APPENDIX A
INITIAL STUDY

TABLE OF CONTENTS

Page

Text

Photos

TABLE OF CONTENTS

Page

Figures

Tables

Appendices

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

In 2005, the City of San José approved the San José Downtown Strategy 2000 (Downtown Strategy 2000), which is an update of the *San José Downtown Strategy Plan 2010* (adopted in 1992) and is a long-range program for the redevelopment and preservation of the central core of San José. The plan includes the following development:

- 11.2 million square feet of office,
- 1.4 million square feet of retail space,
- 8,500 residential units, and
- 3,600 hotel guest rooms.

While the certified 2005 Downtown Strategy 2000 Final Program Environmental Impact Report (EIR) (SCH#2003042127) was primarily a broad range, program-level environmental document, it developed project-level information whenever possible, such as when a specific site was identified for a specific size and type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project specific supplemental environmental review. The *South First Area Strategic Development Plan* was incorporated by reference in the Downtown Strategy 2000, and provides guidance for specific development projects proposed within the South First Area of Downtown.

In November 2011, the City of San José approved the *Envision San José 2040 General Plan* (Envision 2040 General Plan), which is a long-range program for the future growth of the City. The *Envision San José 2040 General Plan Final Program Environmental Impact Report* (General Plan FPEIR) was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the General Plan FPEIR to be a program-level document from which subsequent development consistent with the General Plan could tier. The General Plan FPEIR evaluated additional growth (up to 10,360 dwelling units) in the Downtown compared to existing development.

The project site was included in the *Downtown* land use designation (created in place of the *Core Area* designation as part of the Envision 2040 General Plan) which was analyzed for up to 350 dwelling units per acre (DU/AC) and a floor area ratio (FAR) up to 15.0 (3 to 30 stories). This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise. Residential development within the Downtown land use designation is intended to support pedestrian/bicycle circulation, increase transit ridership, and incorporate ground floor commercial uses. In September 2014, the City approved a General Plan Text Amendment (File No. GPT14-006) to increase the maximum

density range from 350 to 800 dwelling units per acre (DU/AC) for the *Downtown* land use designation. In December 2015, the City approved a General Plan Text Amendment (File No. GPT15-001) to increase the maximum FAR from 15 to 30.0 for the *Downtown* land use designation. The City of San José also certified a Supplemental Program EIR (SPEIR) for the Envision San José General Plan to include and update the greenhouse gas emissions analysis in December 2015.

The purpose of this Initial Study is to evaluate the environmental impacts of a Site Development Permit to construct up to 308-unit residential apartment building with up to 8,000 square feet of commercial space on a 0.5-acre site in Downtown San José.

Tiering of the Environmental Review

In accordance with CEQA Section 21093 and CEQA Guidelines Section 15152, this Initial Study, as part of the Supplemental Environmental Impact Report (SEIR), tiers from the certified 2005 Downtown Strategy 2000 Final Environmental Impact Report (EIR) (SCH#2003042127).

CEQA Section 21093(b) states that environmental impact reports shall be tiered whenever feasible, as determined by the Lead Agency. "Tiering" refers to using the analysis of general matters contained in a broader Environmental Impact Report (EIR) in subsequent EIRs or Initial Studies/Negative Declarations on narrower projects; and concentrating the later environmental review on the issues specific to the later project [CEQA Guidelines Section 15152(a)].

Tiering is appropriate when it helps a public agency to focus on issues at each level of environmental review and to avoid or eliminate duplicative analysis of environmental effects examined in previous environmental impact reports [CEQA Section 21093(a)].

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, 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.

Given the proposed project description and knowledge of the project site, the City has concluded that the proposed project would result in new impacts not previously disclosed in the Downtown Strategy 2000 FPEIR. For these reasons, a supplemental EIR is required and will be prepared for the proposed project to analyze the impacts of the project on Aesthetics, Cultural Resources, and Energy.

All documents referenced in this Initial Study are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Gateway Tower Mixed-Use Development (File Nos. H15-047, HP15-003 and T15-052)

2.2 PROJECT LOCATION

The 0.5-acre project site is located from 455 to 493 South First Street in the Central/Downtown Planning Area of San José. The project site is bounded by commercial development on the north, South First Street on the east, William Street on the south, and Market Street on the west. Regional and vicinity maps of the project site are shown in Figures 2.2-1 and 2.2-2. An aerial photograph showing surrounding land uses is shown on Figure 2.2-3.

2.3 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San José, CA 95113

Environmental Review
Thai-Chau Le, Planner I
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

Project Management
Tracy Tam, Planner
(408) 535-5658
Tracy.Tam@sanjoseca.gov

2.4 PROPERTY OWNER/PROJECT PROPONENT

Henry Cord
The Core Companies
470 South Market Street
San Jose, CA 95113
(408) 292-7841 x15

2.5 ASSESSOR'S PARCEL NUMBERS

264-30-089, 264-30-090, 264-30-114

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

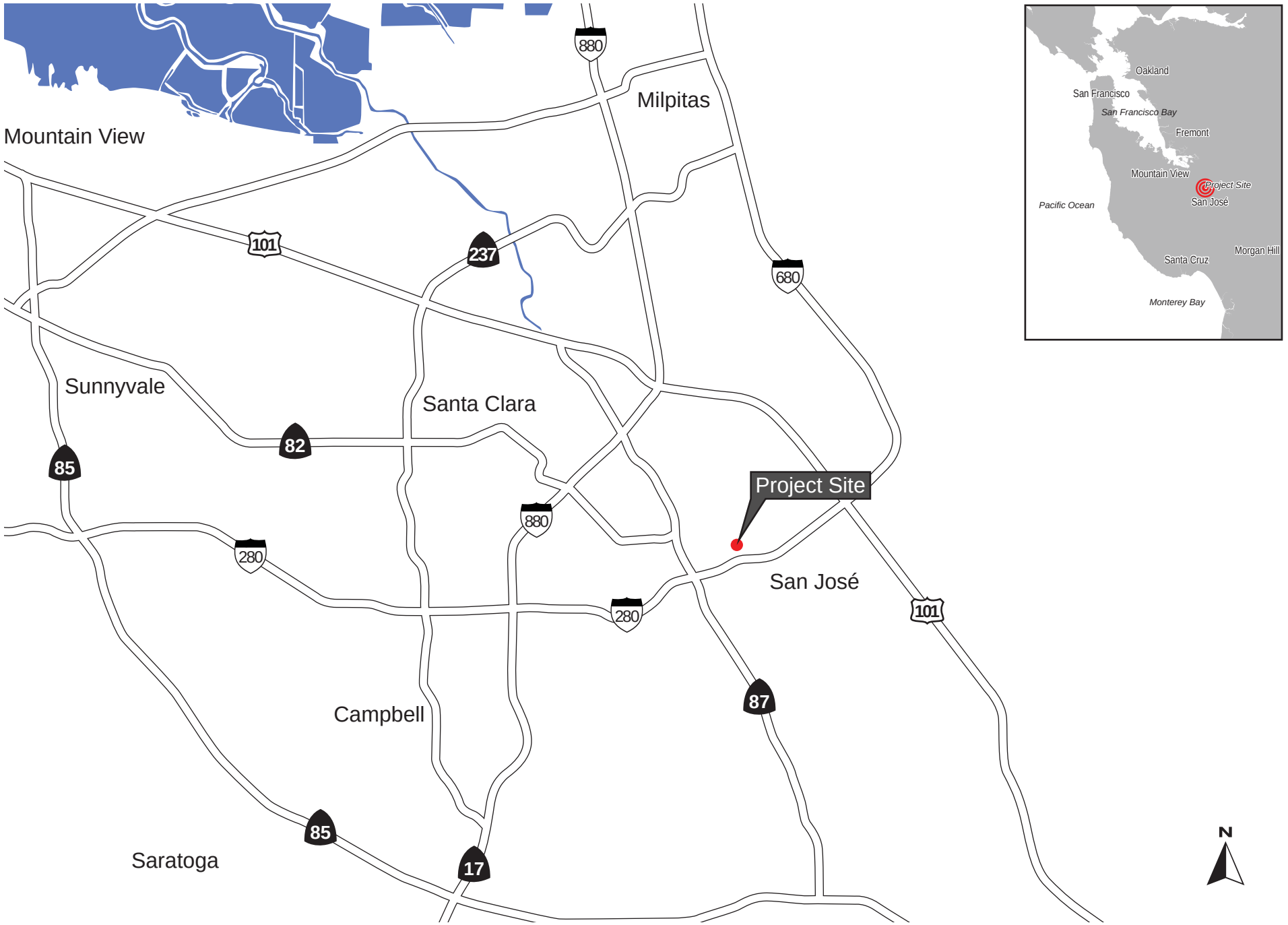
General Plan Designation: *Downtown*
Zoning District: *Downtown Primary Commercial (DC)*

2.7 HABITAT CONSERVATION PLAN DESIGNATION AND INFORMATION

Land Cover Designation: *Urban - Suburban*
Development Zone: *Urban Development greater than two acres covered*
Fee Zone: *Urban Areas*
Owl Conservation Zone: *N/A*

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit
- Tentative Map
- Historic Preservation Permit
- Demolition Permit
- Grading Permit
- Haul Route Permit
- Building Permit

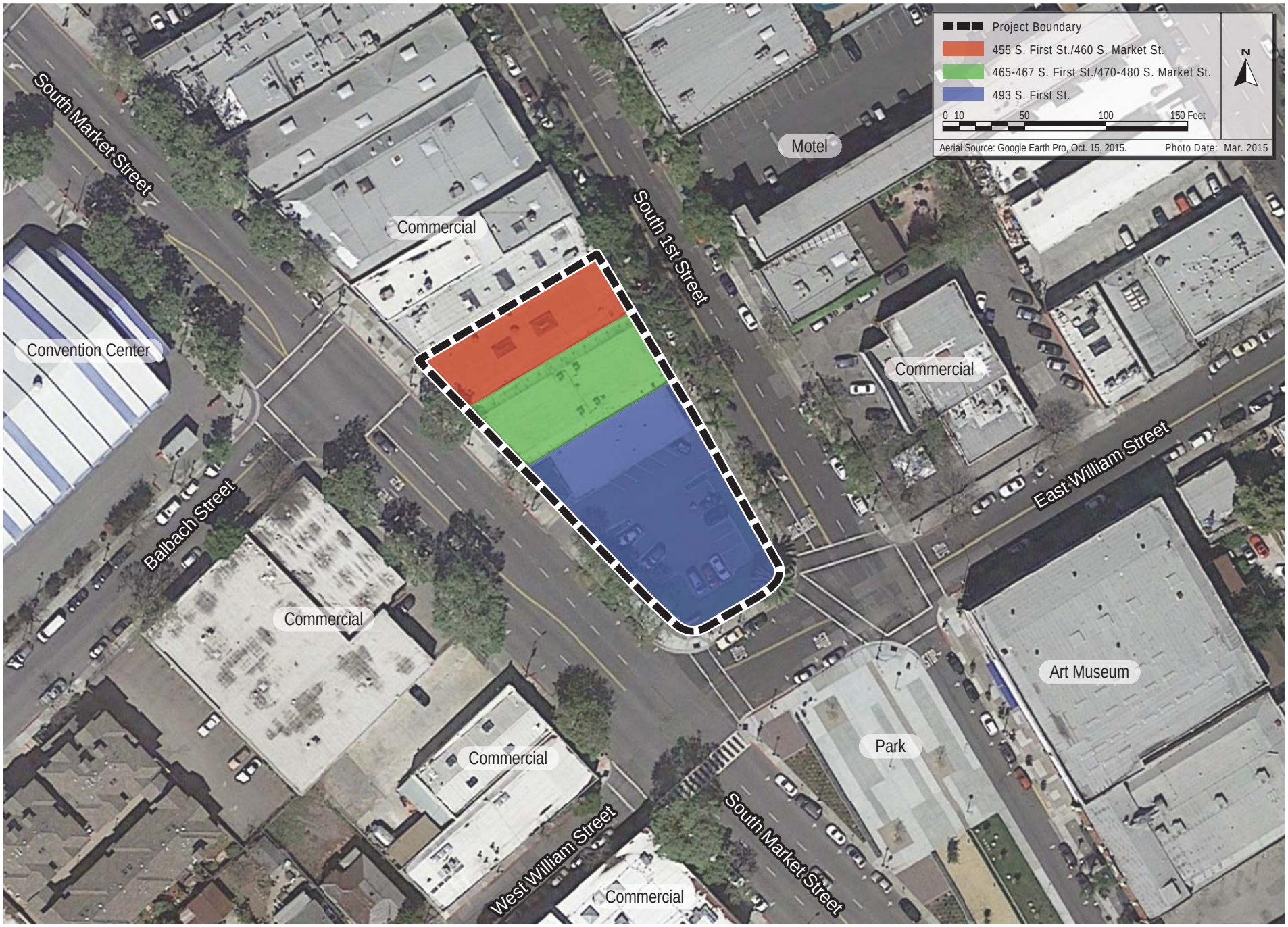


REGIONAL MAP

FIGURE 2.2-1

VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The approximately 0.5-acre project site is currently occupied by a martial arts studio, offices, a dry cleaner, and surface parking lot. All buildings on the site are single-story commercial buildings that span the block between South Market and South First Streets. Access to the site is provided from sidewalks and driveways on South Market and South First Streets. The existing commercial building and parking lot at 493 South First Street would be removed to accommodate the proposed development. The commercial building facades for 455 South First Street/460 South Market Street and 465/67 South First Street[1]/470 to 480 South Market Street would be incorporated into the proposed building with the remainder of the existing buildings removed as part of the proposed redevelopment of the site.

3.2 PROPOSED DEVELOPMENT

The project proposes construction of a 25-story building, with up to 308 residential apartment units and 8,000 square feet of ground floor commercial space. The primary entrance to the building lobby would be on South First Street and the leasing office would also be accessed from South First Street. Proposed ground floor commercial spaces would have raised ceilings to the second-story of the building and would be located on all street frontages. A "bike kitchen" for bicycle parking and maintenance would be accessed from South Market Street. Within the commercial space on South First Street, a permanent interactive historical display would be provided as a part of the retained 465/467 South First Street commercial building façade. This display would occupy up to 175 square feet of the ground floor (refer to Figure 3.2-1). A wide sidewalk area provided on the William Street frontage of the site could be used as an outdoor seating area (refer to Figure 3.2-1).

3.2.1 Residential Development

Market-rate apartments ranging from studios to two-bedroom units, would occupy the third to 25th floors of the building (refer to Figures 3.2-2 and 3.2-3). The proposed units would range in size from approximately 470 square feet to 1,720 square feet. Amenity spaces for residents would be provided on the sixth and 24th floors of the building.

3.2.2 Commercial Development

Two commercial spaces would be provided at street level (refer to Figure 3.2-1). Commercial Space A would extend along the southern end of the building between South First Street and South Market Street. It would be bordered by an outdoor seating area along William Street. Commercial Space B would be located on South First Street directly north of the leasing space. A "bike kitchen" totaling 730 square feet would be provided on South Market Street as an amenity space for bicycle maintenance with nine spaces also provided for bicycle storage.

[1] The commercial building at 467 South First Street is a listed City Landmark due to its historic association with the Herrold College of Engineering and Laboratory from 1917-1925.

Visible historic building elements from the 465/467 South First Street and 470 to 480 South Market Street commercial building facade would be retained and rehabilitated as a part of the new building structure at the location of Commercial Space B, the leasing office, and south of the bike kitchen. A portion of the exterior south-facing brick wall at 465/467 South First Street would be reconstructed to serve as the lobby wall in the proposed building.

3.2.2.1 *Storefront Museum Display*

Within Commercial Space B on South First Street, a permanent interactive historical display would be maintained by History San José as a part of the retained 465/467 South First Street commercial building façade. This display would occupy up to 175 square feet of the ground floor (refer to Figure 3.2-1). The display would illustrate the history of the Herrold College of Engineering and Laboratory on the site and the contributions of Charles Herrold, his wife Sybil, and other San José/Silicon Valley residents to the birth of radio communications in San José.

3.2.3 Building Heights and Setbacks

The proposed 25-story building would be up to approximately 262 feet in height including architectural elements, mechanical equipment screens, and elevator shafts (refer to Figure 3.2-4). The proposed building would be developed up to the property line on all sides to accommodate the parking garage. The at-grade portion of the building would only be set back from the southern property line, approximately 12 feet, along William Street to allow for an outdoor seating area.

The project would include three levels of subgrade parking and parking in the northern half of the building on the first through fifth floors. Vehicular access to the parking garage would be from a full access driveway on Market Street. The project proposes approximately 285 vehicular parking spaces and approximately 75 motorcycle spaces in the parking garage. The project proposes bicycle storage for approximately 77 bicycles on the first level of the subgrade parking garage and within the bike kitchen proposed on the ground floor.

3.2.4 Common and Open Space for Residential Use

The project would provide a total of approximately 3,250 square feet of common space in two locations in the building. An approximately 1,650-square foot space is proposed on the sixth floor of the building with an adjacent exterior pool and barbecue area on the north side of the building. Common space for residents would also be provided in an approximately 1,600-square foot space on the west side of the 24th floor of the proposed building with adjacent exterior open space amenities including a fire pit, lounge furniture, and dining tables.

3.2.5 Demolition and Grading

The project would maintain the facades of the buildings at 455 to 467 South First Street and 460 to 480 South Market Street. The building at 493 South First Street would be demolished in its entirety.

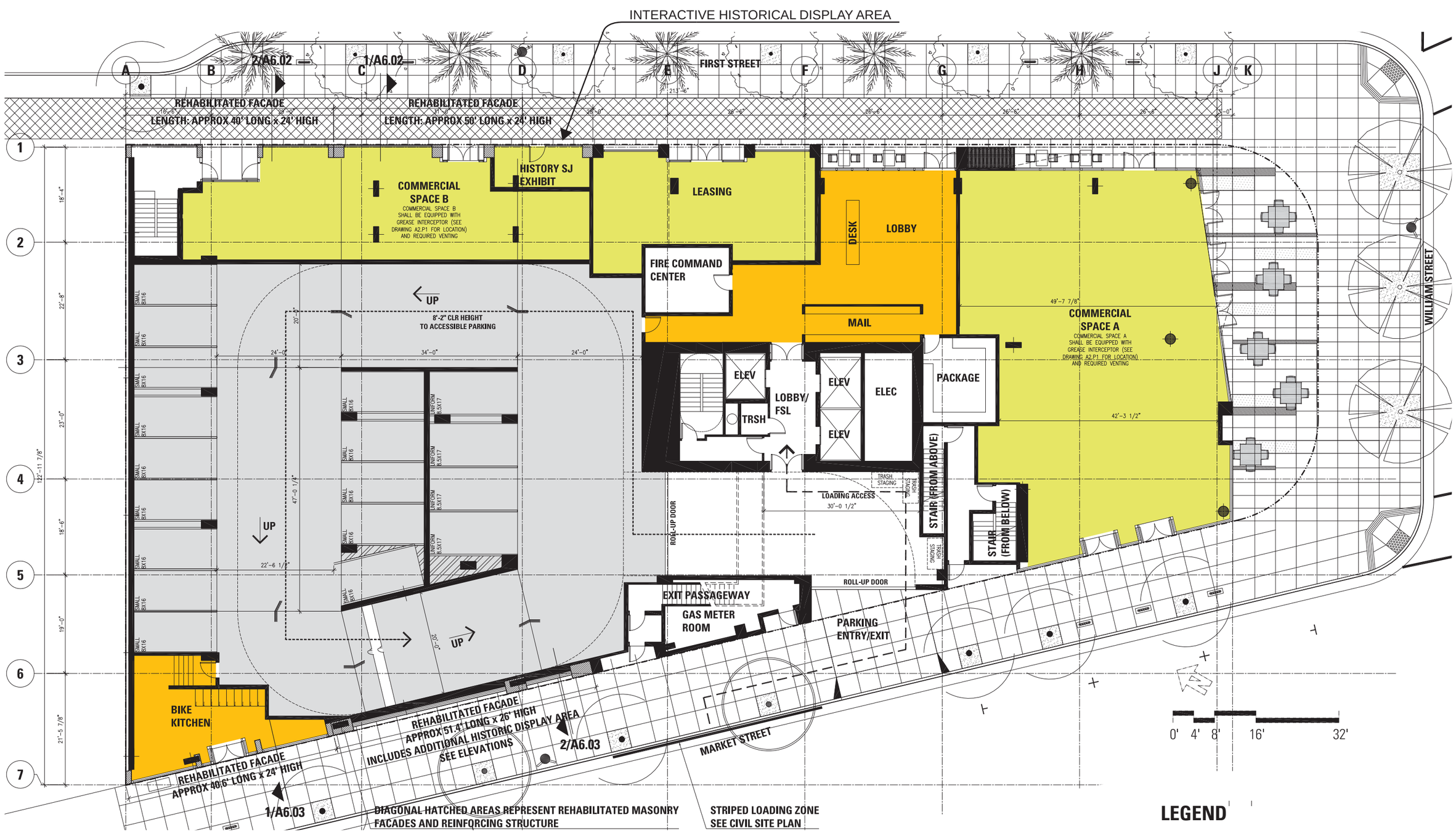
The proposed structure would require excavation to approximately 33 feet below grade to construct three levels of parking. Approximately 28,200 cubic yards of soil will be excavated and hauled from the site.

3.2.6 Construction Schedule

The project is anticipated to require 22 months to complete from demolition through construction of the proposed mixed-use tower. Grading and subterranean work is anticipated to take approximately five (5) months to complete. Construction of the proposed building would take approximately 17 months to complete.

3.2.7 Green Building Measures

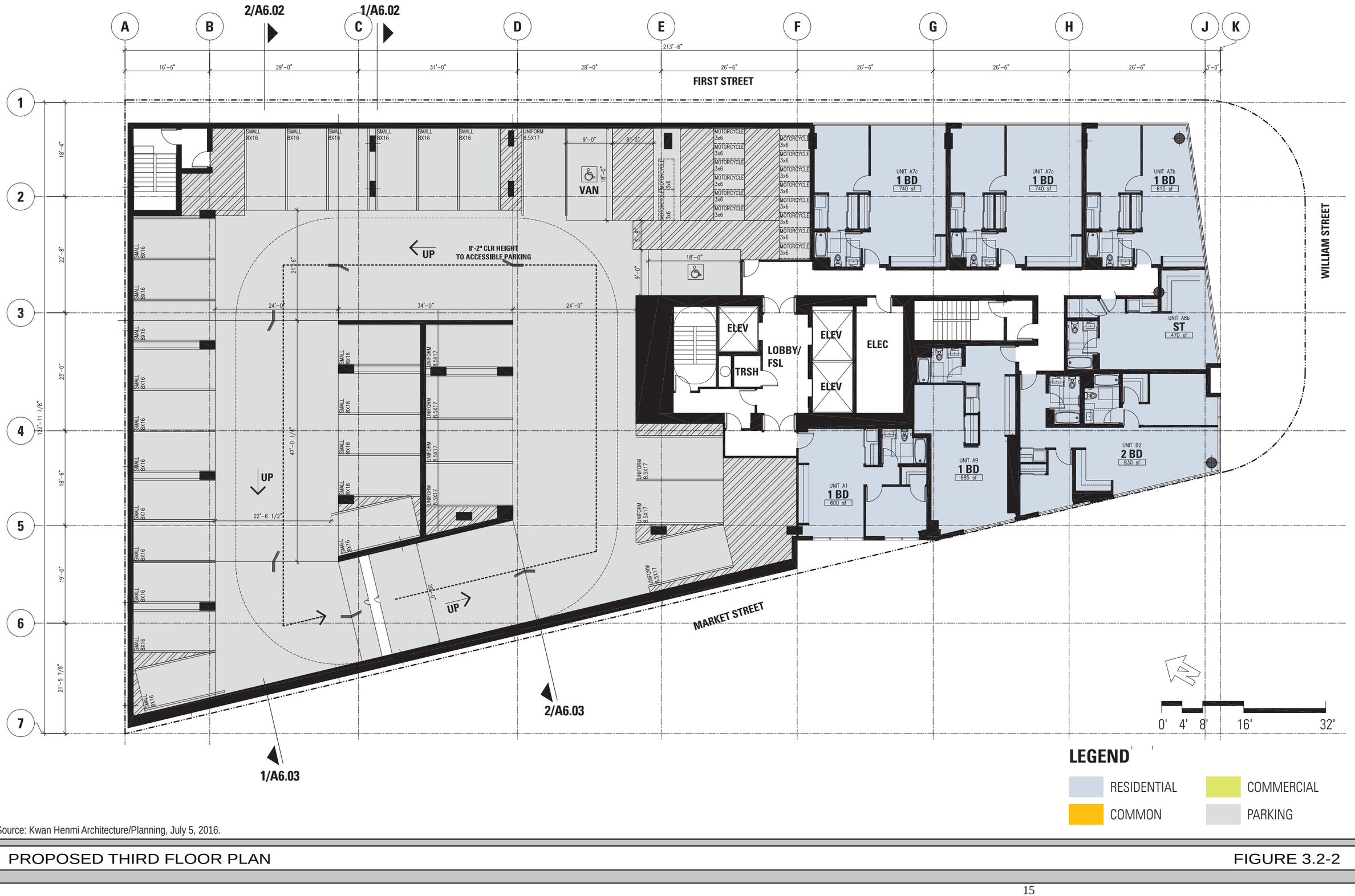
The proposed project would comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project as GreenPoint Rated (minimum 50 points) or LEED certified.



Source: Kwan Henmi Architecture/Planning, July 5, 2016.

PROPOSED GROUND FLOOR PLAN

FIGURE 3.2-1



Source: Kwan Henmi Architecture/Planning, July 5, 2016.

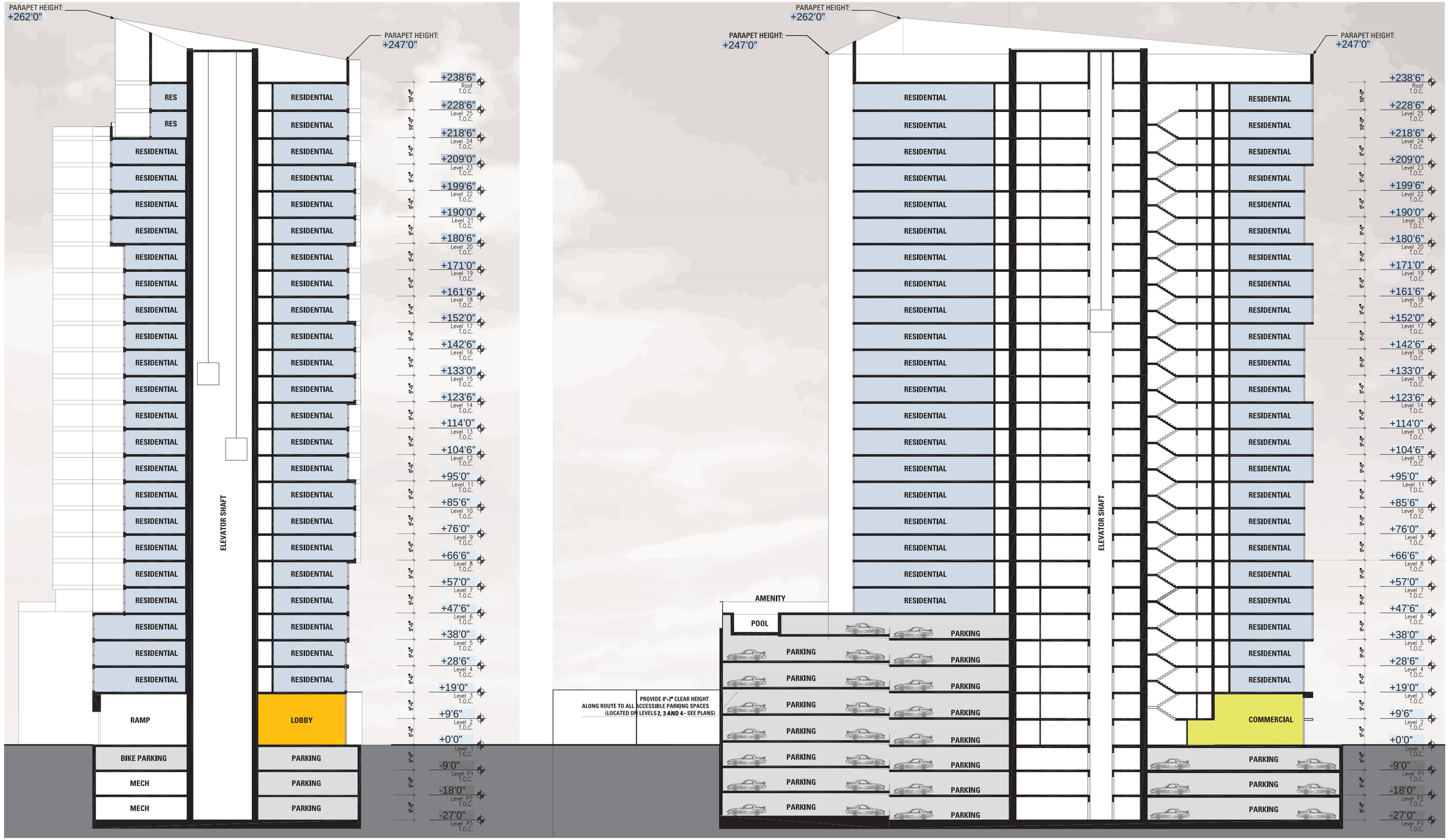
PROPOSED THIRD FLOOR PLAN

FIGURE 3.2-2

Source: Kwan Henmi Architecture/Planning, July 5, 2016.

TYPICAL TOWER FLOOR PLAN

FIGURE 3.2-3



Source: Kwan Henmi Architecture/Planning, July 5, 2016.

PROPOSED BUILDING SECTIONS

FIGURE 3.2-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b), this Initial Study tiers from the City of San José's Downtown Strategy 2000 FPEIR (approved June 2005). The Downtown Strategy 2000 FPEIR evaluated up to 11.2 million square feet of office, 1.4 million square feet of retail space, 8,500 residential units, and 3,600 hotel guest rooms within Downtown San José. The General Plan FPEIR also evaluated additional dwelling units in the Central/Downtown planning area (refer to *Section 1.0 Introduction and Purpose*).

The amount of residential and commercial development proposed for the site was included and analyzed in the certified 2005 Downtown Strategy 2000 FPEIR and the certified 2011 General Plan FPEIR, at a program level. This Initial Study evaluates the project-specific environmental impacts that were not addressed in the previously certified 2005 Downtown Strategy 2000 FPEIR. Because the proposed project would result in new significant impacts and would require revisions to the previously prepared EIR, a supplemental EIR will be prepared to address those subject areas determined to have a greater impact than previously identified.

This section, *Section 4.0 Environmental Checklist, Impacts, and Mitigation Measures* describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the "Proposed Project" with those of the "Approved Project" (i.e., development approved in the Downtown Strategy 2000 FPEIR) and to identify whether the proposed project would likely result in new significant environmental impacts not previously evaluated in the FPEIR. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified following *Section 4.18.*

Mitigation measures are identified for significant project impacts, as feasible. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). This analysis assumes applicable mitigation measures identified in the previous program EIRs will be implemented by the project, as feasible.

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the effects of the project on the environment, this chapter will discuss effects on the project related to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk or in a high noise environment.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The project site is currently occupied by three single-story commercial buildings and an associated parking lot. Two of the buildings date from the early twentieth century and span the length of the block between S. First Street and S. Market Street with no setbacks from the sidewalk. These older commercial buildings have brick facades and large display windows associated with their former auto-related uses. The third building on-site faces William Street and is a former gas station with a parking lot where gas pumps were previously located. Access to the site is provided from driveways on S. First Street and S. Market Street. Views of the site are shown in Photos 1 through 4.

4.1.1.2 *Surrounding Visual Character*

The project site is surrounded by existing urban development and roadways. Adjacent commercial development is comprised of one- to two-story commercial buildings on the west side of the S. First Street frontage. Additional single-story commercial development, a three-story hotel, and more recent development is located across S. First Street from the site. The Parque de los Pobladores is an urban, plaza-style park with a mix of hardscape, grass, and planting areas that is located directly south of the project site across William Street. South First and South Market Streets have a mix of early and mid-twentieth century commercial buildings some of which are still used for automotive businesses and others that have converted to various commercial uses. South of William Street single-story commercial uses and multi-story residential development is present with buildings at the street-level characterized by large windows.

4.1.1.3 *Scenic Views*

The project site is flat, surrounded by urban development, and does not provide scenic views of the Diablo foothills to the east or Santa Cruz Mountains to the west. The project area has been developed for over 100 years and no natural scenic resources such as trees or rock outcroppings are present on the site or in the project area.

PHOTO 1: View of the project site looking southeast from the northwest corner of Balbach and S. Market Streets.

PHOTO 2: View of the project site looking northeast from the northwest corner of William and Market Streets.

PHOTOS 1 AND 2

PHOTO 3: View of the project site looking northwest from the southeast corner of William and S. First Streets.

PHOTO 4: View of commercial buildings on the west side of S. First Street from the northeast corner of William and S. First Streets.

PHOTOS 3 AND 4

4.1.1.4 *Applicable Plans, Policies, and Regulations*

State Scenic Highways Program

The State Scenic Highways Program was created by the California State Legislature in 1963 and is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no designated scenic highways in the vicinity of the project site and the project site is not visible from a designated scenic highway.

Envision San José 2040 General Plan

The proposed project is located along a designated Gateway in the *Envision San José 2040 General Plan* (General Plan). The City's goal is to create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and Grand Boulevards, to contribute towards the positive image of the City. The *Envision San José 2040 General Plan* includes the following policies applicable specifically to development along Gateways and development projects in Downtown San José:

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.

Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy CD-6.8	Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.
Policy CD-6.9	Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.
Policy CD-10.2:	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3:	Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.
Policy CD-10.4:	Prohibit billboards at Gateway locations and along freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) and Grand Boulevards within San José.

The *Envision San José 2040 General Plan Final EIR* (General Plan FEIR) found that the implementation of General Plan policies generally would avoid or substantially reduce impacts to natural scenic views from key gateways in the City.

Downtown Strategy 2000

The Downtown Strategy 2000 provides a long-range conceptual program for redevelopment of Downtown San José. The Strategy focuses on revitalizing the traditional Downtown by allowing higher density infill development and replacement of underutilized ones. Future Downtown development is guided by a variety of urban design concepts, strategies, actions, and guidelines, including but not limited to, the following:

Downtown Strategy 2000 Urban Design Concepts & Strategies

Strategies	Description
Urban Form & Buildings (e, f, l, ii, ll, nn, oo)	Design buildings with a distinctive form, keeping in mind that the assemblage of buildings on the city skyline contributes to the overall image of Downtown San José. Design the exterior lighting and building signage with a conscious effort to create the nighttime cityscape of downtown.

Downtown Strategy 2000 Urban Design Concepts & Strategies

Strategies	Description
	Taller buildings can be built at the short ends of blocks and at block corners to emphasize intersections, to maintain sun exposure at the street level, and to frame views to the surrounding foothills. Buildings should present active, pedestrian-friendly facades to the street. Exterior building materials should be chosen with consideration of their glare-causing potential not only at the street level but also from the view of other neighboring structures. New developments in and around Historic Districts should be designed with consideration of nearby buildings and public spaces without resorting to historic imitation or nostalgia. Respect historic buildings and districts in development and redevelopment projects, without resorting to stylistic imitation.
Transportation and Access (g,h)	Incorporate a pedestrian orientation in new development, including appropriate site planning, human-scale street frontages, ground floor uses, and integration with adjacent transit stops, to ensure walkability and integration with the existing downtown. Incorporate bicycle amenities into transportation and streetscape planning.
SOFA/Convention Center (d)	Design Gore Park/Plaza de Pobladores as the southern gateway into the Greater Downtown surrounded by new high quality development.

Downtown Design Guidelines

The Downtown Design Guidelines further refine the strategies and policies set forth in the Downtown Strategy 2000 and help provide direction for the design of future development. The Downtown Design Guidelines describe topics such as lighting, materials for construction, exterior design, massing and scale, orientation, and identity. The Guidelines were adopted to enhance the character of the City and encourage creativity while ensuring a reasonable degree of cohesion. Select guidelines are identified below.

Downtown Design Guidelines

Guidelines	Description
Skyline Design and Height	The tops of tall buildings should be designed to provide visual interest to the form of the downtown skyline…Relative to the rest of development on a block, taller buildings should be built at the short ends and corners to emphasize intersections, to maintain sun exposure at mid-block, and to frame views of the surrounding mountain ranges…The gradual subtraction of mass towards the top floors reduces the appearance of the overall bulk and generally produces a more interesting building form.
Massing and Scale	Buildings should be compatible with the scale of development anticipated by the Downtown Strategy Plan and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones.

Materials	Use the materials consistent and exceed the design and quality existing in the Downtown on facades and exterior walls of buildings to give a perception of permanence and civic pride. Use the most durable (i.e. low maintenance) materials at the public level.
Lighting	Lighting should be coordinated with the Federal Aviation Administration (FAA) and the Lick Observatory. Illuminating building features should create a sense of safe and intimate space around the precinct of the building. Provide appropriate levels of building mounted lighting on façade, in private landscaped areas, in merchandising display windows, and on signage.

Downtown Streetscape Master Plan

The Downtown Streetscape Master Plan aims to enrich the pedestrian experience in the Greater Downtown area and support existing and planned future developments. The Streetscape Master Plan defines an overall physical and visual image of the Greater Downtown area that can be achieved through a combination of high-quality materials, amenities, furnishings, and infrastructure. Implementation of the Plan ultimately helps improve pedestrian safety, walkability, and continuity.

Residential Design Guidelines

The Residential Design Guidelines establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The *Residential Design Guidelines* address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design, that ultimately influence how developers and residents view and interact with one another in the City of San José.

Historic Resources Regulations and Secretary of the Interior's Standards for Rehabilitation

The Herrold College Building at 465 South First Street is a City Landmark structure (HL92-74) and will remain an eligible property for the California Register of Historical Resources based on its local listing. Pursuant to the California Environmental Quality Act Statute and Guidelines Section 15064.5 (4), the City of San Jose has determined that the Red Front Surplus Building at 455 South First Street is a Structure of Merit and is not yet listed in or determined to be eligible for listing in the California Register of Historic Resources or identified in a historical resources survey. However, the City as a lead agency has determined that both buildings will be treated as a historical resources a defined in the Pubic Resources Code Section 5020.1 (j) or 5024.1.

Location of a project on or near a historic resource can change the visual appreciation of a landscape and possibly compromise a property's historic integrity. Hence, the assessment of aesthetics impacts also may consider the visual impacts from the perspective of the Secretary of the Interior's (SOI) Standards for Rehabilitation as they relate to views of historic resources. New construction within the boundaries of the historic properties is possible under the SOI Standards for Rehabilitation if site conditions allow and if the design, density, and placement of the new construction respect the overall visual, historic character of the site and the buildings.

4.1.2 Aesthetics Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-3
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-3
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐	☐	1-3
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-3

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The proposed project would construct a mixed-use residential and commercial building on the site in an area with a mix of early twentieth century historic buildings.

The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the Downtown Strategy 2000 Final PEIR.

4.1.2.1 *Impact to Scenic Views or Scenic Resources (Checklist Questions 1 and 2)*

The project site is located within the South First Area (SoFA) of Downtown San José. The site is not located along a state scenic highway or designated rural scenic corridor. Views of the project site at grade are limited to the immediate area; however, the elevated freeways in the area would provide views of the proposed residential tower. Interstate 280 (I-280) and State Route 87 (SR 87) are not designated or eligible for listing as state scenic highways along the segments of the freeways passing through Downtown San José.

As shown in Figures 4.1-1 to 4.1-2, the proposed building that will be seen by drivers on the elevated segments of I-280 and SR 87 near the site would not obstruct larger views of the Diablo foothills and

Santa Cruz Mountains that are in the direct line-of-sight of drivers on the sections of the freeways south and west of the project site. The proposed building, although visible from nearby freeways, would contribute to the visual presence of the Downtown area but would not substantially block scenic views or modify existing scenic resources.

Redevelopment of this site, therefore, would not have a significant adverse effect on a scenic vista or damage scenic resources within a state scenic highway. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Change in Visual Character (Checklist Question 3)*

The proposed project would introduce a tall, modern tower on a block of low-rise, mostly early twentieth century structures on the 400 block of S. First Street (refer to Figure 3.2-6). This block is within a potential Historic District (South Downtown Area Automobile District) that is characterized by a scale and pattern of one- to two-story streetfront, brick and concrete buildings, with numerous building frontages and visual variation. While the project incorporates some of the character defining features of the historic structures (the facades of the existing City Landmark and Structure of Merit) to maintain the line of brick and masonry storefronts and a pedestrian oriented commercial area, the scale of the tower would adversely change the spatial relationships of the buildings with the rest of the block in terms of scale, proportion and massing. **[New Potentially Significant Impact]**

4.1.2.3 *Light and Glare Impacts (Checklist Question 4)*

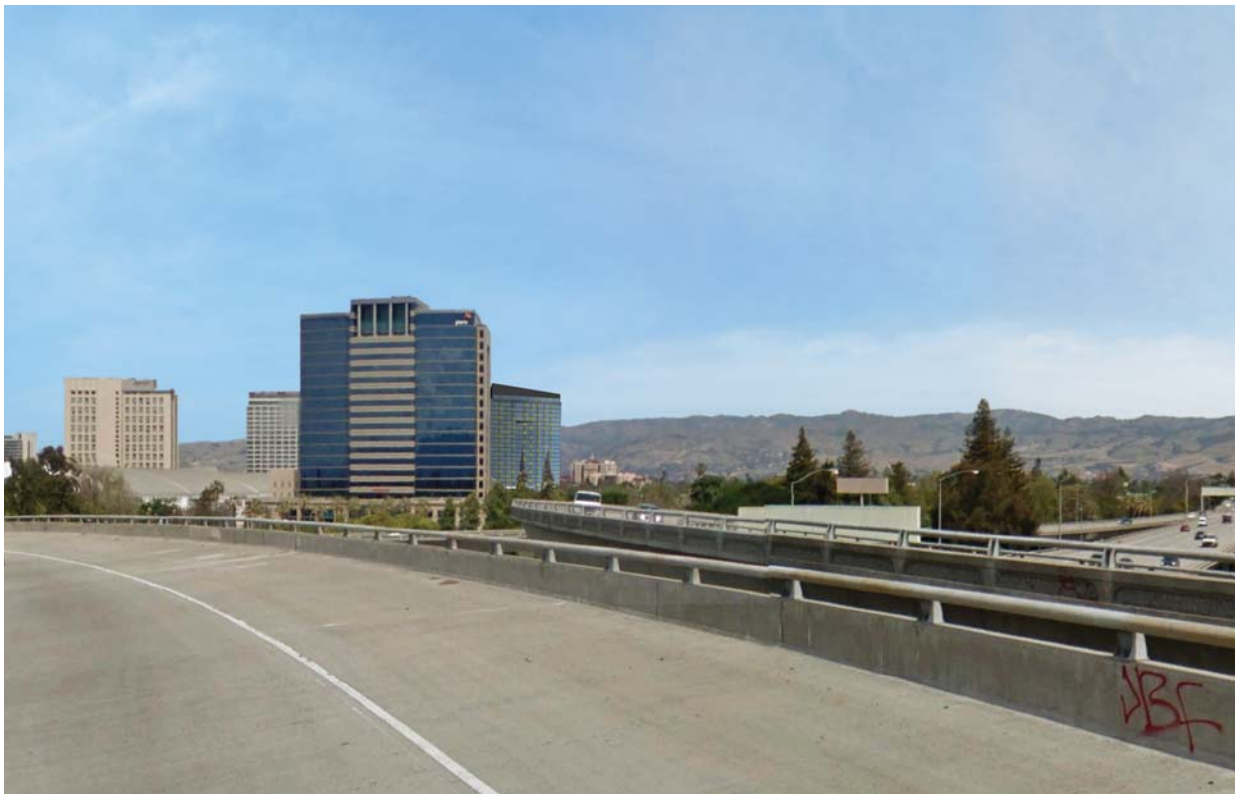
As discussed above, development on the project site would be visible from the immediate area and nearby freeways, I-280 and SR 87. The General Plan FPEIR concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts. In addition, the project is required to comply with all applicable urban design concepts adopted as part of the Downtown Strategy 2000. The project site is within the Downtown Core which is exempt from City Council Lighting Policies 4-2 and 4-3, however, the final lighting plans will be reviewed subsequent to approval of the site development permit and will be approved through a permit amendment or adjustment. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Existing - View of Downtown San José looking north from northbound I-280.

Proposed - View of proposed Gateway Tower looking north from northbound I-280.

PHOTOSIMULATION - VIEW 1 FIGURE 4.1-1

Existing - View of Downtown San José looking east from the southbound I-280 connector to northbound SR 87.



Proposed - View of proposed Gateway Tower looking east from the southbound I-280 connector to northbound SR 87.

PHOTOSIMULATION - VIEW 2 FIGURE 4.1-2

Existing - View of the project site looking north from S. First Street with Parque de los Pobladores in the foreground.

Proposed - View of Gateway Tower looking north from the southern gateway to Downtown at S. First Street.

PHOTOSIMULATION - VIEW 3 FIGURE 4.1-3

Existing - View of S. Market Street looking south from the San José Convention Center.

Proposed - View of the Gateway Tower on S. Market Street from the San José Convention Center.

PHOTOSIMULATION - VIEW 4 FIGURE 4.1-4

Existing - View of the S. First Street commercial area looking south from the southeast corner of San Salvador and S. First Street.

Proposed - View of the Gateway Tower looking south from the southeast corner of San Salvador and S. First Street.

PHOTOSIMULATION - VIEW 5 FIGURE 4.1-5

4.1.3 Conclusion

Implementation of the proposed project would have the same less than significant aesthetic impact as previously identified in the Downtown Strategy 2000 FPEIR for scenic resources, vistas, views and lighting and glare. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Implementation of the project could result in a new significant impact to the visual character of a potential historic district encompassing the site that was not previously identified in the Downtown Strategy 2000 FPEIR. The impacts to the visual character of the project area will be evaluated in the Supplemental EIR for the project. **[New Potentially Significant Impact]**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Setting

4.2.1.1 *Agricultural Resources*

According to the Santa Clara County Important Farmland 2012 map, the project site is designated as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

Currently, the project site is not used for agricultural purposes and is not the subject of a Williamson Act contract. The site is located within an urban area of San José and there is no property used for agricultural purposes adjacent to the project site.

4.2.1.2 *Forestry Resources*

The project site does not contain any forest land and no forest or timberland is located in the vicinity of the project site.

4.2.2 Agriculture and Forestry Resources Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	5
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	5

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	1,4
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1
5. 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?	☐	☐	☐	☒	☐	1

4.2.2.1 *Agricultural Resource Impacts (Checklist Questions 1, 2, and 5)*

As discussed above, the project site is not designated as farmland or used for agricultural purposes. For these reasons, the proposed project would not result in any significant impacts to agricultural resources. **[Same Impact as Approved Project (No Impact)]**

4.2.2.2 *Forestry Resource Impacts (Checklist Questions 3, 4, and 5)*

None of the properties adjacent to the project site or in the vicinity are used or zoned for forestry and, therefore, the proposed project would not impact forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

Implementation of the proposed project would have no impacts on agricultural or forest resources, consistent with the findings of the Downtown Strategy 2000 FPEIR. [**Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based in part on an Air Quality and Greenhouse Gas Emissions Assessment prepared by *Illingworth & Rodkin, Inc.* in December 2015. A copy of this report is attached as Appendix A-1.

4.3.1 Setting

4.3.1.1 *Climate and Topography*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and $PM_{2.5}$ and state standards for PM_{10}. The area is considered attainment or unclassified for all other pollutants.

4.3.1.3 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects.

Common stationary source types of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

4.3.1.4 *Sensitive Receptors*

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area.

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs.

The closest sensitive receptors to the project site are residences that are approximately 230 to 250 feet southwest of the site across South Market Street (refer to Figure 2.2-3).

4.3.1.5 *Applicable Plans, Policies, and Regulations*

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (2010 CAP). The 2010 CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants, including the following:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by State law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to air quality and are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-11.2	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

In addition, goals and policies throughout the Envision San Jose 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian and bicycle improvements, and parking strategies that reduce automobile travel through parking supply and pricing management.

4.3.2 Air Quality Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1-3,6-9

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1-3,7-9
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1-3,7-9
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1-3,7-9
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1-3,7,8

4.3.2.1 *Project-Level Significance Thresholds*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds. Thresholds prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association[2] and a subsequent appeal by BAAQMD.[3] The Appellate Court decision on August 13, 2013 upheld the threshold adoption process as valid. Subsequently, the Appellate Court's decision was appealed to the California Supreme Court, which granted limited review and issued a ruling in December 2015. The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead

[2] *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court (Case No. RG10548693).

[3] *California Building Industry Association v. Bay Area Air Quality Management District*, Cal. Ct. App. 1st, Case No. A135335, August 13, 2013. The Appellate Court ruled that the BAAQMD CEQA thresholds were adopted using a valid public review process and were supported by substantial evidence.

agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

This analysis is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-1.

Table 4.3-1
Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust ($PM_{10}/PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	

Source: *Bay Area Air Quality Management District CEQA Guidelines* (updated May 2011) and BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.

The BAAQMD CEQA Air Quality Guidelines recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

4.3.2.2 *Clean Air Plan Consistency (Checklist Question 1)*

Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below. The project supports the primary goals of the Clean Air Plan in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with access to existing transit and services which will reduce vehicle trips. The proposed project is consistent with the following control measures.

Table 4.3-2
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	Existing bicycle facilities in the vicinity of the site include the Guadalupe River Trail and planned bike lanes on Second and Third Streets and a bike route on San Salvador Street between Market Street and 16th Street. The project proposes a bike kitchen and bicycle storage for 77 bicycles on the ground floor and first level of the subgrade parking garage. The project is consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project proposes commercial uses, the building lobby, leasing, and a bike kitchen on the street frontages of the site which will activate the pedestrian environment in the project area. Utilities and parking areas are located within the interior of the building, shielding them from the street frontage and the street environment. Bus transit service and stops are provided on South First Street and South Second Street. The project includes floor to ceiling windows along the South First, South Market, and William Street frontages, would plant additional street trees, and would provide pedestrian accent paving on the William Street sidewalk. The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented	The project proposes mixed-use development on a site intended for such use in the *Envision San José 2040 General Plan.* The project vicinity is served by existing and planned

Table 4.3-2
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
	development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	transit, bicycle, and pedestrian facilities. Based on the transportation options available to future residents, the project is consistent with this control measure.
Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	The City's Zoning Ordinance requires reduced parking ratios for multi-family development within Downtown than would otherwise be required in other areas of the City. For Downtown multi-family development one parking space per residential unit and 2.5 spaces per 1,000 square feet of commercial space (office) is required. The project would provide up to 286 vehicular parking spaces in the parking garage to serve the mixed-use development which includes upt to 308 residential units and 8,000 s.f. of commercial space. Under typical downtown parking requirements the project would normally be required to provide approximately 308 parking spaces. The project is, however, mixed-use and proposes less parking than is normally required in the downtown area. The project, by providing reduced parking due to the mixed-use nature and location is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project will comply with the 2008 California Energy Code and reduce residential energy consumption by 15 percent over 2005 Title 24 standards. The project will comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project as GreenPoint Rated (minimum 50 points). The project is consistent with this control measure.
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	Although the project does not propose the use of cool roofing or paving, the project would plant additional street trees on all street frontages and provide landscaping in common open space areas. Landscape tree retention and additional plantings will reduce the "urban heat island" effect and thus the project is consistent with this control measure.

Table 4.3-2
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project would plant additional trees on all street frontages and provide landscaping in common open space areas. Implementation of tree mitigation measures will reduce the urban heat island effect. The proposed project is consistent with this control measure.

The project includes transportation and energy control measures and is generally consistent with the Clean Air Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the 2010 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.3 *Short-Term Construction-Related Impacts (Checklist Questions 2, 3, and 4)*

Criteria Air Pollutants and Precursors

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction-period criteria air pollutant emissions from on-site and off-site construction activities were estimated for the project using CalEEMod. On-site construction activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and phasing schedule, was developed based on information provided by the project applicant. The project applicant expects cranes to be electrically-powered and that there will be temporary line power on-site. The proposed project would require up to 26,900 cubic yards (cy) of soil export, approximately 2,730 round trips of cement trucks, and 150 cy of asphalt are anticipated during the paving phase. Building demolition and 150 tons of pavement demolition was also assumed.

The project would be built out over a period of approximately 22 months beginning in 2016, or an estimated 484 construction workdays (based on an average of 22 workdays per month). Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4.3-3 shows average daily construction emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As shown in Table 4.3-3, project emissions would not exceed the BAAQMD significance thresholds for any criteria pollutants.

Table 4.3-3
Construction Emissions

	ROG	NO_x	PM_{10}	$PM_{2.5}$
Total Construction Emissions (tons)	3.29	3.61	0.15	0.14
Average Daily Emissions (lbs/day)	13.6	14.9	0.6	0.6
BAAQMD Daily Emissions Threshold (lbs/day)	54	54	82	54

Notes: [1]Assumes 484 work days.
Source: Appendix A-1– Air Quality and Greenhouse Gas Emissions Assessment

Based on the average daily construction emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust, the proposed project would have a less than significant construction criteria air pollutant emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Dust Emissions

Construction dust could affect local air quality at various times during construction of the project. Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries.

Nearby land uses, particularly sensitive receptors to the south and southwest of the project site, could be affected by dust generated during construction activities. The project would generate dust during construction activities that would affect nearby sensitive receptors.

The Downtown Strategy Final PEIR has identified measures that would reduce dustfall emission during all construction phases. Consistent with the certified Downtown Strategy Final PEIR and City General Plan policies, the project shall implement the following standard permit conditions during all phases of construction on the project site to reduce dustfall emissions:

Standard Permit Conditions:

The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site. All measures shall be printed on all construction documents, contracts, and approved project plans prior to building and grading permits. All measures shall be followed during grading and construction activities. The measures are:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.

- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown.
- 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. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 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.
- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

The following best management practices shall also be implemented on the project site to reduce fugitive dust and particulate matter emissions to the extent feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the idling time to five minutes or less (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 manufacturer‘s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number of the project construction manager and person to contact at the City of San José regarding dust complaints shall be posted. 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.

The project will be required to implement the measures listed above as conditions of approval. These measures will be placed on project plan documents prior to issuance of any grading permits for the project. The proposed project, therefore, would not result in a significant air quality impact due to construction dust emissions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction TAC and $PM_{2.5}$ Health Risks

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor to the project site is residential development south and southwest of the site on Market, William, and Balbach Streets.

As shown in Table 4.3-1, under the BAAQMD CEQA Air Quality Guidelines (Air Quality Guidelines), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI will result in a significant impact. The Air Quality Guidelines consider exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. Cumulative cancer risks that exceed 100 cases per million and annual $PM_{2.5}$ concentrations that exceed 0.8 $\mu g/m^3$ from cumulative sources are also significant. The BAAQMD significance threshold for non-cancer hazards is 1.0.

The community health risk assessment prepared for the project included an evaluation of potential health effects to sensitive receptors at the nearby residences from construction emissions of $PM_{2.5}$, and diesel particulate matter (DPM)[4] in accordance with GP Policy MS-11.2. Results of this assessment indicate that the maximum concentration of $PM_{2.5}$ during construction would be 0.1 $\mu g/m^3$ which is below the BAAQMD 0.3 $\mu g/m^3$ significance threshold. Non-cancer hazards for DPM would be well below BAAQMD threshold, with a chronic hazard index computed at 0.01. This hazard index is much lower than the BAAQMD significance threshold of greater than 1.0. Construction residential child cancer risk would be 18.8 in one million and residential adult cancer risk would be 0.3 in one million during construction activities. While the residential child cancer risk for the project exceeds the 10 cases per one million threshold, it does not exceed the cumulative threshold of 100 cases per million. The proposed project would reduce the significant impact of construction risks with the implementation of the mitigation measure below, which is also consistent with Envision San José 2040 General Plan policies.

Impact AQ – 1: Construction TAC emissions would result in an incremental cancer risk greater than 10 cases per million. **(Significant Impact)**

Mitigation Measure: Consistent with the General Plan and City policies, the project applicant shall implement the following mitigation measure during all phases of construction on the project site to reduce TAC emissions to a less than significant level:

[4] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

MM AQ – 1.1:

- All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.
- All diesel-powered portable equipment (i.e., aerial lifts, air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. A list of equipment specifications and the expected duration of operation shall be reviewed and approved by the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of grading and building permits.
- All measures shall be printed on all construction documents, contracts, and project plans.

Implementation of standard permit conditions for dust control would further reduce on-site diesel exhaust emissions. Implementation of these measures would reduce the increased residential child cancer risk for construction to 6.0 in one million which is below the increased cancer risk threshold of greater than 10 per one million. The project, therefore, would have a less than significant impact with respect to community risk caused by construction activities. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.3.2.4 *Operational Air Quality Impacts from the Project (Checklist Questions 2 and 3)*

Regional Air Quality

The BAAQMD *CEQA Air Quality Guidelines* (2011) contain a screening threshold of 510 high-rise apartment dwelling units for operation-related impacts for criteria pollutants and their precursors (e.g., NO_x, ROG, particulate matter). The screening criteria provide lead agencies with a conservative indication of whether a project could result in significant air quality impacts by exceeding the emissions thresholds for criteria pollutants and their precursors shown in Table 4.3-1 (54 lbs. per day for ROG, NO_x, or $PM_{2.5}$ and 82 lbs. per day of PM_{10}).

The project proposes approximately 730 square feet for a bike kitchen and bicycle storage for 77 bicycles. The project also proposes commercial uses, a historical display area, and the bike kitchen on the first floor, fronting the main streets (S. First and S. Market Streets) with pedestrian access. While the project proposes up to 308 apartment dwelling units which is well below the screening threshold, it would however, contribute to the greater regional air quality impacts identified in the Downtown Strategy 2000 FPEIR.

While the project by itself would not result in significant regional air quality impacts, the project would contribute to the significant regional air quality impacts associated with the buildout of the Downtown Strategy 2000 and Envision San Jose 2040 General Plan.

Consistent with the certified Downtown Strategy 2000 Final EIR, the proposed project includes the following measures consistent with the mitigation identified in the Downtown Strategy 2000 FEIR to reduce regional air quality impacts associated with buildout of the Downtown Strategy 2000 and Envision San José 2040 General Plan.

1. Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.);
2. Provide secure, weather-protected bicycle parking;
3. Provide secure short-term bicycle parking for retail customers or non-commute trips; and
4. Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.

The Downtown Strategy 2000 FPEIR included mitigation measures to minimize regional air quality impacts but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000. The project proposes to implement feasible measures to minimize regional air quality impacts and would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Local Air Quality

The determination of the project's potential to result in significant local air pollutant emissions (i.e. carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. The project is consistent with the local Congestion Management Program and would not contribute vehicle traffic exceeding screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project, therefore, would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.5 *Local Community Risks and Hazards Impacts to the Project (Checklist Question 4)*

Toxic Air Contaminants

Roadway Source Modeling

As described above in *Section 4.3.2.1*, the BAAQMD *CEQA Air Quality Guidelines* (2011) recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. A community health risk assessment was completed for the project site to identify TAC emission sources within 1,000 feet of the site and their impacts on the proposed project.

A review of the project area indicates that traffic on I-280 and State Highway 82 (South Market Street/South First Street) are the only sources of TAC emissions within 1,000 feet of the project site with traffic in excess of 10,000 average daily trips (ADT). Surface streets, other than State Highway 82, with high volumes of traffic were not identified near the project site. Four nearby existing stationary sources were identified by BAAQMD's stationary source screening tool.

South Market Street (State Route 82) has an estimated 20,800 ADT. Potential risks from increased cancer and $PM_{2.5}$ concentrations from traffic emissions generated along these roadways were evaluated using an analysis methodology that takes into account local traffic conditions, site-specific meteorology, and future exposures. A detailed description of assumption made in the modeling can be found in the health risk assessment attached as Appendix A-1.

Computed Cancer Risk Concentrations

The analysis for the project assumed the site would not be occupied until 2018 or later. Receptors on the site were modeled at residential units from the third to fifth floors of the buildings which are the residents with the greatest exposure to roadway TAC sources. This analysis conservatively assumed long-term residential exposures of 30-years of continuous exposure assuming year 2020 emissions over the life of the exposure. The cancer risk calculations were based on applying age sensitivity weighting factors for each emissions period modeled. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs.

The maximum total cancer risk was computed at 1.8 cancer cases per million for a receptor on the third floor at the southwest corner of the project site closest to S. Market Street. Cancer risks from S. Market Street at other residential locations floor levels would be lower than the maximum risk. Based on the air quality modeling, cancer risks for the proposed project are expected to be less than 10 cases per million (i.e. less than significant).

Computed $PM_{2.5}$ Concentrations

$PM_{2.5}$ concentrations were modeled to evaluate the potential impact from exposure to exhaust produced by S. Market Street. The same basic modeling approach that was used for assessing cancer risk impacts was used in the modeling of $PM_{2.5}$ concentrations.

The maximum total $PM_{2.5}$ concentration from S. Market Street was computed at 0.20 $\mu g/m^3$, at the same residential receptor in the southwest corner of the third floor. Residential development on the site is currently proposed on the third through 25th floors which would further reduce $PM_{2.5}$ exposure for residents of the site. Sensitive receptors at the project site will not be exposed to $PM_{2.5}$ concentrations that exceed the threshold of 0.3 $\mu g/m^3$.

Non-Cancer Hazard Index

The hazard index for the site would be less than 0.01 from S. Market Street, which is well below the BAAQMD threshold of 1.0. No further analysis of acute or chronic exposures was completed.

Roadway Source Screening

I-280 is also located within 1,000 feet of the project site; however, given the distance to the freeway, approximately 950 feet, a screening level analysis was completed. BAAQMD provides a Google Earth *Highway Screening Analysis Tool* that can be used to identify screening level impacts from highways. This tool was used to identify the screening community risk levels from I-280. I-280 traffic impacts were identified assuming a 6-foot-high exposure at the site (i.e., ground level exposure). Screening level impacts identified using this tool were 8.7 in one million cancer risk, $PM_{2.5}$ concentrations of 0.1 $\mu g/m^3$ and hazard index of 0.01, all of which would be below BAAQMD thresholds of significance. BAAQMD requires that each TAC source, in this case each individual high volume roadway with greater than 10,000 ADT, be compared to the project level risk thresholds. Once the risk levels from all TAC sources are identified, they are compared to the cumulative risk thresholds to determine if multiple TAC sources would collectively have a significant impact on the project.

Stationary TAC Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's Stationary Source Screening Analysis Tool. Four stationary sources of TACs were identified within 1,000 feet of the project site. As shown in Table 4.3-4, none of the identified stationary TAC sources had emissions exceeding the thresholds for increased cancer risk, $PM_{2.5}$ concentrations, or hazard index.

The only source of TACs identified with build-out of the project is assumed to be one emergency back-up generator. Based on similar projects, the maximum back-up power needs for this type of project would not be larger than 600 kW, provided by an approximate 805 horsepower engine. This analysis assumes that the generator would be driven by a diesel-fueled engine in emergency conditions. The generator will be operated for testing and maintenance purposes, with a maximum of

50 hours per year of non-emergency operation under normal conditions allowed by BAAQMD. During testing periods the engine would typically be run for less than one hour and would be required to meet CARB and U.S. EPA emission standards. The engine would consume commercially available California low-sulfur diesel fuel.

The generator would require permits from the BAAQMD, since it will be equipped with an engine larger than 50 horsepower. As part of the BAAQMD permit requirements, an assessment that shows less-than-significant health risks from diesel particulate matter exposure would be required. The risk assessment, prepared by BAAQMD, would have to show that cancer risks are less than 10 per million and that the project includes Best Available Toxics Control Technology, which would set limits for diesel particulate matter emissions. Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally will not be considered to have a significant air quality community risk impact.

Emissions from the testing and maintenance of the generator were calculated using CARB's OFFROAD emissions model for large compression-ignited engines above 25 horsepower. Results of generator modeling indicate average daily emissions of 0.0019 pounds of DPM per day. Risk and $PM_{2.5}$ concentrations from a diesel generator of this size and average daily emissions were calculated and indicate that the project generator would be below BAAQMD thresholds of significance both on-site affecting project residences and at nearby sensitive receptors (see Table 4.3-4).

Cumulative TAC Risk

Cumulative TAC impacts to sensitive receptors were evaluated by adding the cancer risk, $PM_{2.5}$ concentrations, and Hazard Index from each TAC source within 1,000 feet of the project site and comparing those to the significance thresholds for cumulative sources. Cumulative TAC significance thresholds are 100 per million cancer risk, 0.8 $\mu g/m^3$ annual $PM_{2.5}$, and 10.0 hazard index. As shown in Table 4.3-4, the project would have a less than significant impact with respect to cumulative community risk.

Table 4.3-4
Local Community Risks and Hazards from Mobile Sources

Source	Maximum Cancer Risk (at closest new receptor)	$PM_{2.5}$	Non-Cancer Hazard Index
S. Market Street	1.8	0.2	<0.01
I-280	8.7	0.1	0.01
Marriot Hotel	1.7	0.0	<0.01
Dept. of Convention & Cultural Affairs	1.1	0.2	<0.01
San José RDA	0.5	0.0	0.00
Chevron (598 S. First)	0.2	0.0	0.00
Project Generator	3.4	0.0	<0.01
BAAQMD Single- Source Threshold	*10 in one million*	*0.3 $\mu g/m^3$*	*1.0*
Significant?	*No*	*No*	*No*

Table 4.3-4
Local Community Risks and Hazards from Mobile Sources

Source	Maximum Cancer Risk (at closest new receptor)	$PM_{2.5}$	Non-Cancer Hazard Index
Cumulative Total	17.4	0.4	<0.04
BAAQMD Cumulative Source Threshold	*100 in one million*	*0.8 μg/m³*	*10.0*
Significant?	*No*	*No*	*No*

Notes: The cumulative impact analysis of local community risks and hazards is included in *Section 4.18.2 Cumulative Impacts.*
Source: Appendix A-1 – Air Quality and Greenhouse Gas Emissions Assessment

Residents of the project site would not be exposed to an increased lifetime cancer risk of greater than 10.0 cases per million, annual $PM_{2.5}$ concentrations in excess of 0.3 $\mu g/m^3$, or a non-cancer hazard risk of greater than 1.0 from any individual TAC source affecting the project site. Residents of the project site, therefore, would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs as analyzed in the health risk assessment prepared for the project pursuant to the policies of the Envision 2040 General Plan to ensure less than significant impacts to sensitive receptors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Acute Hazards from Accidental Chemical Release

The proposed project is located in an area with a mix of commercial uses, including automotive retail uses, and residential uses. The project is not located in an industrial or commercial area or near a semi-conductor or similar manufacturer, a commercial refrigeration facility, or a power plant with catalytic reduction pollution controls where substantial quantities of acutely hazardous materials would be stored at a quantity that, if released, could result in a hazard to human health or safety.[5,6] The proposed is consistent with the policies of the Envision 2040 General Plan to ensure less than significant impacts to sensitive receptors from users of acutely hazardous materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.6 *Odor (Checklist Question 5)*

Though offensive odors from stationary sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress generating citizen complaints to local governments. The

[5] BAAQMD does not identify specific separation distances in thresholds for accidental release of acutely hazardous air pollutants in its 2011 CEQA Guidelines. The thresholds of significance justification discussion (Appendix D of the Guidelines) notes that any project resulting in receptors being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 would have a significant air quality impact. ERPG exposure level 2 is defined as "the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action." The project site is not near facilities in San José where airborne acutely hazardous materials are an environmental concern.
[6] Williams, Ruben. Senior Hazardous Materials Specialist, Santa Clara County Department of Environmental Health. Personal communication. October 7, 2013.

occurrence and severity of odor impacts depend on the nature, frequency and intensity of the source; wind speed and direction; and sensitivity of receptors. Odor impacts should be evaluated for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Generally, increasing the distance between a receptor and the source to an acceptable level will mitigate odor impacts. No new stationary odor sources are proposed as part of the proposed project and there are no odor sources in the vicinity of the site that would emit substantial odors with the potential to impact the proposed project. The project, therefore, would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3 Conclusion

With implementation of the identified Standard Permit Conditions, the project would result in the same construction dust impacts as those identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

With implementation of the identified mitigation measures, MM AQ-1.1, construction TAC emissions would result in the same air quality impacts as those identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

The Downtown Strategy 2000 FPEIR included mitigation measures to minimize regional air quality impacts but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000. The project proposes to implement feasible measures to minimize regional air quality impacts and would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

The project would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs as analyzed in the community health risk assessment prepared for the project pursuant to the policies of the Envision 2040 General Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would result in the same air quality impacts for carbon monoxide, acute hazards, and odors as those identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

4.4.1.1 *Existing Conditions*

The project site is located in a developed urban area of Downtown San José. The project site is developed and occupied by a martial arts studio, offices, a dry cleaner, and surface parking lot. The project site is primarily paved with the exception of a small lawn area on the southern end of the project site. Due to the extensive history of development on the project site, there is no native vegetation on-site. There are no creeks or rivers located on or adjacent to the site.

Habitats in developed urban areas are relatively low in species diversity. Species that use this habitat are urban adapted birds, such as Rock Dove, Mourning Dove, House Sparrow, Scrub Jay, and Starling. Based upon the developed habitats found on the site, no special-status plant or animal species are expected to be present.

Trees

The project site contains one tree, a Date palm, which is considered to be an ordinance-sized tree. An additional 14 street trees comprised of three different species are located along the project street frontages adjacent to the site (refer to Table 4.4-1).

Table 4.4-1
Tree Survey Results

Tree Species	Circumference			Total
	<12 inches	12-18 inches	18+ inches	
Date Palm	--	--	1	1
Jacaranda	1	4	--	5
London Plane	--	4	1	5
Queen Palm	2	2	--	4
Total	3	10	2	15

Source: Monarch Consulting Arborists, LLC. Tree Inventory Assessment. May 20, 2015.

None of the trees on or adjacent to the project site are considered to be native to this part of California. There are no Heritage trees on-site.

4.4.1.2 *Applicable Plans, Policies, and Regulations*

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

Subsequent to the certification of the Downtown Strategy 2000 FPEIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted and became effective in October 2013. The Habitat Plan was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District

(SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Habitat Plan and is designated as *Urban – Suburban*. *Urban - Suburban* land comprises areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. The project site is not identified as important habitat for endangered and threatened species in the Habitat Plan.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to biological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies

Policies	Description
Policy MS-21.4:	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5:	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6:	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.7:	Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.
Policy MS-21.8:	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Policy ER-5.2:	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy CD-1.24:	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Chapter 13.32) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

4.4.2 Biological Resources Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1-3
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1-3
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1-3
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	1,10

4.4.2.1 *Impacts to Sensitive Species and Habitats (Checklist Questions 1, 2, and 3)*

The project site is developed and occupied by a martial arts studio, offices, a dry cleaner, and surface parking lot. Vegetation on-site consists of a small lawn area and date palm in the southern portion of the project site and 14 street trees located along the project street frontages. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. Vegetation and wildlife impacts that would occur on the project site due to temporary or permanent loss of existing landscape plants and shrubs as a result of development of the proposed project would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.2.2 *Impacts to Nesting/Foraging Migratory Birds (Including Raptors) (Checklist Question 4)*

As previously discussed, there are currently 15 trees located on and adjacent to the project site. While use of the trees for raptor nesting is unlikely due to the size of the trees and limited cover provided, other migratory birds could use the trees for nesting. In conformance with General Plan Policy ER-5.2, and the Downtown Strategy 2000 FPEIR, the project would implement measures to avoid impacts to nesting migratory birds. The project, with the incorporation of these measures, would result in a less than significant impact on nesting/foraging migratory birds. The following mitigation measures were identified as part of the certified Downtown Strategy 2000 FPEIR:

> In order to avoid impacts to nesting birds protected under CDFG code and MBTA, pre-construction surveys shall be conducted by a qualified biologist during the months of March through July, no more than thirty days prior to the start of grading or vegetation removal. Pre-construction surveys are not required if construction activities are restricted to the non-nesting season (August through February). At a minimum, the surveys shall encompass all areas within 100 feet of the grading or vegetation removal work. If active nests are found on the project site, a qualified biologist (in consultation with CDFG) shall establish an adequate buffer zone around the nests within which construction is prohibited until the biologist has determined that the young birds have fledged. If these measures are implemented for future construction within the creek corridors and established setbacks, impacts would be less than significant.

Consistent with the certified Downtown Strategy 2000 FPEIR measure above, the proposed project will implement the following biological mitigation measures with the aim to reduce impacts to nesting/foraging migratory birds. The language of the mitigation measure below has been revised to reflect current City policies and standards. The following mitigation measure retains the same intent and purpose of the mitigation measure identified in the Downtown Strategy 2000 FPEIR.

Impact BIO – 1: Removal of trees from the site could impact birds utilizing those trees for nesting. **(Significant Impact)**

MM BIO – 1.1: If possible, construction shall be scheduled between September and January (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Between February and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to initiation of construction activities (including any ground-disturbing activities) or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent (within 250 feet) to the construction area for nests.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permit.

[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]

4.4.2.3 *Trees (Checklist Question 5)*

While the project site is urbanized and is within a larger urbanized area, there are trees on and adjacent to the site that are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas.

As part of the project, the on-site, ordinance-sized Date palm and nine non-native street trees with diameters ranging from eight to 17 inches, respectively, would be removed to provide access to the proposed garage driveways and to preclude potential construction access issues. Consistent with the Downtown Strategy 2000 FPEIR, trees removed as a result of the project would be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, MS-21.6, MS-21.8, and CD-1.24

In accordance with current City policy, trees removed would be replaced at the ratios identified in Table 4.4-2. The project proposes to plant 15 new street trees adjacent to the project site including four, 24-inch box trees and three, 36-inch box trees. In the event replacement/mitigation trees cannot be accommodated on the site, tree removal shall be mitigated through a donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community.

Compliance with local laws, policies or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Table 4.4-2
Tree Mitigation Ratios

Diameter of Tree to Be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

4.4.2.4 *Consistency with the Santa Clara Valley Habitat Plan (Checklist Question 6)*

The project site is located within the Habitat Plan study area and would be subject to all applicable Habitat Plan fees. The project site is designated as *Urban – Suburban* in the Habitat Plan and is not identified as important habitat for endangered and threatened species. Therefore, the development of the project site would not result in direct impacts to any of the Habitat Plan's covered species.

Nitrogen Deposition Impacts on Serpentine Habitat

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally – listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly.

As mentioned above, the project is consistent with the Habitat Plan, which is based on the conclusion that no impacts to any of the Habitat Plan's covered species would occur under the proposed project. With the implementation of the Habitat Plan, the cumulative impacts of development City-wide and within the areas of Santa Clara County covered by the Habitat Plan would be offset through conservation and management of land for the Bay checkerspot butterfly. The proposed project would implement the following standard permit condition.

Standard Permit Condition: The project applicant shall pay all applicable fees prior to issuance of a grading permit.

(New Less Than Significant Impact)

4.4.3 Conclusion

Conformance with City policies will result in a less than significant impact on nesting/foraging migratory birds (including raptors), trees, and the City's urban forest, consistent with the findings of the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Conformance with City policies and the adopted Habitat Plan would not result in any impact from the project to the Habitat Plan's covered species or indirect nitrogen deposition impacts. **(New Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon an Archaeological Literature Review prepared by *Holman & Associates* in December 2015. A copy of this report is on file with the City of San José Department of Planning, Building, and Code Enforcement.

4.5.1 Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, or culture of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

4.5.1.1 *Prehistoric Context and Archaeological Resources*

The project site is located in the Santa Clara Valley. Native American occupation of the valley extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans resided in the area that encompasses the project site. The South Bay Area's favorable environment during the prehistoric period, including alluvial plains, foothills, many water courses and bay margins provided an abundance of wild food and other resources.

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Coastanoan" or Ohlone, who broadly occupied the central California coast from the northern tip of the San Francisco Peninsula to Big Sur in the south and as far east as the Diablo Range. The Coastanoan/Ohlone people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources. This customary way of living of the Coastanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the San José/Santa Clara area in 1777.

Archaeological Records

In September 2015, a record search for prior archaeological studies was conducted at the Northwest Information Center, California Historical Resources Information System, at Sonoma State University. There are no recorded historic and/or prehistoric archaeological sites in the California Historical Resources Information System on the project site; however, five recorded buildings are located on the site or nearby.

In this general area of San José, Native American sites have been identified on valley terraces typically within a quarter mile of various historic channels of the Guadalupe River and Coyote Creek. These are often buried by alluvial deposits, and historic era and recent fills. The nearest

recorded prehistoric-period site is an extensive archaeological deposit located approximately 200 meters northwest of the project site with its western boundary parallel to the current course of the Guadalupe River. Recovered surface and subsurface evidence from the Native American component of that site includes a broad range of prehistoric materials, features, and human remains. Given the location of the project site, approximately 500 meters from the river itself, there is a low to moderate potential for undiscovered prehistoric-period resources on the site.

The current South Market Street is situated west of the original "road to Monterey" that included the western portion of the project footprint and reflected the less gridded portion of San José under Hispanic use prior to the Euroamerican influence. An 1869 bird's-eye view of San José included development on the entire triangular-shaped block. Given the southern portion of the site has been developed for at least close to 150 years, a high potential exists for historic-era resources buried beneath its current surface. Four previous cultural resource studies have covered the project site. One prior study also identified the project site as sensitive for both Hispanic- and American-period archaeological deposits. Historic era and prehistoric resources have also been reported in the project vicinity, west of Market Street.

4.5.1.2 *Historic Structures*

The project site is currently occupied by two early twentieth century commercial buildings and a 1970s era remodeled service station office and garage with an associated parking lot. The first development on the subject parcels occurred about 1870, during the Horticultural Expansion era, 1870-1918. The original buildings were replaced with the current single-story commercial buildings.

The building at 455 South First Street (Red Front Surplus Building) is a Structure of Merit on the City's Historic Resource Inventory (refer to Photos 5 and 6). The building at 465/467 South First Street (Herrold College Building) is a City Landmark structure (HL92-74) due to its association with Doc Herrold, an early twentieth century pioneer in radio broadcasting (refer to Photos 7 and 8). The City as a lead agency has determined that both buildings will be treated as a historical resources as defined in the Pubic Resources Code Section 5020.1 (j) or 5024.1. The building at 493 South First Street was constructed circa 1970 and is not historic.

Photo 5: 455 S. First Street

Photo 6: 460 S. Market Street

Photo 7: 465-467 S. First Street

Photo 8: 470-480 S. Market Street

Other Historic Buildings

Six buildings in the vicinity of the project site are listed on the City's Historic Resources Inventory. Of these buildings, the Sloan Building, is the only resource potentially eligible for the California Register.[7] None of these buildings is listed or eligible for the National Register. The buildings are listed below and shown on Figure 4.5-1.

1. Wright/Curtner Building, 439 S. First Street (Structure of Merit)
2. L'armour Shoppe, 445-447 S. First Street (Contributing Structure)
3. Garden City Glass, 451 S. First Street (Structure of Merit)
4. Penniman & Richards, 493 S. Market Street (Structure of Merit)

[7] City of San José. *Historic Resources Inventory.* November 10, 2015.

5. Bowden Building, 499 S. Market Street (Structure of Merit)
6. Sloan Building, 500 S. First Street (Structure of Merit/Eligible for California Register)

4.5.1.3 *Paleontological Resources*

As noted above, paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface but may contain resources at depth.[8]

4.5.1.4 *Applicable Plans, Policies, and Regulations*

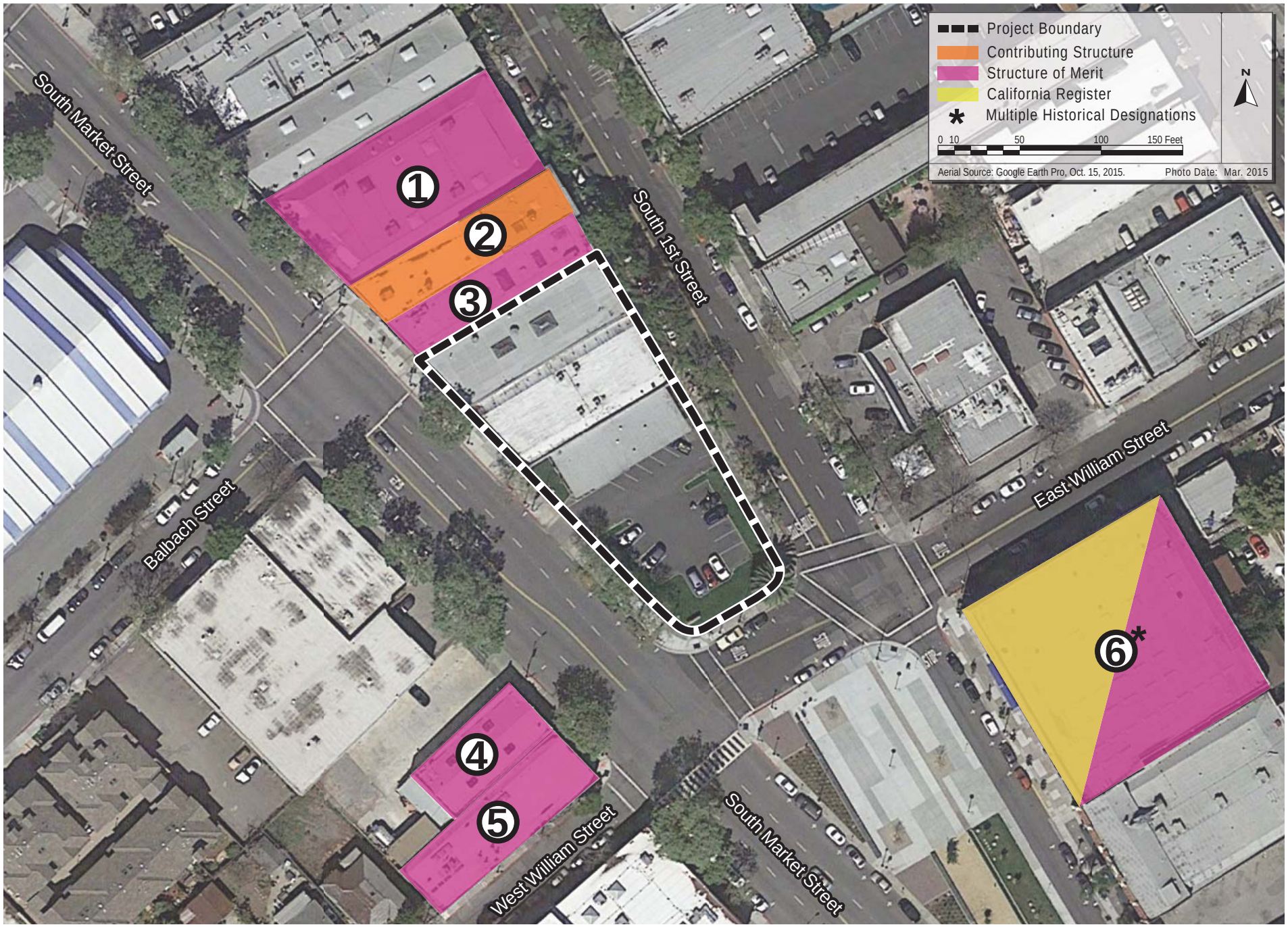
National Register of Historic Places

The National Register of Historic Places (National Register or NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, state, and national level. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the National Register Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

[8] C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California.*



HISTORIC AND POTENTIALLY HISTORIC BUILDINGS WITHIN 100 FEET

FIGURE 4.5-1

Second, for a property to qualify under the National Register's Criteria for Evaluation, it must also retain historic integrity of those features necessary to convey its significance. While a property's significance relates to its role within a specific historic context, its integrity refers to a property's physical features and how they relate to its significance. To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

1. Location – the place where the historic property was constructed or the place where the historic event occurred;
2. Design – the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting – the physical environment of a historic property;
4. Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling – a property's expression of the aesthetic or historic sense of a particular period of time; and
7. Association – the direct link between an important historic event or person and a historic property.

Due to its association with Doc Herrold, the building at 465-467 S. First Street is potentially eligible for the National Register. No other buildings on the site meet the criteria for potential listing on the National Register.

California Register of Historic Resources (CRHR)

The CRHR establishes a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register are very similar, with emphasis on local and state significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Due to its association with Doc Herrold, the building at 465-467 S. First Street is potentially eligible for the California Register under Criteria 2. No other buildings on the site meet the criteria for potential listing on the California Register.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to cultural resources and are applicable to the proposed project.

Envision San José 2040 Relevant Cultural Resources Policies

Policies	Description
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory (HRI)

The HRI is an inventory of San José's historically and architecturally significant buildings. According to the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local,

regional, state or national history, heritage or culture in a distinctive, significant or important way;

2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into two categories:

- Potential Historic Resource (evaluate for possible status as a City Landmark/California Register resource)
- Non-significant structure

According to the City of San José's *Guide to Historic Reports*, a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential." The preservation of Structures of Merit "should be a high priority" but these structures are not considered significant historic resources for the purposes of CEQA. As discussed previously, 465-467 S. First Street is a City Landmark and significant historic resource for CEQA purposes. The building at 455 S. First Street is listed as a Structure of Merit and will be treated as a significant historic resource for CEQA purposes.

4.5.2 Cultural Resources Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☒	☐	☐	☐	☐	1-3
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1-3,11
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☒	☐	☐	☐	1,2
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1-3

4.5.2.1 *Impacts to Historic Resources (Checklist Question 1)*

The project would demolish the existing building at 493 S. First Street that was constructed in 1970 and is not a listed historic resource. The project proposes to incorporate the historic building facades for both 455 S. First Street/460 S. Market Street and 465-467 S. First Street/470-480 S. Market Street. The project would construct a 25-story tower above existing historic buildings. The demolition of the interior and the proposed development of the 25-story tower could result in potentially significant impacts to historic resources. The City of San José has determined that a Supplemental Environmental Impact Report should be prepared. **(New Potentially Significant Impact)**

4.5.2.1 *Buried Archaeological Resources and Human Remains (Checklist Questions 2 and 4)*

Native American sites in the area have been identified on valley terraces typically within a quarter mile of various historic channels of the Guadalupe River and Coyote Creek. Given the location of the project site, approximately 500 meters from the Guadalupe River itself, there is a low to moderate potential for undiscovered prehistoric-period resources on the site.

Numerous surveys of the historically built up area in the immediate vicinity of the project site have been completed. The project site has a long history of development and, based on the results of the archaeological literature search, has a moderate to high potential for buried historical archaeological resources.

Further analysis of buried archaeological resources and the potential to encounter human remains outside of formal cemeteries and appropriate measures included in the Downtown Strategy 2000 FPEIR will be presented in a Supplemental EIR to be prepared for the project. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.5.2.3 *Impacts to Paleontological Resources*

Paleontological resources were not specifically addressed in the Downtown Strategy 2000 FPEIR. Based on the underlying geologic formation of the project site, the General Plan Final EIR found the project site to have a high sensitivity for paleontological resources at depth. The geologic units of Holocene age at the soil surface are generally not considered sensitive for paleontological resources, however, mammoth remains were found along the Guadalupe River in San José in 2005. Due to the extent of excavation on the site, there is a potential for the project to encounter paleontological resources. The General Plan Final EIR concluded that with implementation of existing regulations and adopted General Plan policies (e.g. Policy ER-10.1), new development within San José would have a less than significant impact on paleontological resources. The potential to encounter paleontological resources will be presented in a Supplemental EIR to be prepared for the project. **(New Less Than Significant Impact with Mitigation)**

4.5.3 Conclusion

Implementation of the project could result in a new significant impact to the historic buildings on and adjacent to the project site that were not previously identified in the Downtown Strategy 2000 FPEIR. A Supplemental Environmental Impact Report will be prepared by the City of San José to address these impacts and appropriate mitigation, and possible alternatives to the project as proposed. **[New Potentially Significant Impacts]**

4.6 GEOLOGY AND SOILS

The following discussion is based in part on a *Geotechnical Engineering Investigation* completed by BAGG Engineers in December 2015. A copy of this report is included as Appendix A-2 in this Initial Study.

4.6.1 Setting

4.6.1.1 *Regional Geology*

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

4.6.1.2 *On-Site Geologic Conditions*

Soils and Groundwater

A review of the Quaternary Geologic Map of the San Jose West quadrangle, California, modified from Knudsen and Others (2000) indicates that the site area is underlain by Holocene Alluvial Fan Levee Deposits consisting of 29 percent lean clay, 24 percent silt, 27 percent silty sand, and 20 percent others. Soils on-site have a moderate expansion potential. Imported fill is believed to comprise the first three to four feet of soil beneath the site.

Groundwater on the project site was encountered during subsurface borings at approximately 17 feet below ground surface (bgs). Historical high groundwater levels at the site are slightly below 10 feet bgs and have been measured as high as nine feet bgs.

Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in the northwesterly direction.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a City of San José Fault Hazard Zone. In addition, no known surface expression of active faults are believed to cross the site and fault rupture hazard is not a significant geologic hazard at the site.

Three northwest-trending major earthquake faults that are responsible for the majority of movement on the San Andreas fault system extend through the Bay Area. They include the San Andreas fault (11.8 miles southwest of the site), the southeast extension of the Hayward fault (4.6 miles northeast of the site), and the Calaveras fault (8.3 miles northeast of the site).

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level.

The project site is located within a designated State of California Liquefaction Hazard Zone.[9] The site was evaluated to assess liquefaction potential and the effects liquefaction may have on the proposed development. The total settlement of liquefiable soils was estimated to be one-inch during a design level seismic event.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face such as an open body of water, channel, or excavation. Given the flat topography of the site and surrounding area and lack of open faces, the risk of lateral spreading is low.

Landslides

The project site is relatively flat and, therefore, the probability of landsliding occurring at the site during a seismic event is low.

4.6.1.3 *Applicable Plans, Policies and Regulations*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

California Building Code

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2014 Building Standards Code.

[9] California Geological Survey. *Seismic Hazard Zones, San José West Quadrangle*. February 2002.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2007 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to geological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

Action EC-4.11:	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12:	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.2 Geology and Soils Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐	1-3
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1-3
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1-3,12
d. Landslides?	☐	☐	☐	☒	☐	1-3,12
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1-4,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	12
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1,12
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1

The project does not propose the use of septic tanks or alternative wastewater disposal systems and, therefore, the last impact threshold is not discussed further.

4.6.2.1 *Soil Impacts (Checklist Questions 3 and 4)*

The primary soil considerations on the project site are the presence of undocumented fill and the moderate expansion potential of the surficial soil, which could damage future buildings and improvements on the project site. The proposed project would not be exposed to substantial slope instability, erosion, or landslide-related hazards based on the soils present on the site. Several layers of clay soil on the site are, however, susceptible to differential settlement. The project site may require hazardous materials remediation (refer to *Section 4.8 Hazards and Hazardous Materials*) due to its prior use as a gas station.

As discussed in the certified Downtown Strategy 2000 Final EIR, differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of the undocumented fill and expansive soils are not considered during project design and construction.

Impact GEO – 1: Undocumented fill, expansive soils and differential settlement could result in structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines. **(Significant Impact)**

Mitigation Measure: In conformance with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and current standard practices in the City of San José, the project proposes to implement the following, previously approved mitigation measure to reduce significant soil impacts to a less than significant level:

MM GEO – 1.1: Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from undocumented fill, expansive soils, and differential settlement. Options to address these conditions would include excavation to remove undocumented soils as part of the subgrade garage construction and the use of soil cement columns (drilled displacement piles) to support a mat foundation.

Implementation of this measure would substantially reduce adverse effects on proposed improvements associated with soil conditions on the site. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Soil Erosion *(Checklist Question 2)*

The project site is flat and developed with approximately 3,025 square feet of landscaped areas. Ground disturbance would be required for removal of the existing pavement, grading, trenching, excavation, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in *Section 4.9 Hydrology and Water Quality*) are the primary means of enforcing erosion control measures through the grading and building permit process. The Envision San José 2040 General Plan Final EIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. In addition, according to the certified Downtown Strategy 2000 Final EIR, the project would not contribute to long-term erosion hazards.

Because the project would comply with the regulations identified in the Envision San José General Plan Final EIR, implementation of the proposed project would have a less than significant soil erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.2.2 *Groundwater Impacts (Checklist Question 4)*

Historical high groundwater levels at the site are slightly below 10 feet bgs and have been measured as high as nine feet bgs. Due to the presence of groundwater at shallow depths, a shoring system would be required that extends to a thick clayey layer below the excavation level to act as a cutoff wall. The shoring system would need to be designed for a combination of at-rest soil pressures, hydrostatic pressure, surcharge loads from the traffic and neighboring buildings, and seismic pressures. Upon excavating the basement area, and the construction of basement floor slab, it would be necessary to clean up the wall panels, install an additional water proofing layer on the shoring walls, and install basement walls in front of the shoring walls. The portions of the retaining wall below the water table would be designed to withstand hydrostatic pressures. Dewatering may also be required due to the presence of shallow groundwater.

Impact GEO – 2: The development of the proposed building with improvements below the groundwater table could result in impacts to the adjacent development due to groundwater extraction during construction and operation of the project. **(Significant Impact)**

Mitigation Measure: In conformance with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and current standard practices in the City of San José, the project proposes to implement the following, previously approved mitigation measure to reduce significant groundwater impacts to a less than significant level:

MM GEO – 2.1: The design-level geotechnical investigation (required by MM GEO-1.1) shall evaluate the consolidation properties of the underlying sediments to determine the potential for settlements associated with dewatering and other potential earth movements. If it is determined that unacceptable settlements may occur with either active or passive dewatering systems, then alternative groundwater control systems that do not require continuous groundwater removal (e.g., slurry wall) shall be required. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.6.2.3 *Seismicity and Seismic Hazards (Checklist Question 1)*

As previously discussed, the project site is located in a seismically active region and, therefore, strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage the proposed building. Seismically-induced liquefaction and differential settlement could result in differential movement of one inch on the site.

The project would not be subject to impacts from other seismic-related hazards including lateral spreading, slope instability, or landslides due to the flat topography of the site.

The proposed project would be subject to significant seismic ground shaking with the potential to result in liquefaction and differential settlement.

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless the City has policies and regulations such as General Plan Policy EC-4.2, 4.4, and Action EC-4.11 that address existing geological and soil conditions affecting a proposed project.

In conformance with the certified Downtown Strategy 2000 Final PEIR, Envision San José 2040 General Plan, and current standard practices in the City of San José, the project proposes to implement the following measure, a previously approved mitigation measure, to ensure significant seismic and seismic-related impacts are less than significant:

Standard Permit Condition: The project shall be constructed in conformance with the recommendations of the design-level geotechnical investigation to be prepared for the project, as well as the 2013 California Building Code, or subsequent adopted codes.

Because the proposed project will comply with the mitigation measures in the Downtown Strategy 2000 FPEIR through preparation of a site-specific geotechnical investigation, as noted above, and regulations identified in the General Plan ensure seismic hazards are mitigated, the project would not result in a significant seismic hazard impact.

4.6.3 Conclusion

The project would not result in new or more significant geologic and seismic-related hazards than disclosed in the certified Downtown Strategy 2000 Final PEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

4.7.1.1 *Background Information*

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/ manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.2 *Existing On-Site GHG Emissions*

The proposed project site is currently used for a martial arts studio, offices, and a dry cleaner. GHG emissions are generated from motor vehicle trips traveling to and from the site and total energy consumed for on-site operations (e.g., heating, cooling and lighting).

4.7.1.3 *Applicable Plans, Policies, and Regulations*

California Assembly Bill 32 and Executive Order S-3-05

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long term objective to reduce GHG emissions to 80 percent below 1990 levels by 2050. The California Environmental Protection Agency (CalEPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and recommendations. The First Update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.[10]

[10] California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan.* Available at: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[11] The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the MTC partnered with the Association of Bay Area Governments (ABG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.[12] The SCS is referred to as *Plan Bay Area*.

MTC and ABAG adopted Plan Bay Area in July 2013 and the California Air Resources Board accepted the technical evaluation of the SCS in April 2014. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within a PDA.

Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued Executive Order B-30-15, setting a new interim statewide greenhouse gas emission reduction target. The purpose of establishing the interim target is to ensure California meets its previously established target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050, as set forth in Executive Order S-3-05 in 2005. Under Executive Order B-30-15, the interim target is to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

[11] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

[12] ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013, Available at: <http://onebayarea.org/about/faq.html#.UQceKR2_DAk>

As a part of this effort, the California Air Resources Board is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. The California Air Resources Board has initiated the public process to update the State's Climate Change Scoping Plan. The updated Scoping Plan will provide a framework for achieving the 2030 target and will be completed and adopted by the Air Resources Board in 2016.

This Executive Order also calls for the California Natural Resources Agency to update the State of California's climate adaption strategy, *Safeguarding California*, every three years. The Safeguarding California plan will identify vulnerabilities to climate change by region and sector, including water, energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, and ocean and coastal resources. It also will identify actions needed to reduce risks to residents, property, communities, and natural systems from the vulnerabilities. A lead agency or group of agencies will be identified to lead adaptation efforts in each sector. Overall, the Natural Resources Agency will be responsible for ensuring that the provisions in the State's climate adaption strategy are fully implemented and state agencies must take climate change impacts into account in their planning decisions, including for all infrastructure projects.

2010 Bay Area Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[13] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

[13] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Envision San José 2040 General Plan

The Envision 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The City of San José approved a Supplemental Program EIR for the Envision San José General Plan to include and update the greenhouse gas emissions analysis in December 2015. Multiple policies and actions in the Envision 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and the recent standards for "qualified plans" as set forth by BAAQMD.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

4.7.2 Greenhouse Gas Emissions Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1,2
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐	1,2

4.7.2.1 *GHG Impact Assessment (Checklist Question 1)*

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with the City of San José and Statewide efforts to curb GHG emissions. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. As previously noted, projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Operational Emissions

The proposed project would allow redevelopment of the site with up to 308 residential apartments and ground floor commercial uses in a single mixed-use building consistent with the General Plan Land Use/Transportation Diagram.

The project is anticipated to result in a net increase in traffic trips and energy usage compared to the existing site conditions. While this would result in an overall increase in GHG emissions, the project provides for new housing in the Downtown SoFA area within walking distance of jobs, other residences and retail, and various modes of transit. Furthermore, development of the project will be subject to the City's Green Building Ordinance which will ensure operational emissions reductions

consistent with the GHG Reduction Strategy. Consistent with the mandatory measures of the GHG Reduction Strategy, the proposed project would enhance the pedestrian environment with widened sidewalks, street furniture, and provision for bicycle storage on the site. The project would also reuse existing historic building facades and proposes an intensity of development that would encourage transit use. The proposed project, therefore, would be consistent with the City's GHG Reduction Strategy and General Plan and would have a less than significant GHG emissions impact. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Emissions

The proposed mixed-use development project would result in minor increases in GHGs associated with construction activities. Project construction would result in GHG emissions from construction-related sources including construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Based on the CalEEMod model run prepared for the project, total maximum annual construction CO_2e emissions of 516 MT are expected to result from the project (Appendix A-1). Because project construction will be a temporary condition (a total of 22 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.2.2 *Conformance with Applicable Plans (Checklist Question 2)*

Greenhouse Gas Reduction Strategy

As discussed in the *Applicable Plans, Policies and Regulations* section above, the City of San José has an adopted Greenhouse Gas Reduction Strategy which includes both mandatory measures for all projects and other measures which are considered voluntary. Voluntary measures could be incorporated in the project as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. The proposed project is consistent with the Land Use/Transportation Diagram designation of *Downtown*. The proposed project incorporates applicable mandatory measures of the GHG Reduction Strategy, including connections to existing bike and pedestrian facilities and planting and retention of trees to reduce energy use. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Consistency with Plan Bay Area
(SB 375 Implementation)

Downtown San José is within a PDA identified by the City of San José and in Plan Bay Area. Development within the Downtown PDA will locate housing close to existing jobs and transportation

networks to reduce GHG emissions. The PDAs contained in Plan Bay Area were identified by local jurisdictions, therefore, the project's conformance to the densities and development standards of the City's Envision San José 2040 General Plan. The project's location within Downtown San José, accessible to jobs and transit, will ensure GHG emissions from vehicular travel will be minimized. The project, therefore is consistent with Plan Bay Area. **(New Less Than Significant Impact)**

4.7.3 Conclusion

Development of the proposed project will incorporate measures in applicable policies of the City's General Plan and adopted GHG Reduction Strategy and, therefore would have a less than significant GHG emissions impact. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment prepared by *AEI Consultants* in November 2015. A copy of this report is included as Appendix A-3 in this Initial Study.

4.8.1 Setting

4.8.1.1 *Background Information*

Hazardous materials are commonly used by large institutions and commercial and industrial businesses. Hazardous materials include a broad range of common substances such as motor oil and fuel, pesticides, detergents, paint, and solvents. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident.

4.8.1.2 *Site Conditions*

Historic Uses and Known Contamination

The 0.5-acre project site is currently occupied by offices, a martial arts studio, drop-off dry cleaners, storage, and a parking lot. The site has been developed since the late 1800s with various uses including a storage building, commercial stores with residences, and commercial enterprises (bakery, electric supplies, automotive repair shop, machine shop, glove factory, etc.). The current buildings on the site were constructed from 1917 to 1970 and have been occupied in the past by auto sales and repair service stations, a battery shop, oxygen storage facility, and a gas and oil service station.

Lead Based Paint and Asbestos

Due to the age of the existing commercial buildings, construction prior to 1978, lead-based paint and asbestos-containing materials (ACMs) may be present. Construction activities that disturb lead-based paint or ACMs require pre-construction surveys and special handling during remodeling and demolition to avoid their release into the environment.

4.8.1.3 *Off-site Sources of Contamination*

The project site is located in an area in which many of the nearby and/or adjacent properties were historically developed for industrial and commercial purposes, such as gasoline service stations, automotive sales/repair facilities, and machine shops. Current uses in the project area consist primarily of professional offices, a hotel, arts-related uses, a park, and auto repair. Four former properties to the west, south, and southeast of the site previously contained leaking underground storage tanks (LUSTs) all of these sites have received case closure and none are expected to present a significant environmental concern for the project site.[14]

[14] AEI Consultants. *Phase I Environmental Site Assessment*. November 6, 2015. Pages 33-36.

4.8.1.4 *Other Hazards*

Airports

The Norman Y. Mineta San Jose International Airport is located approximately 2.5 miles northwest of the project site. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure exceeding 85 feet in height above ground would require submittal to the FAA for airspace safety review. As the proposed project has a maximum height of 262 feet, notification to the FAA is required to determine the potential for the project to create an aviation hazard.

Wildland Fire Hazards

The downtown project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires.[15]

4.8.1.5 *Applicable Hazardous Materials and Hazards Regulations and Policies*

Federal and State Hazardous Materials Laws and Regulations

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Key federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the U.S. Environmental Protection Agency (EPA) has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (Cal/EPA). In turn, local agencies including the Santa Clara County Department of Environmental Health (SCCDEH) have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program. Other regional agencies are responsible for programs regulating emissions to the air, surface water, and groundwater include the Bay Area Air Quality Management District (BAAQMD), which has oversight over air emissions, and the Regional Water Quality Control Board (RWQCB) which regulates discharges and releases to surface and groundwater. Oversight over investigation and remediation of sites impacted by hazardous materials releases can be performed by state agencies, such as DTSC (a division of Cal/EPA), regional agencies, such as the RWQCB, or local agencies, such as SCCDEH. The SCCDEH oversees investigation and remediation Leaking Underground Storage Tank (LUST) sites in San José. Other agencies that regulate hazardous materials include the California Department of Transportation and California Highway Patrol (transportation safety), and Cal/EPA Division of Occupational Safety and Health, better known as Cal/OSHA (worker safety).

[15] California Department of Forestry and Fire Protection. San José VHFHSZ Map. October 8, 2008. Available at: http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php. Accessed December 2, 2015.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires California Environmental Protection Agency (Cal EPA) to develop and update (at least annually) a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle).

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Envision San José 2040 Relevant Hazardous Material Policies

Policy	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.
Action EC-7.9:	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10:	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.8.2 Hazards and Hazardous Materials Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1-3,13
2. 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?	☐	☐	☐	☒	☐	1-3,13
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1-3,13
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1-3,13
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-3,14

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-3,14
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1-3
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1-3,15

4.8.2.1 *Potential for Hazardous Materials Contamination Impacts (Checklist Questions 2, 3, and 4)*

Known Contamination from
Former Leaking Underground Fuel Storage Tanks

As disclosed and evaluated in the Downtown Strategy 2000 FPEIR, redevelopment of sites within the downtown could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination. Implementation of mitigation measures based upon the policies in the General Plan and mitigation measures identified in the Downtown Strategy 2000 FPEIR would reduce these potential impacts to a less than significant level, as described below.

The project site does not contains any known soil, soil vapor, or groundwater contamination; however, the site was partially developed with a gas station and historically included auto repair uses. Based on these uses, there is a potential that releases have occurred and that impacted soil, groundwater, or soil vapor may exist. Construction workers could be exposed to direct dermal contact with contaminated soils or groundwater and elevated concentrations of petroleum hydrocarbons in soil vapor, if present and not remediated or handled properly. Possible exposure pathways of concern for future residents of the residential tower would be inhalation of soil vapor.

The project proposes three levels of below grade parking that exceeds the depth to groundwater of 11 feet for the site. Dewatering will be required during construction on the site and may be required on an ongoing basis due to the subgrade parking garage.

Impact HAZ – 1: The project site contains a former gas station and historic auto repair uses which could expose people, including construction workers, to contaminated soils, soil vapors or groundwater with the redevelopment of the site. **(Significant Impact)**

Mitigation Measures: As a condition of approval and in conformance with local, state, and federal regulations and program mitigation measures identified in the certified Downtown Strategy 2000 FPEIR, the project shall implement the following project specific mitigation measures with the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, to reduce impacts associated with redevelopment of the site to a less than significant level:

MM HAZ – 1.1: Sampling Related to Historic Uses. The project applicant shall retain a qualified hazardous materials professional to conduct focused sampling and analysis for contamination of soil, soil vapor, and/or groundwater on-site prior to issuance of any grading permit. Sampling on the site shall be under the oversight of the Santa Clara County Department of Environmental Health, or equivalent regulatory agency, in accordance with a Work Plan prepared by a qualified professional and approved by the Santa Clara County Department of Environmental Health (or equivalent regulatory agency).

Work Plan. The approved Work Plan shall describe sample methodology, sample locations, the quality assurance/quality control plan, reporting, and schedule. The Work Plan shall be implemented by the project and the results of the sampling shall be submitted to the Santa Clara County Department of Environmental Health (or equivalent regulatory agency). If additional investigation is required to sufficiently delineate the contaminants of concern, additional sampling shall be proposed and reviewed and approved by the Santa Clara County Department of Environmental Health (or equivalent regulatory agency).

A letter (or equivalent assurance) from Santa Clara County Department of Environmental Health (or equivalent regulatory agency) documenting completion of the Work Plan for on-site sampling to the satisfaction of the Santa Clara County Department of Environmental Health (or equivalent regulatory agency) shall be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services. In the event no further testing or remediation is required, a No Further Action letter (or equivalent assurance) from Santa Clara County Department of Environmental

Health (or equivalent regulatory agency) shall be provided prior to issuance of any grading permit.

MM HAZ – 1.2: Automobile Repair Shop Closure. Due to the historic uses of the site as a gas station and for automotive repair, the project applicant shall conduct site specific testing near drains, hydraulic lifts, and areas where staining is observed as part of the pre-construction Work Plan(s) outlined in MM HAZ – 1.1. In addition, evaluation of the former gas station site for the presence of possible underground storage tanks abandoned in place shall be completed and appropriate remediation undertaken to ensure the site is suitable for residential use. Soil handling shall be undertaken in accordance with plans approved by Santa Clara County Department of Environmental Health (or equivalent regulatory agency).

MM HAZ – 1.3: Soil Vapor Controls for Residential Use. In the event elevated levels of soil vapors are found during testing under MM HAZ – 1.1, the project applicant shall either remediate contaminated soils (e.g., in-situ remediation, or excavation and off-site disposal) and/or implement institutional and engineering controls to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, residents, and the general public as a result of hazardous materials contamination are reduced to acceptable levels, as required by the regulatory oversight agency (e.g., Santa Clara County Department of Environmental Health). Institutional and engineering controls employed on the site may include placement of new fill, pavement, or buildings over any contaminated soils and groundwater, passive and active ventilation systems, vapor barriers, and/or adoption of deed restrictions.

Guidelines and measures for health and safety during construction activities, soil management, groundwater management, addressing vapor intrusion issues, and construction activities (unanticipated subsurface conditions) shall be addressed in the Work Plan or a separate Site Management Plan (see MM HAZ-1.5) and reviewed and approved by Santa Clara County Department of Environmental Health (or equivalent regulatory agency).

Final approval that the entire site is suitable for residential land uses with implementation of the Work Plan shall be issued by Santa Clara County Department of Environmental Health (or equivalent regulatory agency) and copied to the City of San José, prior to issuance of any grading permit.

In the event institutional or engineering controls are required for soil vapors, a No Further Action letter (or equivalent assurance) from Santa Clara County Department of Environmental Health (or equivalent regulatory agency) documenting completion of remediation activities and/or engineering controls shall be provided to the Supervising Environmental Planner of the City of San

José Department of Planning, Building, and Code Enforcement and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services prior to issuance of any Certificate of Occupancy (temporary or final) for the proposed residences.

MM HAZ – 1.4: Dewatering During Construction/Operation. In the event dewatering is required, the project applicant shall collect groundwater in an on-site storage tank with subsequent discharge to the sanitary sewer system through a discharge permit issued by the Water Protection Division in the City of San José Department Environmental Services or disposal at an appropriate facility following characterization of the groundwater contaminants, in accordance with the Work Plan and requirements of the California Regional Water Quality Control Board. If regular dewatering of the proposed subgrade parking garage is required, it shall also be discharged to the sanitary sewer system through a discharge permit issued by City of San José Department Environmental Services.

MM HAZ – 1.5: Site Management Plan. A Site Management Plan shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the Site Management Plan. The Site Management Plan shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The Site Management Plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The Site Management Plan shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, , etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);

- Procedures for proper disposal of contaminated materials (if required); and
- Monitoring, reporting, and regulatory oversight arrangements.

MM HAZ – 1.6: Health and Safety Plan. A site-specific Health and Safety Plan shall be prepared by the project applicant prior to issuance of any grading permit for project construction to address potential health and safety hazards associated with implementation of the Work Plan and proposed redevelopment activities (e.g., site preparation, demolition, grading and construction). The Health and Safety shall govern activities of all personnel present during field activities. Any contractor performing a task not covered in the Health and Safety shall be required to develop a job hazard analysis (JHA) specific to that task prior to performing the task. The Health and Safety Plan shall be submitted to Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for review and approval prior to commencing construction activities. A copy of the Santa Clara County Department of Environmental Health (or equivalent regulatory agency) approval shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services.

The site-specific mitigation measures identified above address the characterization of potential contamination impacts previously disclosed for similar sites by the Downtown Strategy 2000 FPEIR. The implementation of these site-specific measures are consistent with the mitigation measures approved in the Downtown Strategy 2000 FPEIR and with expected contamination types and levels in a developed urban area. The contamination addressed by these measures does not represent a substantially more severe effect of the project. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Asbestos-Containing Materials and Lead-Based Paint

In conformance with State and local laws, a visual inspection/pre-demolition survey and sampling, is required of the existing buildings on-site to determine the presence of asbestos-containing materials and/or lead-based paint. Given the age of the building on-site, demolition and renovation of the structures could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

Impact HAZ – 2: The current buildings on the site may have been constructed with asbestos containing materials and lead based paint which could be released upon demolition of 493 S. First Street and rehabilitation of the historic structures. **(Significant Impact)**

Mitigation Measures: Consistent with the Downtown Strategy 2000 FPEIR, implementation of the approved mitigation measures as revised below, consistent with current standard practice, will reduce impacts from lead-based paint and ACMs to a less than significant level:

MM HAZ – 2.1: Prior to demolition activities, a visual inspection/pre-demolition survey and sampling shall be required of the existing buildings on-site to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint. A report identifying methodologies and findings of the visual inspection/pre-demolition survey and sampling shall be submitted to the Supervising Environmental Planner and the Building Division of City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any demolition permit for review and approval.

MM HAZ – 2.2: If asbestos containing materials and/or lead-based paint are found (as stated in MM HAZ – 2.1), the project applicant shall implement the following measures:

- Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable asbestos-containing materials (ACMs) shall be removed in accordance with USEPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with Bay Area Air Quality Management District (BAAQMD) requirements.

The Downtown Strategy 2000 FPEIR concluded that conformance with regulatory requirements will result in a less than significant impact from ACMs and lead. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.8.2.2 *Other Hazards Impacts (Checklist Questions 1, 5, 6, 7, and 8)*

Hazardous Materials Use

The Downtown Strategy 2000 FPEIR identified that new business in the downtown area may include the use, storage, or disposal of hazardous materials. The proposed residential and commercial project would routinely use limited amounts of cleaning materials and would not generate substantial hazardous emissions from hazardous materials use. As applicable, current regulations and programs for regulated hazardous materials use would reduce impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Airport and Aircraft Hazards

Pursuant to federal regulations (FAR Part 77) and the Envision San Jose 2040 General Plan, the proposed 262-foot high building must be submitted to the FAA for airspace safety review and issued a "Determination of No Hazard" prior to City development permit approval, with any conditions set forth by the FAA incorporated into the City permit as required conditions of approval. The project applicant has submitted the proposed building for the requisite FAA review and received a "Determination of No Hazard" for a structure on the site up to 262 feet in height in March 2016.

The project site is also located within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP) for San Jose International Airport but not within a CLUP-defined "airport safety zone". The CLUP sets forth development height restrictions at the applicable FAA-defined "obstruction surface", which for this site is approximately 300 – 310 feet above mean sea level (200 – 210 feet above ground level), unless the FAA has issued a Determination of No Hazard allowing a higher building elevation. In addition, the Envision San Jose 2040 General Plan and CLUP policy require the project to grant an Avigation Easement to the City accepting elevation restrictions on the property (as well as aircraft noise), as discussed in *Section 4.10 Land Use*.

Impact HAZ – 3: The proposed high-rise project could potentially create an airspace safety hazard unless specifically determined to not be a hazard by the FAA. **(Significant Impact)**

Mitigation Measures: Consistent with the certified Downtown Strategy 2000 Final EIR, the project proposes to implement the following mitigation measure to reduce impacts to the Airport to a less than significant level:

MM HAZ – 3.1: Prior to issuance of a grading permit, the project applicant shall implement the following actions:

- Comply with the notification requirements of the FAR Part 77 and receive a "Determination of No Hazard" from the FAA.

- Conditions set forth in the required FAA determination of no hazard regarding roof-top lighting or marking shall be incorporated into the final design of the project.
- Avigation easements shall be dedicated to the City of San José. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Implementation of Safety Plans

The proposed project, redevelopment of an urban, downtown site without modification to the existing roadway network, would not impair or interfere with the implementation of an adopted City of San José or County of Santa Clara emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (No Impact)]**

Wildland Fire Hazards

The project site is not located near an urban-wildland interface and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (No Impact)]**

4.8.3 Conclusion

With implementation of the identified mitigation measures, the project would result in the same hazards and hazardous materials impacts as those identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Hydrology and Water Quality*

Surface Water

The project site is located within the Guadalupe Watershed which consists of a 170-square-mile area of multiple small-creek watersheds including the Guadalupe Creek and Los Gatos Creek watersheds. The project site is primarily paved with the exception of a small lawn area on the southern end of the project site. Impervious surfaces on the project site consist primarily of buildings and parking lots. Currently, approximately 18,958 square feet (86 percent) of the site is paved and approximately 3,025 square feet (14 percent) is pervious. A 10-inch storm main is located in William Street and connects to a 10-inch storm main in South Market Street. Runoff from the site discharges to the Guadalupe River, approximately 1,600 feet west of the project site, and is ultimately conveyed to the San Francisco Bay.

Groundwater

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater in the project area has been encountered at a depth of approximately 10 feet below ground surface (bgs). Based on local topography, groundwater in the project area flows in a northwesterly direction toward Guadalupe River. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

The project site is not located within a natural or facility groundwater recharge area.[16]

4.9.1.2 *Flooding*

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, the site is located within Zone D, which is defined as areas where flood hazards are undetermined, but possible.[17] There are no City floodplain requirements for Zone D.

[16] Santa Clara Valley Water District. *Groundwater Management Plan*. Figure 2-3. 2012.
[17] Federal Emergency Management Agency. *Flood Insurance Rate Map*. *Panel 06085C0234H*. May 18, 2009.

4.9.1.3 *Other Inundation Hazards*

Dam Failure

The Association of Bay Area Governments (ABAG) compiles the dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The project site is not located in a dam failure inundation hazard zone.[18]

Earthquake-Induced Waves, Sea Level Rise, and Mudflow Hazards

Per the Downtown Strategy 2000 FPEIR, due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The project site is located in a flat, urbanized area and, therefore, is not subject to mudflows.

4.9.1.4 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from roads are collected by storm drains and discharged into the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is primarily paved. Runoff from the site likely contains pollutants typical urban, developed environments, including: sediment, automobile fluids and trash, motor oil, and grease.

4.9.1.5 *Applicable Plans, Policies, and Regulations*

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City, but not the

[18] City of San José. *Envision San José 2040 General Plan Final EIR.* Figure 3.7-5. December 2011.

project site, are identified as special flood hazard areas with a one percent annual chance and two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP.

Federal and State Laws and Programs Regarding Water Quality

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board (SWRCB).

Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay RWQCB. Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay and Guadalupe River are on the Section 303(d) list as an impaired water body for several pollutants.

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by RWQCB under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal

stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. This would also require a narrative discussion as to why the implementation of 100 percent LID measures is not feasible per the MRP.

For stormwater treatment, the project may qualify as a Small Infill Project under Special Project Category "A" and LID Treatment Reduction Credit for the entire site. The qualification is based on the project's location downtown, replacement of 0.5 acres or less of impervious surfaces, use of a parking garage, and complete coverage of the project site with the proposed building. The project includes raised flow-through planters on the fifth floor common open space area which provide some pre-treatment of stormwater before being discharged to the media filtration unit in the proposed parking garage.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy No. 6-29 requires all new development and redevelopment project to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM). This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

The project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it would create or replace less than one acre of impervious surfaces and is located in a subwatershed greater than or equal to 65 percent impervious.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.2 Hydrology and Water Quality Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1-3
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1-3
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	☐	1-3
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1-3
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1-3
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1-3,16
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1-3,16
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1-3
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1-3

4.9.2.1 *Water Quality Impacts (Checklist Questions 1 and 6)*

Construction-Related Impacts

Construction of the proposed project, as well as grading and excavation activities, would result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would disturb approximately 0.5 acres of soil, which is below the one acre threshold for compliance with the NPDES General Permit for Construction Activities. Therefore, the project is not required to obtain the NPDES General Permit for Construction Activities.

However, regardless of whether a project is required to obtain a NPDES General Permit for Construction Activities, all development projects in San José are required comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant will be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that will be implemented to prevent the discard of stormwater pollutants.

Standard Permit Conditions

Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site such as perimeter silt fences, placement of hay bales, and sediment basins;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project, with the implementation of the above standard permit conditions, would not result in new or more significant construction-related water quality impacts than disclosed in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Under existing conditions, the project site is approximately 86 percent impervious. Upon completion of the proposed development, the project site would be 100 percent impervious. Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area. This specific development would, therefore, be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit.

The project may qualify for LID treatment reduction credits under the Special Projects provisions for small infill development. Special Projects are smart growth projects (e.g., small urban infill, high density, or transit-oriented development) that can receive LID treatment reduction credits and use specific types of non-LID treatment, but only after the use of on-site and off-site LID treatment is evaluated. The Special Projects determination is ultimately subject to the City's review and approval. Stormwater runoff from the site would be directed through a media filter system prior to entering the storm drainage system. The proposed treatment facility would be numerically sized and would have sufficient capacity to treat runoff entering the storm drainage system consistent with the NPDES requirements. In addition, the project includes flow-through planters on the fifth floor podium and street trees along the frontages, parking within an interior structure connected to the sanitary sewer, and a water efficient irrigation system to reduce stormwater runoff.

The Downtown Strategy 2000 FPEIR concluded that projects designed consistent with the current NPDES permit would ensure, stormwater runoff from new development would have a less than significant impact on stormwater quality. Compliance with the City's Grading Policy, the City's Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements would result in the same less than significant impacts on water quality as described in the Envision San José 2040

General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 *Flooding and Other Inundation Hazards (Checklist Questions 7, 8, 9, and 10)*

As discussed previously, the project site is within Flood Zone D. The project, therefore, would not place housing within a 100-year flood hazard area or impede or redirect flood flows within a 100-year flood hazard area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is not subject to seiche, tsunami, sea-level rise, or mudslide hazards, and is not located in a dam failure inundation area. **[Same Impact as Approved Project (No Impact)]**

4.9.2.3 *Stormwater Drainage (Checklist Questions 3, 4, and 5)*

Table 4.9-1 provides the breakdown of the pervious and impervious surfaces on the project site under both existing and project conditions. The project would increase the amount of impervious surfaces on the project site.

Table 4.9-1
Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (SF)	%	Project/Post-Construction (SF)	%	Difference (SF)	%
Impervious						
Building Footprint and Hardscape	18,958	86	21,983	100	+3,025	+14
Pervious						
Pervious Surfaces	3,025	14	0	0	-3,025	-14
Total	21,983	100	21,983	100		

Under existing conditions, the site is 86 percent impervious (18,958 square feet). The proposed project would increase the amount of impervious surfaces on-site by 3,025 square feet, an increase of 14 percent. The result of this change would be an incremental increase in the amount of stormwater runoff from the project site.

The Downtown Strategy 2000 FPEIR concluded that with the proposed changes in land use (e.g. development of parks and open spaces), buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces.

The project is consistent with the site's General Plan land use designation and would implement stormwater BMPs; therefore, the project would not require the construction or expansion of stormwater facilities beyond those that were evaluated in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.4 *Groundwater Supply Impacts (Checklist Question 2)*

The project includes construction of an underground parking garage that would extend approximately 33 feet below ground. Because groundwater in the project area is expected to be approximately 10 feet bgs, it is anticipated that dewatering would be required during project construction. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Services Department, Watershed Protection Division in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer, but would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

As discussed previously, the project site is not located within a natural or facility groundwater recharge area. In the event post-construction dewatering is required, the project shall be reviewed by the City's Environmental Services Engineering section to ensure conformance with the City's Stormwater Permit requirement during the Building Permit stage (standard permit condition). For these reasons, the project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. The project would not result in a new or more significant impact on groundwater than described in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3 Conclusion

Implementation of the proposed project in compliance with applicable laws, policies, and regulations would have the same less than significant hydrology and water quality impacts as previously identified in the certified Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The 0.5-acre project site is developed with three single-story commercial buildings and an associated parking lot. Two of the buildings date from the early twentieth century and span the length of the block between S. First Street and S. Market Street with no setbacks from the sidewalk. A dry cleaners operates in a third building that is a converted gas station.

4.10.1.2 *Surrounding Land Uses*

The project site is surrounded by existing urban development and roadways. The project site is bounded by commercial development to the north, S. First Street to the east, William Street to the south and S. Market Street on the west. Adjacent commercial development is comprised of one- to two-story commercial buildings on the west side of the S. First Street frontage. Additional single-story commercial development, a three-story hotel, and recent development is located across S. First Street from the site. The Parque de los Pobladores is located directly south of the project site across William Street. South Market Street has a mix of automotive businesses, various commercial uses, and multi-story residential development (refer to Figure 2.2-3).

4.10.1.3 *General Plan and Zoning Designations*

Envision San José 2040 General Plan

The project site is designated *Downtown* in the *Envision San José 2040 General Plan*. This designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, density of up to a floor area ratio (FAR) of 30.0 and residential densities up to 800 dwelling units per acre (DU/AC). Under this designation, residential projects should generally incorporate ground floor commercial uses. Redevelopment should be at very high intensities unless the project would result in incompatibility with other major policies within the Envision 2040 General Plan.

Zoning Ordinance

The project site is zoned *Downtown Primary Commercial*. Permitted land uses under the DC zoning are consistent with the *Downtown* General Plan land use designation. Based on the DC zoning, development shall only be subject to the height limitations necessary for the safe operation of Mineta San José International Airport. There are no minimum setbacks required.

4.10.1.4 *Applicable Plans, Policies, and Regulations*

Airport Land Use Commission (ALUC) Comprehensive Land Use Plan (CLUP)

The project site is located approximately 2.5 miles southeast of the Norman Y. Mineta San Jose International Airport and within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP). The Envision San Jose 2040 General Plan incorporates applicable CLUP policies, including a requirement that the project property owner grant an Avigation Easement to the City (setting forth acceptance of elevation limits and aircraft overflight impacts) prior to development.

Santa Clara Valley Habitat Plan

Subsequent to the certification of the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan Final EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. As discussed in *Section 4.4 Biological Resources*, the project site is located in an area designated as *Urban-Suburban* in the Habitat Plan.

Envision San José 2040 General Plan

Providing denser development within the Downtown is consistent with the Major Strategies of the 2040 General Plan, specifically: the Focused Growth Strategy, which aims to focus growth into growth areas (including Downtown), and the Fiscally Strong City Strategy, which focuses new growth in developed areas where existing infrastructure is already available.

Development in this designation should also enhance the "complete community" vision by providing a mixture of commercial, retail, and entertainment options while supporting pedestrian and bicycle circulation and transit ridership. Residential projects within the *Downtown* designation should generally incorporate ground floor commercial/retail uses.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to land use and are applicable to the proposed project.

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate. 1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. 2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies. 4. Locate retail and other active uses at the street level. 5. Create easily identifiable and accessible building entrances located on street frontages or paseos. 6. Accommodate the physical needs of elderly populations and persons with disabilities. 7. Integrate existing or proposed transit stops into project designs.
Policy CD-2.11	Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

San José Downtown Strategy 2000

The Downtown Strategy 2000 was developed as a guide for policy and development in the Greater Downtown area. It provides specific recommendations for land use, development types, and the amount of development based on environmental and community needs. The Downtown Strategy supports a variety of community goals, including but not limited to: developing retail in the Greater

Downtown area, develop more housing with an emphasis on affordable housing, and investing in streetscape improvements to improve the walkability and comfort of Greater Downtown streets. The amount of future development anticipated to occur in the expanded Greater Downtown Core Area includes:

- 11.2 million square feet of office,
- 1.4 million square feet of retail space,
- 8,500 residential units, and
- 3,600 hotel guest rooms

4.10.2 Land Use Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	☐	☐	☐	☒	☐	1
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1,2,4
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	☐	1,10

4.10.2.1 *Consistency with General Plan and Zoning Ordinance (Checklist Questions 1 and 2)*

The project site is currently designated *Downtown* in the General Plan and is zoned *DC – Downtown Primary Commercial*. Implementation of the proposed project will result in the redevelopment of an underutilized site with high-density, mixed-use development that will place housing within close proximity to transit and increase commercial space within the downtown core. The project proposes ground floor commercial space to improve the pedestrian environment and walkability in the area. As designed, the building conforms to the design parameters outlined in the zoning code and design guidelines in the Downtown Strategy 2000, including building heights and setbacks. The project is not located adjacent to a single-family neighborhood.

The proposed 610 dwelling unit per acre (DU/AC) density is less than the maximum 800 DU/AC for sites with the *Downtown* general plan designation. The proposed floor-area-ratio (FAR) of 16.9 is consistent with the density requirements of the *Downtown* designation, which state that the density of development on sites so designated must not exceed an FAR of 30.

The *DC – Downtown Primary Commercial* zoning requires no minimum setbacks from adjacent properties. As described in Section 3.0, the proposed building will be constructed up to the lot line on all sides (refer to Figure 3.2-1).

As discussed in *Section 4.8 Hazards and Hazardous Materials*, the proposed 262-foot tall building is required to be reviewed by the FAA and must receive a determination of no hazard prior to City approval. FAA issuance of a no hazard determination and property owner granting of an Avigation Easement to the City would comply with General Plan and ALUC/CLUP policy.

The General Plan FPEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. As designed, the building conforms to the design parameters outlined in the zoning code and design guidelines in the Downtown Strategy 2000. The project would not divide an established community and is designed to encourage connectivity to the existing uses in the project area. Therefore, the project site is consistent with the General Plan land use designation and zoning. **[Same Impact as Approved Project (No Impact)]**

4.10.2.2 *Land Use Compatibility (Checklist Question 2)*

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. The discussion below distinguishes between potential impacts from the proposed project upon people and the physical environment, and potential impacts from the project's surroundings upon the project itself.

Impacts From the Project

The project is located in Downtown Core Area of San José. The South of First Area (SoFA) contains a mix of office, commercial, residential, and institutional uses. The project would incorporate the design policies and guidelines of the Downtown Strategy 2000, General Plan, and Zoning Ordinance to ensure compatibility with adjacent uses. The proposed uses are similar to existing uses in the project area and greater Downtown and would not result in any new or greater impact to existing land uses than previously identified in the Downtown Strategy 2000 FPEIR and would be consistent with the Envision 2040 General Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Shade and Shadow

Pursuant to the Downtown Strategy 2000 FPEIR, a project would have a shade and shadow if it would result in a 10 percent or greater increase in the shadow cast onto St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, or McEnery Park, or substantially increase shadows at other public open spaces areas (excluding streets and sidewalks).

The closest public open space area is the Parque de los Pobladores, located approximately 70 feet south of the project site. The project is not likely to shade public open space near the project site, such as Parque de los Pobladores, in excess of 10 percent of the open space area between September and March. Shadows from the proposed building would be directed westerly in the morning, northerly at midday, and easterly in the afternoon. The project, therefore, would not result in significant shade and shadow impacts to adjacent public open space. **[Same Impact as Approved Project (No Impact)]**

Impacts to the Project

The project site fronts onto South First, South Market and William Streets and is located approximately 950 feet north of Interstate 280. The project is a high-density mixed-use development that is generally considered compatible with urban areas and the various functions and facilities that characterize urban living. Noise, air quality, and other potential sources of environmental impacts to the project are discussed in their respective section of this Initial Study document. The project is located in an area with a mix of residential and commercial uses similar to the proposed development on the site. Compliance with all applicable City policies, actions and ordinances, and adopted design guidelines would ensure the project would not be subject to any greater impact than previously identified in the Downtown Strategy 2000 FPEIR and would be consistent with the Envision 2040 General Plan.

4.10.2.3 *Other Land Use Plans (Checklist Question 3)*

Habitat Conservation Plan

As discussed in *Section 4.4 Biological Resources*, the project is consistent with the Habitat Plan, which is based on the conclusion that no impacts to any of the Habitat Plan's covered species would occur under the proposed project. With the implementation of the Habitat Plan, the cumulative impacts of development City-wide and within the areas of Santa Clara County covered by the Habitat Plan would be offset through conservation and management of land for the Bay checkerspot butterfly. The project would comply with all applicable conditions under the Habitat Plan as mentioned in *Section 4.4 Biological Resources.* **(New Less Than Significant Impact)**

4.10.3 Conclusion

The proposed project is consistent with adopted plans and policies for the project site and would not physically divide an established community. The project would not conflict with the Habitat Plan. Implementation of the project, therefore, would not result in new or more significant land use impacts than disclosed in the certified Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Projects (Less Than Significant Impact) and (New Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The project site is not located in an area containing known mineral resources.

4.11.2 Mineral Resources Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,2
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,2

An area of Communications Hill in central San José is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance.[19] Communications Hill is the only area in the City with this designation. Since the proposed project is not located on or near Communications Hill, the proposed project would not result in impacts to mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

The project would not result in an environmental impact due to the loss of availability of known mineral resources. **[Same Impact as Approved Project (No Impact)]**

[19] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 516.

4.12 NOISE AND VIBRATION

The following discussion is based on an Environmental Noise Assessment completed by *Illingworth & Rodkin* in December 2015. A copy of this report is included in Appendix A-4 of this Initial Study.

4.12.1 Setting

4.12.1.1 *Overview of Noise Principles*

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise, however, also decreases at night and exterior noises become more noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL, or L_{dn} divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted to 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 90 to 95 dBA L_{max} at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 81 to 88 dBA L_{eq} measured at a distance of 50 feet from the site during busy construction periods. Construction generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Construction Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude which is defined

as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the structural support of a building or integrity is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

4.12.1.2 *Existing Noise Conditions*

A noise monitoring survey was completed on the site between September 29, 2015 and October 1, 2015 to quantify the existing noise environment at the site and in the project vicinity (Appendix A-4). The noise monitoring survey included three long-term noise measurements (LT-1 to LT-3) as shown in Figure 4.12-1. Two measurements were taken on South Market Street and South First Street (LT-1 and LT-2) and one was taken on the rooftop of the 23-story tower located at South Market Street and San Salvador Street north of the project site (360 Residences, LT-3). Distant traffic on I-280 south of the site, local traffic on South Market Street and South First Street, and aircraft overflights are the predominant noise sources affecting the site. Commercial operations in the vicinity were not observed to be significant sources of environmental noise. The results of the long-term noise measures are shown in Table 4.12-1, below and in Appendix A-4.

Table 4.12-1
Existing Noise Levels

Measurement	Height	DNL	Location Notes
LT-1	12 feet	68 dBA	1,000 feet from I-280
LT-2	12 feet	76 dBA	1,150 feet from I-280
LT-3	4 feet above roof deck	71 dBA	1,650 feet from I-280

The noise monitor at location LT-1 was positioned at a height of 12 feet above road grade on the trunk of a street tree approximately 30 feet from the centerline of South First Street near the midpoint of the site. The noise monitor at location LT-2 was positioned at a height of 12 feet above road grade on the trunk of a street tree approximately 40 feet from the centerline of South Market Street near the northern edge of the site.

The primary noise sources at location LT-3 were aircraft noise from aircraft approaching and departing Mineta San José International Airport and the operation of rooftop mechanical equipment. Because the intent of this measurement was to document expected noise levels from aircraft operations away from traffic noise at upper floors of the project building, additional calculations were undertaken to extract background noise from the rooftop mechanical equipment at the 360 Residences. The maximum daytime noise levels from aircraft ranged from 75 to 90 dBA and the maximum nighttime noise levels due to aircraft ranged from 70 to 82 dBA. As shown in Table 4.12-1, noise levels at LT-3 from rooftop mechanical equipment noise and aircraft overflights were 71 dBA DNL.

According to the City's current and projected aircraft noise contours for the Norman Y. Mineta San José International Airport, the project site is, and will remain, exposed to an aircraft noise level of 60 to 65 dBA CNEL.

4.12.1.3 *Sensitive Receptors*

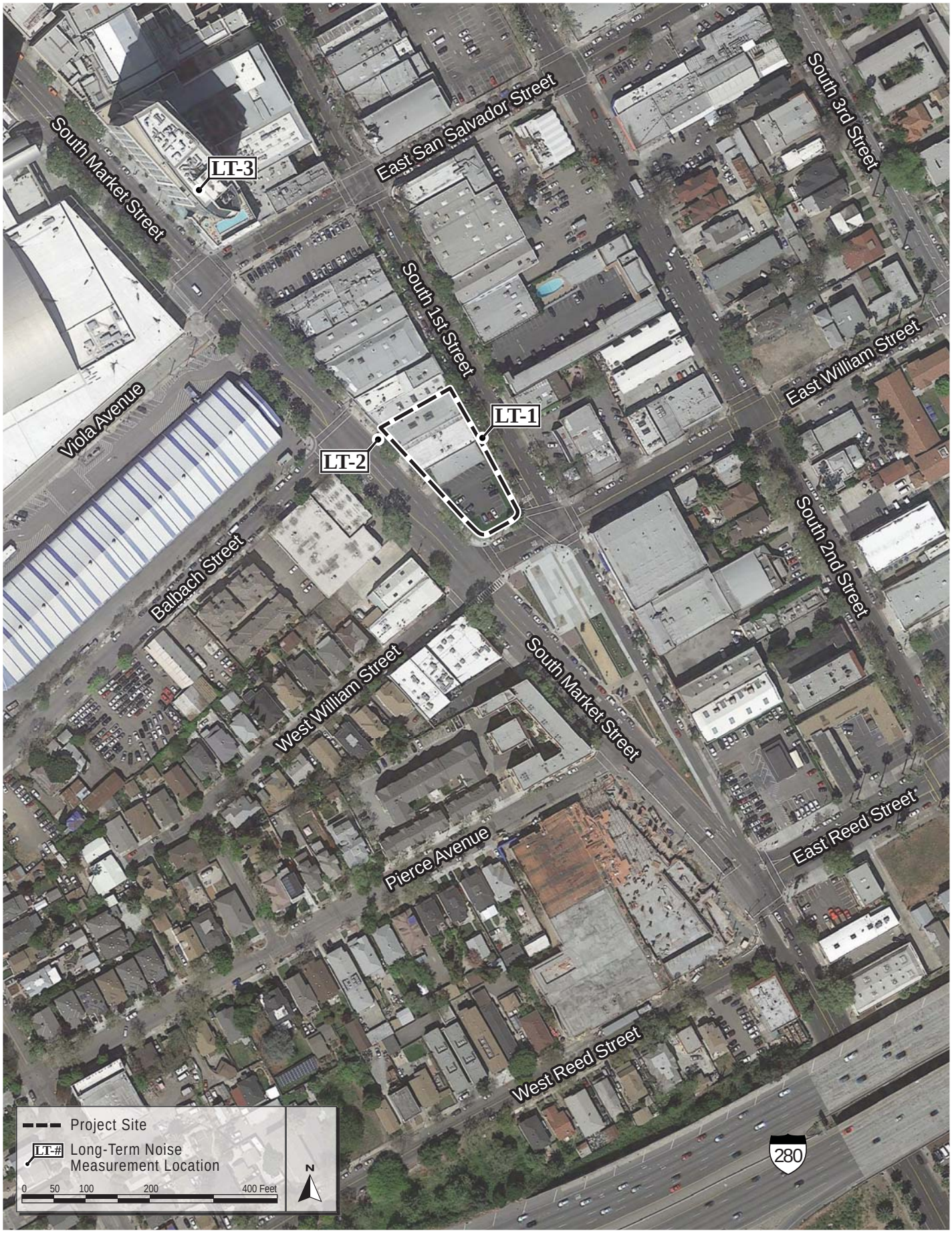
The nearest noise sensitive land uses include a motel, approximately 80 feet northeast of the project site and multiple-family residential development across South Market Street, approximately 250 feet to the south.

4.12.1.4 *Applicable Plans, Policies, and Regulations*

2013 State Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2[20] of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB DNL or CNEL in any habitable room.

[20] The July 1, 2015 Supplement to the 2013 California Building Code (CBC) reinstated limits on interior noise levels attributable to exterior environmental noise sources which had been contained in all prior versions of the CBC dating back to 1974.



NOISE MEASUREMENT LOCATIONS FIGURE 4.12-1

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-2.

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-2 in this Initial Study). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below: o For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-2 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or

- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.6 Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-1.9 Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Table 4.12-2
Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[21]

The Zoning Ordinance limits operational noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

[21] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.2 Noise and Vibration Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1-3,17
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1-3,17
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-3,17
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-3,17
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-3,17
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-3,17

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site (refer to *Section 4.12.1.4*), a significant noise impact would result if exterior noise levels at the

proposed residential uses exceed 60 dBA DNL and/or if interior day-night average noise levels exceed 45 dBA DNL (General Plan policy EC-1.1).

In addition, a substantial permanent noise increase would occur if the noise level increase resulting from the project (e.g., noise from project operations or project-generated traffic) is three (3) dBA DNL or greater at noise-sensitive receptors, with an ambient noise level of 60 dBA DNL or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA DNL or greater would be considered significant (General Plan policy EC-1.2).

Temporary, construction noise impacts from the project would be significant if the project is located within 500 feet of residential uses (or 200 feet of commercial or office uses) and would involve substantial noise generating activities (such as demolition, grading, excavation, pile driving, etc.) for more than one year (General Plan policy EC-1.7); and if hourly average noise levels exceed 60 dBA L_{eq} and are at least five (5) dBA above the ambient noise environment at nearby residential uses. Construction vibration impacts would be considered significant when construction activities are anticipated to generate a peak vertical particle velocity of 0.08 in/sec at sensitive historic structures and 0.20 in/sec at buildings of normal conventional construction (General Plan policy EC-2.3).

4.12.2.1 *Noise Impacts to the Project (Checklist Questions 1, 5, and 6)*

Based on traffic projections from the Envision San José 2040 General Plan, an up to two (2) dBA DNL increase in the future over existing noise levels at the South Market Street frontage and an up to three (3) dBA DNL increase in the future over existing noise levels at the South First Street frontage of the site may occur due to increase traffic on these roadways. No future General Plan traffic projections are available for William Street, however, based on future I-280 traffic projections, a one (1) dBA DNL increase in the future over existing noise levels on the southern edge of the site is anticipated due to increased freeway traffic noise. A review of the second quarter 2015 airport noise contours and 2027 master plan noise contours may extend further south but will not widen significantly in the site vicinity and will not come substantially closer to the site. The site, therefore, would continue to be exposed to DNL of 64 dBA due to aircraft over flights under future conditions. The future noise levels at the proposed building facades are identified in Table 4.12-3.

Table 4.12-3
Future Noise Levels (DNL)

Building Location	**1st – 8th Floor**	**9th – 16th Floor**	**16th – 25th Floor**
Northern Facade	66 dBA	65 – 66 dBA	66 dBA
Eastern Facade	64 – 70 dBA	63 – 64 dBA	63 dBA
Southern Facade	70 – 75 dBA	68 – 69 dBA	67 dBA
Western Facade	71 – 78 dBA	68 – 70 dBA	67 – 68 dBA
Outdoor Use Areas	**Aircraft Noise**		**Traffic Noise**
Fifth Floor Pool	64 dBA		>60 dBA
24th Floor Patio	66 dBA		>50 dBA

Exterior and Interior Noise Environment

Exterior Noise Impacts

Policy EC-1.1 of the City's General Plan requires that common use areas for the residential component of multi-family development meet a 60 dBA DNL exterior standard, but states that at sites subject to aircraft overflight noise, the 60 dBA DNL standard should be applied to noise from sources other than aircraft.

The fifth floor would include an exterior pool and barbecue area on the north side of the building. A common patio area would also be provided on the west side of 24th floor of the building. Based on distance attenuation and the barrier effect of building parapet walls, non-aircraft noise levels in these areas will be less than 60 dBA DNL. Aircraft noise on the 5th floor and 24th floor rooftop outdoor use areas will, respectively, be 64 dBA and 66 dBA DNL based on a review of published airport noise contours and the results of the nearby rooftop noise measurements. Noise levels in the common open space areas of the project therefore, would comply with City of San José General Plan noise standards and thus this impact is less than significant.

Interior Noise Impacts

The project proposes residential uses on the 3rd through 25th levels of the building over two-story commercial spaces, a lobby, and building support uses. As discussed above, all or portions of the project's northern, western, southern and eastern façades would be exposed to environmental noise levels due to traffic and aircraft noise. The City of San José and the State Building Code require that interior noise levels in residences which are exposed to exterior noise levels of 60 dBA DNL or more be reduced to a DNL of 45 dBA or less. The City of San José also requires that recurring maximum noise levels due to loud intermittent noise sources do not exceed 50 dBA in bedrooms and 55 dBA in other rooms.

Standard residential construction methods with the windows open for ventilation typically provides 15 dBA of noise reduction in interior spaces. With moderate window to wall percentage areas (less than 40 percent area), and closed windows, standard residential construction provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior day-night average noise levels are 65 dBA DNL or less, the interior noise level can typically be maintained below the 45 dBA DNL standard assuming standard construction methods and the incorporation of forced air mechanical ventilation systems in residential units. These systems allow the occupant the option of controlling noise by maintaining the windows shut.

Where recurring maximum noise levels from loud intermittent noise sources, such as aircraft landings and departures, are less than 70 dBA maximum noise levels would typically not exceed 50 dBA in bedrooms with standard construction and mechanical ventilation. A review of project plans and elevations indicates that the proposed residences may have rooms with a very high percentage of glazing. Based on this and given the heightened traffic and aircraft noise levels at all facades of the project building, it will be necessary to provide sound-rated building elements (e.g., walls, windows

and doors) to maintain interior noise levels at or below recurring maximum levels of 50 dBA in bedrooms and 55 dBA in other rooms and at or below a 45 dBA DNL.

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. While existing environmental conditions impacts on the proposed project is not analyzed under CEQA, the proposed project would comply with applicable local policies/regulation that protect sensitive land uses from existing hazards. Such policies exist in the City of San José General Plan Goal EC-1 and EC-2 regarding noise considerations.

Residential uses on the project site would be exposed to interior noise levels greater than the City's noise goals of 45 dBA DNL and maximum noise level due to loud intermittent noise sources of 50 dBA in bedrooms and 55 dBA in other rooms, respectively. Therefore, to comply with the City of San José General Plan policies, the project shall comply with the following standard permit conditions.

Standard Permit Conditions: Consistent with the Downtown Strategy 2000 Final EIR and in accordance with the Envision San José 2040 General Plan, the project proposes to implement the following mitigation measures to reduce interior noise levels consistent with City standards:

- Prior to issuance of buildings permits, a qualified acoustical consultant will review final site plans, building elevations, and floor plans to calculate expected interior noise levels as required by City policies and State noise regulations. Project-specific acoustical analyses are required by the State Building Code to confirm that the design results in interior noise levels of 45 dBA DNL or lower. Additionally, recurring maximum noise levels from aircraft overflights shall be reduced to 50 dBA in bedrooms and 55 dBA in other rooms to ensure compliance with City noise standards. The provision of forced-air mechanical ventilation shall be required for the project as well as special building construction techniques. The specific determination of what additional noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) will be conducted on a unit by unit basis. Results of the analysis, including the description of the necessary noise control treatment, will be submitted to the City along with the building plans and approved prior to issuance of any building permits. Feasible construction techniques, as described above, would adequately reduce interior noise levels consistent with City standards.

Airport Noise

Although aircraft operations associated with Mineta San Jose International Airport contribute to the noise impact measured at the project site, the site is located outside the City's current and projected 65 dB CNEL as well as the 65 dB CNEL noise contour used by the Airport Land Use Commission in its CLUP for San Jose International Airport. Under the City's General Plan and the ALUC's CLUP, residential land uses exposed to aircraft noise levels less than 65 dB CNEL are considered compatible with the airport. In compliance with the General Plan and CLUP policies, the project property owner would be required to dedicate an Avigation Easement to the City providing for acceptance of aircraft noise impacts. The project, therefore, would adhere to ALUC and General Plan policies related to noise from airport operations.

4.12.2.2 *Noise and Vibration Impacts From the Project (Checklist Questions 2, 3, and 4)*

Project-Generated Traffic Noise

Based on the size of the project, relative to traffic volumes in the project area, vehicular traffic generated by the project is not anticipated to increase noise levels substantially as project traffic would make up only a small percentage of the total traffic along area roadways in the immediate vicinity of the site and outside the Downtown Core. Vehicular traffic noise levels are not expected to increase measurably above existing levels as a result of the project (increase would be less than one dBA DNL). The Downtown Strategy 2000 EIR identified significant traffic generated noise impacts on various roadways in the City. None of the identified roadways that would experience significant traffic impacts are located in the vicinity of the project site. The project would not result in a measurable or perceptible increase in noise at sensitive residential receivers in the vicinity of the site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Project Mechanical Noise

The proposed project would include various mechanical equipment pertinent to the operation of the building, including heating, ventilation, and air-conditioning units that are well removed from nearby residential properties. Due to the lack of existing residential uses adjacent to the proposed building, the noise from this equipment is not expected to exceed the City's noise standard of 55 dBA L_{eq} at an adjacent residential property line. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction-Related Noise

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. Where noise from construction activities exceeds 60 dBA L_{eq} and exceeds the ambient noise environment by at

least five (5) dBA L_{eq} at noise-sensitive uses in the project vicinity for a period of one year or more, the impact would be considered significant.

Construction-related noise levels are normally highest during the demolition phase and during the construction of project infrastructure. These phases of construction require heavy equipment that normally generates the highest noise levels over extended periods of time. Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-related noise levels are normally less during building erection, finishing, and landscaping phases. There would be variations in construction noise levels on a day-to-day basis depending on the actual activities occurring at the site. Construction generated noise levels drop off at a rate of about six (6) dBA per doubling of distance between the source and receptor. The nearest existing noise sensitive use in the project area is the Ramada Inn located approximately 80 feet east of the project site. The closest single- and multi-family residential uses are approximately 250 feet from the project site. Hourly average noise levels would range from 77 dBA to 84 dBA during the busiest construction periods along the property line of the site. Shielding by barriers or buildings would provide an additional five (5) to 10 decibels of attenuation at distant receptors.

The project would be built in approximately 22 months. As construction moves away from noise-sensitive receptors located to the east, west, and south of the site, or indoor, noise levels generated by heavy construction will be lower. Noise generated by demolition, grading, infrastructure improvements and the construction of units nearest the site perimeter would not be expected to exceed ambient noise levels at receivers by more than five (5) dBA L_{eq} for a period greater than one year.

Impact NOI – 1: The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at nearby residential and commercial land uses. **(Significant Impact)**

Mitigation Measures: Consistent with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, General Plan policies (specifically policy EC-1.7), and Municipal Code, the project proposes to implement the following mitigation measure to reduce construction-related noise impacts to a less than significant level:

MM NOI – 1.1: The project applicant shall develop and implement a construction noise logistics plan during all phases of construction on the project site. The construction noise logistics plan shall include, but not be limited to the following:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities shall occur Sundays or holidays.

- All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Stationary noise generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- "Quiet" air compressors and other stationary noise sources shall be used where technology exists.
- A detailed construction plan shall be prepared identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- An on-site "disturbance coordinator" shall be designated to be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]

Construction-Related Vibration

Construction activities, such as the removal of existing pavement, site preparation work, excavation of below grade levels, foundation work, and new building erection, could generate excessive vibration levels at nearby sensitive land uses or historic buildings. In particular, the use of drilled displacement piles for the building foundation has the potential of generating the highest ground vibration levels and is of primary concern when it occurs within 25 to 50 feet of historic structures, including the historic buildings on the project site. Other construction equipment would require some attention to ensure that structures in the vicinity of the project (including on- and off-site historic buildings within 50 feet from such activities) are sufficiently protected. The adjacent Garden City Glass (c. 1815) building and the L'amour Shoppe building are on the City's Historic Resources Inventory and located within 50 feet of the project site (refer to Figure 4.12-2).

Although construction is anticipated to last approximately 22 months, construction vibration would not be substantial for most of the construction period, except during vibration generating activities such as drilling and the use of jackhammers, rock drills, other high-power or vibratory tools, and rolling stock equipment. Erection of the building structure is not anticipated to be a source of substantial vibration with the exception of sporadic and/or accidental events such as dropping of heavy objects. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on project conditions such as soil conditions, construction methods, and

DISTANCE TO GROUNDBORNE VIBRATION SENSITIVE STRUCTURES FIGURE 4.12-2

equipment used. At a distance of 50 feet, construction activities would not likely generate vibration levels exceeding 0.08 in/sec PPV.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that would have the highest potential of producing vibration.

Excavation of the parking garage would produce groundborne vibrations that could result in significant adverse impacts to sensitive buildings within 50 feet of the project site, including the Garden City Glass and L'amour Shoppe buildings which are listed on the City of San José's Historic Resource Inventory. Due to the scope of construction, density of development in the immediate project area, and proximity of historic structures to the project site, the project would result in significant construction-related groundborne vibration impacts.

Impact NOI – 2: The project and adjacent surroundings could result in significant construction-related groundborne vibration impacts. **(Significant Impact)**

Mitigation Measures: Consistent with the certified Envision San José 2040 General Plan Final EIR and General Plan policies (specifically Policy EC-2.3), the project proposes to implement the following mitigation measures to reduce construction-related groundborne vibration impacts to a less than significant level:

MM NOI – 2.1: The project applicant shall ensure that only drilled piers or rammed aggregate piers which cause lower vibration levels are used and are the preferred foundation method where geological conditions permit.

MM NOI – 2.2: A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the project applicant to the structural engineer. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring (see MM NOI – 2.3).

MM NOI – 2.3: A Construction Vibration Monitoring Plan (Plan) shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The Plan shall address vibration impacts to sensitive historic structures of 0.08 in/sec PPV and all normal conventional construction structures of 0.20 in/sec PPV. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The Construction Vibration Monitoring Plan shall include, but is not limited to, the following tasks:

- Identification of the sensitivity of on- and off-site structures to groundborne vibration. Vibration limits shall be applied to all vibration sensitive structures located on or within 50 feet of the project site.
- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 50 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction and after project completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures.
- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring shall be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approach the limits.
- At minimum, vibration monitoring shall be conducted during pavement removal, building demolition, and drilling activities. Monitoring results may indicate the need for more or less intensive measurements.
- If vibration levels approach limits, construction activities shall be suspended and contingencies implemented to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct a post-construction survey on structures where either monitoring has indicated high levels of vibration or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

MM NOI – 2.4: The project applicant shall submit a report summarizing the result of the vibration monitoring process during all demolition and construction phases to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement no later than a week after completion of each phase identified in the project schedule of the Construction Vibration Monitoring Plan. The report shall include, but is not limited to, a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.

Note that the mitigation identified in *Section 4.5 Cultural Resources* to avoid and/or reduce construction-related impacts to existing historic and potentially historic buildings includes similar requirements to those outlined in mitigation measures MM NOI – 2.1 to NOI – 2.4 above. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.12.3 Conclusion

Implementation of the proposed mitigation measures, consistent with the certified Downtown Strategy 2000 Final PEIR, General Plan policies, and Municipal Code, would reduce noise and vibration impacts to existing sensitive land uses and residents on the project site to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to California Department of Finance (DOF) 2010 census data estimates for 2015, San José has a population of 1,016,479 persons. As of 2015, the City of San José has approximately 327,652 households with an average of 3.17 persons per household[22] and 513,586 persons in the workforce which is an average of 1.57 employed residents per household.[23] According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

Approximately 369,500 jobs were provided within the City of San José's Sphere of Influence in 2010, and the Association of Bay Area Governments (ABAG) Projections 2009 shows a projected increase to 708,980 jobs by the year 2035. To meet the current and projected housing needs in the City, the Envision 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2035.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the Envision 2040 General Plan FPEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

[22] California Department of Finance *Table 2: E-5 City/County Population and Housing Estimates.* January 1, 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php. Accessed October 13, 2015.

[23] U.S. Census Bureau. *2009-2013 American Community Survey 5-Year Estimates, Table S2301 – Employment Status.* Available at: http://factfinder.census.gov/faces/nav/jsf/pages/download_center.xhtml. Accessed October 20, 2015.

4.13.2 Population and Housing Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1,2
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

4.13.2.1 *Growth Inducing Impacts (Checklist Question 1)*

The project site is located within the incorporated limits of the City of San José and redevelopment of the project site would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence.

Based on the DOF estimate of 3.17 residents per household in San José, the construction of 308 residential units on the site would result in a population increase of approximately 976 residents. The project would not induce growth in an area of San José where such development has not been planned for, or where such development does not already exist. The development and population growth associated with redevelopment of the project site is accounted for in the City's General Plan and the Downtown Strategy 2000, therefore, the project would not induce unplanned housing and population growth. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.2.2 *Housing Displacement Impacts (Checklist Questions 2 and 3)*

The project site is currently occupied by a martial arts studio, offices, a dry cleaner, and surface parking lot. Redevelopment of the project site would not displace people or housing. **[Same Impact as Approved Project (No Impact)]**

4.13.3 Conclusion

The project would not result in substantial growth inducement or impacts to the existing housing supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Service*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 3, located at 98 Martha Street, approximately 0.6 miles southeast of the project site.

For fire protection services, *Policy ES-3.1(2)* of the Envision 2040 General Plan identifies a total response time goal of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. The project site is located approximately three minutes from Station No. 3.

4.14.1.2 *Police Protection Service*

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately two miles northwest of the project site. In 2014, the City had 24,577 reported property crimes, 3,242 reported violent crimes, and 11 reported hate crimes.[24]

For police protection services, *Policy ES-3.1(1)* of the Envision 2040 General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.3 *Schools*

The project site is located within the San José Unified School District (SJUSD). Students in the project area would attend Gardner Elementary School, Hoover Middle School, and Lincoln High School. According to the General Plan FPEIR, the SJUSD enrollment exceeded its 30,520 student capacity by 1,004 students in 2011.[25]

4.14.1.4 *Parks*

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

[24] City of San José Police Department. *Official Crime Statistics*. 2015. Accessed July 6, 2015. Available at: http://www.sjpd.org/CrimeStats/crimestats.html

[25] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 615.

Parque De Los Pobladores is located directly across Williams Street, south of the project site, and Plaza De Cesar Chavez is located approximately 0.2-miles feet to the northwest.

4.14.1.5 *Libraries*

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the downtown core area are served by the Dr. Martin Luther King Jr. Main Library, which is approximately 0.7 miles north of the project site. The Dr. Martin Luther King Jr. Main Library holds 1.5 million volumes and is over 475,000 square feet in size. Branch libraries in proximity to the project site include the Biblioteca Latinoamericana Branch Library at 921 South First Street and the East San José Carnegie Branch Library on East Santa Clara Street.

4.14.1.6 *Applicable Plans, Policies, and Regulations*

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to public services and are applicable to the proposed project.

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.14.2 Public Services Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	1-3
Police Protection?	☐	☐	☐	☒	☐	1-3
Schools?	☐	☐	☐	☒	☐	1-3
Parks?	☐	☐	☐	☒	☐	1-3
Other Public Facilities?	☐	☐	☐	☒	☐	1-3

4.14.2.1 *Impacts to Fire Protection Services*

The Downtown Strategy 2000 FPEIR concluded that while the growth proposed in the downtown area of San José would result in an increase in demand for fire services, the increased population would not result in demand for services beyond the capabilities of the department.

The proposed development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the General Plan and Downtown Strategy 2000. The proposed project, by itself, would not preclude the SJFD from meeting its service goals. As a result, the proposed project could be adequately served by existing resources. No additional fire personnel or equipment would be required.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan to avoid unsafe building conditions and promote public safety. As a result, the proposed development will not require new fire stations to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

4.14.2.2 *Impacts to Police Protection Services*

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the Envision 2040 General Plan and the Downtown Strategy 2000. The proposed project, by itself, would not preclude the SJPD from meeting its service goals. As a result, all future development proposed on-site could be adequately served by existing resources. No additional police personnel or equipment or expanded facilities would be required.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be maintained in accordance with applicable City policies such as General Plan *Policy ES-3.9* that promote public and property safety. The proposed development would not require the construction of new police stations or the expansion of existing police stations in order to serve the development while also maintaining City service goals. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

4.14.2.3 *School Impacts*

Build-out of the Envision 2040 General Plan will generate approximately 11,079 new students in the SJUSD. The Downtown Strategy 2000 estimated a maximum of 5,000 new K-12 students.

The project proposes development of up to 308 residential units and up to 8,000 square feet of commercial space in a 25-story building. Based on the SJUSD student generation rates, multi-family residential development generates approximately 0.272 K-12 students per unit.[26] Based on this

[26] San José Unified School District. *Development Fee Justification Study*. April 2014.

student generation rate, the proposed 308 residential units would generate up to 83 new students. As of 2011, the student enrollment exceeded the SJUSD's capacity. The project is part of the planned growth in the City and will not increase students in the SJUSD beyond what was anticipated in the Envision 2040 General Plan and Downtown Strategy 2000.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. While the proposed project would increase the number of school children attending public schools in the project area, it would be consistent with the increases identified in the Envision 2040 General Plan and Downtown Strategy 2000, and would mitigate its impact through compliance with state law regarding school impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.4 *Park Impacts*

Future residents of the site would use common open space in the proposed building and existing recreational facilities in the project area which would incrementally increase their use.

The City of San José has a Parkland Dedication Ordinance (PDO) which requires new housing projects provide 3.0 acres of neighborhood/community serving parkland per 1,000 population or pay an in-lieu fee. When the Downtown Strategy 2000 was prepared, the downtown area had 243.1 acres of parkland. This provided more than the required parkland for the existing downtown community under the PDO. The Downtown Strategy 2000 proposed approximately 8,500 additional dwelling units which would require an additional 87.5 acres of parkland in the downtown area. Residential growth resulting from build out of the General Plan is expected to result in an overall City population of 1,313,811 by 2035, which will increase the demand for park and recreational facilities and create an overall (city-wide) parkland deficit of 2,187.4 acres.[27]

The Downtown Strategy 2000 FPEIR concluded that the City's PDO would be satisfied through a combination of several means including: dedication of land; payment of fees (based upon the unit count of the project); credit for qualifying recreational amenities (based on project design); and improvement of existing parkland or recreational facilities. The General Plan FPEIR concluded that construction and/or expansion of parks throughout the City in compliance with General Plan policies and regulations would reduce any physical impacts from development or expansion of parkland facilities to a less than significant level. Because the 308 dwelling units proposed under this project have been accounted for in the Downtown Strategy 2000 and because the project will comply with the PDO requirements, the proposed project would not have a significant impact on park facilities in San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[27] City of San José. *Envision 2040 General Plan FPEIR.* September 2011. Page 633 (and see Table 3.9-5).

4.14.2.5 *Libraries*

Opened in 2003, the Dr. Martin Luther King Jr. Main Library provides more floor space and books per capita to serve the downtown population of San José than the City's service goals require. There are 22 additional branch libraries located throughout San José. Development approved under the Envision 2040 General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the Envision 2040 General Plan by the year 2035, which is above the City's service goal. Since the proposed project is consistent with the population growth anticipated in the General Plan, it would not result in significant impacts to San José library facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

The proposed project would not result in greater public services impacts than were previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks and over 55 miles of trails.[28] The Central/Downtown Planning Area of San José, within which the proposed project is located, contains approximately 1.8 acres of parkland per 1,000 residents.[29]

As discussed in *Section 4.14 Public Services*, Parque De Los Pobladores is located directly across Williams Street, south of the project site, and Plaza De Cesar Chavez is located approximately 0.2 miles feet to the northwest.

4.15.1.1 *Applicable Plans, Policies and Regulations*

Parkland Dedication Ordinance/Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

Envision San José 2040 General Plan Policies

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to recreational resources and are applicable to the proposed project.

Envision San José 2040 Relevant Recreation Policies

Policy	Description
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500square feet per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for

[28] City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Pages 615-618.
[29] City of San José. *Greenprint 2009 Update.* December 8, 2009. Page 104.

	neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.15.2 Recreation Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1-3
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1-3

Similar to the site development evaluated in the Downtown Strategy 2000 FPEIR and the General Plan FPEIR, the proposed project would result in less than significant recreational impacts, as described below.

4.15.2.1 *Impacts to Recreational Facilities (Checklist Questions 1 and 2)*

The residents of the proposed project would incrementally increase the demand and use of existing recreational facilities, including local parks and trails. As discussed in *Section 4.14 Public Services*, the project is subject to the PDO/PIO and is required to dedicate parkland and/or pay in-lieu fees to offset the demand on parkland created by the project's future residents. Consistent with the conclusions in the Downtown Strategy 2000 FPEIR, it is not anticipated that the project's incremental increase in demand for recreational facilities would result in the physical deterioration of the existing facilities or require new or expanded facilities that would result in significant environmental impacts given the project's conformance with the PDO/PIO and applicable General Plan policies.

In addition, the project would provide a total of approximately common open space in two locations in the building. The environmental impacts associated with the construction of these common open

spaces are discussed throughout this Initial Study and are found to have a less than significant impact.

Based on the above discussion, the project would not result in a new or more significant impact to recreational facilities than disclosed in the Envision 2040 General Plan and Downtown Strategy 2000 FPEIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15.3 Conclusion

The proposed project would result in the same less than significant impact on recreational facilities in the City of San José as previously identified in the Downtown Strategy 2000 FPEIR and would be consistent with the Envision 2040 General Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16 TRANSPORTATION

The following discussion is based in part on a Traffic Operations Study and a Supplemental Traffic Analysis prepared by *Hexagon Transportation Consultants* in February 2016 and May 2016, respectively. A copy of these studies is included as Appendix A-5 in this Initial Study.

4.16.1 Setting

4.16.1.1 *Existing Conditions*

The City certified the Downtown Strategy 2000 Final PEIR in June 2005, which included a comprehensive traffic analysis that identified existing conditions (including conditions anticipated to occur with the implementation of identified roadway improvements already planned and approved for the area). There have not been any substantial modifications to the area transportation facilities in the Downtown Core since certification of the Downtown Strategy 2000 Final EIR.

Roadway Network

Regional Access

State Route 87 (SR 87) is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north/south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site to and from SR 87 is provided via interchanges at Auzerais Avenue and Park Avenue.

Interstate 280 (I-280) extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of Downtown San José. Connections from I-280 to Downtown San José are provided via a full interchange at Bird Avenue and partial interchanges at Seventh Street (no north on-ramp), at Almaden/Vine (ramps to/from north), Market Street (ramp to south) and Fourth Street (ramp to north).

Local Access

First Street is a north-south two-lane, two-way roadway between William and San Carlos Streets, and serves as the eastern boundary of the project site. North of San Carlos Street, First Street is a one-way street in the northbound direction, upon which the Guadalupe Corridor LRT line operates.

Market Street is a north-south four-lane roadway that runs from Julian Street to Reed Street. North of Julian Street, Market Street becomes Coleman Avenue. South of Reed Street, Market Street becomes South First Street.

William Street is an east-west two-lane roadway that runs from west of South Market Street to South 24th Street/McLaughlin Avenue.

Second Street is a three-lane, one-way roadway from San Salvador Street to its terminus with South First Street on the south side of I-280. The roadway is a two-lane, one-way roadway between San Carlos and San Salvador Streets.

Pedestrian and Bicycle Facilities

In the project vicinity, pedestrian facilities include sidewalks and pedestrian signals at signalized intersections. Sidewalks are provided throughout the project area on both sides of all roadways. All of the signalized intersections in the area are equipped with pedestrian signals. Activated flashing side beacons provide improved visibility and safety at the unsignalized crosswalk on Market Street. The crosswalks at the William Street intersections provide pedestrian access to the wedge-shaped pocket park (Parque De Los Pobladores).

Bicycle facilities in the site vicinity include the Guadalupe River Trail approximately 2,000 feet west of the site. Striped bike lanes (Class II) are present on Almaden Boulevard approximately one-quarter mile west of the site. Bike lanes are also provided on S. Third Street and S. Fourth Street east of the site. In addition, the City of San José participates in the Bay Area Bike Share program, which allows users to rent and return bicycles at various popular locations around the downtown area. There are currently 16 Bike Share stations in Downtown San José, one of which is located just 400 feet north of the project site on San Salvador at S. First Street. The San Jose Diridon station also has a Bike Share station.

Transit Service

The Santa Clara Valley Transportation Authority (VTA) operates bus service in Santa Clara County. The local bus routes serving the project area are described below.

Route 66 is a local bus route that provides service between Dixon Landing Road in Milpitas and Kaiser Santa Teresa in south San José via Downtown, along First and Second Streets. The hours of operation are from 5:20 AM to 11:40 PM with 15- to 60-minute headways on weekdays. Weekend service is provided from 6:15 AM to 11:40 PM with 30- to 60-minute headways.

Route 68 provides service between the Diridon Transit Center and Gilroy Transit Center along First and Second Streets in the vicinity of the project site. The hours of operation are from 5:10 AM to 12:10 AM with 15- to 60-minute headways on weekdays. The hours of operation are from 5:50 AM to 12:10 AM with 30- to 60-minute headways on weekends.

Route 82 provides service between Westgate Shopping Center and Downtown San José along First and Second Streets in the vicinity of the project site. The hours of operation are from 6:30 AM to 8:45 PM with 30- to 60-minute headways on weekdays. The hours of operation are from 7:35 AM to 8:50 PM with 45- to 60-minute headways on weekends.

Route 304 provides service between the Santa Teresa LRT Station and the Sunnyvale Transit Center. This route operates along First and Second Streets during the AM and PM weekday commute hours with 30- to 45-minute headways.

Caltrain

Caltrain provides commuter rail services between San Francisco and Gilroy seven days a week and currently operates 92 weekday trains that carry about 58,500 riders on an average weekday. The San José Diridon Station provides 581 parking spaces, as well as 16 bike racks and 48 bike lockers. Trains stop frequently at Diridon Station, approximately 1.6 miles from the site, between 4:30 AM and 10:30 PM in the northbound direction and between 6:28 AM and 1:34 AM in the southbound direction.

ACE

The ACE provides commuter passenger train service across the Altamont between Stockton and San José during the weekdays. ACE stops at the San José Diridon Station four times during both the morning and evening commute hours. ACE trains stop at the Diridon station between 6:32 AM and 9:17 AM in the westbound direction, and between 5:47 PM and 8:50 PM in the eastbound direction.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station eight times during weekdays between approximately 7:40 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during weekdays between 6:40 AM and 7:15 PM.

4.16.1.2 *Applicable Plans, Policies, and Regulations*

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final *Plan Bay Area* in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Bike Plan 2020

The City of San José *Bike Plan 2020* (adopted in 2009) contains policies for guiding the development and maintenance of bicycle and trail facilities within San José, as well as the following goals for improving bicycle access and connectivity: 1) Complete 500 miles of bikeways, 2) Achieve a five percent bike mode share, 3) Reduce bike collision rates by 50 percent, 4) Add 5,000 bicycle parking spaces, and 5) Achieve Gold-Level Bicycle Friendly Community status. The Bike Plan defines a 500 mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Buffered bike lanes (Class II) are planned for Second Street and Third Street from William Street to Humboldt Street. A bike route (Class III) is planned for San Salvador Street between Market Street and 16th Street.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[30] The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. The project is located within the Downtown Core, which is exempt from the City's standard of maintaining LOS D.

[30] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

Envision San José 2040 General Plan

The Circulation Element of the Envision 2040 General Plan contains various long-range goals and policies that are intended to:

- provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- create a city where people are less reliant on driving to meet their daily needs; and
- increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should

Envision San José 2040 Relevant Transportation Policies

Policy	Description
	not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-8.8:	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Action TR-10.4:	In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.3:	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.6:	Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

4.16.2 Transportation Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1-3
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1-3
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1-3
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1-3, 18,19
5. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1-3

The project would not impact air traffic patterns. See *Section 4.8 Hazards and Hazardous Materials* for discussion of the project's compliance with federal aviation regulations.

The project site fronts onto three public roadways which would provide adequate access to the site for emergency vehicles.

4.16.2.1 *Traffic Impacts (Checklist Questions 1 and 3)*

The proposed 308 dwelling units and up to 8,000 square feet of commercial space are part of the 8,500 dwelling units and 1.4 million square feet of retail space included in the Downtown Strategy 2000. The Downtown Strategy 2000 FPEIR concluded that local and regional traffic impacts of all the assumed downtown development would have an impact on 36 intersections and 48 directional freeway segments.

The Level of Service performance standards do not pertain to developments within the Downtown Core Area Boundary. Therefore, the project is not required to prepare a comprehensive Traffic Impact Analysis. However, a Traffic Operational Analysis has been completed in order to identify potential operational issues that could occur as a result of the proposed project (Appendix A-5). The proposed project is part of the planned growth in the downtown area and will not result in any new impacts or impacts of greater severity than were already disclosed in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Significant Impact)]**

4.16.2.2 *Other Transportation Issues (Checklist Questions 1, 4, and 6)*

Bicycle and Pedestrian Facilities

The project includes bike parking facilities for residents and a bike kitchen on the ground floor of the building. The development of the project would not impact or conflict with existing or planned bicycle facilities. The project also proposes to improve walkability by eliminating a curb cut on S. First Street, providing decorative paving on William Street, and planting additional street trees. The proposed project, therefore, will conform to the policies of the Envision 2040 General Plan and will not conflict with adopted plans, policies, or programs related to alternative transportation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Vehicle Queuing

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety impact and for informational purposes (Hexagon Transportation Consultants, February/May 2016). From a CEQA standpoint, there are no thresholds specific to queuing. However, there is a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The following discussion evaluates projected queuing at one intersection adjacent to the site.

Market Street/Balbach Intersection

The intersection of Market Street and Balbach Street was evaluated for vehicle queuing issues for the left-turn movement where the project would add a substantial amount of traffic (northbound left-turn). This analysis also accounted for traffic from The Pierce development and 598 S. First Street development, both of which are located one block south of the project site. The intersection queuing analysis indicates that the existing northbound left-turn pocket storage capacity is not adequate to accommodate the maximum vehicle queues that currently occur during the AM peak hour of traffic. Field observations confirm an occasional storage inadequacy of just one vehicle. The project would increase the vehicle queue by one vehicle during the AM peak hour, for a storage inadequacy of two vehicles under project conditions. Additional vehicle storage could be provided by simply re-striping the northbound left-turn pocket and the signal timing for the northbound left-turn movement during the AM peak hour might have to be increased to clear the entire left-turn vehicle queue in one signal cycle length. The increase in vehicle queuing at this intersection would not represent a significant safety hazard due to the limited number of total vehicles exceeding the left-turn pocket storage capacity and existing signalization of the intersection.

4.16.3 Conclusion

Implementation of the project would result in the same significant impacts to the transportation system as was previously identified in the Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water*

Water service to the project site is provided by San José Water Company. There is an existing 12-inch water line in South Market Street, a 12-inch line in William Street, and a 12-inch line in South First Street. The nearest recycled water line is within East San Fernando Street, just east of South Fourth Street and approximately 0.45 miles north of the project site.[31]

Existing development on the project site consists of a martial arts studio, offices, a dry cleaner, and a surface parking lot. There is also landscaping and a small lawn area in the southern portion of the project site. Water is used for restrooms, break rooms, cleaning services, and landscape irrigation.

4.17.1.2 *Storm Drainage*

As discussed in *Section 4.9 Hydrology and Water Quality*. A 10-inch storm main is located in William Street and connects to a 10-inch storm main in South Market Street. Storm drain lines in the project area are provided and maintained by the City of San José Department of Transportation. Runoff from the site discharges to the Guadalupe River, approximately 1,600 feet west of the project site, and is ultimately conveyed to the San Francisco Bay.

The existing project site is 86 percent impervious and 14 percent pervious.

4.17.1.3 *Wastewater/Sanitary Sewer System*

Sanitary sewer lines in the project area are maintained by the City of San José Department of Transportation. There is an existing eight-inch sewer line in South Market Street and a 12-inch sewer line in South First Street near the project site. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has a capacity to treat 167 million gallons per day (gpd) of sewage during dry weather flow. On average, the RWF treats 110 million gpd of wastewater. [32] The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gpd of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gpd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[33] Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated

[31] South Bay Water Recycling. *Recycled Water Pipeline System.* Map. July 28, 2011.
[32] City of San José. *San José/Santa Clara Regional Wastewater Facility.* May 4, 2010. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663
[33] City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* November 2011.

and replaced by the Department of Public Works. Approximately 4,350[34] gallons per day of sewage is generated from existing uses on the project site.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2026.[35] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL) through December 31, 2020 with the option to extend the contract as long as the landfill is open. The City has an annual disposal allocation for 395,000 tons per year. As of March 2014, NISL had approximately 20.1 million cubic yards of capacity remaining.[36]

GreenTeam of San José provides recycling and garbage collection service to all apartment and condominium complexes in San José. GreenWaste Recovery provides yard trimmings and street sweeping services to all households in the City. Republic Services collects most standard garbage, recycling, and organics from businesses in the City. All San José residential garbage goes to NISL.

4.17.1.5 *Other Utilities*

A natural gas distribution line[37] and buried electrical lines are located within all adjacent streets fronting the project site.

4.17.1.6 *Applicable Plans, Policies, and Regulations*

Assembly Bill 939

Assembly Bill 939 (AB 939) established the CIWMB (now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 required all municipalities to divert 50 percent of the waste stream by the year 2000.

[34] Oberg, John. City of San José. "Re: sq. ft. x coefficient." E-mail to David J. Powers and Associates, Inc. February 4, 2004.
[35] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* May 2011.
[36] McGourty, Scott. Personal communications with Republic Services, Inc. Environmental Manager at NISL. May 19, 2014.
[37] Natural gas distribution lines are smaller than transmission lines.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

Envision San José 2040 Relevant Utilities and Service System Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Envision San José 2040 Relevant Utilities and Service System Policies

Policy	Description
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

4.17.2 Utilities and Service Systems Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-3
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-3
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1-3
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-3
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1-3

4.17.2.1 *Water Service and Supply (Checklist Questions 2 and 4)*

According to the Envision San José 2040 General Plan FPEIR, under buildout conditions, water demand could exceed water supply during dry and multiple dry years after 2025. The certified Envision San José 2040 General Plan FPEIR concluded, however, that with the implementation of existing regulations and General Plan policies, water demand would not exceed water supply.

The project proposes to develop up to 308 residential units and 8,000 square feet of commercial uses, which is consistent with planned growth in the Envision San José 2040 General Plan and the Downtown Strategy 2000. The project shall comply with CalGreen and the City's Private Sector Green Building Policy. Per the City's Private Sector Green Building Policy, the proposed project is required to achieve LEED Certification by incorporating a variety of design features including water conservation measures such as planting drought tolerant landscaping. It is estimated that the project

would have a water demand of approximately 60,242 gpd[38] which is an increase of approximately 55,891 gpd. While the project would require a connection to the existing 12-inch water main in S. Market Street, the project would not require new or expanded water facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 *Storm Drainage (Checklist Question 3)*

Under existing conditions, the site is 86 percent impervious (18,958 square feet). The proposed project would increase the amount of impervious surfaces on-site by 14 percent (3,025 square feet); implementation of the proposed project would result in a 100 percent impervious site. The result of this change would be an incremental increase in the amount of stormwater runoff from the project site.

The Downtown Strategy 2000 FPEIR concluded that with the proposed changes in land use (e.g. development of parks and open spaces), buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. The Envision San José 2040 General Plan FEIR found that although new development could increase impervious surfaces, planned improvements to the City storm drainage system would not result in significant environmental impacts due to the implementation of stormwater BMPs.

The project is consistent with the site's General Plan land use designation and would implement stormwater BMPs; therefore, the project would not require the construction or expansion of stormwater facilities beyond those that were evaluated in the Envision San José 2040 General Plan FPEIR and Downtown Strategy 2000 FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 *Wastewater/Sanitary Sewer System (Checklist Questions 1, 2, and 5)*

The project is estimated to generate 52,090 gpd of sewage[39] which is an increase of approximately 47,739 gpd of sewage. Given the City's existing, remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity at the RWF to accommodate project flows. Moreover, the Envision San José 2040 General Plan Final PEIR concludes that that sewage generated by the buildout of the General Plan would not exceed the City's allocated capacity at the RWF.

The project would require a connection to the existing eight-inch sewer line in South Market Street and 12-inch sewer line in South First Street. Based on recent sewer capacity analyses in the project area, it is estimated the project would contribute up to approximately 7.2 percent of the sewer capacity in the existing line on S. First Street. Sewer upsizing of the South First Street or South

[38] Sewage demand is typically 85 percent of a project's residential water demand. Project water demand for the proposed residential uses is based on the residential sewage generation of 46,200 gpd and, therefore, is estimated to be 54,353. Water demand for the proposed commercial/retail uses is estimated to be 5,890 gpd. (Source: Edwards, DJ. Personal communications with JMH Weiss, Inc. October 2015.)

[39] Project sewage generation was based on the sewage generation rate of 150 gpd per unit for residential uses (i.e. 150 x 308 = 46,200). Commercial uses on-site are anticipated to generate approximately 5,890 gpd of sewage. (Source: Edwards, DJ. Personal communications with JMH Weiss, Inc. October 2015.)

Market Street line may be required after further analysis is conducted on the existing flows in the sewer line. The improvements for the sanitary sewer connection would occur on-site and within existing right-of-way and, therefore, are not anticipated to result in significant environmental impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 *Solid Waste (Checklist Questions 6 and 7)*

The proposed project would intensify the uses on the site and increase the amount of solid waste generated on-site compared to existing uses. The Envision San José 2040 General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The proposed project is consistent with the development assumptions evaluated in the General Plan and General Plan FPEIR. Implementation of the proposed project, therefore, would have a less than significant impact on the City's solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.5 *Other Utilities*

The proposed project would connect to existing natural gas and electrical lines in the roadways adjacent to the site. All work would occur within the project site and the existing right-of-way, and the project would implement all applicable policies relating to construction stormwater runoff, dust controls, and noise. Therefore, the project would not result in a significant environmental impact related to improvements for these facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 Conclusion

Implementation of the proposed project would have the same less than significant utilities and service system impacts as previously identified in the Downtown Strategy 2000 FPEIR and would be consistent with the Envision San José 2040 General Plan. The proposed project would not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. Work to connect the proposed development to existing utilities would be completed either on the project site or in existing rights-of-way. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐	☐	Pgs. 18-163
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐	☐	Pgs. 18-163
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	Pgs. 18-163
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	Pgs. 18-163

4.18.1 Project Impacts

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitat or species. There are historic buildings on-site and potentially historic structures in the immediate project vicinity and a potential for buried archaeological resources on-site. Construction of a 25-story tower on the site, as discussed in *Section 4.1 Aesthetics* and *Section 4.5 Cultural Resources*, could result in greater impacts to aesthetics and cultural resources than previously disclosed in the Downtown Strategy 2000 FPEIR. A Supplemental Environmental Impact Report will be prepared by the City of San José to address these impacts and appropriate mitigation, and possible alternatives to the project as proposed.

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Because a project's criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified project-level thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants and, therefore, would not make a substantial contribution to cumulative air quality impacts. The project conforms to the City's adopted Greenhouse Gas Reduction Strategy and, therefore, would not result in a significant impact due to GHG emissions.

The proposed project was analyzed for cumulative health risk associated with construction-related emissions. Results of the analysis show that the project would not contribute to cumulative health risks (refer to *Section 4.3 Air Quality* and Appendix A-1).

With the implementation of the identified mitigation measures and standard permit conditions, the project would not impact, geology and soils, hazardous materials, hydrology and water quality, and noise and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project's cumulative impact on biological resources, land use, population and housing, public services, recreation, and transportation were analyzed in the certified Downtown Strategy 2000 Final PEIR.

The project may contribute to cumulative aesthetic impacts on the historic character of Downtown areas resulting from modifications to historic buildings within a potential historic district. Modifications to the historic buildings on site also may affect their contribution to a potential historic district which could be a cumulative impact and will be addressed further in the Supplemental EIR for the proposed project.

The project would contribute to the significant cumulative transportation impacts that would occur under full build-out of the Downtown Strategy 2000 and Envision San José 2040 General Plan. The project would not result in any new or more significant cumulative impacts than the approved projects. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for both plans.

The Diridon Station Area Plan, which incorporates planned job and housing capacity identified in the Envision 2040 General Plan for the Downtown, Midtown Specific Plan, and "VT4 – the Alameda (East)" Urban Village, was recently adopted by the City of San José. The City also approved development of 2,200 residential units on Communications Hill which is consistent with Envision 2040 General Plan. Urban Village planning is also underway for approximately nine Urban Villages, excluding the Diridon Station Area Plan, to determine the exact location of the jobs and housing capacity assumed for the villages in the Envision 2040 General Plan. There are no other recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by the General Plan Final EIR or Downtown Strategy Final EIR.

4.18.3 Short-term Environmental Goals vs. Long-term Environmental Goals

The project site is currently developed with three commercial buildings and a surface parking lot. The project proposes to redevelop the site with a mixed-use residential tower including ground floor commercial space, consistent with the long-term goals for the site outlined in the Envision San José 2040 General Plan and the Downtown Strategy 2000. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to develop a currently underutilized, infill location in Downtown San José, and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals for this Downtown site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy. The project shall incorporate a

variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use, conserve water, and achieve a minimum of LEED Certification.

With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

Checklist Information Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. *Envision San José 2040 General Plan FPEIR*. November 2011.
3. City of San José. *Downtown Strategy 2000 FPEIR*. November 2005.
4. City of San José. *Zoning Ordinance*.
5. California Department of Conservation. *Santa Clara County Important Farmland 2012*. Map.
6. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.
7. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2011.
8. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* Updated May 2012.
9. Illingworth & Rodkin, Inc. *470 S. Market Draft Air Quality & Greenhouse Gas Emissions Assessment.* December 21, 2015.
10. County of Santa Clara. *Final Santa Clara Valley Habitat Plan*. August 2012.
11. Holman & Associates, Inc. *Results of an Archaeological Literature Search for the 470 S. Market Street*. December 11, 2015.
12. BAGG Engineers. *Preliminary Geotechnical Engineering Investigation Proposed Gateway Tower Residential Structure 470 South Market Street, San José, California.* December 16, 2015.
13. AEI Consultants. *Phase I Environmental Site Assessment.* November 6, 2015.
14. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011.
15. California Department of Forestry and Fire Protection. San José VHFHSZ Map. October 8, 2008. Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php. Accessed December 2, 2015.
16. Federal Emergency Management Agency. *Flood Insurance Rate Map. Panel 06085C0234H*. May 18, 2009.
17. Illingworth & Rodkin, Inc. *Environmental Noise Assessment Gateway Tower 470 South Market Street.* December 11, 2015.
18. Hexagon Transportation Consultants. *Traffic Operations Study for 470 S. Market St. Residential Project.* February 18, 2016.
19. Hexagon Transportation Consultants. *Supplemental Traffic Study for 470 S. Market St. Residential Project.* May 5, 2016.

SECTION 5.0 REFERENCES

ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013. Available at: <http://onebayarea.org/about/faq.html#.UQceKR2_DAk>

AEI Consultants. *Phase I Environmental Site Assessment.* November 6, 2015.

BAGG Engineers. *Preliminary Geotechnical Engineering Investigation Proposed Gateway Tower Residential Structure 470 South Market Street, San José, California.* December 16, 2015.

Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2011.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* Updated May 2012.

C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California.*

California Department of Conservation. *Santa Clara County Important Farmland 2012.* Map.

California Department of Finance. *Table 2: E-5 City/County Population and Housing Estimates.* January 1, 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php. Accessed October 13, 2015.

California Department of Forestry and Fire Protection. San José VHFHSZ Map. October 8, 2008. Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php. Accessed December 2, 2015.

California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan*. Available at: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

California Geological Survey. *Seismic Hazard Zones, San José West Quadrangle*. February 2002.

City of San José. *Communications Hill 2 Project Final Environmental Impact Report*. August 2014.

City of San José. *Diridon Station Area Plan Final Environmental Impact Report*. April 2014.

City of San José. *Downtown Strategy 2000 FPEIR.* November 2005.

City of San José. *Envision San José 2040 General Plan FPEIR*. November 2011.

City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

City of San José. *Historic Resources Inventory*. November 10, 2015.

City of San José Police Department. *Official Crime Statistics*. 2015. Accessed July 6, 2015. Available at: http://www.sjpd.org/CrimeStats/crimestats.html

City of San José. *San José/Santa Clara Regional Wastewater Facility*. May 4, 2010. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663

City of San José. *Zoning Ordinance*.

County of Santa Clara. *Final Santa Clara Valley Habitat Plan*. August 2012.

Federal Emergency Management Agency. *Flood Insurance Rate Map. Panel 06085C0234H*. May 18, 2009.

Hexagon Transportation Consultants. *Traffic Operations Study for 470 S. Market St. Residential Project*. February 18, 2016.

Hexagon Transportation Consultants. *Supplemental Traffic Study for 470 S. Market St. Residential Project*. May 5, 2016.

Holman & Associates, Inc. *Results of an Archaeological Literature Search for the 470 S. Market Street*. December 11, 2015.

Illingworth & Rodkin, Inc. *470 S. Market Draft Air Quality & Greenhouse Gas Emissions Assessment*. December 21, 2015.

Illingworth & Rodkin, Inc. *Environmental Noise Assessment Gateway Tower 470 South Market Street*. December 11, 2015.

San José Unified School District. *Development Fee Justification Study*. April 2014.

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. May 2011.

Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport*. May 2011.

Santa Clara Valley Water District. *Groundwater Management Plan*. Figure 2-3. 2012.

South Bay Water Recycling. *Recycled Water Pipeline System*. Map. July 28, 2011.

U.S. Census Bureau. *2009-2013 American Community Survey 5-Year Estimates, Table S2301 – Employment Status*. Available at: http://factfinder.census.gov/faces/nav/jsf/pages/download_center.xhtml. Accessed October 20, 2015.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

Lead Agency

City of San José
Department of Planning, Building, and Code Enforcement
Harry Freitas, Director
Meenaxi Panakkal, Supervising Planner
Tracy Tam, Planner
Thai-Chau Le, Planner I

Consultants

David J. Powers & Associates
Environmental Consultants and Planners
Nora Monette, Principal
Will Burns, AICP, Project Manager
Ryan Shum, Assistant Project Manager
Zach Dill, Graphic Artist

Digital Imaging Studio
Photosimulations
Patrick Ghiringhelli, Director

Holman Associates
Cultural Resource Consultants
Sunshine Psota, Senior Associate