TOWARDS QUITO ROAD AND MAJOR COMMERCIAL TENANT

2024 MODIFICATIONS



VIEW LOOKING WEST TOWARDS QUITO ROAD AND MAJOR COMMERCIAL TENANT

PROJECT RENDERING (2022 FEIR VS. 2024 MODIFICATIONS)

FIGURE 3.1-5

## Section 4.0 Environmental Impacts of the 2024 Project

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In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the certified 2022 FEIR and subsequent 2023 Addendum.

The discussion below describes the environmental impacts of the 2024 Project compared to the impacts disclosed in the 2022 FEIR for the Original Project and 2023 Addendum for the 2023 Project. This Addendum only addresses resource areas which would be potentially affected by the proposed changes described in Section 3.0 2024 Project.

The existing conditions in the project area have not substantially changed since the certification of the 2022 FEIR and approval of the 2023 Addendum. The baseline for the 2024 Project analysis continues to account for the 72,940 square feet of commercial uses (El Paseo site) and 25,185 square feet of office uses (1777 Saratoga site) operating within two years of the Notice of Preparation (NOP) for the 2022 FEIR. The 72,940 square feet of commercial uses comprised a supermarket (62,190 square feet) with three loading dock bays, a retail store (7,500 square feet), a nail salon (1,300 square feet), and a dental office (1,950 square feet). Like the Original Project and 2023 project, the 2024 Project would add commercial and residential uses to the project site.

The 2024 Project would result in the development of the same project site, construction disturbance area, and maximum depth of excavation as the Original Project evaluated in the 2022 FEIR and the 2023 Project evaluated in the 2023 Addendum. The size and mass of the buildings would be similar overall, except for Building 4, which would be seven stories instead of 11 stories tall. The 2024 Project would also comply with the same regulations and mitigation measures identified in the 2022 FEIR for the Original Project and 2023 Project. As a result, the 2024 Project's impact on the following resources would be the same as disclosed in the 2022 FEIR (and subsequent 2023 Addendum) because the impacts associated with the following resources are dependent on the site conditions and ground disturbance and below ground construction:

- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Geology and Soils
- Tribal Cultural Resources
- Storm Drainage System

The 2024 Project would result in similar but overall reduced amount and type of development (i.e., 325 fewer residential units [which is equivalent to approximately 506,198 square feet of building area] and approximately 154,790 square feet more commercial square footage)<sup>4</sup> on the same sites as the Original Project and 2023 Project. The 2024 Project would also be consistent with the General Plan land use

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<sup>4</sup> The commercial square footage includes 88,790 square feet of retail use on the El Paseo site and 231,000 square feet of assisted living use on the 1777 Saratoga Avenue site.

designation and Zoning District. The 2024 Project would comply with the Climate Action Plan's GHG Reduction Strategy measures. In addition, as further discussed in Section 4.4 Transportation and summarized on Table 4.1-1, the 2024 Project would generate 1,908 (1,382 on El Paseo site and 526 on Saratoga site) fewer trips than the Original Project (as well as the 2023 Project). As a result, the 2024 Project's impact on the following resources, whose impacts are dependent on the proposed land use, consistency with the General Plan and compliance with the City's Climate Action Plan, amount of proposed development, vehicle trips, and/or existing site conditions, are the same or less than (i.e., not new or substantially more severe) as disclosed in the 2022 FEIR and 2023 Addendum:

- Agricultural and Forestry
- Greenhouse Gas Emissions
- Land Use and Planning<sup>5</sup>
- Mineral Resources
- Population and Housing
- Public Services and Recreation
- Utilities and Service Systems
- Wildfire

For population and housing, since the 2024 Project is on the same project site as the Original Project and conforms to the General Plan land use designation, it would not result in unplanned population growth or displace existing housing, and therefore, would not result in new or substantially more severe population and housing impacts.

In regard to public services, compared to the Original Project, the 2024 Project would result in an overall reduction in size (i.e., residential units and building size); and therefore, would not increase demand for fire or police protection services than what was identified in the 2022 FEIR. Because the 2024 Project would result in fewer non-age restricted residential units, the demand would be the same or less (i.e., not new or substantially more severe) for school, parks, and library services than the Original Project.

Regarding utilities and service systems, the existing water demand on-site is approximately 79.7 AFY.<sup>6</sup> The 2022 FEIR identified the Non-Education Option/Original Project would result in a net increase of approximately 294.3 AFY of water demand and the Education Mixed-Use Option would

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<sup>5</sup> Following certification of the 2022 FEIR, the City adopted changes to General Plan Policy IP-5.10. General Plan Policy IP-5.10 allows residential mixed-use Signature projects, such as the proposed 2024 Project, to proceed within Urban Village areas prior to the preparation of an Urban Village Plan, if they meet certain criteria. The recent changes to the policy are refinements to certain criteria, such as providing additional clarification on strategic locations and requirements for publicly accessible open space. However, projects that submitted an application prior to December 7, 2021 (such as the 2023 Project) are not subject to these recent changes to the City's Signature Project Policy, even for future amendments such as the 2024 Project. The 2024 Project remains subject to the previous language in General Plan Policy IP-5.10. The 2024 Project would be consistent with the original General Plan Policy IP-5.10 by contributing more than their fair share of job-producing uses and housing density at 55 du/ac or higher. Therefore, the 2024 Project would not result in new or substantially more severe significant land use and planning impacts that disclosed in the 2022 FEIR and 2023 Addendum.

<sup>6</sup> San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020. Table 5.

result in a net increase of 335.3 AFY of water demand compared to existing conditions.<sup>7</sup> The 2024 Project would conservatively result in a net increase of 314 AFY of water demand compared to existing conditions.<sup>8</sup> Urban developments' sewage generation is typically 85 percent of its water demand. Since the water demand for the 2024 Project is within the demand studied in the 2022 FEIR, its impact on water supply and infrastructure and sewage treatment and infrastructure would not result in new or substantially greater impacts to water supply, sewage treatment, and sewer infrastructure than disclosed in the 2022 FEIR. The 2022 FEIR disclosed that the Original Project would generate 861 tons of solid waste per year.<sup>9</sup> The 2024 Project is estimated to generate 704.32 tons of solid waste per year.<sup>10</sup> The 2024 Project, therefore, would generate less solid waste than evaluated in the 2022 FEIR and would not result in new or substantially more severe impacts to solid waste facilities and capacity than disclosed in the 2022 FEIR. Furthermore, the Original Project and the 2024 Project would result in similar pervious and impervious surfaces and the 2024 Project would comply with the same regulations identified in the 2022 FEIR to minimize stormwater runoff, thus, the 2024 Project would not result in new or substantially more severe impacts to storm drainage facilities than disclosed in the 2022 FEIR.

In regard to energy use, as disclosed in the 2022 FEIR, the Original Project was estimated to use 10.6 gigawatt per hour of electricity and 10,990,892 kilo-British thermal unit of natural gas per year.<sup>11</sup> The 2024 Project is estimated to use approximately 8.5 gigawatt per hour of electricity and 9,316,412 kilo-British thermal unit of natural gas per year.<sup>12</sup> The 2024 Project would use less energy than evaluated in the 2022 FEIR. The 2024 Project would comply with the same regulations for energy efficiency as identified in the 2022 FEIR. For these reasons, the 2024 Project would result in the same or less (i.e., not new or substantially more severe) energy impacts as disclosed in the 2022 FEIR.

All mitigation measures, regulatory requirements, and conditions of approval approved by the City Council for the Original Project and by the Director of Planning, Building, and Code Enforcement for the 2023 Project are still required to be implemented by the 2024 Project and are incorporated in this document by reference. Therefore, as stated above, the impacts to the above resource areas

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<sup>7</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 265.

<sup>8</sup> Consistent with the 2022 FEIR, the residential and retail commercial water demand are based on the residential water demand factor of 320 gallons per day per unit and commercial retail demand factor of 0.25 gallons per day per square foot (source: San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020. Table 5.). The assisted living water demand is based on the California Emissions Estimator Model (CalEEMod) output completed for the 2024 Project (source: Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024).

<sup>9</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 266.

<sup>10</sup> The assisted living solid waste generation is based on the CalEEMod output completed for the 2024 Project (source: Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024).

<sup>11</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Table 3.6-1.

<sup>12</sup> Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024.



would not change (i.e., result in new or substantially more severe significant impacts) from the certified 2022 FEIR and subsequent 2023 Addendum.

The proposed changes to Buildings 1, 2, and 4 may impact the following resource areas which are discussed in greater detail in this Addendum:

- Aesthetics
- Air Quality
- Noise and Vibration
- Transportation

Based on the discussion in this section (above and below), the 2024 Project would result in the same or lesser impacts than disclosed in the 2022 FEIR and 2023 Addendum. Therefore, the 2024 Project would result in the same or lesser contributions to cumulative impacts as the Original Project and 2023 Project evaluated in the 2022 FEIR and 2023 Addendum. The 2024 Project, therefore, would not result in new or substantially more severe significant cumulative impacts than disclosed in the 2022 FEIR and 2023 Addendum. For these reasons, cumulative impacts are not discussed further in this Addendum.

As disclosed in the 2022 FEIR, subsequent to the publication of the NOP for the Original Project on September 28, 2020, as well as subsequent to the circulation of the Draft EIR for the Original Project on October 15, 2021, the City received an application for a proposed Costco development (file number CP21-022) on November 17, 2021 that would be located at 5287 Prospect Road, more than 500 feet from the project site. The City published a NOP for the Costco project on January 12, 2022, and circulated an EIR for the project from December 15, 2023 to February 20, 2024. The EIR for the Costco project included an analysis of cumulative impacts from past, present, and reasonably foreseeable future projects (including the approved project). The cumulative analysis in the EIR prepared for the Costco project concluded that implementation of the Costco development project, in combination with other past, present, and foreseeable projects (including the Original Project), would not result in a cumulatively considerable contribution to significant cumulative impacts.<sup>13</sup> There are no other pending or new construction projects near the project site since the certification of the 2022 FEIR for the Original Project and approval of the 2023 Addendum for the 2023 Project.

Because the 2023 Addendum concluded that the 2023 Project would result in the same impacts disclosed in the 2022 FEIR (i.e., not result in new or substantially more severe significant impacts than disclosed in the 2022 FEIR), the following impact discussions focus on comparing the impacts of the 2024 Project to those disclosed in the 2022 FEIR.

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<sup>13</sup> City of San José. *Westgate West Costco Project Draft Environmental Impact Report*. SCH#2022010135. December 2023. Page 246.

## 4.1 Aesthetics

### 4.1.1 Environmental and Regulatory Setting Updates

There are no updates to the environmental or regulatory setting for aesthetics.

### 4.1.2 Analysis of Modified Project

The existing visual character and views of the project site and surrounding area have not changed since the certification of the 2022 FEIR or approval of the 2023 Addendum. There are no changes in circumstances that would result in a new or substantially more severe significant impacts and no significant new information of substantial importance concerning aesthetic resources around the project site.

#### 4.1.2.1 *Scenic Vistas*

The project site is not located on or adjacent to any scenic vistas identified in the City, nor does the site provide broad or expansive scenic views.<sup>14</sup> As a result, neither the Original Project nor the 2024 Project would have a significant impact on scenic vistas. For this reason, the 2024 Project would not result in new or substantially more severe significant effects on a scenic vista than disclosed in the 2022 FEIR for the Original Project.

#### 4.1.2.2 *Scenic Resources in a State Scenic Highway*

The project site is not visible from a state scenic highway and, therefore, the Original Project and 2024 Project would not have impacts on scenic resources within a state scenic highway. The 2024 Project would not result in new or substantially more severe effects on scenic resources within a California scenic highway than disclosed in the 2022 FEIR.<sup>15</sup>

#### 4.1.2.3 *Regulations Governing Scenic Quality*

The Original Project evaluated in the 2022 FEIR included the construction of Buildings 1, 2, 3, and 4 as a 10-story (135 feet), 9-story (115 feet), 11-story (145 feet), and 12-story (145 feet) mixed-use buildings, respectively. The 2022 FEIR concluded that the Original Project would not conflict with regulations governing scenic quality because the Original Project would be subject to the City's design review process and conform to applicable General Plan policies (CD-1.1, CD-1.8, CD-1.12, CD-1.13, and CD-1.17), the Commercial Design Guidelines, and the City's criteria for Signature projects.<sup>16</sup>

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<sup>14</sup> City of San José. *First Amendment to the Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. June 2022. Page 206.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid. Page 207.

As discussed in Section 3.0, the 2024 Project would have similar but overall reduced mass (i.e., building height and square footage) as the Original Project because Building 1 would be increased to 12-story (136 feet), Building 2 would be increased to 10-story (with a reduced building height to 112.3 feet), and Building 4 would be reduced to 7-story (88.5 feet) (refer to Figure 3.1-2). Building 3 would remain as approved – a one-story (32 feet) tall building (which was evaluated in the 2023 Addendum). The building heights would be similar to the 2023 Project by adjusting the floor plate (e.g., making the ceiling heights lower), and the overall maximum building height would be reduced to 136 feet (compared to the maximum building height of 145 feet in the Original Project). Consistent with the 2022 FEIR, the 2024 Project would be subject to the City’s design review process, General Plan Policies CD-1.1, CD-1.8, CD-1.12, CD-1.13, and CD-1.17, Commercial Design Guidelines, City’s criteria for Signature Projects, and Council Policy 4-3.<sup>17</sup> For these reasons, the 2024 Project would not result in new or substantially more severe significant impacts regarding conformance with applicable regulations regarding scenic quality than disclosed in the 2022 FEIR.

#### 4.1.2.4 *Light and Glare*

The 2022 FEIR concluded that the Original Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.<sup>18</sup> The project site is located in an urban area with existing sources of light and glare. Similar to the Original Project, the 2024 Project would intensify development on the sites compared to existing conditions and, as a result, incrementally increase the level of illumination in the area. The 2024 Project would result in similar building mass for Buildings 1 and 2, and reduced building mass for Buildings 3 and 4 compared to the Original Project. Similar to the Original Project, surface parking areas under the 2024 Project would include nighttime security lighting consistent with Council Policy 4-3 (which requires fully shielded, downward directed, low-pressure sodium lighting) to reduce light pollution, sky glow, and glare. The 2024 Project would continue to be required to place light fixtures adjacent to residential areas at heights of eight feet or lower, and no higher than 25 feet where adjacent to other uses, as required by the Commercial Design Guidelines. Additionally, the Commercial Design Guidelines require all lighting to be shielded to prevent light intrusion into adjacent areas. Like the Original Project, the 2024 Project would not be constructed with highly reflective materials, such as mirrored glass and does not propose any large, uninterrupted expanses of glass or other highly reflective materials that would face adjacent uses. Impacts related to light and glare thus remain less than significant and the 2024 Project would not result in new or substantially more severe significant light and glare impacts than disclosed in the 2022 FEIR.

### 4.1.3 Conclusion

As documented above, the 2024 Project would be subject to the City’s design review process, and comply with General Plan Policies CD-1.1, CD-1.8, CD-1.12, CD-1.13, and CD-1.17, Commercial Design Guidelines, City’s criteria for Signature Projects, and Council Policy 4-3 and would, therefore,

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<sup>17</sup> The 2024 Project would be consistent with the original General Plan Policy IP-5.10, refer to discussion in Section 4.0.

<sup>18</sup> City of San José. *First Amendment to the Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. June 2022. Page 208.



not result in new or substantially more severe significant aesthetics impacts than disclosed in the 2022 FEIR.

## 4.2 Air Quality

The following discussion is based, in part, on a Supplemental Air Quality Update Memo prepared by Illingworth & Rodkin, Inc. The report, dated August 1, 2024, is attached to this Addendum as Appendix A.

### 4.2.1 Environmental and Regulatory Setting Updates

There are no updates to the environmental setting or regulatory setting for air quality since the publication of the 2022 FEIR and 2023 Addendum.

### 4.2.2 Analysis of the Modified Project

#### 4.2.2.1 *Conflict/Obstruct with an Air Quality Plan*

The 2022 FEIR concluded that the Original Project would not conflict with or obstruct the Clean Air Plan because it would be below applicable thresholds for criteria air pollutants with mitigation, be below applicable thresholds for toxic air contaminants, and be consistent with the Bay Area 2017 Clean Air Plan control measures.<sup>19</sup> The 2024 Project reduces the amount of construction compared to the Original Project and would have substantially the same operational characteristics as the Original Project and 2023 Project. The 2024 Project would also be required to implement the same mitigation measures (MM AIR-1.1. through MM AIR-1.4) and control measures identified in the 2022 FEIR. Thus, the 2024 Project would result in the same consistency with the Clean Air Plan as disclosed in the 2022 FEIR.

#### 4.2.2.2 *Result in a Cumulatively Considerable Net Increase of a Criteria Air Pollutant*

As stated in the 2022 FEIR, the Bay Area is a nonattainment area for ground-level O<sub>3</sub> (created through the chemical reaction of ROG and NO<sub>x</sub> in sunlight), PM<sub>2.5</sub>, and PM<sub>10</sub> under the federal Clean Air Act and/or the California Clean Air Act. The analysis in the 2022 FEIR found that the Original Project would exceed the ROG and NO<sub>x</sub> BAAQMD thresholds during construction, but implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4 would reduce the emissions below the BAAQMD thresholds.<sup>20</sup> All other criteria air pollutant emissions (i.e., PM<sub>2.5</sub> and PM<sub>10</sub> emissions) during construction and all criteria pollutant emissions during operations would not exceed the BAAQMD thresholds.<sup>21</sup>

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<sup>19</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Pages 56-66.

<sup>20</sup> Ibid. Pages 57-61.

<sup>21</sup> Ibid. Pages 57-61.

## Construction Criteria Air Pollutant Emissions

The 2024 Project would result in less construction-related emissions than previously disclosed in the 2022 FEIR due to the reduced overall building size and excavation of the 2024 Project. Specifically, the ROG emissions would be lower (135.63 pounds per day disclosed in the 2022 FEIR to 64.90 pounds per day for the 2024 Project), but still exceed the BAAQMD threshold of 54 pounds per day, and the NO<sub>x</sub> emissions (63.44 pounds per day disclosed in the 2022 FEIR to 37.39 pounds per day for the 2024 Project) would no longer exceed the BAAQMD thresholds of 54 pounds per day.

Consistent with the findings in the 2022 FEIR, the 2024 Project would be required to implement BAAQMD's basic construction control measures as standard permit conditions in addition to mitigation measures MM AIR-1.1 through MM AIR-1.4 identified in the 2022 FEIR. Because the 2024 Project would result in less construction emissions and be required to implement the same mitigation as the Original Project (BAAQMD's basic construction control measures and mitigation measures MM AIR-1.1 through MM AIR-1.4), emissions from criteria air pollutants during construction from the 2024 Project would remain less than significant with mitigation and the 2024 Project would not result in new or substantially more severe construction criteria air pollutant emissions impacts than disclosed in the 2022 FEIR.

## Operational Criteria Air Pollutant Emissions

The 2024 Project would result in lower operational-related emissions than previously disclosed in the 2022 FEIR due to the reduced overall size of the 2024 Project, including fewer vehicle trips, when compared to the Original Project. As such, the 2024 Project would result fewer operational criteria air pollutant emissions than disclosed in the 2022 FEIR, which would continue to amount to less than the applicable thresholds. The 2024 Project, therefore, would not result in new or substantially more severe operational criteria air pollutant emissions impacts than disclosed in the 2022 FEIR.

### 4.2.2.3 *Expose Sensitive Receptors to Substantial Pollutant Concentrations*

#### Community Health Risk from Project Construction

The 2022 FEIR found that the maximally exposed individual to air pollution from the construction of the Original Project would have a cancer risk of 35.79 chances per million, which would exceed the BAAQMD single-source thresholds of 10 chances per million. When the 2022 FEIR Mitigation Measure AQ-1 and AQ-2 are applied, the construction cancer risk would be reduced to 5.25 chances per million which is below the BAAQMD single-source significance threshold of 10 chances per million.<sup>22</sup>

Diesel particulate matter is the primary pollutant emission that contributes to community health risk. The 2024 Project's diesel particulate matter emissions would be 32 percent lower than the

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<sup>22</sup> Ibid. Page 70.

Original Project, therefore, its calculated cancer risk would be 24.46 chances per million.<sup>23</sup> The 2024 Project, with implementation of the same mitigation measures MM AIR-1.1 through MM AIR-1.4 from the 2022 FEIR, would reduce the cancer risk to three chances per million, which is below the BAAQMD single-source significance threshold. The 2024 Project, therefore, would continue to have a less than significant impact related to exposing sensitive receptors to substantial pollutant concentrations as the Original Project.<sup>24</sup>

### Community Health Risk from Project Operation

Like the Original Project, the operation of the 2024 Project would have long-term emissions from mobile sources (i.e., traffic) and stationary sources (i.e., generators). The Original Project would generate 5,159 net trips per day and included four 1,910-kW, 2,561-HP standby emergency diesel generators on the ground floor of each building, which would include Best Available Control Technology (BACT) emission limits similar to U.S. EPA Tier 4 engines due to the size of the generators. The 2022 FEIR found that operational emissions of the Original Project would not exceed the BAAQMD single-source health risk thresholds and result in a less than significant impact.

The 2024 Project would generate 37 percent fewer vehicle trips than the Original Project and, therefore, its health risk would also be below the BAAQMD single-source thresholds. The 2024 Project proposes stand-by emergency diesel generators on the ground floors of Buildings 1, 2, and 4, and on the rooftop of Building 3, including a 550-KW, 737-HP generator each at Buildings 1 and 2, an 80-KW, 107-HP generator at Building 3, and a 500-KW, 670-HP generator at Building 4. None of these generators are large enough where BAAQMD would require BACT in the form of U.S. EPA Tier 4 engine emission limits. Without the use of BACT, the increased cancer risk would be 0.24 chances per million, annual PM<sub>2.5</sub> concentration would be less than 0.01 µg/m<sup>3</sup>, and Hazard Index (HI) would be less than 0.01, which would also be below the single-source health risk thresholds.<sup>25</sup>

### Community Health Risk from Combined Project Construction and Operation

The 2022 FEIR disclosed the combined construction and operation of the Original Project would have a cancer risk of 35.99 chances per million, annual PM<sub>2.5</sub> concentration of 0.17 µg/m<sup>3</sup>, and HI of 0.03. The combined construction and operational health risk impacts of the 2024 Project would be less than disclosed in the 2022 FEIR because of the reduced overall building size and excavation and, therefore, would also be below the BAAQMD single-source thresholds with implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4 from the 2022 FEIR.

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<sup>23</sup> Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024.

<sup>24</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Pages 67-76.

<sup>25</sup> Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024.

## Cumulative Community Health Risk of All TAC Sources

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within one-quarter mile of the project site. These sources include busy surface streets (i.e., roadways that exceed 10,000 vehicles per day) and existing stationary sources identified by BAAQMD. The 2022 FEIR concluded that the combined unmitigated increased cancer risk, annual PM<sub>2.5</sub> concentration, and HI would not exceed the cumulative-source thresholds. Stationary sources within one-quarter mile of the project site have remained the same. The cumulative health risk impacts of the 2024 Project combined with the nearby stationary sources would be 28 chances per million of cancer risk, 0.26 µg/m<sup>3</sup> of annual PM<sub>2.5</sub> concentration, and 0.06 for HI, which would be below the single-source health risk thresholds.<sup>26</sup>

Based on the above discussion, the 2024 Project would not result in new or substantially more severe significant impacts related to community health risk than disclosed in the 2022 FEIR.

### 4.2.2.4 *Other Emissions/Odors*

The 2022 FEIR found that the Original Project's construction and operational odors and other emissions would be less than significant.<sup>27</sup> The 2024 Project would generate similar, temporary construction-related odors (i.e., localized emissions of diesel exhaust during construction equipment operation and truck activity) and proposes similar uses (i.e., residential and commercial, including assisted living and supermarket uses) as the Original Project. As explained in the 2022 FEIR, residential and commercial uses do not typically generate objectionable odors, nor do they fall under any of the land uses identified by BAAQMD to cause objectionable odors.<sup>28</sup> The assisted living facility would operate similarly as residential and commercial uses. Therefore, the 2024 Project would not result in new or substantially more severe significant odor emission impacts than disclosed in the 2022 FEIR.

### 4.2.3 Conclusion

As documented above, the 2024 Project, with implementation of the same basic construction control measures and mitigation measures MM AIR-1.1 through MM AIR-1.4 identified in the 2022 FEIR, would not result in new or substantially more severe significant air quality impacts than disclosed in the 2022 FEIR.

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<sup>26</sup> Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024.

<sup>27</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 76.

<sup>28</sup> *Ibid.* Pages 57-61.

## 4.3 Noise and Vibration

### 4.3.1 Environmental and Regulatory Setting Updates

There are no updates to the environmental setting or regulatory setting for noise and vibration since the publication of the 2022 FEIR and 2023 Addendum.

### 4.3.2 Analysis of the Modified Project

#### 4.3.2.1 *Substantial Increase in Ambient Noise Levels*

##### Daytime Construction

The 2022 FEIR concluded that construction of the Original Project would exceed the City's construction noise threshold of significance of 60 dBA  $L_{eq}$  at residential land uses and places of worship or 70 dBA  $L_{eq}$  at commercial land uses by five dBA  $L_{eq}$  or more at various times throughout construction for over a year.<sup>29</sup> As a result, the 2022 FEIR concluded the Original Project would be required to implement mitigation measure MM NOI-1.1 (Construction Noise Logistics Plan), in addition to the City's standard permit conditions, to reduce temporary construction noise impacts to less than significant.<sup>30</sup>

The 2024 Project would require similar construction activity as the Original Project, including similar but less building square footage and construction duration/equipment. The 2024 Project would be required to implement the same standard conditions and mitigation measures (MM NOI-1.1 and MM NOI-2.1) for construction identified in the 2022 FEIR to reduce impacts to a less than significant level.

##### Nighttime Construction

The 2022 FEIR also evaluated the potential for nighttime construction for a 15-day period in order to construct the parking garage at Buildings 1 and 3 at the El Paseo site for the Original Project. This would involve 15-hour concrete pours between 6:00 a.m. and 9:00 p.m. daily over a 15-day period. The 2022 FEIR concluded that nighttime construction activities, specifically concrete pours during the evening hours (7:00 p.m. to 9:00 p.m.), could result in hourly average noise levels exceeding 60 dBA  $L_{eq}$  at the first row of residences located south of the El Paseo site. As such, the 2022 FEIR identified that with implementation of mitigation measure MM NOI-2.1, noise generated by the Original Project for nighttime construction activities would be reduced to below 60 dBA  $L_{eq}$  by limiting and restricting use of equipment near residences and installing temporary noise barriers (when appropriate), thus reducing the impact to a less than significant level.

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<sup>29</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 183.

<sup>30</sup> *Ibid.* Pages 183-184.

Compared to the Original Project, the 2024 Project would require 20 days of 15-hour concrete pours for Buildings 1 and 2, and an additional three days of concrete pours for Building 3. The additional days of concrete pour (a total of 15 days evaluated in the 2022 FEIR vs 23 days for the 2024 Project) is not a substantial increase, and the concrete pours would have substantially the same noise levels as that of the Original Project. The 2024 Project would be required to implement the same standard conditions and mitigation measures (MM NOI-1.1 and MM NOI-2.1) for construction identified in the 2022 FEIR to reduce impacts. Implementation of mitigation measure MM NOI-1.1 and MM NOI-2.1 would continue to reduce noise impacts to a less than significant level.

### Operational Noise

Once operational, the Original Project would generate noise from project-generated traffic and mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC), fire pumps, and generators. The 2022 FEIR concluded that the Original Project's operational noise from vehicle traffic would be less than significant, and from mechanical equipment would be less than significant with the implementation of a standard condition of approval that requires the project applicant to retain a qualified acoustical consultant to review the mechanical noise equipment selected and implement noise reduction measures necessary to comply with the noise limit of 55 dBA or less at residential property lines.<sup>31</sup>

The operational noise from the 2024 Project would be substantially similar to the operational noise as evaluated in the 2022 FEIR because of the vehicle trips generated and mechanical equipment proposed, and conditions of approval described above from the 2022 FEIR requiring measures be implemented to comply with the noise limit of 55 dBA or less at residential property lines would remain applicable and effective.

Based on the above discussion, the 2024 Project would not have a new or substantially more severe significant impact related to ambient noise levels than disclosed in the 2022 FEIR.

#### 4.3.2.2 *Groundborne Vibration*

The 2022 FEIR disclosed that construction of the Original Project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses even though no impact driving is proposed. The 2022 FEIR further stated that groundborne vibration levels from the Original Project construction would be anticipated to exceed 0.5 in/sec PPV when construction is located within 12 feet of the structures adjacent to the El Paseo site to the north and east (existing commercial buildings) and adjacent to the 1777 Saratoga site to the north and west (place of worship building) but that such impacts would be reduced to less-than-significant levels with the implementation of mitigation measure MM NOI-3.1.<sup>32</sup>

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<sup>31</sup> Ibid. Pages 191-193.

<sup>32</sup> Ibid. Pages 187-189.

The 2024 Project involves similar construction (e.g., similar equipment and building footprint) as the Original Project evaluated in the 2022 FEIR and, like the Original Project, may generate perceptible construction vibration and noise. Like the Original Project, the 2024 Project would not include pile driving and would implement mitigation measure MM NOI-3.1 from the 2022 FEIR. Thus, the 2024 Project would not result in new or substantially more severe significant impacts related to construction vibration than disclosed in the 2022 FEIR.

The 2022 FEIR found that the Original Project would have no perceptible vibration impacts from operations.<sup>33</sup> The 2024 Project would have the substantially same operations (i.e., residential and commercial uses) as the Original Project analyzed in the 2022 FEIR. Therefore, the 2024 Project would not have a new or substantially more severe significant operational vibration impact than disclosed in the 2022 FEIR.

#### 4.3.2.3 *Expose People to Excessive Noise Levels from Airport Operations*

The Project site is not located within the vicinity of a private airstrip or an airport land use area, or within two miles of an airport, therefore, the Project, like the Original Project, would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft.<sup>34</sup> For these reasons, the Project would not result in new or greater noise impacts from airports than disclosed in the 2022 FEIR for the Original Project.

### 4.3.3 Conclusions

As documented above, the 2024 Project, with adherence to the same standard conditions and mitigation measures (MM NOI-1.1, MM NOI-2.1, and MM NOI-3.1) identified in the 2022 FEIR, would not result in new or substantially more severe significant noise and vibration impacts than disclosed in the 2022 FEIR.

## 4.4 Transportation

The following discussion is based, in part, on a Supplemental Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. The report, dated September 26, 2024, is attached to this Addendum as Appendix B.

### 4.4.1 Environmental and Regulatory Setting Updates

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services)<sup>35</sup> has not changed substantially since certification of the 2022 FEIR and approval of the 2023 Addendum.

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<sup>33</sup> Ibid. Pages 187-189.

<sup>34</sup> Ibid. Page 190.

<sup>35</sup> VTA. "2023 Ridership by Stop & Station." Accessed August 13, 2024. <https://data.vta.org/pages/ridership-by-stop>



Since certification of the 2022 FEIR and the 2023 Addendum, the City adopted its Parking and Transportation Demand Management (TDM) Ordinance (Ordinance Number 30857), which includes mandatory TDM requirements, and updated its Transportation Analysis Handbook in 2023, which provides TDM screening criteria for development projects. Besides these updates, there are no other regulatory updates that would affect the transportation analysis.

## 4.4.2 Analysis of the Modified Project

### 4.4.2.1 *Programs, Plans, Ordinances and Policies Addressing the Circulation System*

#### Roadway Facilities

While a project’s effect on automobile delay is no longer considered an impact under CEQA, local jurisdictions have roadway level of service (LOS) standards. The results of the LOS analysis for the Original Project showed that, measured against applicable municipal and Congestion Management Plan (CMP) LOS standards, all signalized study intersections would operate at an acceptable LOS during the AM and PM peak hours and would continue to do so with the addition of traffic from the Original Project. The 2022 FEIR thus concluded that the Original Project would be consistent with applicable LOS standards and the CMP. The freeway segment analysis found that the Original Project would not add substantial traffic to freeway segments and, therefore, would not result in substantial freeway LOS deficiencies.<sup>36</sup>

Net vehicle trips that would be generated by the 2024 Project were estimated using the same method for the Original Project in the 2022 FEIR. The 2024 Project would generate fewer vehicle trips compared to the Original Project because the 2024 Project proposes fewer residential units and the commercial uses (including the assisted living facility) would generate fewer trips than the Original Project. As per Table 4.4-1, the 2024 Project will have 1,908 less trips than the Original Project.<sup>37</sup> Since, the 2024 Project would generate fewer trips than the Original Project, it would also be consistent with applicable LOS standards and the CMP and would not result in substantial freeway LOS deficiencies.

**Table 4.4-1: Original Project and 2024 Project Net Trip Comparison**

Scenario	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
<b>2024 Project</b>	3,251	55	164	219	159	103	262

<sup>36</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Pages 248-249.

<sup>37</sup> Hexagon Transportation Consultants, Inc. *Supplemental Transportation Analysis for Modified Project of the El Paseo Mixed-Use Development*. July 5, 2024.

Scenario	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
El Paseo Site	2,895	52	152	204	142	88	230
Saratoga Site	356	3	12	15	17	15	32
<b>Original Project</b>	5,159	147	238	386	231	207	434
El Paseo Site	4,277	148	185	334	177	191	364
Saratoga Site	882	-1	53	52	54	16	70

### Transit Facilities

Due to the proximity of existing bus stops to the project site, the 2022 FEIR assumed that some residents and employees of the Original Project would use existing transit services. The 2022 FEIR anticipated that the Original Project would generate approximately 8-16 new transit riders during the AM peak hour and 9-18 new transit riders during the PM peak hour. The 2022 FEIR concluded that the increase in new riders could be accommodated by the currently available capacity of the bus services in the project area. The 2022 FEIR also noted that the Original Project would add a driveway on Saratoga Avenue opposite the 1777 Saratoga Avenue site that would conflict with the location of an existing VTA bus stop but that the Original Project would replace and relocate the bus stop with a new one that would meet current VTA shelter and bus stop standards.<sup>38</sup>

Because the 2024 Project would generate fewer trips than the Original Project, the 2024 Project would generate fewer transit ridership than the Original Project and those riders would continue to be accommodated by existing transit capacity.<sup>39</sup> Like the Original Project, the 2024 Project also would replace the VTA bus stop that must be moved to accommodate a driveway with a bus stop that meets current VTA standards. Thus, there is no change in impacts to transit facilities between the 2024 Project and Original Project.

### Bicycle Facilities

Class I and Class II bicycle facilities are located adjacent to the project sites and within the project vicinity. These bicycle facilities would be unchanged by implementation of the Original Project or the 2024 Project, therefore, they would continue to provide adequate access to the site for bicyclists.<sup>40</sup> The San José Better Bike Plan 2025 identifies proposed Class IV bikeways (protected

<sup>38</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 229.

<sup>39</sup> VTA. 2023 Ridership by Stop & Station. Accessed August 13, 2024. <https://data.vta.org/pages/ridership-by-stop>

<sup>40</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Pages 229-230.

bike lanes) along Saratoga Avenue Quito Road. The voluntary contribution from the 2024 Project is the same as the Original Project and includes funds that would result in the construction of a Class IV bike lane along Saratoga Avenue and Quito Road. For these same reasons, the Original Project and 2024 Project would not conflict with a program, plan, ordinance, or policy regarding bicycle facilities.

## Pedestrian Facilities

As discussed in the 2022 FEIR, the existing network of sidewalks and crosswalks within the project vicinity has good connectivity and provides pedestrians with safe routes to transit stops and other destinations despite the Saratoga Avenue/Mall Entrance intersection missing crosswalks across Saratoga Avenue and the West Campbell/Hamilton Avenue intersection missing a crosswalk in the south leg of the intersection. The 2022 FEIR concluded that the Original Project would improve pedestrian facilities by providing crosswalks along the north and south legs of the Saratoga Avenue/Mall Entrance intersection. The 2022 FEIR also found that the Original Project would be consistent with the City's Urban Village and Grand Boulevard concepts, and would facilitate pedestrian-orientated design and activate the pedestrian public right-of-way in part by completing the following improvements to pedestrian facilities: widen the Saratoga Avenue sidewalks on project site frontages from eight to 22 feet and widen the Quito Road/Lawrence Expressway sidewalks on project site frontages from six and eight feet to 15 feet.<sup>41</sup> The 2024 Project would implement the same pedestrian improvements as the Original Project. Accordingly, the 2024 Project also would be consistent with the City's Urban Village and Grand Boulevard concepts and policies related to pedestrian facilities.

### 4.4.2.2 *Vehicle Miles Traveled*

The 2022 FEIR concluded that mitigation measures MM TRN-1.1 and MM TRN-1.2 would be needed to reduce vehicle miles traveled (VMT) from residential trips by 2.21, from 11.07 to 10.09 VMT per capita, which would be below the Citywide average VMT per capita minus 15 percent.<sup>42</sup> Therefore, the residential component of the Original Project was concluded to result in less than significant impacts on residential VMT with mitigation. Implementation of mitigation measures MM TRN-1.1 and MM TRN-2.1 also were shown to reduce the Original Project's VMT per employee, from 13.38 to 12.15 VMT per employee, which would be below the Citywide average VMT per employee of 12.21. Therefore, the 2022 FEIR concluded that the Original Project's commercial office component would result in a less than significant VMT impact with mitigation incorporated.<sup>43</sup> The 2022 FEIR found that the Original Project's commercial retail component would result in a less than significant VMT impact since it would result in a net decrease of commercial space.<sup>44</sup>

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<sup>41</sup> City of San José. *First Amendment to the Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. June 2022. Page 230.

<sup>42</sup> *Ibid.* June 2022. Pages 218-220.

<sup>43</sup> *Ibid.* June 2022. Pages 218-220.

<sup>44</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 231.

An updated VMT analysis was completed and found the 2024 Project would have the same residential VMT of 11.07 per capita as the Original Project.<sup>45</sup> While the City’s VMT policy does not specifically address assisted living facilities, the City considers assisted living facilities as equivalent to office development since the employees of the facility would produce most of the site-generated traffic. The proposed assisted living facility would have a VMT of 13.44 per employee, which exceeds the threshold of 12.21 per employee. The VMT of the Original Project, 2023 Project, and 2024 Project are summarized in Table 4.4-2 below.

**Table 4.4-2: Unmitigated VMT of Original Project, 2023 Project, and 2024 Project**

	Original Project	2023 Project	2024 Project
Residential	11.07	11.07	11.07
Commercial Office	13.38	13.38	13.44

As discussed above, the City adopted its Parking and TDM Ordinance in April 2023. To comply with the Parking and TDM Ordinance, projects are required to provide a TDM plan that meets the “TDM Points Target” as detailed in the ordinance. The residential and assisted living facility uses as part of the 2024 Project are subject to the ordinance. As confirmed in the Transportation Analysis prepared for the 2024 Project, the 2024 Project would meet the TDM Points Target for both the residential and assisted living facility uses.<sup>46</sup>

The 2024 Project would be required to implement the same mitigation measures (i.e., MM TRN-1.1, MM TRN-1.2, and MM TRN-2.1) identified in the 2022 FEIR and referenced above, and comply with the Parking and TDM Ordinance, which would reduce the 2024 Project’s residential VMT per capita to 10.09 and VMT per employee to 12.19.

Like the Original Project, the 2024 Project would reduce commercial retail use on-site compared to existing conditions (96,440 square feet to 88,790 square feet); and therefore, result in the same less than significant VMT impact.

For these reasons, the 2024 Project would not result in new or substantially more severe significant VMT impacts than disclosed in the 2022 FEIR.

#### 4.4.2.3 *Hazards from Geometric Design or Incompatible Use*

Access to the El Paseo site under the Original Project was to be provided by a new driveway on Quito Road and on Saratoga Avenue, as well as the existing driveways to remain on Saratoga Avenue and Campbell Avenue. Access to the 1777 Saratoga Avenue site under the Original Project was to be provided by a new driveway on Saratoga Avenue.

<sup>45</sup> Hexagon Transportation Consultants, Inc. *Supplemental Transportation Analysis for Modified Project of the El Paseo Mixed-Use Development Memorandum*. August 14, 2024.

<sup>46</sup> *Ibid.* August 14, 2024.

The 2024 Project proposes the same access as the Original Project, with the exception of the driveway on Quito Road. The 2024 Project would not provide access to the El Paseo site from Quito Road. Based on the Transportation Analysis completed for the 2024 Project, the removal of the access point on Quito Road would not result in operational hazards as the 2024 Project generates fewer trips than the Original Project. Like the Original Project, the 2024 Project would not alter the landscaping along West Campbell Avenue and would plant street trees along the project site frontages on Saratoga Avenue and Quito Road. The 2022 FEIR concluded that, because the type and location of street trees would be determined in coordination with the City of San José Department of Transportation, the City would ensure that the tree type would have high canopies and the tree location would not block the view of drivers exiting the project driveways and would maintain adequate driveway sight distance. The 2022 FEIR also concluded that there were no sight distance deficiencies with proposed driveways for the Original Project.<sup>47</sup> Because the 2024 Project would remove the access on Quito Road and not change the street trees or driveway access from Saratoga Avenue and Campbell Avenue compared to the Original Project, the 2022 FEIR conclusions remain unchanged and the 2024 Project, like the Original Project, would result in no geometric hazards.

Regarding incompatible uses, the 2022 FEIR found that the Original Project's land uses are consistent with the site's General Plan land use designations and, therefore, found programmatically compatible by the General Plan FEIR. The 2022 FEIR also noted the Original Project does not propose a use that is incompatible with the existing mix of uses in the project area or propose a use that would bring unusual equipment on the roadways (e.g., farm equipment).<sup>48</sup> The 2024 Project does not substantially alter the uses compared to what was evaluated for the Original Project and disclosed in the 2022 FEIR. Thus, the impact conclusion remains less than significant and the 2024 Project would not result in new or substantially more severe significant impacts due to incompatible uses.

#### 4.4.2.4 *Emergency Access*

The 2022 FEIR found that emergency vehicles would be able to access the El Paseo site via Quito Road and emergency vehicles would access 1777 Saratoga Avenue via the driveway located on Saratoga Avenue. The San José Fire Department (SJFD) requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line to all sides of the buildings. The 2022 FEIR found that the Original Project would meet the SJFD fire access and clearance requirements. For these reasons, the 2022 FEIR concluded that adequate emergency access would be provided by the Original Project.<sup>49</sup>

The 2024 Project would continue to meet the SJFD fire access requirement and clearance requirement, like the Original Project. In addition, the 2024 Project would not alter or obstruct any emergency access routes and therefore would not affect emergency access to the surrounding area.

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<sup>47</sup> City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. SCH: 2020090521. October 2021. Page 237.

<sup>48</sup> *Ibid.* Page 237.

<sup>49</sup> *Ibid.* Page 238.

Accordingly, the 2024 Project would result in the same less than significant impact as disclosed in the 2022 FEIR.

#### 4.4.3 Conclusion

As documented above, the 2024 Project, with implementation of mitigation measures MM TRN-1.1, MM TRN-1.2, and MM TRN-2.1, would not result in new or substantially more severe transportation impacts than disclosed in the 2022 FEIR.

## Section 5.0 Conclusion

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The 2024 Project proposes alterations to Building 1, 2, and 4, resulting in a reduced development size (i.e., residential units and building size) and similar land uses as the approved project. Based on the analysis and discussion about the 2024 Project in Section 4.0, no substantive revisions to the 2022 FEIR are needed because none of the criteria listed in CEQA Guidelines Section 15162 have occurred. Specifically, based on the above analysis:

- The 2024 Project would make no substantial changes to the Project that would require major revisions of the 2022 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to the circumstances under which the 2024 Project would be undertaken that would require major revisions to the due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2022 FEIR (nor 2023 Addendum) was certified as complete, that shows any of the following:
  - The 2024 Project would have one or more significant effects not discussed in the 2022 FEIR;
  - Significant effects previously examined would be substantially more severe than shown in the 2022 FEIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the 2024 Project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the 2022 FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Therefore, pursuant to State CEQA Guidelines Section 15164, an Addendum has appropriately been prepared.



## Section 6.0      References

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City of San José. *Draft Environmental Impact Report El Paseo Mixed-Use Project*. State Clearinghouse # 2020090521. October 2021.

---. *First Amendment to the Draft Environmental Impact Report El Paseo Mixed-Use Project*. State Clearinghouse SCH# 2020090521. June 2022.

---. *Westgate West Costco Project Draft Environmental Impact Report*. SCH#2022010135. December 2023.

Hexagon Transportation Consultants, Inc. *Supplemental Transportation Analysis for Modified Project of the El Paseo Mixed-Use Development*. July 5, 2024.

Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use, San José, CA Air Quality Update Memo*. August 1, 2024

San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020.

VTA. "2023 Ridership by Stop & Station." Accessed August 13, 2024.  
<https://data.vta.org/pages/ridership-by-stop>