Initial Study – Appendix A

Museum Place Mixed-Use Project

File No. H16-024

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

February 2017

TABLE OF CONTENTS

TABLE OF CONTENTS

FIGURES

TABLES

TABLE OF CONTENTS

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study (IS) 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 IS, as part of the SEIR, is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

On June 21, 2005, the City Council certified the Downtown Strategy 2000 Final Environmental Impact Report (FEIR) (Resolution No. 72767) and adopted the Downtown Strategy 2000 which provided a vision for future housing, office, commercial, and hotel development within the downtown area consistent with the San José 2020 General Plan. Downtown Strategy 2000 is a strategic redevelopment plan that initially anticipated a planning horizon of 2000–2010 that focused on the revitalization of downtown San José by supporting higher density infill development and replacement of underutilized properties. While the planning horizon of the Downtown Strategy 2000 was 2010, implementation of the plan was delayed due to economic conditions including the Great Recession of 2008. As part of the 2005 FEIR's analysis, the traffic analysis projected traffic conditions to 2020, which has turned out to be a more realistic timeframe for full implementation of the plan.

The Downtown Strategy 2000 has a development capacity of 8,500 residential units, with 7,500 allowed in Phase 1. At the time the NOP for the proposed Museum Place Mixed-Use Project was circulated, these development levels had not been met including constructed, approved, and projects currently on file.

The 2005 Downtown Strategy 2000 FEIR evaluated all environmental impacts, including traffic, noise, air quality, biological resources, and land use at a program (General Plan) level. The program-level environmental impacts were updated as part of the Envision San José 2040 General Plan EIR as supplemented (2015). Therefore, the 306 residential units, 222,797 combined square feet of retail and office space, and 184 hotel rooms included in the proposed project have been evaluated in the 2005 Downtown Strategy 2000 FEIR at a program level.

Further, an Addendum to the Downtown Strategy 2000 FEIR was prepared in July 2016 which updated traffic conditions a decade after the 2005 FEIR was certified, and determined that no new impacts would occur related to the construction of Phase 1 of the Downtown Strategy 2000 (7,500 residential units). Utilizing 2014–2015 traffic counts and the City's updated CUBE model, it was determined that up to 7,500 units could be constructed within downtown without resulting in new or different traffic impacts than had been analyzed in the 2005 Downtown Strategy 2000 FEIR. For this reason and those described above, the Downtown Strategy 2000 FEIR continues to be an accurate evaluation of program-level impacts of proposed Phase 1 development projects downtown, of which this project is a part.

While traffic impacts of the Downtown Strategy 2000 were evaluated at a project- or site-specific level and recently updated in 2016, the 2005 Downtown Strategy 2000 FEIR's analysis assumed that project-level site-specific environmental issues for a given parcel proposed for redevelopment would

require additional review. This IS, completed as part of the Supplemental EIR (SEIR) for the proposed project, provides that subsequent project-level environmental review.

The Downtown Strategy 2000 FEIR was a broad range, program-level environmental document. The FEIR did, however, develop project level information whenever possible, such as when a particular site was identified for a specific size and type of development. The FEIR also identified mitigation measures and adopted Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project specific supplemental environmental review.

In 2011, the City of San José approved the Envision San José 2040 General Plan, which is a long-range program for the future growth of the City. The Envision San José 2040 General Plan EIR as supplemented, was a broad range analysis of the planned growth and did not analyze specific development projects. The intent was for the Envision San José 2040 General Plan EIR as supplemented, to be a program level document from which subsequent development consistent with the General Plan could tier.

This IS has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the Downtown Strategy 2000 and the Envision San José 2040 General Plan.

Tiering From Previous EIRs

In accordance with CEQA, this Initial Study, as part of the SEIR, will be a supplement to the 2005 Downtown Strategy 2000 FEIR and tier from both the Envision San José 2040 General Plan EIR as supplemented, and the 2005 Downtown Strategy 2000 FEIR. The CEQA Guidelines contain the following information on tiering an environmental document:

> **§ 15152 – Tiering.** (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the EIR or negative declaration solely on the issues specific to the later project.
>
> (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequences of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

This IS and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Museum Place Mixed-Use Project

2.2 PROJECT LOCATION

The 2.35-acre project site is comprised of one parcel located on Park Avenue between South Market Street and South Almaden Boulevard in downtown San José. The project site is shown on the following figures:

Figure 2.2-1 Regional Map
Figure 2.2-2 Vicinity Map
Figure 2.2-3 Aerial Photograph with Surrounding Land Uses

2.3 LEAD AGENCY CONTACT

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Department of Planning, Building and Code Enforcement
David Keyon
David.keyon@sanjoseca.gov
(408) 535-7898
200 E. Santa Clara Street
San José, CA 95113

2.4 PROPERTY OWNER/PROJECT APPLICANT

Property Owner: City of San José
Applicant: Insight Reality Co.
333 W. Santa Clara Street, #805
San Jose, CA 95113

2.5 ASSESSOR'S PARCEL NUMBERS

259-42-023

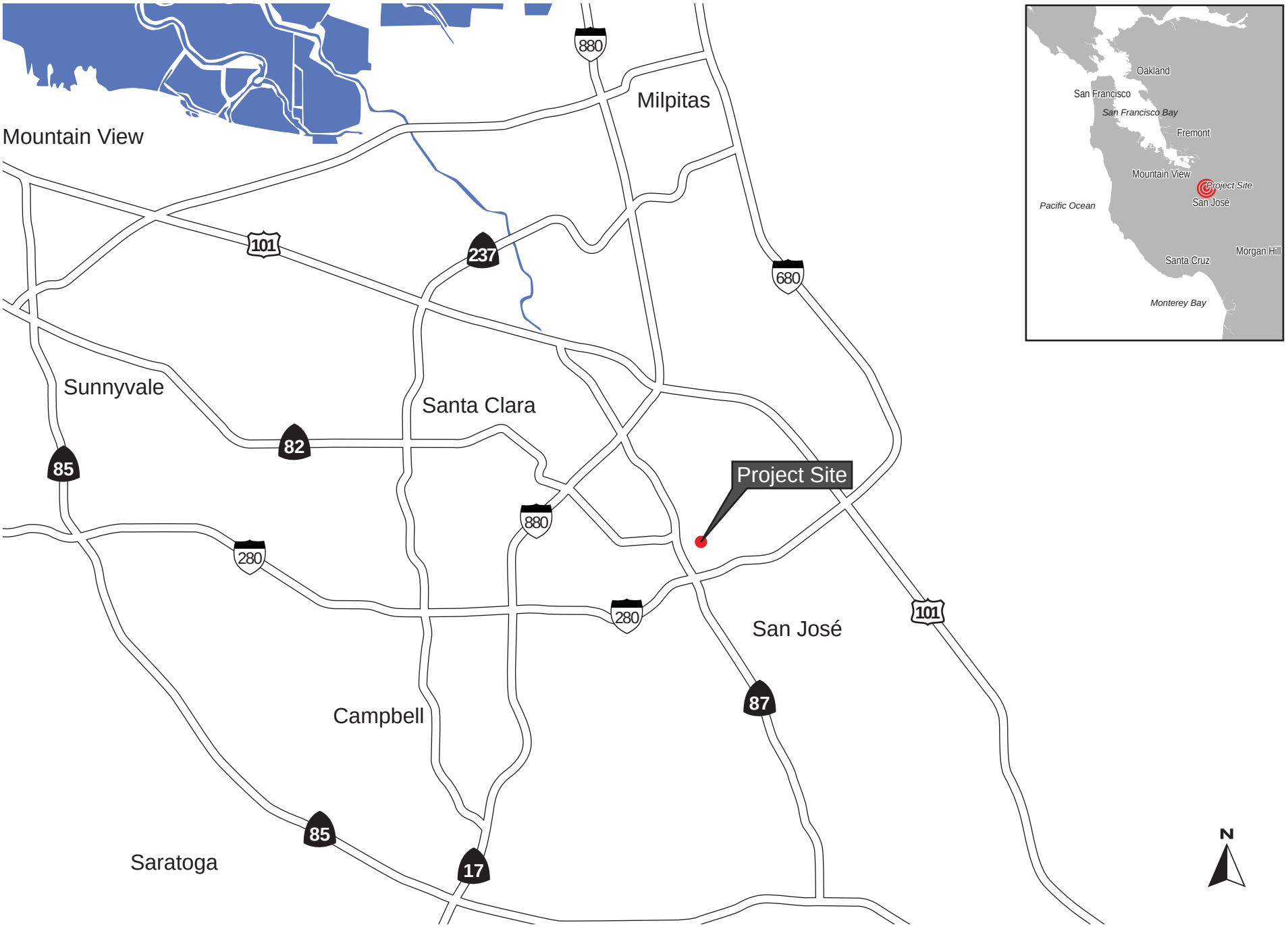
2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

The site is currently designated Public/Quasi-Public under the City of San José's adopted General Plan and zoned DC – Downtown Commercial.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

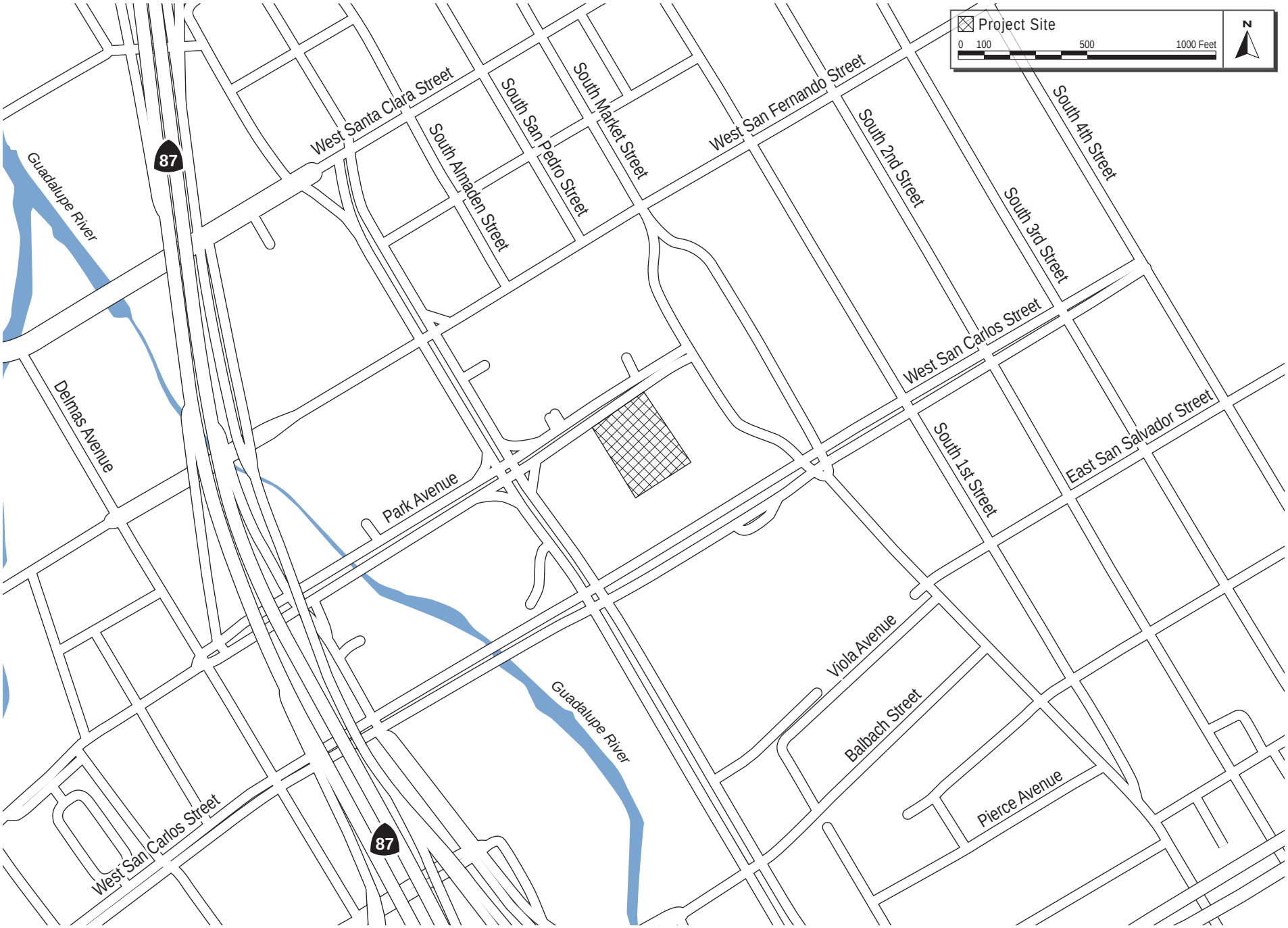
- Architectural Review
- Grading Permit(s)
- Building Permit(s), including Demolition Permit

- Site Development Permit
- Disposition and Development Agreement



REGIONAL MAP

FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

The approximate 2.35-acre project site is comprised of a single parcel (APN 259-42-023) located on Park Avenue between South Market Street and South Almaden Boulevard in downtown San José. Currently, most of the site is occupied by a stand-alone facility (Parkside Hall) and the adjacent Tech Museum of Innovation (The Tech Museum or The Tech). The project site (the entire parcel) is currently designated Public/Quasi-Public under the City of San José's adopted General Plan and is located in the DC – Downtown Commercial zoning district.

3.2 PROJECT OVERVIEW

As proposed, the project would demolish Parkside Hall, approximately 30,000 square feet, and construct a 270-foot tall, 1.16 million square feet, mixed-use building with residential units, hotel rooms, and office and retail space. The building would also include an expansion of the Tech Museum. The first floor would contain the main lobby area, retail space, and museum expansion (refer to Figure 3.0-1 Site Plan). Floors two through five would consist of office space. Floors six through 10 would contain the hotel rooms and floors 11 through 24 would contain the residential units (see Figure 3.0-2 Conceptual Cross Section). The proposed building elevations are shown in Figure 3.0-3 to Figure 3.0-5 below.

As mentioned above, the project site is designated Public/Quasi-Public under the City of San José's adopted General Plan and has a zoning designation of DC – Downtown Commercial.

The Public/Quasi-Public designation is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. Joint development projects such as an integrated convention center/hotel/restaurant complex are allowed. The project's consistency with the Envision San José 2040 General Plan and zoning designation is discussed in detail in the SEIR.

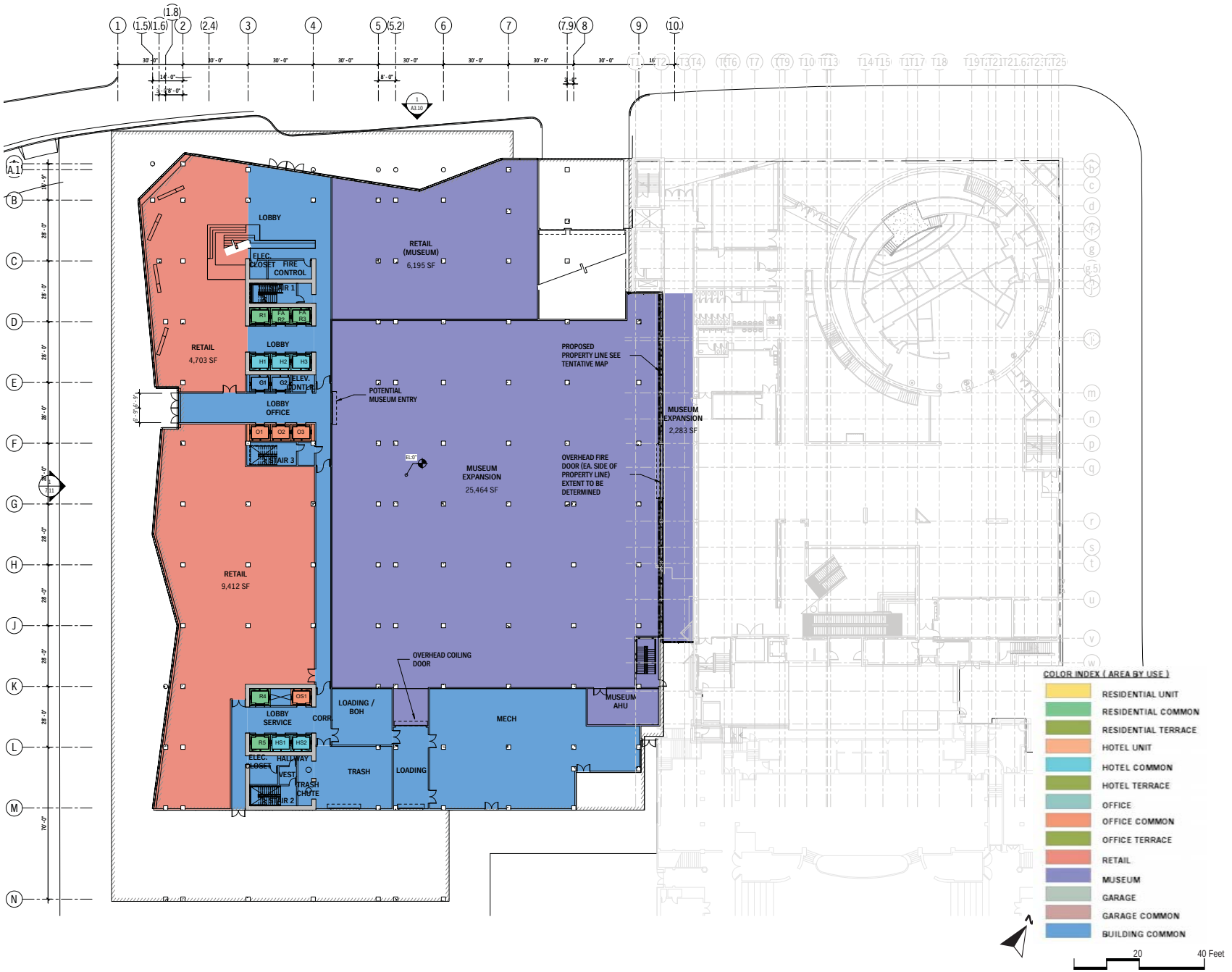
The Downtown Commercial zoning district allows multi-family residential as a permitted use provided the General Plan designation allows residential development. Based on the Downtown Commercial zoning, development shall only be subject to height limitations necessary for the safe operation of Norman Y. Mineta San José International Airport. There are no minimum setbacks requirements.

The primary project components are described below.

3.3 PROJECT COMPONENTS

3.3.1 Museum Expansion

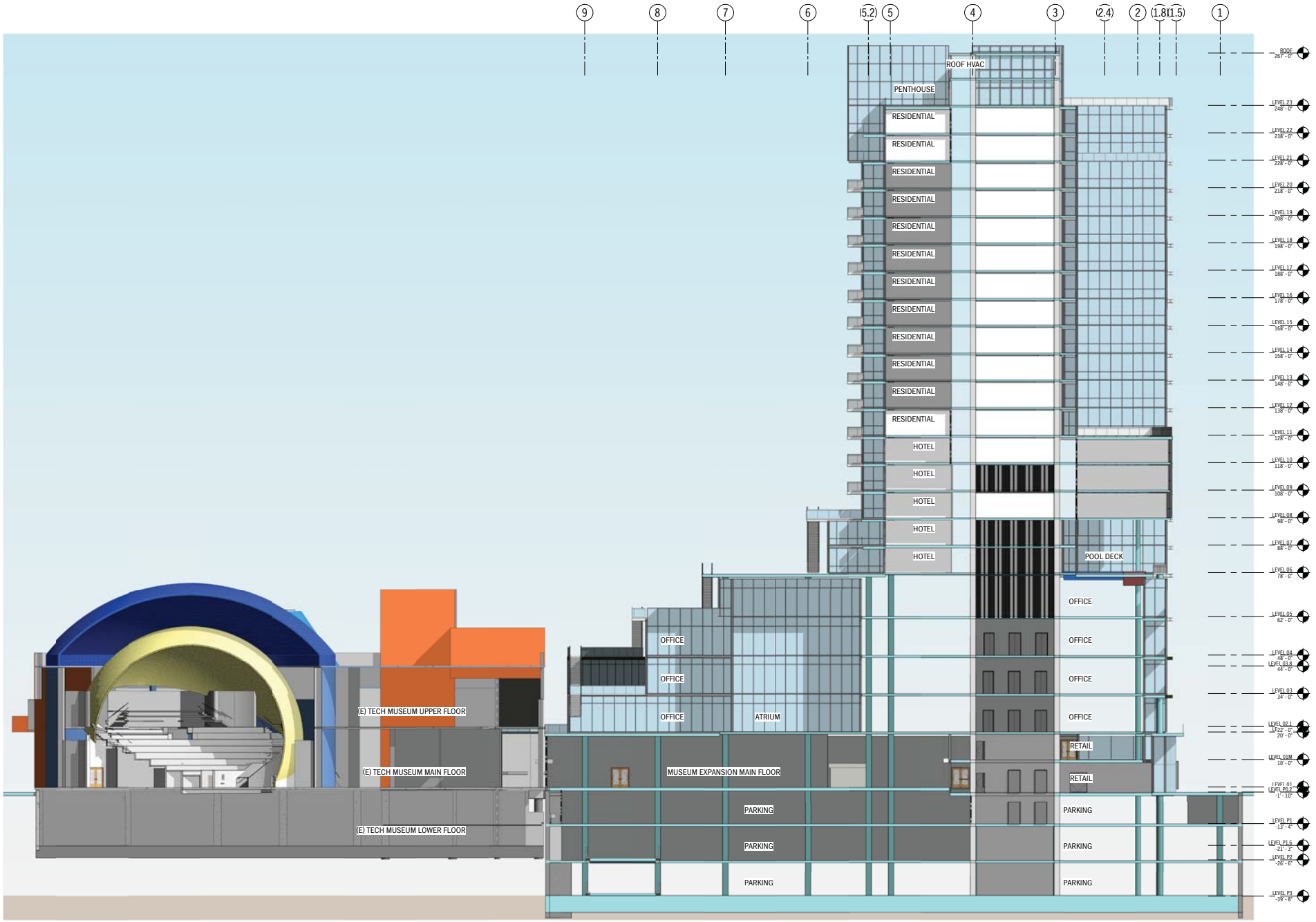
The Tech Museum contains approximately 132,000 square feet of space. The project proposes to expand the museum by 60,000 square feet by developing a portion of the second floor and first



Source: Steinberg., 6/30/2016.

CONCEPTUAL SITE PLAN (GROUND LEVEL)

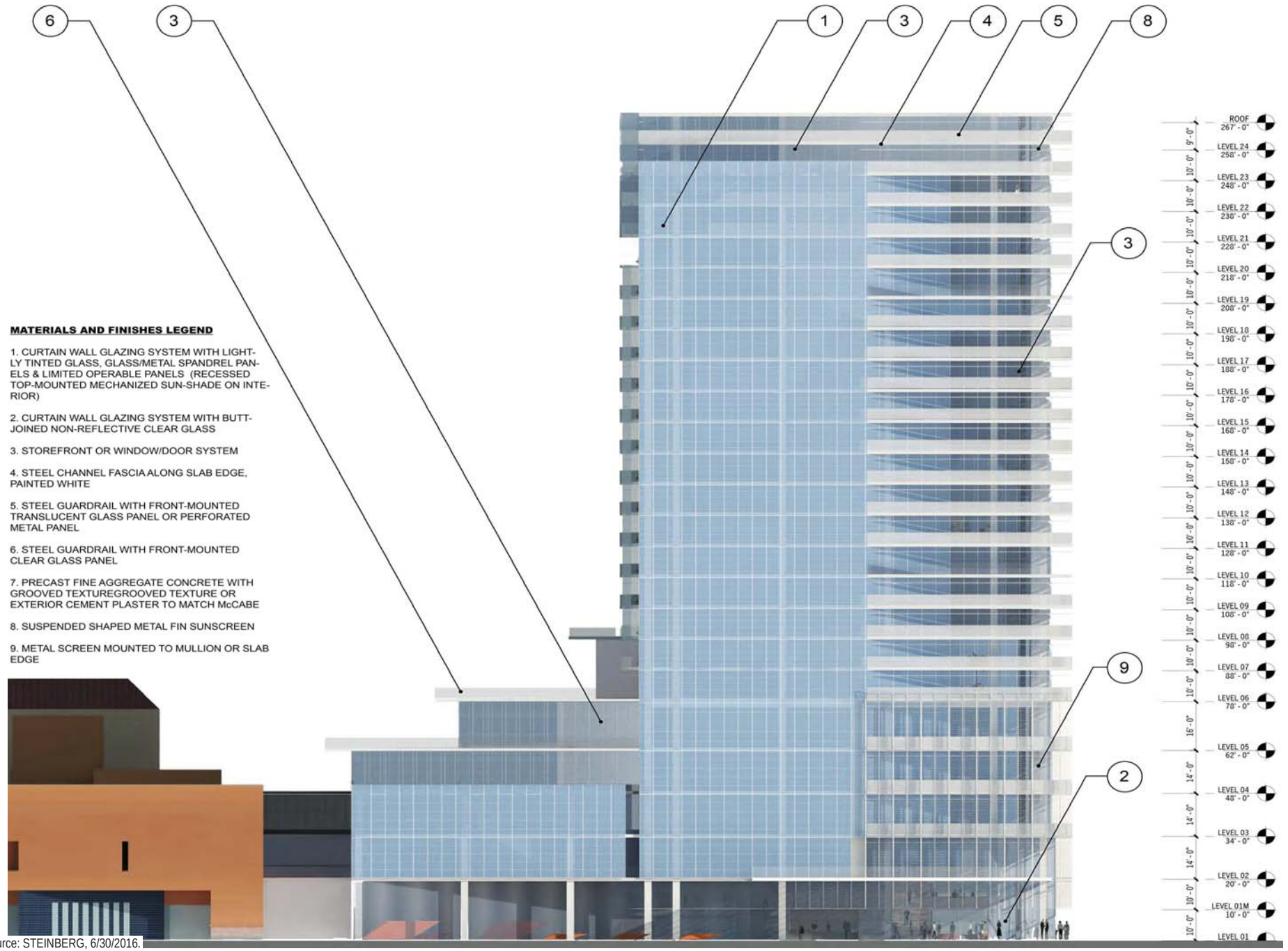
FIGURE 3.0-1



Source: Steinberg., 1/23/2017.

BUILDING CROSS SECTION

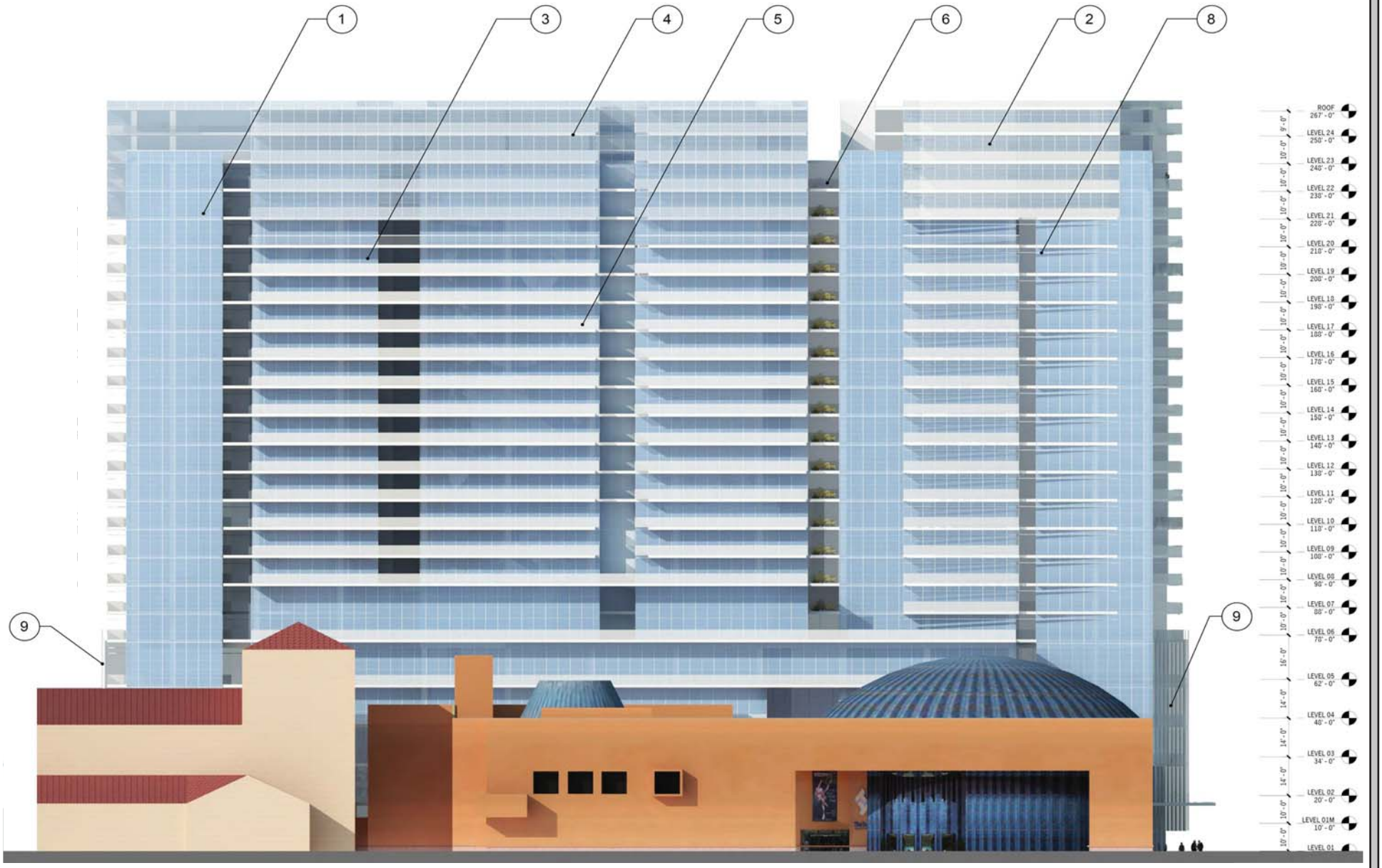
FIGURE 3.0-2



Source: STEINBERG, 6/30/2016.

BUILDING ELEVATION - PARK AVENUE

FIGURE 3.0-3



MATERIALS AND FINISHES LEGEND

1. CURTAIN WALL GLAZING SYSTEM WITH LIGHTLY TINTED GLASS, GLASS/METAL SPANDREL PANELS & LIMITED OPERABLE PANELS (RECESSED TOP-MOUNTED MECHANIZED SUN-SHADE ON INRIOR)

2. CURTAIN WALL GLAZING SYSTEM WITH BUTT-JOINED NON-REFLECTIVE CLEAR GLASS

3. STOREFRONT OR WINDOW/DOOR SYSTEM

4. STEEL CHANNEL FASCIA ALONG SLAB EDGE, PAINTED WHITE

5. STEEL GUARDRAIL WITH FRONT-MOUNTED TRANSLUCENT GLASS PANEL OR PERFORATED METAL PANEL

6. STEEL GUARDRAIL WITH FRONT-MOUNTED CLEAR GLASS PANEL

7. PRECAST FINE AGGREGATE CONCRETE WITH GROOVED TEXTUREGROOVED TEXTURE OR EXTERIOR CEMENT PLASTER TO MATCH McCAB

8. SUSPENDED SHAPED METAL FIN SUNSCREEN

9. METAL SCREEN MOUNTED TO MULLION OR SI EDGE

Source: STEINBERG, 6/30/2016.

BUILDING ELEVATION - SOUTH MARKET STREET

FIGURE 3.0-4

MATERIALS AND FINISHES LEGEND

1. CURTAIN WALL GLAZING SYSTEM WITH LIGHTLY TINTED GLASS, GLASS/METAL SPANDREL PANELS & LIMITED OPERABLE PANELS (RECESSED TOP-MOUNTED MECHANIZED SUN-SHADE ON INTERIOR)

2. CURTAIN WALL GLAZING SYSTEM WITH BUTT-JOINED NON-REFLECTIVE CLEAR GLASS

3. STOREFRONT OR WINDOW/DOOR SYSTEM

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8. SUSPENDED SHAPED METAL FIN SUNSCREEN

9. METAL SCREEN MOUNTED TO MULLION OR SLAB EDGE

Source: STEINBERG, 6/30/2016.

BUILDING ELEVATION - WEST SAN CARLOS STREET

FIGURE 3.0-5

below-grade parking level for use by the Tech Museum as additional display and storage space. A retail space would also be included along Park Avenue. This area would be connected to the Tech Museum to allow access from both the proposed building and the existing building (refer to Figure 3.0-1).

3.3.2 Office and Retail

The project proposes to develop approximately 209,395 square feet of office space on floors two through five. In addition, the common area and terrace area would have a combined total of 30,334 square feet. The project proposes up to 13,402 square feet of retail space on the ground level, along the western building façade, adjacent to the pedestrian paseo. The retail space(s) would have access directly from the adjoining paseo. The office would have its own ground level entrance lobby, with access from the pedestrian paseo, but would have dedicated elevators and stairwells to the office floors above.

3.3.3 Residential and Hotel

The project proposes to develop up to 306 residential units with a combined total of approximately 294,931 square feet. As shown on Figure 3.0-1, the residential units are proposed on floors 11 through 24. The residential common area and terrace area would have a combined total of 136,304 square feet.

The project proposes to develop up to 184 hotel rooms with a combined total of approximately 92,456 square feet. As shown on Figure 3.0-1, the hotel rooms are proposed on floor six through 10. An outdoor terrace area with a swimming pool are being proposed on the sixth floor. Other hotel amenity space would be located on floors six, seven, and eight of the site, but the uses have not yet been defined. The total common area and terrace area for the hotel would be approximately 74,079 square feet.

The residences and hotel would share a lobby at the northwest corner of the building, but would have dedicated elevators for each use.

3.3.4 Site Access and Parking

Pedestrian access to the project site would be provided via existing sidewalks on the project frontage along Park Avenue and a paseo located along the western edge of the project site.

The project proposes a three-story below-grade parking garage with a total of 1,000 parking stalls. Mechanical lift parking is being proposed on each of the parking levels and all parking in the garage would be valet only. A residential and hotel drop-off/pick-up area would be located on the first floor. Vehicles for the office use would enter the parking garage and make an immediate right-turn down to the second level drop-off/pick-up area. Vehicular access to the parking garage would be provided via a proposed driveway on Park Avenue. The parking garage would include two standard parking spaces, 454 mechanical two-space-lifts (908 spaces total), and 90 parking stalls within the drive aisles of levels two and three.

3.3.5 Green Building Measures

The proposed project would be required to build to the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32.

3.3.6 Construction

It is anticipated that the project would be constructed over an approximate 39-month period. The site would be excavated to a depth of approximately 39 feet for the three-story below-grade parking garage. It is estimated that construction of the project would require an export of approximately 150,000 cubic yards of soil.

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as potential environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all potentially significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as "Avoidance Measures." The reference to "Approved Project" refers to the Envision San José 2040 General Plan and the Downtown Strategy 2000.

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) versus 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 impacts of the project on the environment, this chapter will discuss issues that relate 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, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 Project Site

The project site is currently occupied with a one-story public exhibit building referred to as Parkside Hall. The building has minimalist modern design elements and unadorned stucco clad walls. The entrance to Parkside Hall is located on Park Avenue, through the Tech Museum building. The façade of the building facing Park Avenue has no distinguishing architectural features and is visually obscured by mature trees (see Photo 1). Further west of the building is a wide pedestrian paseo with decorative pavement and lined with trees. A loading dock area, shared between Parkside Hall, City National Civic, and McCabe Hall is located south of the building and can be accessed by the paseo (see Photo 2).

4.1.1.2 Surrounding Land Uses

Development and uses in the project area are a mix of commercial, hotel, office, and public land uses. The buildings in the immediate area vary in height from one to nine stories and utilize a variety of architectural styles and building materials.

North of the project site is Park Avenue, a four-lane roadway with a raised center median planted with trees. North of the roadway are four commercial buildings. The westernmost building is a single-story building in the Brutalist style with prominent cement columns flanking a recessed glass entrance (see Photo 3). East of this building is a six-story commercial building which is comprised of ground floor retail fronting a five-level parking structure. The top floor is a restaurant. The store front has typically glass panes with a prominent eave overhanging the sidewalk. The most prominent feature is the elevator enclosure which appears as tower with a large clock (see Photo 4). Adjacent to the six-story building is a three-story commercial building comprised of dark glass panes framed with thin cement columns that run from the ground level to the bottom of the large eave (see Photo 5). The easternmost building is two stories and comprised of two large cement wings on either side of a recessed entrance. The entrance is further defined by a free-stranding, arched pergola (see Photo 6).

The Tech Museum adjoins the east side of the project site, occupying the corner of S. Market Street and Park Avenue. Although only three stories, the Museum is a visually prominent building in the project area. The building is primarily orange stucco with stone facing on the lower two feet of the building (see Photo 7). The main entrance is highlighted by the IMAX Theater located inside the building. The theater has a rounded wall which is exposed on the building façade and covered in blue tiles (see Photo 8). The dome of the theater is visible above the roofline. All secondary entrances are also highlighted with blue paint and or blue tiles. East of the Tech Museum is Plaza de César Chávez, a 2.3-acre park located between San Fernando and San Carlos Streets. Plaza de César Chávez separates the northbound and southbound travel lanes of Market Street in the project vicinity (see Photo 9).

PHOTO 1: View of the paseo (pedestrian walkway), looking south from Park Avenue.

PHOTO 2: View of the truck loading area, looking east from the paseo.

PHOTOS 1 AND 2

PHOTO 3: View of the westernmost building, looking northwest from Park Avenue.

PHOTO 4: View of the surrounding development, looking north from Park Avenue.

PHOTOS 3 AND 4

PHOTO 5: View of the surrounding buildings, looking northwest from Park Avenue.

PHOTO 6: View of the easternmost building, looking northwest from Park Avenue.

PHOTOS 5 AND 6

PHOTO 7: View of The Tech Museum of Innovation, looking northwest from South Market Street.

PHOTO 8: View of The Tech Museum of Innovation and IMAX Theater, looking southwest from South Market Street.

PHOTOS 7 AND 8

PHOTO 9: View of Plaza de César Chavéz, looking northeast from South Market Street.

PHOTO 10: View of City National Civic (a designated City Landmark), looking northeast from West San Carlos Street.

PHOTOS 9 AND 10

PHOTO 11: View of McCabe Hall (a Structure of Merit), looking northwest from West San Carlos Street.

PHOTO 12: View of the surrounding building, looking north from West San Carlos Street.

PHOTOS 11 AND 12

PHOTO 13: View of the surrounding development, looking southeast at the corner of Park Avenue.

PHOTO 13

Immediately south of the project site is the City National Civic performing arts center, a designated City Landmark, and McCabe Hall, a Structure of Merit, attached to its western edge. The historic City National Civic is a two- to three-story building with a four-story tower (see Photo 10). The southern façade of the City National Civic has a colonnade with arched openings supported by columns. The building has decorative iron railings, a red tile roof, and a large blue City National Civic sign on the southern façade of the building. McCabe Hall, a one-story structure, was designed in a complementary style to mimic the original design of the City National Civic performing arts center (see Photo 11).

Just west of McCabe Hall is the Hyatt Hotel, a nine-story glass and stucco building with minimal architectural features (see Photo 12). Immediately north of the hotel is a two-story parking structure. The parking structure has a large setback from the street with mature landscaping partially obscuring the view of the structure.

Immediately west of the project site is a two-story cement structure which was previously occupied by a bank. The building is boarded up and the architectural features are not obvious (see Photo 13). The landscape setback between the building and the sidewalk is barren except for a few trees. A small surface parking lot is located adjacent to the east side of the building.

4.1.1.3 Scenic Views

The project site and surrounding area are flat and do not provide scenic views of the Diablo foothills to the east or the Santa Cruz Mountains to the west. The project area has been developed and redeveloped for over 100 years. There are about 30 mature oak trees in Plaza de César Chávez and the immediate vicinity. A Deodar cedar at the corner of Market and San Carlos is a designated heritage tree. No natural scenic resources, such as rock outcroppings, are present on the site or in the project area.

4.1.1.4 Applicable Aesthetics Regulations and Policies in the General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to visual character and scenic resources and applicable to the proposed project.

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-1.8: Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

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-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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-6.2: Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.

4.1.2 Environmental Checklist and Discussion of 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:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-4
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-4

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 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 Envision San José 2040 General Plan, the Envision San José 2040 General Plan EIR as supplemented, and the Downtown Strategy 2000 EIR.

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR, as supplemented, the proposed project would result in less than significant aesthetics impacts, as described below.

4.1.2.1 Aesthetic Impacts *(Checklist Question a – d)*

The proposed project is located within a densely developed urban area of commercial and office land use that has no designated scenic resources.

Scenic Vistas and Resources

Most of the City is relatively flat and prominent views, other than buildings, are limited. The project area, in particular, has minimal to no scenic views due to the existing built environment and no designated scenic resources. The construction of a 24-story building on-site would not diminish scenic views in the project area or damage any designated scenic resources, because there are no scenic views or scenic resources in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Visual Character

The proposed 24-story tower would be the tallest building in the immediate project area and, as such, would be visible from the roadways and the surrounding properties. As described above, the project site is surrounded by a multitude of architectural styles and building heights. Figure 4.1-1 shows an artist rendition of the proposed project and surrounding buildings.

The Downtown Strategy 2000 EIR does not identify the project site as being within a designated scenic area. It does, however, identify urban design concepts that are applicable to the proposed project. Specifically, the Downtown Strategy 2000 EIR identifies the need to 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. In addition, the Downtown Strategy 2000 EIR identifies the need to make streetscape improvements (such as landscaping, shade trees, lighting, public art, street furniture, etc.) to enhance and increase pedestrian and transit use. Lastly, every effort should be made to incorporate existing historic landmark structures into future development plans for their sites and the surrounding area. These design concepts are intended to enhance the overall visual character of the downtown area.

Consistent with these design concepts, the project proposes pedestrian scale development along Park Avenue and the pedestrian paseo, which would be the primary pedestrian pathways around the project site. The bicycle parking areas and lobbies for the building would be located on both Park

Source: Steinberg, 1/23/17.

RENDERING OF PROJECT SITE AND SURROUNDING BUILDINGS FIGURE 4.1-1

Avenue and the paseo. Retail shops would be located along the entire paseo. The retail spaces will be double height, single-story spaces.

The project is located in an area with a mix of historic and modern buildings. Implementation of the proposed project would alter the appearance of the City and, in particular, the city block on which the site is located. Section 4.5.2.1 of this IS, Compatibility of New Building Design and Scale with Historic Resources, describes the consistency of the project design and scale with the 2004 Draft San José Downtown Historic Design Guidelines as well as the proposed building's compatibility with the adjacent historic buildings. Therefore, with implementation of adopted policies and existing regulations, including the City's Design Guidelines and Downtown Historic Design Guidelines, and the previously identified policies, would reduce the degradation of visual character or quality of the City to a less than significant level. Through the City's development review process, the proposed project would be evaluated for compliance with the adopted plans, policies and regulations outlined in the Envision San José 2040 General Plan EIR as supplemented.

In addition, the project would be required to comply with all applicable urban design concepts adopted as part of the Downtown Strategy 2000 EIR. Therefore, the proposed project would have a less than significant impact on the visual character of the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Light and Glare

Existing ambient sources of nighttime lighting include neon and florescent signs, lighting of building exteriors for safety or architectural accents, lights within buildings that illuminate the exteriors of buildings through windows, landscape light, street lighting, parking lot lighting, and vehicle headlights. Glare within the downtown is created by the reflection of sunlight and electric lights off of existing windows and building surfaces. The proposed project would go through a design review process, prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. The Envision San José 2040 General Plan EIR as supplemented, concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare; however, implementation of the General Plan policies and existing regulations and adopted plans would avoid substantial light and glare impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.3 Conclusion

The project would have a less than significant impact on the visual character of the project area, and it would not impact any designated scenic resources. The project would not create significant additional sources of light and glare. Implementation of the project would have a less than significant visual impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is located in an area designated for urban use in San José. The *Santa Clara County Important Farmlands 2012 Map* designates the project site as "Urban and Built-Up Land."[1] The project is surrounded by urban and built-up land. There are no forest lands on or adjacent to the project site.[2] The site is not subject to a Williamson Act contract.

4.2.2 Environmental Checklist and Discussion of 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:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1-5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1-5
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	☐	1-4
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-4

[1] "Urban and Built-up Land is defined as land with at least six structures per 10 acres and utilized for residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes."
[2] California Natural Resources Agency. *Santa Clara County Important Farmlands 2012.* Accessed February 21, 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>

	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:						
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would have no impact on agricultural and forest resources, as described below.

4.2.2.1 Agricultural and Forest Resources Impacts *(Checklist Question a – d)*

The proposed project would result in construction of a 270-foot high-rise mixed-use building on a currently developed site. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate the unplanned version of farmland in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, the project would not result in the loss of forest lands in San José. For these reasons, the project would have no impact on agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

The project would have no impacts to agricultural or forest lands, consistent with the findings of the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based upon an Air Quality Analysis completed by *Illingworth & Rodkin* in April 2016. A copy of this report is included in Appendix B of the SEIR.

4.3.1 Setting

4.3.1.1 Background Information

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The Bay Area Quality Management District (BAAQMD) is responsible for ensuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). As shown in Table 4.3-1, violations of State and federal standards at the monitoring station in downtown San José (the nearest monitoring station to the project site) during the 2013–2015 period (the most recent years for which data is available) include high levels of ozone and $PM_{2.5,}$ PM_{10}.[3,4]

Table 4.3-1: Number of Air Quality Violations and Highest Concentrations (2013-2015)

Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
SAN JOSÉ STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

The Bay Area as a whole does not meet State or federal ambient air quality standards for ground level O_3, State standards for PM_{10}, and federal standards for $PM_{2.5}$. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a

[3] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[4] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed April 13, 2016.

"nonattainment area" for O_3 and PM_{10} under the California Clean Air Act (CAA). The County is either in attainment or unclassified for other pollutants.

4.3.1.2 Toxic Air Contaminants

Another group of substances found in ambient air are Hazardous Air Pollutants (HAPs) under the federal CAA and Toxic Air Contaminants (TACs) under the California CAA. The federal CAA defines Hazardous Air Pollutants as air contaminants identified by the United States Environmental Protection Agency (U.S. EPA) as known or suspected to cause cancer, serious illness, birth defects, or death. HAPs originate from human activities, such as fuel combustion and solvent use. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Particulate matter from diesel exhaust is the predominant TAC in urban air and was estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM).

4.3.1.3 Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to exposure to pollutants (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks, and places of assembly. Although Plaza de César Chávez is located approximately 350 feet east of the project site, exposure to TACs and odor would occur on a temporary basis. For the purpose of this analysis, it is assumed that there are no sensitive receptors near the project site.

4.3.1.4 Applicable Air Quality Regulations and Policies in the General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to air quality and applicable to the proposed project.

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-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to

incorporate effective mitigation into project design or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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 a 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.

4.3.2 Environmental Checklist and Discussion of 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:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1-4,6-8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1-4,6-8
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1-4,7,8
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1-4,8
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors.

4.3.3 Air Quality Impacts

In 2009, BAAQMD published Proposed Thresholds of Significance. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects.

The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. These CEQA Air Quality thresholds were used to evaluate air quality impacts from the project.

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 4.3-2.

Table 4.3-2: 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}/$PM_{2.5}$)	BMPs	None	None
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]	

Sources: *BAAQMD* CEQA *Thresholds Options and Justification Report (2009)* and *BAAQMD CEQA Air Quality Guidelines* (dated May 2012).

4.3.3.1 Bay Area 2010 Clean Air Plan *(Checklist Question a)*

BAAQMD adopted the *Bay Area 2010 Clean Air Plan* (2010 CAP) in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O_3, PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. While the proposed project is not consistent with the development assumptions in the Envision San José 2040 General Plan, the City has concluded that the project could be approved without a general plan amendment or rezoning. Development on-site is included in the Downtown Strategy 2000 development capacity, which is consistent with the growth projections in the CAP. As a result, the project would be consistent with growth projections in the 2010 CAP.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-3 below.

Table 4.3-3: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle and 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 includes Class II bicycle lanes along Park Avenue along the project frontage and Almaden Boulevard west of the project site. Additionally, Guadalupe River Park Trail is accessible via Park Avenue and San Carlos Street. The project is required to provide a total of 142 bicycle parking spaces, including 84 long-term bicycle parking spaces, consistent with the City's Municipal Code. The project would be consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site has been designed to be pedestrian oriented.

Table 4.3-3: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
		The project site is in close proximity to major transit services. The Convention Center LRT station is located less than a quarter mile south of the project site on San Carlos Street and is directly accessible via the Almaden Paseo located along the project's western boundary. The pedestrian and bicycle facilities located along Park Avenue and adjacent to the project site provides access to major transit stations. The project 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 would be required to comply with Building Energy Efficiency Standards (Title 24) which would help reduce energy consumption. The proposed project would also be required to comply with the City's Green Building Ordinance which would increase building efficiency over standard construction. Therefore, 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.	The project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
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 proposes to remove a total of 53 trees and would be required to comply with the City's standard tree replacement policy. Conformance to the City's tree requirements would reduce the urban heat island effect. The project is consistent with this control measure.

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

4.3.3.2 Construction Impacts to Regional and Local Air Quality
(Checklist Question b and d)

Criteria Pollutant Emissions

To quantify the effects of project construction, construction criteria pollutant emissions were computed using the California Emissions Estimator Model (CalEEMod). The proposed project land uses were input into CalEEMod, along with project estimates of up to 2,600 cubic yards (cy) of soil import and 150,000 cy of soil export, 34,795 square foot of building demo, and 830 tons of pavement demo. In addition, truck traffic associated with 1,172 cy of asphalt during the paving phase and 79,900 cy of cement during the building construction phase are anticipated and were entered. The model assumes 16 cy/truck and 20 tons/truck for hauling activity. The analysis was based on a 39-month construction period.

Table 4.3-4: Construction Period Criteria Pollutant Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Total Construction Emissions (tons)	8.34	19.20	0.77	0.73
Average Daily Emissions (pounds)	19.4	44.8	1.8	1.7
BAAQMD Thresholds (pounds per day)	54	54	82	54

Source: *Illingworth & Rodkin Inc., Museum Place Draft Air Quality Assessment*, April 26, 2016

As shown in Table 4.3-4 above, construction of the proposed project would not generate emissions above the BAAQMD thresholds. In addition, these emissions would be temporary (full project construction is estimated to be approximately 39 months and would be further reduced with the implementation of Envision San José 2040 General Plan policies and existing air quality and dust control regulations). Therefore, the proposed project would have a less than significant criteria pollutant emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Dust Impacts

Development allowed under the Envision San José 2040 General Plan would generate dust that could affect local and regional air quality. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed. Construction activities on-site would include grading and trenching for utilities which would temporarily generate fugitive dust and other particulate matter in the project area. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils.

Consistent with the Envision San José 2040 General Plan EIR as supplemented, the following measures for controlling dust and pollutant emissions would be implemented, as Standard Permit Conditions, during construction to reduce dust and other particulate matter in the area:

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- 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 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.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number for a Disturbance Coordinator, established by the project applicant, regarding dust complaints. The Disturbance Coordinator shall be available 24 hours a day, seven days a week to respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the project specific avoidance measures, construction dust and other particulate matter would have a less than significant temporary construction air quality impact. The Envision San José 2040 General Plan EIR as supplemented, concluded that construction emission impacts could be reduced to a less than significant level with the implementation of General Plan policies and existing regulations. In addition, these emissions would be temporary (full project construction is estimated to be approximately 39 months). Therefore, the proposed project would have a less than significant impact to regional and local air quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Community Risk Impacts – Toxic Air Contaminants

There are no sensitive receptors located within 1,000 feet; therefore, no project-specific analysis of construction TACs would be required. The proposed project would result in a less than significant community risk impact due to construction activities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Carbon Monoxide Emissions

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, organic TACs from vehicles, and $PM_{2.5}$, which is a regulated air pollutant. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest

concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. BAAQMD screening criteria indicate that a project would have a less than significant impact to CO levels if:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

The proposed project would result in 5,285 net new daily traffic trips and would not contribute vehicle traffic exceeding screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project would have a less than significant local air quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.3 Odor Impacts *(Checklist Question e)*

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor of these emissions may be noticeable from time to time by adjacent receptors; however, the odors would be temporary and are not likely to affect people off-site.

Implementation of the proposed project would create temporary emission odors during equipment operation and truck activity, but these odors would not affect a substantial number of people. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.4 Cumulative Regional Operational Air Quality Impacts *(Checklist Question c)*

Please refer to *Section 4.18, Mandatory Findings of Significance,* for a discussion of cumulative air quality impacts.

4.3.4 Project Air Quality Issues Not Covered Under CEQA

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 that address existing conditions affecting a proposed project, which are also discussed below.

Community Risk Impacts

BAAQMD recommends that projects be evaluated for community health risk when they are located within 1,000 feet of mobile and permitted stationary sources of TACs. Mobile sources are freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). The only substantial source of mobile TAC emissions within 1,000 feet of the project site is the traffic on South Almaden

Boulevard and West San Carlos Street. A review of BAAQMD's Google Earth map tool identified stationary sources within 1,000 feet of the project site (please see Table 4.3-4 below).

Roadways

BAAQMD provides Roadway Screening Analysis Tables that are used to assess potential cancer risk and annual $PM_{2.5}$ concentrations from surface streets for each Bay Area County. The criteria used by the City of San José is that a project would result in TAC or $PM_{2.5}$ health risks if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0.

- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$.

The existing ADT volume is estimated at 40,000 vehicles or less in the project area on South Almaden Boulevard and 20,000 vehicles or less on West San Carlos Street based on the Envision San José 2040 General Plan EIR as supplemented, traffic analysis.

The mobile source community risk levels, based on the traffic volumes, are shown below in Table 4.3-5.

Table 4.3-5: Mobile Source Community Risk Levels

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ Concentration (µg/m3)	Hazard Index
South Almaden Boulevard	4.6	0.2	<0.03
West San Carlos Street	2.5	0.1	<0.03

Source: *Illingworth & Rodkin Inc., Museum Place Draft Air Quality Assessment*, April 26, 2016

None of the roadways would generate emissions that would exceed the thresholds for long-term residential exposure. As a result, the project would be consistent with General Plan Policy MS-11.1.

Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using the BAAQMD's Stationary Source Risk and Hazard Analysis Tool. This mapping tool uses Google Earth to identify the location of stationary sources and their estimated risk and hazard impacts. The location of these sources and the level of community risk associated with them is shown below in Table 4.3-6.

Table 4.3-6: Stationary Source Community Risk Levels				
Source	**Location from Project Site**	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ Concentration (µg/m3)**	**Hazard Index**
Plant 15169, Adobe Systems	600 feet northwest	7.4	0.0	<0.01
Plant 14177, PG&E	800 feet northwest	0.4	0.0	<0.01
Plant 13528, Pacific Bell	700 feet northwest	6.5	0.0	<0.01
Plant 14985, Wells Fargo	500 feet north	0.4	0.0	<0.01
Plant 8556, Fairmont Hotel	600 feet northeast	1.5	0.0	<0.01
Plant 19298, DataPipe Inc.	950 feet northeast	2.0	0.0	<0.01
Plant 15031, US General Services Administration	950 feet east	0.1	0.0	<0.01
Plant 15125, San José Marriot Hotel	500 feet southeast	<0.1	0.0	<0.01
Plant 2060, Department of Convention and Cultural Affairs	650 feet south	0.5	0.1	<0.01
Plant 13431, San José Hilton & Towers	450 feet south	0.9	0.0	<0.01
Plant 22565, Boston Properties	600 feet southwest	1.4	0.0	<0.01
Total		<21.2	0.1	<0.11
BAAQMD Threshold – Single Sources		>10	>0.3	>1.0
BAAQMD Threshold – Cumulative Sources		>100	>0.8	>10.0
Threshold Exceeded?		**No**	**No**	**No**

Source: *Illingworth & Rodkin Inc., Museum Place Draft Air Quality Assessment*, April 26, 2016

None of the stationary sources would generate emissions that would exceed the thresholds for long-term residential exposure. Therefore, the project would be consistent with General Plan Policy MS-11.1.

4.3.5 Conclusion

The project would not result in significant operational or construction-related regional or local air quality impacts, conflict with applicable air quality plans and standards, or expose sensitive receptors to substantial pollutant concentrations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based upon a tree survey prepared by David J. Powers & Associates, Inc. in April 2016.

4.4.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened, or endangered under the State and/or federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA are consistent with and complimentary to various federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 City of San José Tree Ordinance

Ordinance-sized and heritage trees and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. A tree removal permit is required from the City prior to removal of ordinance-sized trees.

4.4.2 Existing Setting

4.4.2.1 Overview of Habitat Found on the Project Site

The project site is currently developed with a one-story building. Vegetation in the vicinity of the project site includes patches of grass and street trees. There is a small grass area on-site as well as eight street trees along the frontage and approximately 45 trees dispersed throughout the site. Habitats in developed areas, such as downtown, are typically low in species diversity and include predominately urban adapted birds and animals. There are no sensitive habitats on-site, such as freshwater marsh or serpentine grasslands.

4.4.2.1 Special Status Species

Special-status species are those plants and animals listed under the State and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife (CDFW). Additionally, nesting birds are considered special-status species and are protected by the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Since the native

vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in trees located on or in the area surrounding the project site.

4.4.2.2 Trees

Mature trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment. Trees located on the project site are primarily non-native species that vary in size and levels of health. There is one native tree present on site (Tree No. 50 Coast Live Oak). In accordance with City policy, trees that are a minimum of 18 inches in diameter (56 inches in circumference) at 24 inches height from the natural grade, as well as Heritage Trees, are protected from removal without a permit.

There are a total of 53 trees on and adjacent to the site. Of the 53 trees, there are 20 honey locust, 14 London plane, 13 coast redwoods, three eucalyptus trees, one Mexican fan palm, one palm, and one coast live oak. Twenty-one of the trees are ordinance sized. The project proposes to remove all existing trees on-site.

The following table lists all trees identified on-site as part of a tree survey prepared by David J. Powers & Associates, Inc. on April 26, 2016. The location of the trees is shown on Figure 4.4-1.

Table 4.4-1: Street Tree Species Observed On-Site

Tree No.	Scientific Name	Common Name	Circumference in Inches	Diameter in Inches
1	*Gleditsia triacanthos*	Honey Locust	17	5.4
2	*Gleditsia triacanthos*	Honey Locust	16.5	5.3
3	*Gleditsia triacanthos*	Honey Locust	16	5.1
4	*Gleditsia triacanthos*	Honey Locust	14	4.5
5	*Gleditsia triacanthos*	Honey Locust	18	5.7
6	*Gleditsia triacanthos*	Honey Locust	30	9.5
7	*Gleditsia triacanthos*	Honey Locust	34	10.8
8	*Gleditsia triacanthos*	Honey Locust	14	4.5
9	*Gleditsia triacanthos*	Honey Locust	37	11.8
10	*Gleditsia triacanthos*	Honey Locust	30	9.5
11	***Phoenix sp.***	**Palm**	**165**	**52.5**
12	***Eucalyptus sideroxylon***	**Eucalyptus**	**102**	**32.5**
13	***Sequoia sempervirens***	**Coast redwood**	**72**	**22.9**
14	***Sequoia sempervirens***	**Coast redwood**	**62**	**19.7**
15	***Sequoia sempervirens***	**Coast redwood**	**72**	**22.9**
16	***Sequoia sempervirens***	**Coast redwood**	**66**	**21**
17	*Sequoia sempervirens*	Coast redwood	46	14.6
18	***Sequoia sempervirens***	**Coast redwood**	**64**	**20.4**
19	***Sequoia sempervirens***	**Coast redwood**	**84**	**26.7**
20	***Sequoia sempervirens***	**Coast redwood**	**72**	**23**
21	***Sequoia sempervirens***	**Coast redwood**	**58**	**18.5**
22	***Sequoia sempervirens***	**Coast redwood**	**100**	**31.8**

TREE MAP FIGURE 4.4-1

Table 4.4-1: Street Tree Species Observed On-Site				
Tree No.	**Scientific Name**	**Common Name**	**Circumference in Inches**	**Diameter in Inches**
23	*Sequoia sempervirens*	Coast redwood	14.5	4.6
24	*Sequoia sempervirens*	Coast redwood	24	7.6
25	*Sequoia sempervirens*	Coast redwood	42	13.4
26	*Gleditsia triacanthos*	Honey Locust	26	8.3
27	*Gleditsia triacanthos*	Honey Locust	25	8
28	*Gleditsia triacanthos*	Honey Locust	24.5	7.8
29	*Gleditsia triacanthos*	Honey Locust	27	8.6
30	***Eucalyptus sideroxylon***	**Eucalyptus**	**80**	**25.5**
31	***Platanus × acerifolia***	**London plane**	**81**	**25.8**
32	***Platanus × acerifolia***	**London plane**	**67**	**21.3**
33	***Platanus × acerifolia***	**London plane**	**61**	**19.4**
34	***Platanus × acerifolia***	**London plane**	**65**	**20.7**
35	***Platanus × acerifolia***	**London plane**	**60**	**19.1**
36	***Platanus × acerifolia***	**London plane**	**72**	**22.9**
37	*Platanus × acerifolia*	London plane	48	15.3
38	*Platanus × acerifolia*	London plane	49	15.6
39	*Platanus × acerifolia*	London plane	46	14.6
40	*Gleditsia triacanthos*	Honey Locust	40	12.7
41	*Gleditsia triacanthos*	Honey Locust	21	6.7
42	*Gleditsia triacanthos*	Honey Locust	30	9.5
43	***Eucalyptus sideroxylon***	**Eucalyptus**	**100**	**31.8**
44	***Washingtonia robusta***	**Mexican fan palm**	**71**	**22.6**
45	*Platanus × acerifolia*	London plane	34	10.8
46	*Platanus × acerifolia*	London plane	45	14.3
47	*Platanus × acerifolia*	London plane	34	10.8
48	*Platanus × acerifolia*	London plane	47	15
49	***Platanus × acerifolia***	**London plane**	**69**	**22**
50	*Quercus agrifolia*	Coast live oak	43	13.7
51	*Gleditsia triacanthos*	Honey Locust	30	9.5
52	*Gleditsia triacanthos*	Honey Locust	20	6.4
53	*Gleditsia triacanthos*	Honey Locust	32	10.2

Note: Ordinance sized trees are 56+ inches in circumference.
Bold lettering denotes ordinance sized trees.

4.4.2.3 Applicable Biological Regulations and Policies in the General Plan

The Envision San José 2040 General Plan includes the following biological resource policies applicable to all development projects in San José.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

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, where appropriate, 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.

4.4.3 Environmental Checklist and Discussion of 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:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐	1-4
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐	1-4

	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:						
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1-3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1-4
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1-4,9
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would result in less than significant biological resources impacts, as described below.

4.4.3.1 Biological Resources Impacts *(Checklist Questions a – d and f)*

Vegetation, Habitats, and Wildlife

The majority of downtown San José is developed with buildings, pavement, and landscaping. The remaining natural habitats are associated with approximately 9,000 linear feet of the Guadalupe River and 3,750 linear feet of Los Gatos Creek that pass through the City.[5] The Downtown Strategy 2000 EIR concluded that biological resources impacts would result primarily from development along the Guadalupe River and Los Gatos Creek corridors and from the loss of ordinance-sized trees. There are no sensitive or natural habitats on the project site. The nearest waterway to the project site is Guadalupe River, located approximately 0.20 miles west. Implementation of the project would not

[5] City of San José. *City of San José Downtown Strategy 2000 Final EIR.*

result in significant impacts to natural plant communities or special status or endangered species. **[Same Impact as Approved Project (Less Than Significant Impact)]**

There are no federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on the project site. Therefore, the proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Habitat Conservation Plan

The project site is within the Santa Clara Valley Habitat Plan (HCP) area. Private development in the plan area is subject to the HCP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development;*[6] and

- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than 2 acres AND

  The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR

  The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

As part of the project's Standard Permit Conditions, the project will require discretionary approval by the City and is consistent with activity described in Section 2.3.2 of the HCP. Therefore, the project will be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Raptors Impacts

While the project site is located within an urban environment, the trees on and adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 2800. The California Department of Fish and Wildlife defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile

[6] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures will be implemented during construction to avoid abandonment of raptor and other protected migratory bird nests:

MM BIO 1-1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.

MM BIO 1-2: If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

MM BIO 1-3: Prior to approval of any grading permit, the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.4.3.2 Trees *(Checklist Question e)*

The urban forest consists of planted landscape trees along residential and commercial streets and in landscaped areas at residences, local parks, in parking lots, and the perimeter of commercial and industrial developments. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. Although the urban forest is

not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

Development of the proposed project would result in the loss of up to 53 trees of which 21 are ordinance sized. Any trees on or adjacent to the site that would be damaged or removed as a result of the project would be required to 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, and MS 21-6

In accordance with City policy, tree replacement would be implemented as shown in Table 4.4-2. Twenty-three trees would be replaced at a 1:1 ratio with a 15-gallon container. Eight trees would be replaced at a 2:1 ratio, one native tree would be replaced at a 3:1 ratio, and 21 trees would be replaced at a 4:1 ratio with a minimum 24-inch box. The total number of trees required to be planted on-site would be 126. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 4.4-2: City of San José Standard Tree Replacement Ratios

Diameter of Tree to Be Removed	Type of Tree to be Removed			Replacement Tree Minimum Size
	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.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures would be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.

- An alternative site(s) would be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.

- A donation of $300 per mitigation tree on Our City Forest for in-lieu off-site tree planting in the community. These funds would be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

The proposed project would be required to meet the requirements as noted above. The Envision San José 2040 General Plan EIR as supplemented, concluded that 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)]**

4.4.4 Conclusion

Implementation of the project would not have a substantial adverse impact on any special status plant or animal species and would not conflict with adopted conservation plans, local policies, and local ordinances. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The potential loss of raptor nests and/or eggs during construction would be mitigated to a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

Implementation of the project will be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 CULTURAL RESOURCES

The following discussion is based on a Historic Evaluation and supplemental memorandum prepared by Archives & Architecture in April and September 2016, respectively. The following discussion is also based upon a literature review completed by Holman & Associates in September 2015. A copy of the Historic Evaluation is included in Appendix C of the SEIR. A copy of the Archaeological Literature Review is on file at the Department of Planning, Building and Code Enforcement.

4.5.1 Setting

4.5.1.1 Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/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 area beginning in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The physical distance between the project site and Guadalupe River is 0.20 mile.

The literature review by Holman & Associates identified one recorded archaeological site in the immediate project vicinity. Site CA-SCL-128/H was first recorded in 1973 on an adjacent site. A large prehistoric deposit and Native American burials were found and the site was nominated to the National Register of Historic Places in 1982.

4.5.1.2 Historic Subsurface Resources

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during the time which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally located north of the project site, near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south

to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is 0.28 mile.

Post-Mission Period to Mid-20th Century

In the 1850's, Feliciana Tapia, granddaughter of one of the founders of San José, and her daughter lived at the site of the existing Tech Museum of Innovation and Parkside Hall in the Tapia adobe. During the mid-1800's, San José began to be redeveloped as America took over territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. By the mid-1930s, Market Street was slowly converted to a mix of uses, including gas stations and auto services. The City National Civic performing arts center was also built at this time.

The concept of a dedicated convention center in downtown San José became a focus in civic interest in the late 1950's when planning began for the expansion of the Municipal Auditorium to meet the needs of large regional groups seeking meeting space for yearly conventions. The new convention center, later renamed Parkside Hall, started construction in late 1976. Since 1989, Parkside Hall has been utilized as a venue for trade shows and community events.

4.5.1.3 Historic Structures – Regulatory Framework

Below is an overview of criteria used to assess the historic significance and eligibility of a building, structure, object, site, or district for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of San José Historic Resources Inventory.

National Criteria

The 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 of Historic Places 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.

State of California Criteria

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 of Historical Resources are very similar to those of the National Register, 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; or

2. It is associated with the lives of persons important to local, California, or national history; or

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.

City of San José Criteria for Local Significance

In accordance with 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).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

4.5.1.4 Existing Structures on and Adjacent to the Project Site

Structures on the Project Site

Parkside Hall

Parkside Hall was constructed in 1977 specifically to operate as the San José Convention Center. It is a modern, minimalist design with unadorned stucco clad walls. The walls are topped with a deep recessed and angled cove below a parapet. A pedestrian paseo is located along the western façade. The original entry on the southeast corner of the building was modified when the Tech Museum building was constructed. Construction of the Tech Museum resulted in a new entrance to the building through the Tech Museum (as opposed to the plaza south of the building) and the removal of a north-south arcade that connects the exhibit hall to an indoor corridor between the City National Civic and McCabe Hall. The original configuration of the building also had additional doors facing Market Street, and an outdoor east-west along the front façade which had enclosed a staff office and loading area which was accessible from Market Street. A conference room which was located at the southeast corner of the building, adjacent to the City National Civic is no longer extant. Inside, the original parquet flooring has been removed and the space is now carpeted.

Because the building is less than 50 years old, it would have to exhibit exceptional qualities for it to be considered a historic resource under CEQA and by the City of San José. While the architecture of the building was distinctive at the time it was constructed, it is not considered exceptional within the context of institutional modern architecture. The changes to the building, including concealing the original entry façade behind the Tech Museum and reconfiguration of the functional layout of the Civic complex have rendered Parkside Hall as a background structure to more distinctive aspects of the downtown architectural setting. The association of the building with early convention center development, which was a significant achievement at the time, and the project's relationship with Mayor Janet Grey Hayes is strong. Due to changes to the building, however, the physical structure no longer expresses these associations.

For all these reasons, the building is not eligible for listing on the CRHR or as a City Landmark.

Adjacent Structures

Table 4.5-1 below lists the nearest buildings to the project site. The locations of the buildings is shown in the adjacent figure.

Buildings 8 and 9 are designated historic structures. The remaining structures are not historic and not eligible for listing on the City's Historic Resources Inventory or the State or National Registers.

Table 4.5-1: Buildings Surrounding the Project Site

No.	Building/Resource Name	Address	Year Built
1	Hyatt Place/Holiday Inn	282 Almaden Boulevard	1973
2	Garage/Holiday Inn Garage	282 Almaden Boulevard	1976
3	Sanwa Bank California/Sanwa Bank Building	220 Almaden Boulevard	1975
4	CityView Plaza Parking Garage/Park Center Plaza Garage	183 Park Avenue	---
5	Terra Law/Morton's	177 Park Avenue	---
6	University of San Francisco/Bank of America	125 S. Market Street	---
7	Tech Museum of Innovation	201 Market Street	1988
8	City National Civic	135 W. San Carlos St	1936
9	McCabe Hall	---	1964

Notes: --- denotes unknown information

4.5.1.5 Applicable Cultural Resources Regulations and Policies in the General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

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.

4.5.2 Environmental Checklist and Discussion of 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:						
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1-3,10, 11
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1-3,12
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1-3
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1-3,10, 11

Similar to the site development evaluated in the Envision San José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 EIR, the proposed project would result in less than significant cultural resources impacts.

4.5.2.1 Impacts to Historic Structures *(Checklist Question a)*

Compatibility of New Building Design and Scale with Historic Resources

The project site is currently developed with a one-story public exhibit building referred as Parkside Hall. Parkside Hall is approximately 39 years old and is not considered a historic resource. The buildings immediately north, west, and southwest of the project site are less than 50 years old and do not qualify as historic resources and are not considered historically significant; however, the project site is adjacent to the City National Civic, a City Landmark structure, and McCabe Hall, which is also considered historic.

The 2004 Draft San José Downtown Historic Design Guidelines (Guidelines) provide criteria for addressing new construction adjacent to historic landmarks. The Guidelines identify eight contextual elements for new construction adjacent to historic resources. These elements are: lot patterns; massing; façades; corner elements; rear façades; entries; exterior materials, and vehicular and pedestrian access.

Analysis by a qualified historian of the proposed building design relative to the contextual elements identified in the design guidelines found that:

1. The project design is compatible with the area's lot patterns. The historic building pattern on this block consists of a civic-scaled building complex, with wider building elements, broader main entrances, and larger overall horizontal masses than in much of the commercial downtown. The proposed project design includes a three-dimensional, two-story office lobby and hotel lobby at the street-level corner of the building. Flanking this element, three wide retail spaces are proposed along the perimeter of the ground floor. These multi-use entrance façades are designed to create a streetscape that is "similar in size and proportion to those seen traditionally" at the larger City National Civic and McCabe Hall. The building plan is "articulated" into smaller forms and masses along the street façade, including areas of angled wall planes, areas with recessed wall segments, and areas with a variety of upper-level overhangs.

2. The massing of the building is visually balanced with the Civic Center complex and the remainder of the building masses on the block, does not dwarf the adjacent historic buildings, and is adequately separated from the adjacent historic buildings. While there is a substantial difference in height between the proposed building and the Civic Center complex, the four-story "step-down" pedestal proposed between the new building and the existing buildings provides a visual transition that adequately mediates between the new vertical massing and the existing buildings.

3. The façades of the building would be comprised of large panes of glass in large wall planes, tall columns, and segments of solid wall materials. Glazing would be both clear and tinted and upper stories would have aligned and stacked cantilevered balconies. The design elements of the building façades were found to be compatible with the materials and detailing of the City National Civic and McCabe Hall.

4. The proposed building includes a clear corner element that is set apart by massing and form, and is in keeping with the adjacent historic design elements. Specifically, the City National Civic and McCabe Hall include identifiable distinctive design elements (tower, entrance porticos) that represent a scale of massing and form similar to other downtown "corner building" elements. With regard to massing and design intent, the proposed building is compatible with the historic corner element guideline.

5. The proposed building design is compatible with the historic Rear Façade guideline because the historic rear façade area of the City National Civic and McCabe Hall does not include historic rear façade design elements to be preserved or taken into consideration.

6. The ground floor plan of the proposed building shows three retail entrances, an office entrance, and a residential/hotel entrance, creating a pedestrian friendly walkway along the perimeter of the building. There are no "blank walls" shown on the plan as being adjacent to the main city sidewalks. The proposed design respects the historic pedestrian orientation and scale of this area.

7. The historic evaluation determined that because the new and historic buildings will face in opposite directions, the scale, finish, texture, and design of the exterior of the proposed new building are not critical to the compatibility of the buildings that will share this city block. Furthermore, there is no material proposed that would be considered out of scale with the historic buildings.

8. The historic vehicular and pedestrian access patterns are respected in the proposed design and are considered compatible with the historic vehicular and pedestrian access guideline.

The proposed project design would be compatible with City National Civic and McCabe Hall and, as a result, the project would have a less than significant indirect impact to historic resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Impacts to Historic Structures

The proposed project would require below-grade excavation and foundation work, pile driving, and new building framing. This may produce ground-borne vibration that would adversely impact the historic buildings in the immediate vicinity of the project site. 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. Construction activities will occur adjacent to the City National Civic and within 100 feet of McCabe Hall.

Most construction activities would fall below the vibration limit of 0.08 in/sec PPV used to minimize the potential for cosmetic damage to sensitive historic structures. Pile driving would, however, generate the highest ground borne vibration levels (approximately 0.644 in/sec PPV at 25 feet). The use of rolling stock equipment such as tracked vehicles, compactors, etc., is estimated to be approximately 0.089 in/sec PPV at 25 feet, which is just over the City's threshold. Therefore, construction of the proposed project could result in cosmetic damage to the City National Civic (a City Landmark) and McCabe Hall.

Impact CUL – 1: Construction activities on the proposed project could significantly impact two historic structures. **(Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures would be implemented during construction to avoid significant impacts to historic structures.

MM CUL 1-1: The project applicant shall prepare preconstruction documentation of the City National Civic and McCabe Hall. Prior to construction, a qualified historic architect shall undertake an existing visual conditions study of the nearby

historic resources. The purpose of the study would be to establish the baseline conditions of the buildings prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer.

MM CUL 1-2: Prior to commencement of any construction activities, including any ground disturbing activities, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the City National Civic and McCabe Hall from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect and reviewed and approved by the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to Public Works clearance, including any ground-disturbing work.

The project applicant shall ensure the contractor follows the HRRP while working near these historic resources. The HRRP shall be prepared by a qualified historic architect who meets the Secretary of Interior's Professional Qualifications Standards. The plan shall be reviewed and approved by the City of San José's Historic Preservation Officer. At a minimum, the plan shall include:

- Guidelines for operation of construction equipment adjacent to historical resources;
- Guidelines for storage of construction materials away from historic resources;
- Requirements for monitoring and documenting compliance with the plan; and
- Education/training of construction workers about the significance of the historical resources around which they would be working.

MM CUL 1-3: The project applicant shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month. The Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement may request any additional number of site visits at their discretion.

If, in the opinion of the Monitoring Team substantial adverse impacts related to construction activities are found during construction, a representative of the

Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the Supervising Environmental Planner, and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to a nearby historic resource during construction, repair work is performed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status.

The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team, or its representative, shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement no later than one week after each reporting period.

The Monitoring Report shall also include, but is not limited to, the following:

- Summary of the demolition and construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources and adjacent buildings during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.

In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any Certificate of Occupancy (temporary of final).

With implementation of the identified mitigation measures, the proposed project would have a less than significant construction impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.5.2.2 Impacts to Subsurface Cultural Resources *(Checklist Question b – d)*

Prehistoric and Historic Resources

As discussed in Section 4.5.1.1, the project site is adjacent to a recorded prehistoric resources. Based on the known prehistoric and historic occupation of the immediate project area, findings of previous archaeological work in the project area, and the archaeological data in the Downtown Strategy 2000 EIR, it is likely that prehistoric and possibly historic subsurface artifacts (including human remains) could be found on the project site.

As proposed, the project would excavate the entire site to a depth of 39 feet to accommodate the underground parking structure. As a result, any subsurface resources on-site would be disturbed.

Policy ER-10.1 of the General Plan states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will 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. Furthermore, the Downtown Strategy 2000 EIR identified the same impact on the project site (see Table V.I-2 [under development area A-3] on page 261) and specific mitigation measures.

The Downtown Strategy 2000 EIR identified the following mitigation measures to address site-specific impacts on the project site.

1. APPROPRIATE PRIOR REVIEW. Conduct appropriate levels of review prior to undertaking project elements involving ground-disturbing activities that may impact buried archaeological deposits that meet the definition of a historical or archaeological resource (CEQA Guidelines §15064.5[a] and §21083.2[g]). At a minimum, this effort should include a records search at the NWIC and an archaeological assessment by a qualified archaeologist prior to project implementation.

   This measure was completed as part of the environmental review process and the report is on file at the City as noted at the beginning of this section.

2. DETERMINE RESOURCE REGULATORY STATUS. When project elements that will directly impact an identified archaeological site are proposed, consult with qualified cultural resource professionals prior to project implementation to determine if the site meets the definition of a historical or archaeological resource under CEQA.

3. DETERMINE FEASIBLE ALTERNATIVES. If an archaeological site meets the CEQA definition of a historical or archaeological resource and will be impacted by the proposed project, make reasonable efforts to feasibly avoid project impacts (e.g., project redesign, conservation easements, or site capping).

4. AUTHORIZE DATA RECOVERY. Authorize data recovery by qualified professionals if the avoidance or preservation of an archaeological historical resource or archaeological resource is not feasible. Ensure that a copy of the documentation be submitted to the NWIC.

5. STOP WORK AND EVALUATE UNANTICIPATED FINDS. Redirect ground disturbance within a 50-foot radius if buried archaeological deposits are encountered by project activities. Contact a qualified archaeologist to (1) evaluate the finds to determine if they meet the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the finds. Ensure that the results of any archaeological investigation are submitted to the NWIC.

6. STOP WORK AND FOLLOW STATUTORY PROCEDURES. Redirect ground-disturbance within a 50-foot radius if human remains are encountered by project activities, and implement the steps outlined in CEQA Guidelines §15064.5(e).

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) of the Guidelines states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, CEQA Guidelines Section 15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and adopted prior to any excavation being undertaken.

To conform to the mitigation requirements outlined above, the project would be required to implement the following measures as a condition of approval.

- The project proponent shall be required to complete subsurface testing to determine the extent of possible resources on-site. Subsurface testing shall be completed by a qualified archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist.

- Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of demolition and grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

- All prehistoric and historic-era features identified during exploration shall be evaluated based on the California Register of Historical Resources criteria consistent with the archaeological treatment plan. After completion of the field work, all artifacts shall be cataloged and the appropriate forms shall be completed and filed with the Northwest Information Center of the California Archaeological Inventory at Sonoma State University.

In addition to the archaeological resources treatment plan outlined above, the following measures are included in the project to further reduce impacts to subsurface cultural resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Supervising Environmental Planner of Planning, Building and Code Enforcement and the City of San José's Historic Preservation Officer will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding he disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center.

  Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendants (MLD), the descendants will make recommendations regarding proper burial (including the treatment of grave goods), which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

  The archaeologist will recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery will be submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center.

With implementation of these measures, impacts to unknown subsurface cultural resources would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to

contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The Envision San José 2040 General Plan EIR as supplemented, found the project site to have a high sensitivity (at depth) for paleontological resources.

The project proposes three levels of below-grade parking, requiring the entire site to be excavated to a depth of approximately 39 feet. At this depth, the project has the potential for encountering paleontological resources during construction. Construction activities may result in the accidental destruction and disturbance of paleontological resources and would result in a significant impact to paleontological resources. The City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.

- If vertebrae fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The City will be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources, implementation of the proposed project would have a less than significant paleontological resources impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3 Conclusion

With implementation of the above mitigation measures, as identified in the Downtown Strategy 2000 EIR, the proposed project would not result in significant impacts to subsurface archaeological resources. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

With implementation of the above mitigation measures **MM CUL 1-1** through **MM CUL 1-4**, the proposed project would have a less than significant impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

The proposed project would be consistent with applicable City policies and regulatory programs and, as a result, would have a less than significant impact on paleontological resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Investigation completed by Langan Treadwell Rollo in July 2016. A copy of this report is attached in Appendix D of the SEIR.

4.6.1 Setting

4.6.1.1 Regional Geology

San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below ground surface. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains. Soil types in the area include clay in the low-lying central areas, loam and gravelly loan in the upper portions of the valley, and eroded rocky clay loam in the foothills.

4.6.1.2 On-Site Geologic Conditions

Topography and Soils

The project site is relatively flat and is underlain by alluvial deposits consistent with the geology of the region. The alluvial deposits consist of medium stiff to hard clays and silts with interbedded layers of medium dense to very dense sands and gravels. A 20 to 32-foot layer of dense to very dense sand and gravel was encountered at approximately 37 to 54 feet below ground surface (bgs). Soils on site have moderate to very high expansion potential.[7]

Groundwater

Groundwater depth encountered on-site ranges from approximately 12 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

Seismicity and Seismic-Related Hazards

Table 4.6-1: Active Faults Near the Project Site

Fault	Distance from Site
Hayward	10.7 miles
Calaveras	8.6 miles
San Andreas	11.8 miles

Faults in the region are capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Although the site is located within a seismically active region, it is not located within a currently designated Alquist-Priolo Earthquake Fault Zone, the Santa Clara County Fault Hazard Zone, or the City of San José

[7] Soil Survey Staff. *Custom Soil Resource Report for Santa Clara Area, California, Western Part*. 2016. Available at: <http://websoilsurvey.nrcs.usda.gov/>

Potential Hazard Zone[8]. The potential for fault rupture at the site is low. Active faults near the project site are shown on Table 4.6-1.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the geotechnical analysis, the project area is located in a potential liquefaction zone.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. The nearest waterway is Guadalupe River, west of the project site. The physical distance between the proposed project site and Guadalupe River is approximately 0.20 mile. At this distance, the potential for lateral spreading on-site is low.

4.6.1.3 Applicable Geological Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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 storm water 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

[8] Santa Clara County, *Santa Clara County Geologic Hazard Zones*, Map 20. <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf> Accessed August 29, 2016.

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 15 and April 15.

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 Environmental Checklist and Discussion of 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:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☐	☒	☐	1-4
2. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1-4
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1-4,13
4. Landslides?	☐	☐	☐	☒	☐	1-4,13
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1-4

	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:						
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1-4,13
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1-4,13
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would result in a less than significant geology and soils impact, as described below.

4.6.2.1 Geological Impacts *(Checklist Question a, c – e)*

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[9] While the site is identified as being located within a potential liquefaction zone, the liquefaction analysis concluded the potentially liquefiable layers beneath the planned basement foundation would not affect the structural integrity of the building because the potential liquefiable layers encountered beneath the planned basement foundation appear to be thin, discontinuous, and are separated by layers of relatively plastic clay.

The geotechnical report referenced at the beginning of this section makes specific recommendations regarding the anticipated subsurface conditions, site seismicity and potential for seismic hazards, appropriate foundation types and design, sub-grade preparation, and use of fill material.

The primary geotechnical issues with the project would include selection of an appropriate foundation system to support the building loads and accommodate estimated static and seismic settlements, dewatering and support for the proposed excavations and adjacent structures during

[9] U.S. Geological Survey. "Earthquake Outlook for the San Francisco Bay Region 2014-2043". Fact Sheet 2016–3020. 2016. Available at: <https://pubs.er.usgs.gov/publication/fs20163020>.

construction, and providing a stable subgrade and adequate working surface at the base of the excavation. The proposed project would be built in conformance with the requirements of the City Building Code and, as a result, would not expose people or property to significant impacts associated with the geologic conditions of the site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundwater

The project would be excavated to a depth of approximately 39 feet for the below-grade parking structure and museum expansion. Excavation activities on-site may encounter groundwater, therefore, the groundwater would need to be temporarily lowered to a depth of at least three feet below the bottom of the planned excavation. It may be necessary to dewater the sand layers near the bottom of the proposed excavation to relieve the hydrostatic pressure on the overlying clay layer. Dewatering should be maintained until sufficient weight is available to resist the hydrostatic uplift forces on the bottom of the foundation.

The project site is located in an area of moderate to very high soil expansion potential and very strong ground shaking during an earthquake. As mentioned above, expansive soils have a high shrink-swell potential that can impact the structural integrity of buildings and other structures. Hazards associated with expansive soils would be reduced and managed consistent with the City adopted regulations and policies, in combination with state building regulations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is located within an urban area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

4.6.2.2 Erosion Impacts *(Checklist Question b)*

The project would require ground disturbance due to demolition of the existing building, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until the construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The Envision San José 2040 General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.

- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.

- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Because the proposed project would comply with the applicable City regulatory programs and policies related to erosion, implementation of the proposed project would have a less than significant erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.2.3 Project Geology Issues Not Covered Under CEQA – Planning Considerations

Based upon the December 2015 California Supreme Court BIA vs BAAQMD decision, the issue of environmental conditions affecting a project is no longer required under CEQA, but is included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

The policies of the Envision San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires 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.

The proposed project would be built and maintained in accordance with applicable regulations and the site-specific geotechnical reports, prior to issuance of building permits. The proposed project would comply with the California Building Code and all City policies and ordinances. The Envision San José 2040 General Plan EIR as supplemented, concluded that adherence to the California Building Code would reduce seismic related hazards and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the Envision San José 2040 General Plan EIR as supplemented, which ensure that geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

Development on the project site would have a less than significant geologic impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Sewers are available to dispose wastewater from the project site and, as a result, the project site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Regulatory Background

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 is a process whereby GHGs accumulating in the atmosphere contribute to an increase in 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.

4.7.1.1 State of California

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California Assembly Bill (AB) 32, the California Global Warming Solutions Act, was signed into law in September 2006. AB 32 requires California to reduce its total GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease from current levels. In September 2007, the Air Resources Board approved a list of Discrete Early Actions to reduce GHG emissions which includes maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly owned utilities).

State of California Executive Order S-3-05

Prior to adoption of AB 32, Governor Arnold Schwarzenegger signed Executive Order S-3-05, which established GHG emission reduction targets, created the Climate Action Team and directed the Secretary of CalEPA to coordinate with other state agencies to meet the emission reduction targets. The Executive Order S-03-05 requires statewide reductions in GHG emissions to 80 percent below 1990 levels by the year 2050.

In December 2008, California Air Resources Board (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.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, 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. Metropolitan planning organizations

(for the Bay Area, the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments) would be required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan for that region. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

4.7.1.2 2010 Bay Area Clean Air Plan (CAP)

The 2010 CAP provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing GHG emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is determined by its consistency with the CAP.

4.7.1.3 Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The Envision San José 2040 General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include 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 was approved by the City Council in December 2015. The environmental impacts of the GHG Reduction Strategy were analyzed in the Envision San José 2040 General Plan EIR as supplemented. The City's projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals, however, and the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

4.7.1.4 Applicable GHG Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. These policies are also described within the City's GHG Reduction Strategy.

Policy MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly 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-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Policy TR-2.18: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.7.2 Setting

4.7.2.1 Existing On-Site GHG Emissions

The project site is currently developed with a one-story, 30,000 square foot public exhibit building. GHG emissions are generated by traffic trips to and from the project site. Emissions are also generated by the production of electricity required for lighting, heating, and cooling of the building.

4.7.3 Environmental Checklist and Discussion of 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:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1-4
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1-4

4.7.3.1 Greenhouse Gas Emissions Impacts *(Checklist Question a)*

Construction

The proposed mixed-use development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project 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. Because construction would be temporary (approximately 39 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operation

Per 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. Since the project is consistent with the land use assumptions of the San José GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy (such as the proposed project) would have a less than significant impact related to GHG emissions.

The project's conformance with the GHG Reduction Strategy is further described in the following section. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.3.2 Consistency with the San José Greenhouse Gas Reduction Strategy *(Checklist Questions a and b)*

The proposed development was evaluated for consistency with the City's GHG Reduction Strategy. 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.

New development located near transit and containing a mix of uses that promote walkability and bicycle transport may reduce GHG emissions from mobile sources by approximately 10 percent. The project proposes a high level of residential and commercial density, which would facilitate neighborhood vitality and transit ridership.

Since the project is consistent with the Envision San José 2040 General Plan EIR as supplemented, land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its 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 through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020. The State has begun the process to prepare a new Scoping Plan to achieve 2030 statewide GHG emissions targets set by SB32. The proposed project, if approved, would be entitled under the current GHG Reduction Strategy (consistent with the adopted California 2020 Scoping Plan) and would be consistent with the San Jose GHG Reduction Strategy as discussed below. The project, however, may or may not be operational by 2020 depending upon the timeframe for construction and market conditions. If the project were operational after 2020, the 2035 GHG efficiency threshold would apply. The Envision San José 2040 General Plan EIR as supplemented identified GHG emissions beyond 2020 as significant and unavoidable (in the absence of a statewide Scoping Plan for 2030 GHG emissions) and the City adopted overriding considerations for identified future impacts associated with post-2020 buildout of the Envision San José 2040 General Plan, therefore to the extent the project's emissions would not achieve the efficiency targets set by the City for 2035 or more recently set by the State for 2030 per SB 32, that impact has previously been disclosed and overridden in connection with the Envision San José 2040 General Plan, and does not reflect a new impact to be disclosed in the context of this SEIR.

Consistency with the San José Greenhouse Gas Reduction Strategy

The Envision San José 2040 General Plan contains goals and policies adopted for the purpose of reducing GHG emissions. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and CALGreen requirements. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32.

Given the proximity to transit and the inclusion of green building measures, the project would be consistent with mandatory criteria 1 to 3 described above. Criteria 4, 5, and 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, and the project does not propose vehicle-serving uses. If one or more large employers occupy the building, they would need to prepare and implement a TDM program consistent with City Standards and Criteria 6.

The Envision San José 2040 General Plan EIR as supplemented, concluded that the City's projected GHG emissions would be below the average carbon efficiency standard necessary to meet statewide 2020 goals as established by AB 32. The proposed project is consistent with the GHG Reduction Strategy and General Plan goals and policies intended to reduce GHG emissions and as would result

in a less than significant impact. **[Same Impact as Approved Project** (**Less Than Significant Impact)]**

4.7.4 Conclusion

Development of the proposed project would be consistent with the GHG Reduction Strategy and have a less than significant operational and construction related 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 (ESA) from *Langan Treadwell Rollo* in March 2016. A copy of this report is included in Appendix E of the SEIR.

4.8.1 Overview

Hazardous materials encompass a wide range of substances including petroleum products, pesticides, herbicides, metals, asbestos, and chemical compounds used in manufacturing and other uses. Hazardous materials in various forms can cause death, serious injury, long-lasting health effects and damage to the environment. As a result, numerous laws and regulations were developed to regulate the management of hazardous materials and mitigate potential impacts.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, State, and County agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2 Setting

The project site is currently developed with Parkside Hall. Groundwater depth encountered on-site ranges from approximately 12 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. While the topography of the project area is generally in a northwest direction and other locations within the downtown area have groundwater flowing in the north/northwest direction, this area of downtown appears to have a variable groundwater flow. Groundwater in the immediate project area was found to flow towards the south/southwest direction.

4.8.2.1 On-Site Sources of Contamination

Based on a database records search, the project site is listed in the Certified Unified Program Agency (CUPA) and San José Hazardous Materials Facilities (San José HAZMAT) database for the storage of small quantities of hazardous substances. The project site has no documented history of any spills or leaks. In addition, the Phase I ESA noted that no documented files were found in the California Department of Toxic Substances Control (DTSC) and California Regional Water Quality Control Board (RWQCB) database.

According to the 1884 Sanborn Map, the project site was occupied by several small dwellings and stables. The site remained unchanged in the 1915 Sanborn Map except for the addition of an auto shed in the southwest corner of the site. By 1950, the site and surrounding properties remained the same except for the following additions, the San José Civic Auditorium to the southeast and a car wash and police department to the east. By 1969, the site was used as a parking lot. Construction of Parkside Hall started in late 1976. Since 1989, the building has served as a venue for trade shows and community events.

Asbestos Containing Materials

The on-site building was constructed in late 1976. Given that the on-site building was constructed sometime in 1976, asbestos containing materials (ACMs) are likely present on-site. Friable asbestos is any ACM that, when dry, can easily be crumbled or pulverized to a powder by hand allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. Use of friable asbestos products was banned in 1978.

Lead-Based Paint

Given the age of the existing on-site building, lead-based paint may also be present on-site. Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead in interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5,000 parts per million [ppm]) and in 1978, to 0.06 percent (600 ppm). In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead.

4.8.2.2 Surrounding Land Uses

Prior to development of adjacent commercial and office land uses, the immediate project area was utilized as residential land, gas stations, and related auto services. The project is in a highly developed urban area and is not adjacent to any wildland areas that would be susceptible to fire. The nearest airport is Norman Y. Mineta San José International Airport. The physical distance between the project site and airport is approximately 2.2 miles. In addition, the project site is not located within one-quarter mile of any proposed or existing school.

4.8.2.3 Off-Site Sources of Contamination

The Phase I Environmental Site Assessment identified two previously documented and currently known hazardous materials locations within one-fourth mile in distance from the site.

The property located at 95 South Almaden Avenue, approximately 710 feet north (cross gradient) of the project site, is listed as a leaking underground storage tank (LUST) cleanup site that is open for remediation. The facility currently contains and previously contained diesel fuel UST systems at the southwestern margin and western corner of the city-block. The facility's in-use UST complex consists of three 20,000-gallon diesel fuel USTs piped into the building to support backup generators.

Since August 2015, the Regional Water Quality Control Board (RWQCB) has requested remedial progress reports.

The San José Convention Center (South Hall) is located approximately 543 feet south and cross gradient of the project site. No files dated after September 2007 were available for review at the RWQCB office or on any of the regulatory databases.

4.8.2.4 Applicable Hazards and Hazardous Materials Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

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.

Action EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and

community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

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 navigation.

Policy TR-14.3: For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid- Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

4.8.3 Environmental Checklist and Discussion of 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:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1-3,14
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐	1-3,14
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1-3,14
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	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:						
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-3
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1-3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1-3

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would result in less than significant hazards and hazardous materials impacts, as described below.

4.8.3.1 Soil and Groundwater Contamination Impacts

(Checklist Question a – d)

As mentioned previously, the project site has no documented history of any spills or leaks; however, there are two properties off-site listed on the regulated databases within one-fourth of a mile from the project site. The facility located at 95 South Almaden Avenue is listed as a LUST cleanup site that is open for remediation. The facility's in-use UST complex consists of three 20,000-gallon diesel fuel USTs piped into the building to support backup generators. In the early 1990's, diesel fuel was discovered in soil near the UST complex. The contaminants of concern (COC), included total petroleum hydrocarbons-diesel range (TPH-d), total petroleum hydrocarbons-gasoline range (TPH-g), benzene, toluene, ethylbenzene, and xylenes (BTEX) and diisopropyl ether, ethyl tertbutyl ether, methyl-tert-butyl ether, tert-amyl-methyl ether (fuel oxygenates). By 1992, it was reported that five 10,000-gallon diesel USTs and associated piping were removed from the southwest corner of the facility. Soil samples that were collected during the UST removals were reported to contain elevated

concentrations of petroleum hydrocarbons. Three 20,000-gallon diesel USTs were installed in a new location about 90 feet north of the UST removal area. As of August 2015, remedial progress reports have not been updated on the RWQCB's Geotracker database; however, given the direction of groundwater flow, the nature of contamination, and the location of this facility relative to the project site, the facility does not pose a risk to the environmental quality of the site.

The San José Convention Center (South Hall) was identified in the Spills, Leaks, Investigation and Cleanup (SLIC) database as open for site assessment. In 1988, RUST Environmental & Infrastructure Inc. (RUST) identified the presence of elevated lead in shallow soil, petroleum hydrocarbons and VOCs in deep soil, and lead, petroleum hydrocarbons, and VOCs in groundwater during a subsurface investigation at the property. URS Corporation (URS) conducted a Limited Phase II Environmental Site Assessment (Phase II ESA) for the property to assess the lateral extent of petroleum hydrocarbons, VOCs, and metals in the shallow groundwater. Based on the results of the Phase II ESA, URS concluded that hydrocarbon-related compounds migrated onto the South Hall property from an up-gradient source and that no further investigation work was necessary. Contamination at South Hall would not pose as a risk to the project site.

Development of the project site would require excavation to a depth of approximately 39 feet to construct the underground parking garage. While extensive excavation is required and shallow groundwater would likely be encountered, there is no documented evidence of on-site or off-site soil or groundwater contamination that could impact construction workers or adjacent land uses during construction or operation of the project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.2 Dewatering During Construction *(Checklist Question d)*

Groundwater has been found on-site at a depth of approximately 12 to 20 feet bgs. The site would be excavated to a depth of approximately 39 feet for the three-story below grade parking structure. The project would likely encounter groundwater during excavation activities on-site which would need to be removed from excavated areas and disposed. Based on the analytical results of groundwater samples collected at the South Hall, groundwater in the area does not pose a risk to the environmental quality of the project site. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB and the City's Environmental Services Division. Dewatering during construction is not anticipated to create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.3 Asbestos-Containing Materials and Lead-Based Paint Impacts *(Checklist Question a – d)*

Due to the age of the existing structure on-site, building materials may contain asbestos. When the building is demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos.

Due to the age of the existing structure on-site, lead-based paint may be present. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If the lead-based paint is flaking, peeling, or blistering, it should be removed prior to demolition. It will be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately.

No information regarding the use of lead-based paint was identified on-site; however, if used, lead concentrations may remain in on-site soil. The project proposes to excavate to a depth of approximately 39 feet for below-grade parking. Disturbance of these materials during demolition and construction of the proposed project could expose construction workers to harmful levels of lead.

Demolition of the existing structures on the project site could expose construction workers or occupants on adjacent buildings to harmful levels of ACMs or lead.

The project is required to implement the following Standard Permit Conditions measures to reduce impacts due to the presence of ACMs and/or lead-based paint:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.

- During 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 would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to 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 asbestos exposure.

- 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.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The Envision San José 2040 General Plan EIR as supplemented, 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)]**

4.8.3.4 Other Hazard Impacts *(Checklist Questions c, e – h)*

Schools

As mentioned previously, the project site is not located within one-quarter mile of any proposed or existing school. Therefore, implementation of the proposed project would not result in a hazardous materials impact to any nearby school. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Airport Operations

Federal Aviation Administration (FAA) Regulations (Title 14 of the Code of Federal Aviation Regulations (FAR) Part 77) set forth standards and review requirements for protecting the airspace near airports, particularly by restricting the height of potential structures and minimizing other hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. Under the FAR Part 77, the FAA must be notified of proposed structures within an extended zone defined by a set of imaginary surfaces or slopes that radiate out for several miles from an airport's runways, or which would stand at least 200 feet or more in height above ground.

At a proposed maximum height of 270 feet, the project is required to be reviewed by the FAA. General Plan Policy TR-14.2 requires FAA issuance of "no hazard" determinations prior to project approval, with any conditions set forth in an FAA no-hazard determination to be incorporated into the City's project approval. Applications of this General Plan policy ensures that the project would not be a hazard to aircraft operations.

While the project site is not located within a Comprehensive Land Use Plan (CLUP)-defined safety zone, the project is, however, located within the Norman Y. Mineta San José International Airport Influence Area (AIA) which is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations.[10] The project would be required to follow all applicable General Plan policies, including *Policy TR-14.2* and *Policy TR-14.3*, regulations, and procedures outlined in the CLUP for the Norman Y. Mineta San José International Airport. Furthermore, a Determination of No Hazard would be required from the FAA as a condition of project approval, prior to issuance of building permits.

Implementation of the project would not result in a substantial safety hazard for people residing or working at the project site. As a result, the project would not result in a substantial safety hazard for people residing or working at the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Emergency Response Plans

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (No Impact)]**

[10] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_20110525_SJC_CLUP.pdf Accessed April 25, 2016.

Wildland Fires

The project site is in a developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. Therefore, implementation of the proposed project would not expose future site users or the proposed building to wildland fires. **[Same Impact as Approved Project (No Impact)]**

4.8.3.4 Existing Hazardous Materials Conditions Affecting the Project

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g., soil/groundwater contamination) affecting a proposed project, which are addressed below.

Envision San José 2040 General Plan policies have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-7.2 requires the identification of 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 are required to be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.

There is no documented evidence of on-site or off-site soil or groundwater contamination that could impact future site occupants. As a result, the proposed project would not result in human health and environmental hazards to future users consistent with Policy EC-7.2.

4.8.4 Conclusion

The proposed project would result in a less than significant hazards and hazardous materials impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map 06085C0234H), the project site is located in Flood Zone D.[11] Zone D is an area of undetermined but possible flood hazard that is outside the 100-year floodplain. There are no floodplain requirements for Zone D.

4.9.1.2 Dam Failure

Based on the Santa Clara Valley Water District (SCVWD) dam failure inundation hazard maps, the project site is within the Lexington Dam and Anderson Dam failure inundation hazard zone.[12,13]

4.9.1.3 Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.[14] There are no bodies of water near the project site that would affect the site in the event of a tsunami.[15] The downtown area of the City is located on gently sloping and nearly flat valley floor topography and is not subject to the risk of mudflows.

4.9.1.4 Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into the Guadalupe River. The Guadalupe River carries stormwater from the local storm drains into San Francisco Bay. There is no overland stormwater flow from the project site to any waterway.

Currently, 12 percent of the project site is pervious. There are existing storm drain lines that run along Park Avenue that serve the site.

4.9.1.5 Water Quality

As stated above, stormwater from the project site drains into the Guadalupe River. The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA)[16], the Guadalupe River is currently listed on the California

[11] Federal Emergency Management Agency. Map 06085C0234H. May 18, 2009. Accessed April 12, 2016. <http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=81845709&IFIT=1>

[12] Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009.* *http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx* Accessed April 12, 2016.

[13] Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps. 2009.* *http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx* Accessed April 28, 2016.

[14] A seiche is a standing wave oscillating in a body of water.

[15] Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* <http://quake.abag.ca.gov/tsunamis>. Accessed April 12, 2016.

[16] United States Environmental Protection Agency. *California 303(d) Listed Waters.*

303(d)[17] list and the Total Maximum Daily Load (TMDL) high priority schedule for mercury.[18] A TMDL for mercury was established in 2010.

Nonpoint Source Pollution Program

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations, under Section 402 of the Clean Water Act, include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the Santa Clara area is the San Francisco RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For any projects that disturb one or more acres of land, the project applicant is required to submit a Notice of Intent (NOI) to the State Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP addresses appropriate measures for reducing construction and post-construction impacts.

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project would submit to the Director of Public Works an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants.

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). The permit requires all members, including the City of San José, to implement programs that reduce urban runoff pollution and promote public awareness. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet of impervious surface 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) techniques.

http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012 Accessed April 28, 2016.

[17] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

[18] A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the federal Clean Water Act, which mandated that the Federal Environmental Protection Agency develop NPDES application requirements for storm water runoff.

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's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

Hydromodification

The Municipal Regional Stormwater NPDES Permit 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.

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).

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[19]

[19] Santa Clara Valley Urban Runoff Pollution Prevention Program. http://www.scvurppp-w2k.com/hmp_maps.htm Accessed April 12, 2016.

4.9.1.6 Groundwater

Based on the Geotechnical report and Phase I ESA, historic high groundwater in the project vicinity is approximately 12 to 20 feet bgs.

4.9.1.7 Applicable Hydrology and Water Quality Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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 ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

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.

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.

4.9.2 Environmental Checklist and Discussion of 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:						
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1-4

	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:						
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1-4
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	☐	1-4
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?	☐	☐	☐	☒	☐	1-4
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1-4
f. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1-4
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1-4,15

	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:						
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1-4,15
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1-4,16
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented, the proposed project would result in less than significant hydrology and water quality impacts, as described below.

4.9.2.1 Water Quality Impacts *(Checklist Questions a and f)*

Construction Impacts

Implementation of the proposed project would involve demolition, excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the project would disturb more than one acre of land, the project would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities.

In addition, the following measures, based on RWQCB recommendations, have been included in the project as Standard Permit Conditions to reduce potential construction-related water quality impacts:

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.

- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

- Vegetation in disturbed areas would be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the proposed project would have a less than significant impact on water quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Under existing conditions, the project site is 88 percent impervious. Upon completion of the development, the project site could be up to 95 percent impervious. The project would add or replace more than 10,000 square feet of impervious surfaces and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit.

The MRP requires all of the post-construction stormwater runoff to be treated by numerically sized Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The proposed project has been determined to qualify for 100 percent treatment reduction credits because it is high-density, in-fill development in proximity to transit.

Stormwater runoff would drain into the treatment areas prior to entering the storm drainage system. The on-site treatment facilities would be numerically sized and required, as a condition of project approval, to have sufficient capacity to treat the roof and parking lot runoff entering the storm drainage system, consistent with the NPDES requirements.

The Envision San José 2040 General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 Groundwater Impacts *(Checklist Question b)*

While the conversion of existing pervious surfaces to impervious surfaces may decrease groundwater infiltration into an underlying groundwater basin, the project site is not a designated recharge area.

With implementation of the project, the quantity of impervious surfaces on the project site would increase by seven percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the Envision San José 2040 General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction of the project would include three levels of below-grade parking at a total depth of approximately 39 feet. Groundwater on-site was encountered at approximately 12 to 20 bgs. Based on this data, the construction and operation of the proposed development could interfere with the shallow groundwater aquifer (i.e., dewatering and/or blocking the natural flow direction). During construction, dewatering may be required, but would be temporary and would not have a long-term effect on groundwater supply.

The underground parking structure may result in shallow groundwater having to divert around the structure. It would not, however, substantially interfere with overall groundwater flow (i.e., it will not preclude the shallow groundwater from flowing in a south/southwest direction) or impact the deeper groundwater aquifers.

In accordance with City policies, the following Standard Permit Conditions will be implemented as part of the project:

Standard Permit Conditions

Construction Period

- As the project is regulated by the statewide Construction General Permit, it will be subject to the requirements of that permit related to construction-period pumped groundwater discharges.

Post- Construction

- The project shall be designed so that the below-grade parking garage will withstand hydrostatic groundwater pressure intrusions and will not need to pump groundwater on a post-construction basis. If this is infeasible then the project can implement groundwater pumping.

- Any pumped uncontaminated groundwater of less than 10,000 gallons/day shall be discharged to a landscaped area or bioretention unit that is properly designed to accommodate the volume of pumped groundwater, or discharged to the sanitary sewer. Discharge to the sanitary sewer will require review by the City's Environmental Services Engineering section during the Building Permit stage and is subject to all wastewater permitting requirements and fees. In the event, it is not feasible to pump groundwater to stormwater treatment features or the sanitary sewer, groundwater may be discharged to the storm sewer system if testing determines that the discharge is uncontaminated, as outlined in the City's Stormwater Permit - Provision C.15.b.i(2)(c)-(e). Pre-discharge sampling data collected for verification that the pumped groundwater is not contaminated shall be provided to the City of San José.

- Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. Upon approval of the permit, a copy shall be provided to the City of San José with the Building Permit application submittal.

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

4.9.2.3 Drainage Pattern Impacts *(Checklist Question c)*

The proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion of siltation or increase the rate or amount of stormwater runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.4 Storm Drainage Impacts *(Checklist Question d and e)*

Table 4.9-1, below gives a breakdown of the pervious and impervious surfaces on the project site under both existing and project conditions.

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	39,200	39	82,100	82	+42,900	+43
Hardscape	49,523	49	12,952	13	-36,571	-36
Subtotal	88,723	88	95,052	95	+6,329	+7
Pervious						
Pavement and Landscaping	11,849	12	5,520	5	-6,329	-7
Total	100,572	100	100,572	100		

Under existing conditions, the entire site is 12 percent pervious. Under project conditions, the pervious surface area would decrease to five percent, which would result in a net increase in stormwater runoff.

The Envision San José 2040 General Plan concluded that new development and redevelopment allowed under the General Plan may result in an increase in impervious surfaces, however, implementation of applicable City policies and existing regulations would substantially reduce drainage hazards. As a result, the proposed project would have a less than significant impact on the existing storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.5 Seiches, Tsunamis, and Mudflows *(Checklist Question j)*

Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. In addition, the project area is flat and there are no nearby mountains. As a result, development of the project would not cause mudflows that would impact adjacent properties. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.6 Existing Flooding Conditions Affecting the Project *(Checklist Questions d and g – i)*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g., flooding) affecting a proposed project, which are addressed below:

Based on the FEMA flood insurance rate maps, the project site is outside the 100-year floodplain. Because the project would be required to comply with all applicable Municipal Code requirements for construction in a flood plain, implementation of the proposed project would not expose people or structures to significant flood hazards in compliance with City policies.

The project site is within the Lexington Dam and Anderson Dam failure inundation hazard zone. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington and Anderson. As a result, the probability of a dam failure is very low. The Envision San José 2040 General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death.

4.9.3 Conclusion

Implementation of the identified Standard Permit Conditions would result in a less than significant water quality and hydrology impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE

4.10.1 Setting

The 2.35-acre project site is comprised of a single parcel located on Park Avenue between South Market Street and South Almaden Boulevard in downtown San José. The site is currently developed with a one-story public exhibit building.

4.10.2 Environmental Checklist and Discussion of 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:						
a) Physically divide an established community?	☐	☐	☐	☒	☐	1-4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐	☐	1-4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1-4

4.10.3 Conclusion

As proposed, the project would demolish the existing building and construct a high density mixed-use building. The consistency of the proposed land use with the City's General Plan and other major development studies is evaluated in the SEIR for this proposed project. No further analysis is provided in this Initial Study.

4.11 MINERAL RESOURCES

4.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

4.11.2 Environmental Checklist and Discussion of 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:						
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1-4
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would not impact mineral resources, as described in the following.

4.11.2.1 Impacts to Mineral Resources *(Checklist Questions a and b)*

The proposed project is within a developed urban area and the physical distance between the project site and the Communications Hill area is approximately 2.95 miles. Implementation of the project would not result in impacts to known mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE

The following discussion is based on an Environmental Noise Assessment completed by *Illingworth & Rodkin* in April 2016. A copy of this report is included in Appendix F of the SEIR.

4.12.1 Setting

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

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. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Construction Noise

Construction is a temporary source of noise for 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. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

Background Information – Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle

Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.12-1 shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration

PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.

Source: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. June 2004.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows. Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential for structural damage and the potential to interfere with the enjoyment of life or normal activities 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 the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

Structural damage can be classified as cosmetic, 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 structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.12.1.2 Existing Noise Conditions

Figure 4.12-1: Noise Measurement Locations

A noise monitoring survey was performed in the vicinity of the project site between March 8, 2016 and March 10, 2016. Noise on-site and in the surrounding area results primarily from vehicular traffic along the local roadways. The monitoring survey included two long-term noise measurements (LT-1 and LT-2) and three short-term measurements (ST-1 to ST-3) as shown in Figure 4.12-1. The results of short-term noise levels are shown in Table 4.12-2 below.

Table 4.12-2: Short-Term Noise Levels

Measurement	DNL	Location
ST-1	69 dBA	75 feet east of center of Almaden Boulevard
ST-2	71 dBA	75 feet north of center of San Carlos Street
ST-3	66 dBA	75 feet west of center of Market Street

LT-1 was measured at a distance of approximately 55 feet from the center of Park Avenue. The primary noise source at this location came from the traffic along Park Avenue, with occasional noises generated by aircraft overflights. Hourly average noise levels ranged from 63 to 73 dBA L_{eq} at this location during daytime hours, and from 54 to 68 dBA L_{eq} at night. The day-night average noise level was 68 dBA DNL. Maximum noise levels intermittently reached 90 to 93 dBA L_{max}, with daytime maximum levels typically in the range of 75 to 85 dBA L_{max}.

LT-2 was measured west of Parkside Hall, approximately 225 feet south of the center of Park Avenue. The primary noise sources at this location were traffic on the surrounding roadways and intermittent aircraft overflights. Hourly average noise levels at this location ranged from 60 to 67 dBA L_{eq} during the day and from 50 to 65 dBA L_{eq} at night. The day-night average noise level was 66 dBA DNL. Maximum noise levels intermittently reached 86 to 89 dBA L_{max}, with daytime maximum levels typically in the range of 75 to 85 dBA L_{max}.

According to the City's current and projected 2027 aircraft noise contours for the Norman Y. Mineta San José International Airport, the project site is outside, but adjacent to the 65 dBA CNEL noise contour.

4.12.1.3 Sensitive Receptors

Noise sensitive uses surrounding the site include the Tech Museum of Innovation located east of the site, the City National Civic located south of the site, and the Hyatt Hotel located to the west of the site. César Chávez Park, restaurants, offices, and parking uses are located within the project vicinity. There are no residential uses in close proximity to the site. While there are non-residential sensitive receptors in the project area, noise exposure would be minimal given the limited periods in which the receptors would occupy these land uses.

4.12.1.4 Applicable Noise Standards and Policies

2013 California Building Code, Title 24, Part 2

The current California Building Code (CBC) does not place limits on interior noise levels attributable to exterior environmental noise sources. The July 1, 2015 Supplement to the 2013 CBC corrects this omission, reinstating 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. In keeping with the provisions of the 2015 supplement, interior noise levels attributable to exterior environmental noise sources are to be limited to a level not exceeding 45 dBA L_{dn} in any habitable room for new dwellings other than detached single-family dwellings.

General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-3, below.

Table 4.12-3: Land Use Compatibility Guidelines for Community Noise in San José

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.

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:

Interior Noise Levels

- 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 meeting this standard. For sites with exterior noise levels of 60 dBA 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 Environmental General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- 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 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: Construction operations within San José will be required 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-2.1: Near light and heavy rail lines or other sources of groundborne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

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 potential for cosmetic damage at buildings of normal conventional construction.

Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan

The Comprehensive Land Use Plan adopted by the Santa Clara County Airport land Use Commission contains standards for projects within the vicinity of San José International Airport which are relevant to this project;

Policy N-3: Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 (2022 Aircraft Noise Contours).

Policy N-4: No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi-unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.)

Federal Transit Administration

The Federal Transit Administration (FTA) has identified vibration impact criteria for sensitive buildings, residences, and institutional land uses near rail transit and railroads. The thresholds for residences and buildings where people normally sleep (e.g., nearby residences) are 72 VdB for frequent events (more than 70 events of the same source per day), 75 VdB for occasional events (30 to 70 vibration events of the same source per day), and 80 VdB for infrequent events (less than 30 vibration events of the same source per day).

4.12.2 Environmental Checklist and Discussion of 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:						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1-4,17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1-4,17

	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:						
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-4,17
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-4,17
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-4,17
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-4,17

In conformance with the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented, the project would be required to adhere to the General Plan policies and Zoning Ordinance requirements as described below. As a result, noise impacts would be less than significant, consistent with the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented.

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

4.12.2.1 Noise Impacts from the Project *(Checklist Questions a – d)*

Project Generated Traffic Noise Impacts

The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to a permanent noise level increase of three dBA or more. The proposed project would result in approximately 5,472 daily trips.[20] Although the increase in traffic would result in an overall increase in traffic noise, these volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Noise Impacts

Project construction is anticipated to occur over a period of 39 months. Construction activities generate considerable amounts of noise, especially during pile driving and earth-moving activities when heavy equipment is used. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration or noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. The construction of the proposed project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building construction, and paving. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well. Construction activities would be carried out in stages. At 50 feet from the noise source, maximum noise levels generated by project construction equipment would typically range from 83 to 90 dBA L_{max}. Impact pile driving generates maximum noise levels of up to about 101 dBA L_{max} at a distance of 50 feet.

The Tech Museum of Innovation and the City National Civic are located approximately 20 feet east of the project site. The Hyatt Hotel is located approximately 120 feet southwest of the project. At these distances, the construction noise levels would exceed 70 dBA L_{eq} and ambient levels by more than 5 dBA L_{eq} over a period exceeding one year. As mentioned above, noise sensitive uses, including the Tech Museum of Innovation located east of the site, the City National Civic located south of the site, the Hyatt Hotel located southwest of the site, and the buildings immediately north of Park Avenue are not considered as sensitive receptors due to the temporary noise exposure to the persons occupying those buildings during daytime hours, particularly patrons of the museum, the auditorium, and the hotel.

Nevertheless, GP Policy EC-1.7 states that the City considers significant construction noise impacts to occur if a development located within 200 feet of commercial land uses or offices would have substantial noise-generating activities lasting more than 12 months. For such large or complex projects, Policy EC- 1.7, requires completion and implementation of 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. This noise mitigation plan must be in place prior to the start of

[20] Museum Place Mixed-Use Development Traffic Operations Analysis, February 2017

construction and implemented during construction to reduce noise impacts on neighboring residents and other affected uses.

The Envision San José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 EIR concluded that short-term construction noise would be mitigated to a less than significant level by identified General Plan policies and existing regulations, particularly Policy EC-1.7. Additionally, the project would be required to implement the following Standard Permit Conditions to reduce noise from construction activities near sensitive land uses:

Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, hotels, and other noise-sensitive land uses.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines should be strictly prohibited.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

- Consider the use of "acoustical blankets" for receptors located within 100 feet of the site during pile driving activities.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the identified Standard Permit Conditions, and compliance with General Plan policies (including policy EC-1.7), the project would have a less than significant impact from construction noise. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundborne Vibration Impact

Construction of the project would generate vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include site demolition work, preparation work, excavation of below-grade levels, foundation work, and new building framing and finishing. The use of pile driving and vibratory compaction equipment generates the highest construction related groundborne vibration and is anticipated to occur during grading and excavation of the site. Pile driving on-site would generate vibration levels of 0.644 in/sec PVV but could reach levels up to 1.158 in/sec PPV at 25 feet.

Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For sensitive historic structures, groundborne vibration levels exceeding 0.08 in/sec PPV would be considered significant.

The project site is surrounded by the Tech Museum of Innovation, the City National Civic (a historic structure), and the Hyatt Hotel. Due to the close proximity of the surrounding buildings, adjacent structures would be exposed to excessive vibration levels during pile driving activities. For historic buildings, the upper range impact pile driving would exceed the 0.08 in/sec PPV historic threshold within 275 feet of activities (with typical levels exceeding the historic building threshold within about 160 feet of activities). For normal buildings, the upper range pile driving vibration levels would exceed the 0.2 in/sec PPV threshold within about 120 feet of construction, with typical levels exceeding the threshold within approximately 75 feet of activities.

Other construction equipment, such as clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, and jackhammers would not be anticipated to cause vibration levels in excess of the City's vibration threshold for buildings of normal construction at distances exceeding 25 feet from construction. The City's vibration threshold for sensitive historic structures would be anticipated to be exceeded within about 60 feet of construction equipment other than pile driving.

Impact NOI-1: Construction of the proposed project would expose nearby buildings to vibration levels in excess of City standards and could result in significant construction-related groundborne vibration impacts. **(Significant Impact)**

Mitigation and Avoidance Measures

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

MM NOI-1.1: The project applicant and its contractors shall use drilled piers or rammed aggregate piers which cause lower vibration levels and are the preferred foundation method where geological conditions permit.

MM NOI-1.2: 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 contractor 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 – 3.3 below).

MM NOI-1.3: The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) 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 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 would 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 would 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, suspend construction and implement contingencies 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 post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

MM NOI-1.4: 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 substantial 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.

Implementation of these mitigation measures would result in a less than significant impact on groundborne vibration impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise Impacts

Mixed-use development typically includes various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for the buildings and the underground parking levels. The most substantial noise-generating equipment would likely be large exhaust fans and air conditioning units. Pursuant to the City's Noise Element, noise levels from building equipment would be limited to 55 dBA DNL at receiving noise-sensitive land uses.

Truck deliveries for the commercial uses on the project site have potential to generate noise. Typical noise levels generated by loading and unloading of truck deliveries would be similar to noise levels

generated by existing truck movements on local roadways and by similar activities at surrounding uses. These are not anticipated to impact the nearby noise-sensitive land uses.

In accordance with the Envision San José 2040 General Plan EIR as supplemented, and the Downtown Strategy 2000 EIR, the proposed project would be required by Conditions of Approval to implement the following measure:

> A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits.

With implementation of the required measure, the project would have a less than significant operational noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.2.2 Existing Noise Conditions Affecting the Project *(Checklist Questions e and f)*

As noted previously, based upon the December 2015 California Supreme Court California Building Industry Association (BIA) v. BAAQMD decision, the analysis of environmental conditions affecting a project is no longer required under CEQA, but is included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

The policies of the Envision San José 2040 General Plan EIR as supplemented, have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, State and City noise standards and guidelines as a part of new development review. Within the City of San José, 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 meeting this standard. For sites with exterior noise levels of 60 dBA 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 San José 2040 General Plan EIR as supplemented, traffic volumes to ensure land use compatibility and General Plan consistency over the life of the plan.

Exterior Noise Levels

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.

Future Interior Noise Environment

Ambient noise levels on the project site would be influenced primarily by automobile traffic. The noise monitoring survey performed in the vicinity of the site found current noise levels ranging from 63 to 73 dBA L_{eq} during the daytime and 50 to 68 L_{eq} at night. Based on estimated future traffic volumes associated with planned growth, the Envision San José 2040 General Plan EIR as supplemented, concluded that ambient noise levels on the project site will be approximately 70 to 75 dBA DNL by 2035.

Standard building construction techniques and materials attenuate approximately 15 to 20 dBA of exterior noise for interior areas. The residential units on-site would be required to comply with the California Building Code and reduce the interior noise levels to 45 dBA DNL per City and State standards.

The following Conditions of Project Approval would be required to ensure the project is consistent with applicable City policies:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all project residences, so that windows can be kept closed to control noise.

- Provide sound rated windows to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC[21] Ratings of 28 to 32 would be satisfactory for units to achieve acceptable interior noise levels. The specific determination of what noise insulation treatments are necessary shall be completed on a room-by-room basis during final design of the project.

- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study will also establish appropriate criteria for noise levels inside the commercial and office spaces affected by environmental noise. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or

[21] **Sound Transmission Class (STC)** A single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

lower and reduce levels to the established criteria for the business and commercial uses; and, address and adequately control the noise from adjacent rooftop equipment. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the Conditions of Approval, the project would meet the City's interior noise standards consistent with Policy EC-1.1

Future Exterior Noise Environment

As proposed, the project would include communal open space areas for on-site residents. Outdoor residential use areas could be exposed to noise levels up to 75 dBA as a result of aircraft flyovers. While noise on the project site is due, in part, to aircraft flyovers, policy EC-1.1 only requires noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Consistent with the Downtown Strategy 2000 EIR and in accordance with the Envision San José 2040 General Plan EIR as supplemented, particularly Policy EC-1.1, the proposed project will be required by conditions of project approval to implement the following measure:

- Shield common outdoor areas with buildings and parapet walls or other noise attenuation features/structures.

    - Preliminary calculations indicate that the construction of 3.5 foot high parapet walls, as measured above the base elevation of the rooftop use area, would reduce ambient exterior noise levels (not including aircraft fly overs) to approximately 65 dBA DNL. The parapet walls would need to be located along all outer edges of the use areas and attach to the proposed building on both sides. To be effective, the parapet wall must be constructed with a solid material with no gaps in the face of the wall or at the base. Suitable materials for sound wall construction should have a minimum surface weight of three pounds per square foot (such as one-inch-thick wood, ½-inch laminated glass, masonry block, concrete, or metal one-inch).

With implementation of the identified measures, exterior noise levels at residential outdoor use areas would be consistent with Policy EC-1.1.

4.12.3 Conclusion

With implementation of the Conditions of Project Approval and conformance with General Plan policies, the project would have a less than significant noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

Based on information from the Department of Finance E-5 report, the City of San José population was estimated to be approximately 1,042,094 in January 2016 with an average number of persons per household of 3.22.[22,23] The City's population is projected to reach 1,445,000 with 471,000 households by year 2040.[24]

The jobs/housing 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 jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The current ratio of jobs to employed residents in San José is 0.8 to 1; however, build-out of the General Plan would result in 1.3 jobs per employed resident.

4.13.2 Environmental Checklist and Discussion of 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:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1-4
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-4
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-4

[22] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2015 and 2016. May 2016. Available at: < http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/>

[23] State of California, Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2016. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/15743>

[24] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. http://www.sanjoseca.gov/DocumentCenter/View/3326. Accessed September 28, 2016.

Similar to the site development evaluated in the Envision San José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 FEIR, the proposed project would result in less than significant population and housing impacts, as described below.

4.13.2.1 Impacts to Population and Housing *(Checklist Question a – c)*

The project proposes a 270-foot high-rise mixed-use building that include 306 residential units. Assuming 3.22 persons per household[25] for each of the 306 residential units, the project would generate a maximum of 985 new residents in the City of San José.

The proposed 306 dwelling units would comprise a small portion of the dwelling units already planned for the downtown as part of the Downtown Strategy 2000, as well as the 120,000 net new dwelling units planned for in the General Plan. While the project would increase housing within the City, it would not result in unplanned residential growth and it would not impact the jobs/housing imbalance. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is currently developed with a one-story public exhibit building. The proposed project would not result in the displacement of people or necessitate the construction of housing elsewhere. **[Same Impact as Approved Project (No Impact)]**

4.13.3 Conclusion

Implementation of the proposed project would result in a less than significant impact on population and housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[25] Ibid.

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 Fire Protection Services

Fire protection services for the project are provided by the San José Fire Department (SJFD). SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 1, located at 225 North Market Street. The physical distance between the project site and Station No. 1 is approximately 0.5 mile.

The Envision San José 2040 General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

4.14.1.2 Police Protection Services

Police protection services for the project site are provided by the SJPD, which is headquartered at 201 West Mission Street. The physical distance between the project site and SJPD is approximately 1.44 miles.

The Envision San José 2040 General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

4.14.1.3 Schools

The City of San José includes 22 public school districts that currently operate 222 public schools. The project site is located within the San José Unified School District (SJUSD). SJUSD has 27 elementary schools, six middle schools, and nine high schools in operation.

The nearest elementary school to the project site is Horace Mann Elementary School located approximately 0.6 mile northeast. The nearest middle school is Peter Burnett Middle School located approximately 1.5 miles north of the project site. The nearest high school is San José High School located approximately 1.6 miles northeast of the project site.

4.14.1.4 Parks

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José currently operates over 199 neighborhood-serving parks and nine regional parks.

The nearest parks to the project site are Plaza de César Chávez, located at 194 South Market Street, and John P. McEnery Park, located at San Fernando Street and Almaden Boulevard. The physical distance between the project site and Plaza de César Chávez is approximately 0.07 mile east of the project site. The physical distance between the project site and John P. McEnery Park is approximately 0.19 mile northwest of the project site.

Plaza de César Chávez is a 2.3-acre park across from The Tech Museum of Innovation. John P. McEnery Park is a 1.3-acre park that includes playgrounds, water play features, and picnic sites. Guadalupe River Park and Trail and Discovery Meadow Park are accessible from the site, along Park Avenue. The Guadalupe River Park and Trail is located approximately 0.25 mile west of the subject site. Discovery Meadow Park is approximately 0.375 mile southwest of the site. Roosevelt Community Center serves the subject site. It located approximately 1.57 miles northeast of the project at 901 East Santa Clara Street.

4.14.1.5 Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library and 22 branch libraries. Residents of the downtown area are served by the Dr. Martin Luther King Jr. Library. The physical distance between Dr. Martin Luther King Jr. Library and the project site is approximately 0.40 mile.

4.14.1.6 Applicable Public Services Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to the project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

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 LU-9.6: Require residential developments to include adequate open spaces in either private or common areas to partially provide for residents' open space and recreational needs.

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-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and

maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

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.

Policy PR-2.6: Locate all new residential development over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

The Quimby Act (California Government Code §66477) authorizes cities and counties to adopt ordinances requiring new development to dedicate land or pay fees or provide a combination of both for park improvements.

The City of San José enacted the Parkland Dedication Ordinance (PDO)26 in 1988 to help meet the demand for new neighborhood and community parkland generated by the development of new residential subdivisions. In 1992, the City Council adopted the Park Impact Ordinance (PIO)27, which is similar to the PDO, but applies to new non-subdivided residential projects such as apartment buildings. These ordinances are consistent with provisions of the California Quimby Act (GC § 66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

The Envision San José 2040 General Plan has a service level goal of providing 3.5 acres of neighborhood/community serving park land per every 1,000 population (GP Policy PR-1.1) and 7.5 acres per 1,000 population of citywide/regional parkland (GP Policy PR-1-2) to help meet the demand for neighborhood and community parks generated by the development of new residential parcels.

The Envision San José 2040 General Plan estimated a citywide population of 1,313,811 by 2035 which would increase the demand for park and recreational facilities and create a parkland deficit of 2,187.40 acres (including regional and local park lands). The Downtown Strategy 2000 evaluated up to 10,000 additional dwelling units, which would result in approximately 87.5-acre deficiency of parkland.

[26] City of San Jose Municipal Code Title 19.38
[27] City of San Jose Municipal Code Title 14.25

The PIO and PDO requires new residential development to provide 3.0 acres of neighborhood/ community serving parkland per 1,000 population San José residents either through the dedication of parkland to serve new residents, or through the payment of park impact in-lieu fees, or provide public recreational improvements, or a provide a combination of to meet Municipal Code requirements. The residential portion of this project (306 units) has a parkland dedication obligation of approximately 2.148 acres. An executed Parkland Agreement that outlines how a project would comply with the PIO/PDO is required prior to the issuance of a Parcel Map or a Final [subdivision] Map. Payment of Park Impact in-lieu fees is required prior to the issuance of a Building Permit.

4.14.2 Environmental Checklist and Discussion of 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						
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
- Fire Protection?	☐	☐	☐	☒	☐	1-4
- Police Protection?	☐	☐	☐	☒	☐	1-4
- Schools?	☐	☐	☐	☒	☐	1-4
- Parks?	☐	☐	☐	☒	☐	1-4
- Other Public Facilities?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Envision San José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 EIR, the proposed project would result in less than significant population and housing impacts, as described below.

4.14.2.1 Impacts to Public Services *(Checklist Question a)*

Fire Protection Services

The Envision San José 2040 General Plan EIR as supplemented, concluded that planned growth under the General Plan would increase calls for fire protection services. The project is only a small portion of the total growth identified in the Envision San José 2040 General Plan and Downtown Strategy 2000. Implementation of the proposed project would not require the construction of new fire stations, other than those already planned and evaluated programmatically in the Envision San

José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 EIR, to meet the City's service goals.

The 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 Envision San José 2040 General Plan EIR as supplemented, to avoid unsafe building conditions and promote public safety. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Police Protection Services

Planned growth under the Envision San José 2040 General Plan would increase the total population of the City which would increase demand for police protection services. The Downtown Strategy 2000 EIR concluded that growth in the downtown area of San José would result in an increase in demand for police services, however, the increase in population would not result in demand for services beyond the capabilities of the department.

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 Envision San José 2040 General Plan EIR as supplemented, to avoid unsafe building conditions and promote public safety. The proposed development would not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Schools

Full buildout of the Envision San José 2040 General Plan would result in approximately 11,079 new students in the SJUSD. Based on the student generation rates for SJUSD,[28,29] future residential development on-site would generate 43 new elementary school students, 18 middle school students, and 23 high school students in the school district. The General Plan identified the need for seven elementary schools, two middle schools, and two high schools to be constructed within the SJUSD to accommodate all students estimated at full buildout. It should be noted that while the district is over capacity, individual schools that would serve the project site are not, as show in Table 4.14-1 below. The three schools that would serve the project site have sufficient capacity to support the proposed multi-family residential development on-site.

[28] Multi-family residential development generates approximately 0.139 elementary students, 0.059 middle school students, and 0.074 high school students per unit.
[29] Student generation rates for San José Unified School District was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (March 1st, 2016).

Table 4.14-1: School Capacity and Enrollment		
School	**Current Capacity**	**Current Enrollment**
Horace Mann Elementary School[30]	750	516
Peter Burnett Middle School[31]	928	877
San José High School[32]	1,421	1,034

According to California Government Code Section 66000, a qualified agency, such as a local school district, may impose fees on developers to compensate for the impact a project would have on existing facilities and services. The California Legislature passed Senate Bill 50 (SB 50) in 1998 to insert new language into the Government Code (Sections 65995.5-65885.7), which authorized school districts to impose fees on developers of new residential construction in excess of mitigation fees authorized by Government Code Section 66000. School districts must meet a list of specific criteria in order to impose additional fees.

The addition of up to 84 students in the SJUSD would comprise a small percentage of the total student population. The project is part of the planned growth in the City and would not increase students in the SJUSD beyond what was anticipated in the General Plan and Downtown Strategy 2000. While the project would increase the number of students attending local schools, the Envision San José 2040 General Plan EIR as supplemented, concluded that implementation of applicable General Plan policies and programs and payment of impact fees would reduce impacts to local schools to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Parks

Future residential development on-site could increase the use of existing recreational facilities in the project area. The Envision San Jose 2040 General Plan has a service level goal of providing 3.5 acres of neighborhood/community serving park land per every 1,000 population (GP Policy PR-1.1) and 7.5 acres per 1,000 population of citywide/regional parkland (GP Policy PR-1-2) to help meet the demand for neighborhood and community parks generated by the development of new residential parcels.

The City's Parkland Dedication Ordinance (PDO - SJMC 19.38) and Park Impact Ordinance (PIO - SJMC 14.25) *requires* new residential development to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population San José residents either through dedication of parkland, the

[30] Capacity and enrollment data for Horace Mann Elementary School was derived from the Horace Mann Elementary School Accountability Report Card.
http://www.sarconline.org/SarcPdfs/Temp/43696666048599.pdf Accessed February 4th, 2016.
[31] Capacity data for Peter Burnett Middle School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the Peter Burnett Middle School Accountability Report Card.
http://www.sarconline.org/SarcPdfs/Temp/43696666062103.pdf Accessed February 4th, 2016.
[32] Capacity data for San José High School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the San José High School Accountability Report Card.
http://www.sarconline.org/SarcPdfs/Temp/43696664337200.pdf Accessed February 4th, 2016.

payment of in-lieu fees, providing new recreational facilities, by improvements to existing facilities, or a negotiated agreement that includes a combination of these.

Full buildout of the Downtown Strategy 2000 would result in an 87.5-acre deficiency of parkland.[33] The Downtown Strategy 2000 FEIR and 2040 General Plan FPEIR concluded that the City's PDO would be satisfied through several ways including: dedication of land; payment of in-lieu fees; credit for qualifying recreational private recreational amenities (based upon project design); and/or credit for improvement costs to parkland or recreational facilities.

In addition, the San José 2040 General Plan FPEIR concluded that construction and/or expansion of parks and recreational facilities that are consistent with proposed policies and existing regulations would reduce any physical impacts from development or expansion of parkland facilities to a less than significant level.

The project would be required to pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan policies PR-2.4 and PR-2.5.

The proposed project would comply with PDO requirements and would not result in substantial adverse physical impacts to park facilities in San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Libraries

The Dr. Martin Luther King Junior Main Library is located on the corner of San Fernando and Fourth Streets in downtown San José. Development approved under the City's General Plan would increase the City's residential population to 1,313,811, which includes the subject project's anticipated population of approximately 985 residents. The City's existing and planned facilities would provide approximately 0.68 square feet of library space for the anticipated population under the proposed General Plan by 2035.

The Envision San José 2040 General Plan EIR as supplemented, concluded that development and redevelopment allowed under the proposed General Plan would be adequately served by existing and planned library facilities. The increased residents at the project site were analyzed as part of the City's General Plan, the Downtown Strategy 2000, and as part of the planned residential growth in the City. Therefore, implementation of the project 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 project would have a less than significant impact on public services. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[33] 10,000 units x 2.5 persons per unit divided by 1,000 and multiplied by 3.5 acres per 1,000. Average number of persons per unit was estimated to be 2.5, based on Census 2000 data as presented on the City's website (www.ci.sanjose.ca.us/planning/ sjplan/data/Census_2000).

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates over 199 neighborhood and community parks, 51 community centers, nine regional parks, and over 57 miles of urban trails. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts.

Guadalupe River Park and Trail and Discovery Meadow Park are accessible from the site, along Park Avenue. The Guadalupe River Park and Trail is located approximately 0.25 mile west of the subject site. Discovery Meadow Park is approximately 0.375 mile southwest of the site. Roosevelt Community Center serves the subject site. It located approximately 1.57 miles northeast of the project at 901 East Santa Clara Street.

The nearest parks to the project site are César Chávez Park, approximately 0.07 mile east of the project site, and John P. McEnery Park, approximately 0.19 mile northwest of the project site.

4.15.1.1 Applicable Recreation Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to the project:

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 parks 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 500 square 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 (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.

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space, or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

4.15.2 Environmental Checklist and Discussion of 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)
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1-4
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1-4

Similar to the site development evaluated in the Envision San José 2040 General Plan EIR as supplemented, and Downtown Strategy 2000 FEIR, the proposed project would result in less than significant recreational impacts, as described below.

4.15.2.1 Impacts to Recreational Facilities *(Checklist Questions a and b)*

Future residential development on-site could increase the demand on parks and other recreational facilities in the project area. The Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented, concluded that the PDO would be satisfied in several ways including: dedication of land, payment of in-lieu fees, credit for improvement costs to parkland, and/or credit for qualifying private recreation amenities in the project. While the increased population would result in increased use of recreational facilities within the City, these recreational facilities would be maintained and expanded through application of PDO/PIO fees in accordance with General Plan policies. Implementation of the project would not result in substantial physical deterioration of existing recreational facilities or require construction of new facilities or expansion of existing recreational facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15.3 Conclusion

The project would not result in significant impacts to recreational facilities in the City of San José. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 TRANSPORTATION

The following analysis is based on a traffic operations study completed by *Hexagon Transportation Consultants* in February 2017. A copy of this report is included in Appendix G of the SEIR.

4.16.1 Setting

4.16.1.1 Roadway Network

Regional Access

Regional access to the project site is provided via State Route 87 (SR 87) and Interstate 280 (I-280) as described below.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two high-occupancy vehicle [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. SR 87 provides access to US 101 and I-280/I-680. Access to the project site to and from SR 87 is provide via ramps at Woz Way/Auzerais Avenue, Park Avenue, and Santa Clara Street.

I-280 is an eight-lane freeway that extends northwest to San Francisco and east to King Road in San José. Access to and from the site is provided via ramps at Almaden Boulevard/Vine Street, First Street, Seventh Street, and SR 87.

Local Access

Local access to the project site is provided by Park Avenue, San Carlos Street, Almaden Boulevard, and Market Street.

Park Avenue is a two- to four-lane roadway with dedicated bike lanes that extend from Market Street westward to Meridian Avenue then northwest to The Alameda, where it terminates. Park Avenue runs along the project's northern site boundary.

San Carlos Street is an east-west four-lane street that extends from First Street west to Bascom Avenue where it transitions into Stevens Creek Boulevard. East of First Street, it continues as East San Carlos Street with a break between Fourth Street and Tenth Street, terminating at Seventeenth Street.

Almaden Boulevard is a north-south four-lane divided arterial located east of the project site. Almaden Boulevard extends between Saint John Street and Grant Street and has bicycle lanes located along both sides of the street.

Market Street is a north-south four-lane street located west of the project site. The northbound and southbound lanes of Market Street are divided by Plaza de César Chávez Park, between San Fernando Street and San Carlos Street.

4.16.1.2 Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Within the project area, a complete network of sidewalks is present along all of the surrounding streets, including the project frontage on Park Avenue. Crosswalks and pedestrian signal heads are located at all signalized intersections. The majority of crosswalks at signalized intersections in the vicinity of the site consist of high visibility crosswalks, enhancing pedestrian visibility and safety while crossing the intersections.

A pedestrian paseo, approximately 50 feet wide, is located along the western edge of the project site, providing a direct connection between San Carlos Street and Park Avenue. The pedestrian paseo serves as a cut-through for pedestrians and bicyclist between the Park Center Plaza, the Tech Museum and Civic Center, and the San José Convention Center.

In addition, a high-visibility mid-block crosswalk, which includes a pedestrian refuge in the center median, is located along Park Avenue. The mid-block crosswalk connects to the pedestrian corridor on the south side of Park Avenue and all pedestrian destinations north of the project site. Another mid-block crossing is located on the eastern leg of Market Street, which provides access from the Plaza de César Chávez to the Paseo de San Antonio Walk. This paseo provides pedestrian only access to shops and businesses along the Paseo de San Antonio Walk, between Market Street and San José State University.

Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes to transit, other services, and points of interest in the downtown area.

Bicycle Facilities

Bicycle facilities are comprised of separated paths (Class I), striped lanes (Class II), and routes (Class III). Class II bicycle lanes are provided along the northern project site frontage on Park Avenue, between Woz Way and Market Street, and west of Montgomery Street.

Class II bicycle lanes are also provided along the following roadways within the downtown area:

- San Fernando Street, between Eleventh Street and Montgomery Street
- Woz Way, between San Carlos Street and Almaden Avenue
- Almaden Boulevard, between Woz Way and Santa Clara Street
- Santa Clara Street, west of Almaden Boulevard
- Second Street, between San Salvador Street and Keyes Street
- Third Street, between Jackson Street and Humboldt Street
- Fourth Street, between Jackson Street and I-280

In addition, the Guadalupe River Trail is accessible from the site, along Park Avenue. The nine-mile Guadalupe River Trail is located approximately 0.25 mile west of the project site and connects the downtown to North San Jose and the South Bay. It is a Class I bicycle facility. The 2016 Trail Count cites over 1,269 users per day.

Source: Hexagon Transportation Consultants, Inc., Aug. 1, 2016.

EXISTING BICYCLE FACILITIES

FIGURE 4.16-1

4.16.1.3 Existing Transit Service

Transit services in the project area is provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. Figure 4.16-2 shows existing transit facilities.

Bus Service

The bus lines that operate within a quarter mile walking distance of the project site, including their route description and commute hour headways, are listed below in Table 4.16-1.

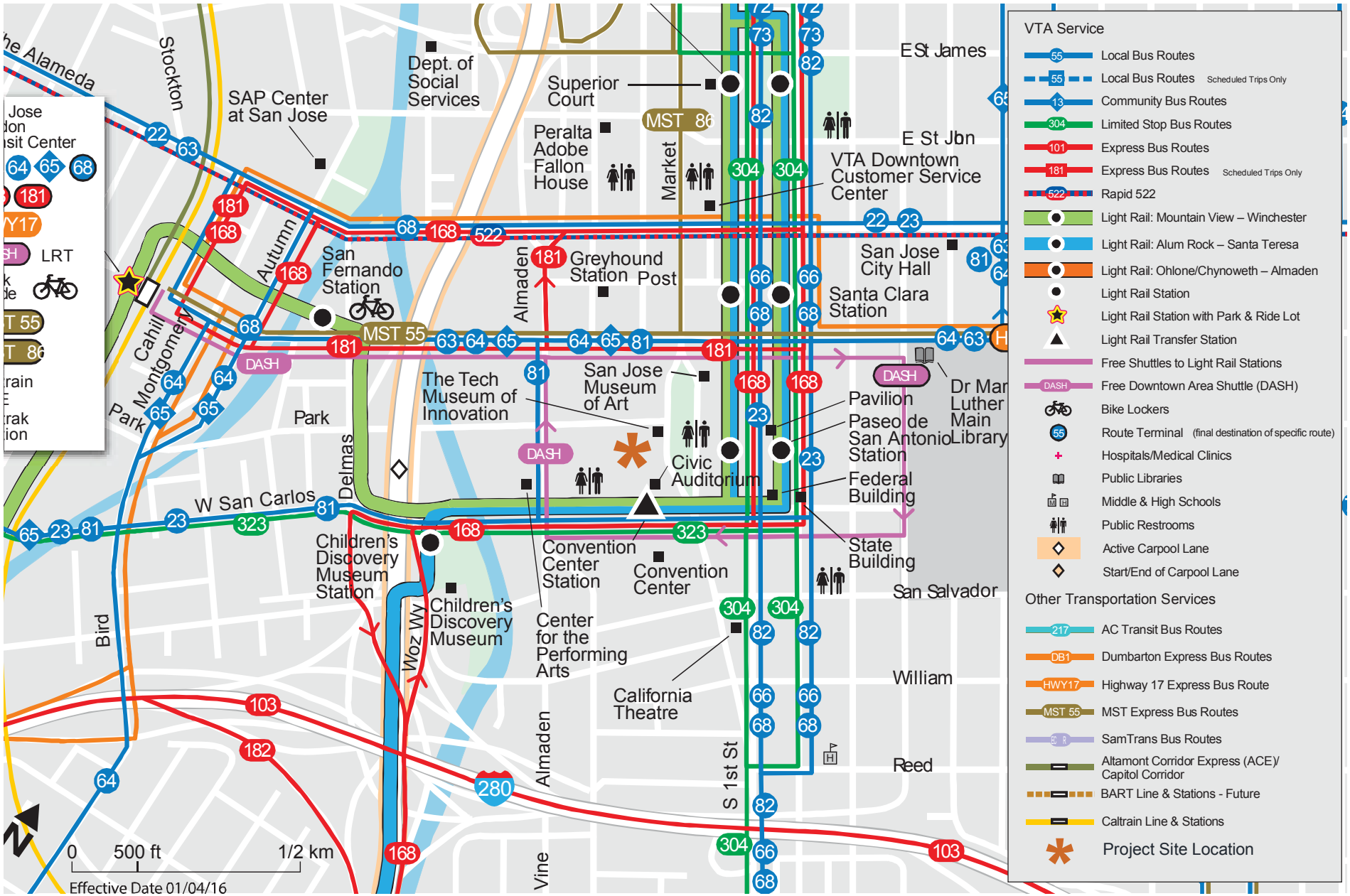
Table 4.16-1: Existing Bus Service Near the Project Site

Bus Route	Route Description	Headway (minutes)
Local Route 22	Palo Alto Transit Center to Eastridge Transit Center via El Camino	12
Local Route 63	Almaden Expressway/Camden to San José State University	30
Local Route 64	Almaden LRT Station to McKee/White via Downtown San José	15
Community Route 65	Kooser/Blossom Hill to Thirteen/Hedding	45-50
Local Route 66	Kaiser San José Medicial Center to Dixon Landing Road (Milpitas)	15
Local Route 68	Gilroy Transit Center to San José Diridon Station	15-20
Local Route 72	Senter/Monterey to Downtown San José	15
Local Route 73	Snell/Capitol to Downtown San José	15
Local Route 81	San José State University-Moffett Field/Ames Cord	25-30
Local Route 82	Westgate to Downtown San José	30
Express Route 168	Gilroy Transit Center to San José Diridon Station	30
Express Route 181	Fremont BART Station to San José Diridon Station	15
Limited Stop Route 304	Santa Teresa LRT Station to Sunnyvale Transit Center	30
Limited Stop Route 323	Downtown San José to De Anza College	15
Rapid 522	Palo Alto Transit Center to Eastridge Transit Center	15
Hwy 17 Express (Route 970)	Downtown Santa Cruz/Scotts Valley to Downtown San José	10-30

The VTA also provides a shuttle service within the downtown area. The downtown area shuttle (DASH) provides shuttle service from the San José Diridon Station to San José State University, and the Paseo de San Antonio and Convention Center Light Rail Transit (LRT) Stations via San Fernando and San Carlos Streets.

VTA LRT Service

The Santa Clara VTA currently operates the VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale.



Source: Hexagon Transportation Consultants, Inc., Aug. 1, 2016.

EXISTING TRANSIT FACILITIES FIGURE 4.16-2

The Mountain View/Winchester and Alum Rock/Santa Teresa LRT lines operate within walking distance of the project site. The Convention Center LRT station (located on the Alum Rock/Santa Teresa LRT line) is less than a quarter mile south of the project site on San Carlos Street. The San José Diridon Station (located approximately one mile from the project site) is on the Mountain View/Winchester LRT line.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain and is accessible from the Diridon Station. Caltrain provides passenger train service seven days a week, and provides extended service to Morgan Hill and Gilroy during weekday commute hours.

ACE Service

The ACE provides commuter passenger train service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday and is accessible from the Diridon Station. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes.

Amtrak Service

Amtrak provides daily commuter passenger train service along the Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José (Diridon Station), Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn.

4.16.1.4 Applicable Transportation Regulations and 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 transportation and are applicable to the proposed project.

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-1.6: 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-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- Vehicular Traffic Mitigation Measures. Review development mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.

- Downtown Core Area. In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Corridors and Villages, Transit Station Areas, and Specific Plan Areas.

- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City's ability to encourage infill, preserve community livability, and promote transportation alternatives do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City's designated Community

Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

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-8.9: 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.

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.

a. 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.

b. 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.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and

vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

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 Environmental Checklist and Discussion of 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:						
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1-4,18
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1-4,18
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1-4,18
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1-4,18

	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:						
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1-4,18

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented, the proposed project would result in less than significant transportation impacts, as described in the following discussion.

4.16.2.1 Trip Generation Estimates

Due the project's downtown location and proximity to transit, the total number of trips generated by the proposed project can be reduced by up to nine percent for the residential component and up to six percent for the employment component, per VTA guidelines.

In addition, a mixed-use development with complementary land uses such as residential/retail and residential/employment, would result in a reduction of external site trips. Based on VTA's recommended mixed-use reduction, the following reductions were applied:

- Three percent trip reduction for the housing/employment mixed-use, applied based on the smaller housing component
- Fifteen percent trip reduction for the housing/retail mixed-use, applied based on the smaller retail component
- Ten percent trip reduction for the hotel/retail mixed-use, applied based on the smaller hotel component

Traffic trips generated by the proposed project were estimated based on the San José Traffic Impact Analysis (TIA) Handbook. In addition, standard trip generation rates for common land uses were applied to help predict the future traffic increases that would result from the new development. Trip reductions associated with the project's site proximity to transit and the mixed-use components of the project were applied. A summary of the project trip generation estimates is shown in Table 4.16-2, below.

Table 4.16-2: Project Trip Generation Estimates							
Land Use[34]	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Residential (306 units)	1,531	55	103	158	101	52	153
Office (209,779 sf)	2,114	263	35	298	50	248	298
Retail (14,116 sf)	312	4	-4	0	16	12	28
Hotel (187 rooms)	1,515	73	48	121	82	54	136
Museum (60,000 sf)	N/A	15	2	17	2	9	11
Net Project Trips	5,472	410	184	594	251	375	626

Implementation of the project would generate up to 5,472 new daily vehicle trips with 594 new trips occurring during the AM Peak Hour and 626 new trips occurring during the PM Peak Hour.

4.16.2.2 Site Access and Circulation *(Checklist Questions a, d – f)*

Site Access

The project proposes one driveway that would provide vehicle access to the proposed parking structure. The driveway would have one inbound lane and two outbound lanes (one left-turn and one right-turn). Left-turns from the project site will require the partial removal of the existing median on Park Avenue, along with one or two palm trees within the center median.

The project proposes to provide individual drop-off/pick-up areas for the residential, office, and hotel uses within the parking garage. An on-street drop-off (i.e., duck-out) is also proposed along Park Avenue, consisting of a second vehicle lane along the project frontage immediately west of the project garage driveway. Based on the estimated trip generation, a maximum of 385 inbound trips would need to be served at the project entrance in a single hour (AM Peak Hour), or approximately six to seven vehicles per minute. Queuing at the garage entrance and onto Park Avenue should be minimal with adequate storage provided within the drop-off areas as described below. Therefore, providing a minimum of two car-lengths at the parking garage entrance would be adequate.

The City typically requires parking garage entrance gates to be located at least 50 feet from the face of the curb in order to provide adequate stacking space for at least two inbound vehicles. This requirement may not always be achievable in the downtown area due to the zero setback requirements for buildings located in downtown. It is recommended, however, that the garage entrance gates be located a minimum of two car length back from the sidewalk (within the parking garage) on South San Pedro Street to be able to accommodate one entering vehicle at the garage entrance gates without blocking the sidewalk. Implementation of the recommendation would result in a less than significant site access impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[34] The trip generation estimates are based on slightly higher retail and office square footages, and more hotel rooms then is proposed by the project. As the project is proposing less development than was assessed in the traffic operations study, the conclusions of the analysis are valid, though may slightly overstate the projects total effect.

Site Circulation

Vehicles would access the parking garage via a proposed driveway on Park Avenue. The residential and hotel drop-off/pick-up area would be located on the first floor. Vehicles for the office use would enter the parking garage and make an immediate right-turn down to the second level drop-off/pick-up area. The third level of the parking garage would be utilized by valet service only.

Circulation within the garage during the AM Peak Hour would be minimal; however, circulation during the PM Peak Hour would be problematic due to the outbound office traffic flow. To alleviate the office traffic flow during the PM Peak Hour, it is recommended that an exclusive outbound lane for use by office traffic be provided on the first level. The outbound lane should be provided west of the hotel pick-up aisles to avoid circulation conflict with the inbound residential/hotel traffic.

In addition, it is also recommended that vehicle storage based on the maximum inbound peak hour trips be provided at each of the drop-off/pick-up areas. Based on the estimated inbound trips, storage for a minimum of two vehicles should be provided for the residential use (PM Peak Hour), five vehicles for the office use (AM Peak Hour), and two vehicles for the hotel use (PM Peak Hour).

The City's standard width for two-way drive aisles is 26 feet wide where 90-degree parking is provided. This allows sufficient room for vehicles to back out of parking spaces. The City's standard requirements and circulation within the third level of the garage may not be applicable given that the third level would be valet only. Based on the recommendations above, the proposed project would result in a less than significant site circulation impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.4 Emergency Vehicle Access *(Checklist Question e)*

The proposed building would be fully accessible from Park Avenue. There would be no restrictions to emergency vehicles accessing the site. The final site design would be reviewed for consistency with applicable fire department standards. As such, the proposed project would have a less than significant emergency vehicle access impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.5 Pedestrian, Bicycle, and Transit Facilities *(Checklist Question f)*

Pedestrian Facilities

Existing pedestrian facilities have good connectivity and provide adequate pedestrian access to surrounding areas and services. Extensive pedestrian facility improvements are planned along Park Avenue and at its intersections with Market Street and Almaden Boulevard. The improvements include removal of right-turn islands and extension of sidewalks at intersections and the mid-block crosswalks along Park Avenue.

Implementation of the proposed project would likely increase pedestrian traffic in the immediate project area, but would not exceed the capacity of the existing facilities or preclude the construction of planned improvements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Bicycle Facilities

The project site is well served by various existing bicycle facilities including Class II bicycle lanes along Park Avenue and Almaden Boulevard. In addition, the Guadalupe River Park Trail, a Class I pedestrian and bicycle trail, is accessible via Park Avenue and San Carlos Street.

The City's downtown zoning regulations require one bicycle parking space per four living units, one space per 4,000 square foot of office space, and three spaces (two short-term and one long-term) for the retail space. Based on these requirements, the project is required to provide 84 bicycle parking spaces for the residences, 54 bicycle parking spaces for the office, and four bicycle parking spaces for the retail. The proposed project would be required to provide a total of 142 bicycle parking spaces, including 84 long-term bicycle parking spaces.

Implementation of the proposed project would likely increase bicycle traffic in the immediate project area, but would not exceed the capacity of the existing facilities or preclude the construction of planned improvements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Transit Facilities

The project is in close proximity to major transit services located along the surrounding roadways and would provide the opportunity for multi-modal travel to and from the project site. The Convention Center LRT station is located less than a quarter mile south of the project site on San Carlos Street and is directly accessible via the Almaden Paseo located along the projects western boundary. The pedestrian and bicycle facilities located along Park Avenue and adjacent to the project site provide access to major transit stations.

Implementation of the proposed project would not preclude the construction of planned transit facilities and increased transit usage resulting from the project would not exceed the capacity of the existing system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.6 Airport Operations *(Checklist Question c)*

The project would be required to comply with the height restrictions established by the FAA and would not result in a change in air traffic patterns. Please refer to *Section 4.8*, for a complete discussion of the project's compatibility with airport operations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.7 Operational Transportation Issues Not Covered Under CEQA

Based on the City's downtown zoning regulations parking requirement, the project is required to provide one off-street parking space per residential unit, one space per 250 square foot of office space, and 0.35 spaces per hotel room. The project is not required to provide parking for the retail use and is not proposing to provide parking for the additional museum space. Based on the City's parking requirements, the project is required to provide a total of 919 off-street parking spaces.

The project proposes a total of 1,000 on-site parking stalls. The parking garage would include two standard parking spaces, 454 mechanical two-space-lifts (908 spaces total), and 90 parking stalls

within the drive aisles of levels two and three. An adequate amount of off-street parking would be provided to meet the City's parking requirements.

Mechanical lift parking is also being proposed on each of the parking levels and all parking would be valet only.

Intersection Operations – Queueing

While intersections in the Downtown area are exempt from the City's LOS policy, operations at nearby intersections (Almaden Boulevard/Park Avenue, Almaden Boulevard/San Carlos Street, and Market Street/San Carlos Street) were evaluated under project conditions to assess whether the project would create a safety impact. Queuing analysis for the above intersections were conducted to evaluate the size of the existing pockets and the number of vehicles a proposed project would generate at the existing pocket. If project traffic exceeds an existing pocket length and traffic spills out of the pocket, typically traffic will be more congested, resulting in more delay but not result in any safety concern, especially in a downtown setting. From a CEQA standpoint, there are no quantitative thresholds specific to queuing. There is, however, a qualitative 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). It is important to note that lengthening a left-turn queue into the adjacent through lane does not in itself create a safety impact.

A queuing analysis summary is provided in the Appendix G of the SEIR which summarizes the results of the analysis.

4.16.3 Conclusion

Implementation of the project will result in the same significant impacts to the transportation system as was previously identified in the Downtown Strategy 2000 EIR and the Envision San José 2040 General Plan EIR as supplemented. **[Same Impact as Approved Project (Significant Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

The following analysis is based, in part, on a Water Supply Assessment prepared by San Jose Water Company in December 2016. A copy of this report is provided in Appendix H of the SEIR.

4.17.1 Setting

Water service is provided to the City of San José by three water retailers, San Jose Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San Jose Water Company. Parkside Hall is currently used for event space and usage varies throughout the year. Water usage on the project site is approximately 14,200 gallons per day (gpd).

4.17.1.2 Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[35] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations.

Sanitary sewer lines in the area are owned and maintained by the City of San José. The Envision San José 2040 General Plan EIR as supplemented, states that average wastewater flow rates are approximately 70 to 80 percent of residential water use and 85 to 95 percent of commercial water use (assuming no internal recycling or reuse programs). Due to the limited landscaping and outdoor area on the project site, this analysis assumes that the existing wastewater generated is equivalent to 95 percent of the total water usage. Under existing conditions, the project site generates approximately 13,490 gpd of wastewater.

Parkside Hall currently connects to an eight-inch sanitary sewer line along Park Avenue.

4.17.1.3 Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.20 mile from Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

[35] City of San José, San José-Santa Clara Regional Wastewater Facility, http://www.sanjoseca.gov/?nid=1663.

Currently, the project site is 88 percent impervious. There are existing storm drain lines along Park Avenue that serve the 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 (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. According to the IWMP, the County has adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the County is approximately 5.3 million tons per year.

The usage of Parkside Hall varies throughout the year and, as a result, this analysis assumes the building does not presently generate any solid waste.

4.17.1.5 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 goals for economic growth, environmental sustainability and an enhance quality of life for San José residents and businesses.

4.17.1.6 Applicable Utilities and Service Systems Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to all development projects in San José.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

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-3.10: 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).

4.17.2 Environmental Checklist and Discussion of 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:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1-4
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-4
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-4
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-4
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1-4
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-4

Consistent with the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented, the project would result in less than significant utility and service systems impacts.

4.17.2.1 Water Supply *(Checklist Questions b and d)*

The proposed project would demolish the existing Parkside Hall. Based on the Water Supply Assessment (WSA) from the San Jose Water Company, the proposed development would have a

water demand of approximately 171,600 gpd, a net increase of 157,400 gpd. This represents a 0.12 percent increase in overall citywide demand.

San Jose Water Company has determined that the level of development proposed on the project site and the projected increase in water demand is consistent with the growth projections and future water demand assumed in the preparation and analysis of the Santa Clara Valley Water District's (SCVWD) 2015 Urban Water Management Plan (UWMP). The 2015 UWMP concluded that sufficient water supplies are available to meet the project demand. As such, there is sufficient water supply to serve the project site under normal water year (non-drought) conditions.

In addition to normal water years, the WSA and UWMP assessed the ability of San Jose Water Company to meet forecasted water demands (including the proposed project) during multiple dry weather (drought) years. San Jose Water Company concluded that with projected supply totals and implementation of conservation measures consistent with its Water Shortage Contingency Plan, the retailer would be able to meet projected demand during multiple dry water years.

The Envision San José 2040 General Plan EIR as supplemented, determined that the three water suppliers for the City could serve planned growth under the General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. Consistent with the SCVWD UWMP, the General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The Envision San José 2040 General Plan EIR as supplemented, concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions.

The proposed project would be consistent with planned growth in the General Plan, in that it would develop office, retail, hotel, and residential uses drawing from the total development capacity created by the Downtown Strategy 2000, and would comply with the policies and regulations identified in the Envision San José 2040 General Plan EIR as supplemented. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 Sanitary Sewer Capacity *(Checklist Questions a, b, and e)*

The proposed project would generate approximately 171,600 gpd of wastewater, a net increase of 158,100 gpd over existing conditions.[36] The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. A sanitary sewer analysis concluded that the existing eight-inch sanitary sewer line on Park Avenue is deficient. As a condition of project approval, the sanitary sewer line would need to be upsized to 10 inches from project frontage to the 30-inch sanitary sewer line at the intersection of Almaden Boulevard and Park Avenue.

Based on a sanitary sewer hydraulic analysis prepared for the Envision San José 2040 General Plan EIR as supplemented, full buildout under the General Plan would increase average dry weather flows

[36] Based on the estimated water usage, assumes wastewater generation would equal water use due to the limited open space on-site.

by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan, in that it would develop office, retail, hotel, and residential uses drawing from the total development capacity created by the Downtown Strategy 2000. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 Storm Drainage System *(Checklist Question c)*

Under existing conditions, approximately 88 percent (88,723 square feet) of the project site is covered with impervious surfaces. Implementation of the project would increase impervious surfaces by seven percent. The increase in impervious surfaces at the project site would result in an increase in stormwater runoff.

Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area. The project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater NPDES permit. In order to meet these requirements, the proposed development would include media filters (refer to *Section 4.9 Hydrology and Water Quality* for a complete discussion).

The Downtown Strategy 2000 EIR concluded that full buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. Although the proposed project would result in a small increase in stormwater runoff, the existing storm drainage system would have sufficient capacity to support the development proposed under the Downtown Strategy 2000 EIR, including the proposed project. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 Solid Waste *(Checklist Question c)*

The new development on-site would generate a total of approximately 3,440 pounds of solid waste per day.[37]

The proposed project would increase the total solid waste generated by the project site, compared to conditions on-site if the existing building were occupied. The Envision San José 2040 General Plan EIR as supplemented concluded that implementation of the Envision San José 2040 General Plan would not exceed the capacity of existing landfills serving the City of San José. The estimated increases in solid waste generation from development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[37] The project's solid waste generation is based on a solid waste generation rate of six pounds per 1,000 square feet per day for office space, 2.5 pounds per 1,000 square feet per day for commercial retail space and museum expansion, 5.31 pounds per unit per day for multi-family units, and two pounds per day per guestroom for hotel.

4.17.3 Conclusion

The project would not result in any utility or service facility exceeding current capacity or require the construction of new infrastructure or service facilities to support the project. **[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)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐	1-19
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐	1-19
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1-19
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-19

4.18.1 Project Impacts *(Checklist Question a)*

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.

Identified mitigation measures in *Section 4.5 Cultural Resources* would avoid or reduce impacts to City National Civic, a City Landmark, from operation of construction equipment. In addition, subsurface cultural resources could be uncovered during demolition and construction of the proposed project. Implementation of the identified mitigation measures would result in a less than significant impact to archaeological materials.

The project would have a significant land use impact from increased shading as discussed in the Supplemental EIR.

Other than land use, the project would not result in new or more significant impacts than identified in the certified Downtown Strategy 2000 EIR and Envision San José 2040 General Plan EIR as supplemented.

4.18.2 Short-term Environmental Goals vs. Long-term Environmental Goals (Checklist Question c)

A majority of the project site is currently occupied by Parkside Hall, a stand-along facility used as event space. Urban development, including the proposed uses, are 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 redevelop an 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 (such as increased building energy efficiency) 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 proposed building would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. LEED certification entails consideration and incorporation of a variety of design features to reduce energy use and conserve water, including community design and planning, site design, landscape design, building envelope performance, and material selections.

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.

4.18.3 Cumulative Impacts *(Checklist Question b)*

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. The proposed development would result in temporary air quality, water quality, biology, and noise impacts during construction. With the implementation of the identified mitigation measures, Conditions of Project Approval, and Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are temporary and would be mitigated, the project would not have cumulatively considerable impacts on air quality, water quality, biology, and noise impacts in the project area.

Implementation of the project could result in the loss of up to 53 trees. Any trees removed would be replaced consistent with the City's tree replacement policy. The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable impact on biological resources.

The project would have a less than significant impact on aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, recreation, and utilities, 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 contribution to a cumulative impact on public services and transportation were analyzed in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan EIR as supplemented. The proposed project would not result in a more significant cumulative impact related to these issues than disclosed within these documents. It should be noted, however, that in the short-term students generated by the proposed project, in combination with other proposed residential development in the downtown area, could increase the student population of Peter Burnett Middle School beyond its current capacity.

The project would contribute to the significant cumulative transportation impact that would occur under full buildout of the Downtown Strategy 2000 and the Envision San José 2040 General Plan. The project would not, however, 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.

4.18.4 Direct or Indirect Adverse Effects on Human Beings *(Checklist Question d)*

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 construction impacts related to air quality, 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 Sources

1. CEQA Guidelines – Environmental Thresholds (professional judgement and expertise and review of project plans).
2. City of San José. Envision San José 2040 General Plan and Municipal Code.
3. City of San José. Envision San José 2040 General Plan EIR as supplemented
4. City of San José. Downtown Strategy 2000 FEIR
5. California Department of Natural Resources, Santa Clara County Important Farmland 2012 Map.
6. Bay Area Air Quality Management District. Air Quality Guidelines. June 2011
7. Bay Area Air Quality Management District. *Annual Bay Area Air Quality Summaries.*
8. Illingworth & Rodkin, Inc. *Museum Place Draft Air Quality Assessment*. April 26, 2016.
9. David J. Powers & Associates, Inc. *Tree Survey*. April 2016.
10. Archives and Architecture, LLC. *Historical Evaluation*. April 4, 2016.
11. Archives and Architecture, LLC. *Supplemental Historic Preservation Guidelines Review*. September 13, 2016.
12. Holman & Associates. *Museum Place Project, Park Avenue, San José, Archaeological Archival Research and Evaluation*. September 23, 2015.
13. Langan Treadwell Rollo. *Revised Geotechnical Investigation*. July 20, 2016.
14. Langan Treadwell Rollo. *Phase I Environmental Site Assessment*. March 4, 2016.
15. Federal Emergency Management Agency. *Flood Hazard Maps.* 2009.
16. Santa Clara Valley Water District. *Flood Inundation Maps*. 2009.
17. Illingworth & Rodkin, Inc. *Museum Place Environmental Noise and Vibration Assessment*. April 14, 2016.
18. Hexagon Transportation Consultants, Inc. *Museum Place Mixed-Use Development Traffic Operations Analysis*. February 2017
19. San Jose Water Company. *Museum Place Mixed-Use Project Water Supply Assessment.* December 2016

SECTION 5.0 REFERENCES

Archives and Architecture, LLC. *Historical Evaluation*. April 4, 2016.

Archives and Architecture, LLC. *Supplemental Historic Preservation Guidelines Review*. September 13, 2016.

Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* <http://quake.abag.ca.gov/tsunamis>. Accessed April 12, 2016.

Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries>

California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Map. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> Accessed March 22, 2016.

California Department of Education. *School Accountability Report Card*. 2015-2016. Available at: <http://www.sarconline.org>

California Natural Resources Agency. *Santa Clara County Important Farmlands 2012.* <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>. Accessed February 21, 2016.

Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. http://www.sanjoseca.gov/DocumentCenter/View/3326. Accessed September 28, 2016.

City of San José. *Envision San José 2040 General Plan Final Program EIR.* September 2011.

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

City of San José, San José-Santa Clara Regional Wastewater Facility, http://www.sanjoseca.gov/?nid=1663.

David J. Powers & Associates, Inc. *Tree Survey*. April 2016.

Federal Emergency Management Agency. Map 06085C0234H. May 18, 2009. Accessed April 12,2016. <http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=81845709&IFIT=1>

Hexagon Transportation Consultants, Inc. *Museum Place Mixed-Use Development Traffic Operations Analysis*. February, 2017.

Holman & Associates. *Museum Place Project, Park Avenue, San José, Archaeological Archival Research and Evaluation*. September 23, 2015.

Illingworth & Rodkin, Inc. *Museum Place Draft Air Quality Assessment*. April 26, 2016.

Illingworth & Rodkin, Inc. *Museum Place Environmental Noise and Vibration Assessment*. April 14, 2016.

Langan Treadwell Rollo. *Phase I Environmental Site Assessment*. March 4, 2016.

Langan Treadwell Rollo. *Revised Geotechnical Investigation*. July 20, 2016.

San José Unified School District. *Horace Mann Elementary School Accountability Report Card.* http://www.sarconline.org/SarcPdfs/Temp/43696666048599.pdf Accessed February 4, 2016

San José Unified School District. *Peter Burnett Middle School Accountability Report Card.* http://www.sarconline.org/SarcPdfs/Temp/43696666062103.pdf Accessed February 4, 2016

San José Unified School District. *San José High School Accountability Report Card.* http://www.sarconline.org/SarcPdfs/Temp/43696664337200.pdf Accessed February 4, 2016

One Bay Area. "One Bay Area Fact Sheet". <http://www.onebayarea.org/pdf/SB375_OneBayArea-Fact_Sheet2.pdf > Accessed December 8, 2015.

Santa Clara County, *Santa Clara County Geologic Hazard Zones*, Map 20. <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf> Accessed August 29, 2016.

Santa Clara Valley Urban Runoff Pollution Prevention Program. http://www.scvurppp-w2k.com/hmp_maps.htm Accessed April 12, 2016.

Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx* Accessed April 28, 2016.

Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx* Accessed April 12, 2016.

San Jose Water Company. *Museum Place Mixed-Use Project Water Supply Assessment.* December 2016

State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2015 and 2016. May 2016. Available at: < http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/>

State of California, Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2016. Available at: http://www.sanjoseca.gov/DocumentCenter/View/15743

United States Environmental Protection Agency. *California 303(d) Listed Waters.* http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012 Accessed April 28, 2016.

Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_20110525_SJC_CLUP.pdf Accessed April 25, 2016.

Personal Communication:

Case, Jill. Director of Student Operational Services, San José Unified School District. Personal Communication. February 8, 2016.

Case, Jill. Director of Student Operational Services, San José Unified School District. Personal Communication. March 1, 2016.

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