INITIAL STUDY/ADDENDUM TO THE JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2007102015

FILE NO. PP14-006

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

February 2014

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building, and Code Enforcement
HARRY FREITAS, DIRECTOR

ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT TO THE JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT (SCH # 2007102015)

Pursuant to Sections 15162 and 15164 of the CEQA Guidelines, the City of San José has determined that the impacts of the project described below ("Project") are fully covered by the certified Final Environmental Impact (EIR) identified below and the project will not create new or increased significant impacts on the environment beyond those previously analyzed. Therefore, the City can take action on the project as being within the scope of the approved EIR as amended, and the project complies with CEQA.

PROJECT DESCRIPTION AND LOCATION

Japantown Corporation Yard Redevelopment Project (file number PP14-006). This Addendum evaluated the environmental impacts of the sale of land which would lead to the redevelopment of a parcel of land commonly referred to as the Japantown Corporation Yard site. Land Use Entitlements have not been submitted for this project. The location, size and height of individual buildings and other site amenities will be established during the processing of a future Planned Development Rezoning and subsequent Planned Development permits. However, for the purposes of this Addendum, it is assumed that project could include up to 552 market-rate residential condominium units, up to 48 market-rate live/work units, up to 25,000 square feet of retail space, 60,000 square feet of community amenity space, up to 784 underground/surface parking spaces, and approximately 0.75 acres of community open space. Buildings are expected to range in height from six to seven stories for the residential and retail component and from one to four stories for the retail/community amenity space.

Location: The project site is located immediately north of Downtown San José, within the Jackson Taylor Planned Residential Community in the Japantown Neighborhood Business District. The one-parcel site comprises a total of 5.23 acres and is situated on the City's former corporation yard (696 North 6th Street, San José, CA 95112). **Council District:** 3. **County Assessor's Parcel Number: 249-39-039**

Specifically, the following impacts were reviewed and found to be adequately considered by the previously certified EIR:

- ☒ Land Use
- ☒ Population/Employment/Housing
- ☒ Transportation/Circulation/Parking
- ☒ Air Quality
- ☒ Noise
- ☒ Geology, Soils and Seismicity
- ☒ Hydrology/Water Quality
- ☒ Hazards and Hazardous Materials
- ☒ Cultural and Paleontological Resources
- ☒ Biological Resources
- ☒ Visual Resources
- ☒ Shade/Shadow and Light/Glare
- ☒ Utilities
- ☒ Public Services and Facilities
- ☒ Energy and Mineral Resources
- ☒ Global Climate Change

ANALYSIS:
This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of San José, is an Addendum to the Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report (2008 EIR), which was certified by the City of San José (City) under resolution number 74384 on April 21, 2008 (State Clearinghouse #2007102015). This Addendum includes an Initial Study which evaluates changes to the project that have been proposed since certification of the 2008 EIR.

The 2008 EIR evaluated a General Plan Amendment (file number GP07-03-04, approved by the City Council April 14, 2008) to facilitate the development of 1) up to 600 multiple-dwelling units; 2) 16,000 to 30,000 square feet of ground-floor retail space; 3) 10,000 to 20,000 square feet of community amenity space; and 4) an increase in height from 65 to 175 feet on a two-parcel 5.78 gross-acre site located in Downtown San José, in the City's Japantown neighborhood.

Since certification of the EIR and approval of the General Plan Amendment, one of the project parcels considered in the 2008 EIR was rezoned to A(PD) Planned Development (file number PDC08-010, approved February 23, 2010), and a Planned Development Permit (file number PD08-015) was issued which allowed the parcel to be developed with 75 affordable senior residential units in a six story building (with street level parking) on the 0.55 gross-acre City parking lot site.

This Project includes the sale of land which would lead to redevelopment of the adjacent undeveloped parcel commonly referred to as the Japantown Corporation Yard site. Land Use Entitlements have not been submitted for this project.

This portion of the project, which is the subject of this Addendum, is similar to the project considered in the 2008 EIR. The 2008 EIR evaluated the impacts of a group of related actions which would have allowed redevelopment of the Corporation Yard site with a mix of uses, including up to 552 market-rate residential condominium units, up to 48 live/work units, up to 25,000 square feet of retail space, 60,000 square feet of community amenity space, up to 784 underground/surface parking spaces, and approximately 0.75 acres of community open space. This project would include a similar number of residential units, 5,000 fewer square feet of retail space, 40,000 additional square feet of community amenity space, the same amount of open space, and fewer parking spaces than the 2008 Project.

This project was anticipated and is within the development envelope analyzed in the 2008 EIR. With implementation of the standard measures and mitigation measures included in the project and described in this Addendum/Initial Study, the proposed 2013 Project would not result in new or more significant environmental impacts than those addressed in the certified 2008 EIR.

The proposed uses, square footage, and height of the new structures on the site would not be substantially different than the 2008 Project. Changes to the project would not result in significant environmental impacts beyond those identified in the Final EIR, would not increase the severity of impacts already identified in the Final EIR (and thus would not require the implementation of new or significantly changed mitigation measures). Therefore, the proposed changes to the project are considered minor refinements, not substantial changes.

Potential traffic impacts for the 2013 Project are described in detail in the attached Addendum/Initial Study. The 2008 EIR and the Initial Study/Addendum for the 2013 Project

analyzed 23 intersections and 15 freeway segments. The 2008 EIR identified level of service traffic impacts at three of six protected study intersections: North 1st Street and Taylor Street, North 10th Street and Hedding Street, and 10th Street and Taylor Street. No feasible mitigation measures were identified in the 2008 EIR to reduce these impacts to a less than significant level, and therefore, these impacts were identified as significant and unavoidable.

For the 2013 Project, the protected North 1st Street and Taylor Street intersection would be the only significantly affected intersection during the PM peak hour. The intersections of North 10th Street/Hedding Street and 10th Street/Taylor Street would not be significantly affected by the project because the 2008 study assumed the originally planned conversion of North 10th and 11th Streets between Julian and Hedding Streets from one-way streets to two-way streets. However, this couplet conversion never occurred. Instead, the City reduced the number of travel lanes on both one-way streets from three lanes to two lanes and added buffered bike lanes. Although one travel lane has been removed from each street, the intersection levels of service are acceptable. The couplet conversion is no longer being considered by the City of San José.

Similar to the 2008 Project, the 2013 Project's level of service impact at the North 1st Street and Taylor Street intersection would be significant and unavoidable, as no feasible mitigation measures are available to reduce this impact to a less-than-significant level.

The City Council adopted a Mitigation Monitoring and Reporting Program (MMRP) as part of the Final Japantown Corporation Yard 2008 EIR. The MMRP includes mitigation measures to lessen the impacts anticipated from the whole project. These mitigation measures have been slightly revised to be consistent with the characteristics of the current project (e.g., to reflect the difference in the proposed building height from 14 stories to seven stories), but are in essence the same mitigation measures included in the 2008 EIR. These mitigation measures will be included as conditions of this project to ensure that the project does not result in any new or increased significant environmental impacts.

Because the proposed project would result in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIR prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR. This addendum will not be circulated for public review, but will be attached to the Japantown Corporation Yard Redevelopment Project EIR, pursuant to CEQA Guidelines §15164(c).

Rebekah Ross
Project Manager

5/2/2014
Date:

Harry Freitas, Director
Planning, Building and Code Enforcement

John Davidson
Deputy

INITIAL STUDY/ADDENDUM TO THE JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2007102015

FILE NO. PP14-006

Submitted to:

City of San José
Department of Planning
Building and Code Enforcement
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February 2014

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SECTION 1.0 INTRODUCTION AND PURPOSE

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of San José, is an Addendum to the Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report (2008 EIR), which was certified by the City of San José (City) under resolution number 74384 on April 21, 2008 (State Clearinghouse #2007102015). The Final 2008 EIR consists of the Draft EIR[1] and the First Amendment to the EIR (Response to Comments).[2] This Addendum includes an Initial Study which evaluates changes to the project that have been proposed since certification of the 2008 EIR. The City of San José is the Lead Agency under CEQA.

Throughout this document, the project evaluated in the 2008 EIR is referred to as the "2008 Project," and the currently proposed project is referred to as the "2013 Project." The 2008 EIR evaluated a General Plan Amendment (file number GP07-03-04, approved by the City Council April 14, 2008) to facilitate the development of 1) up to 600 multiple-dwelling units; 2) 16,000 to 30,000 square feet of ground-floor retail space; 3) 10,000 to 20,000 square feet of community amenity space; and 4) an increase in height from 65 to 175 feet on a two-parcel 5.78 gross-acre site located in Downtown San José, in the City's Japantown neighborhood. The site included the City's Corporation Yard and associated surface parking lot.

Since certification of the EIR and approval of the General Plan Amendment, one of the 2008 Project parcels (referred to as the City surface parking lot site) was rezoned to A(PD) Planned Development (file number PDC08-010, approved February 23, 2010) and a Planned Development Permit (file number PD08-015) was issued which allowed the parcel to be developed with 75 affordable senior residential units in a 6-story building (with street level parking) on the 0.55 gross-acre City parking lot site.

The 2013 Project includes the sale of land which would lead to redevelopment of the adjacent undeveloped parcel commonly referred to as the Japantown Corporation Yard site. Land Use Entitlements have not been submitted for this project. The 2013 Project, which is the subject of this Initial Study/Addendum, is similar to the 2008 Project and would include the development of up to 552 market-rate residential apartment units, 48 market-rate live/work units, and up to 25,000 square feet of retail space within several buildings; 60,000 square feet of community amenity space in a separate building; up to 784 parking spaces within at- and below-grade parking facilities; and approximately 0.75 acres of community open space on a 5.23-acre parcel, the former City Corporation Yard site. The location and height of individual buildings will be determined based on standards established on the future Planned Development Rezoning for the site and in the subsequent Planned Development permits. However, for the purposes of this analysis, it is assumed that project buildings would range in height from six to seven stories for the residential/retail component and from one to four stories for the retail/community amenity space.

A description of the proposed project's regional and local context and background is included in Section 2.0. Section 3.0 describes in more detail the proposed 2013 Project and details the proposed changes to the 2008 Project that are evaluated in this document.

[1] San José, City of, 2008. *Japantown Corporation Yard Redevelopment Project Environmental Impact Report,* State Clearinghouse #2007102015, File No. PDC07-073 and GP07-03-04. January.

[2] San José, City of, 2008. *Japantown Corporation Yard Redevelopment Project Environmental Impact Report, First Amendment (Response to Comments),* State Clearinghouse #2007102015, File No. PDC07-073 and GP07-03-04. April.

The purpose of this evaluation is to determine, pursuant to Public Resources Code Sections 21090 and 21166 and *California Environmental Quality Act Guidelines* (*CEQA Guidelines*) Sections 15180, 15162 and 15163, whether a Subsequent or Supplemental Environmental Impact Report is needed to fully assess and evaluate if the proposed 2013 Project is consistent with the 2008 EIR.

CEQA Guidelines Section 15164 states: "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that no subsequent EIR shall be prepared for a project unless:

1. Substantial changes are proposed as part of the project that would involve major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes have occurred with respect to circumstances under which the project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and/or
3. New information of substantial importance indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declarations;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of these factors are applicable then no Subsequent or Supplemental EIR or negative declaration would be required. If some changes or additions to the original EIR are necessary, but none of the changes would warrant preparation of a Subsequent or Supplemental EIR or negative declaration, the lead agency may prepare an Addendum to the 2008 EIR, pursuant to *CEQA Guidelines* Section 15164.

In accordance with *CEQA Guidelines* Section 15162 and 15063 and CEQA Statutes Section 21166, this Initial Study has been prepared to evaluate the environmental impacts of the proposed project, to determine what impacts, if any, might be significant, and to determine whether the project's impacts were adequately addressed in the 2008 EIR. This Initial Study is used to determine the extent to which the impacts of the currently proposed development are the same or different than those addressed in the 2008 EIR. In accordance with the *CEQA Guidelines*, each potential impact will be evaluated as to whether it was adequately identified in the previous Final EIR, or is a substantially new or greater impact. If a new significant impact is forecast to result from the proposed project, the Initial Study will evaluate the extent to which it can be mitigated.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Japantown Corporation Yard Redevelopment Project (2013 Project)

2.2 PROJECT LOCATION

As shown in Figure 1, the project site is situated in the South San Francisco Bay Area, within the City of San José, in Santa Clara County. The project site is located immediately north of Downtown San José, within the Jackson Taylor Planned Residential Community in the Japantown Neighborhood Business District. Regional access to the site is provided by Interstate 880 (I-880) which is located approximately 1 mile to the northwest; US 101 which is located approximately 1mile to the northeast; State Route 87 (SR 87) which is located approximately 0.5 miles to the west; and Santa Clara Valley Transportation Authority (SCVTA) light rail lines which run five blocks away along North 1st Street to the west.

The one-parcel site comprises a total of 5.23 acres and is situated on the City's former Japantown Corporation Yard (the Corporation Yard site). As shown in Figure 2, the site is bordered on the north by Taylor Street, on the east by North 7th Street, on the south by Jackson Street, and on the west by North 6th Street. Figure 3 depicts an aerial view of the site and Figure 4 shows existing site photos.

2.3 PROJECT SPONSOR'S NAME AND ADDRESS

Williams/Dame & Associates, Inc.
1308 NW Everett Street
Portland, OR 97209

2.4 LEAD AGENCY CONTACT

City of San José
PBCE – Planning Division, Environmental Review Team
200 East Santa Clara Street, Tower – Third Floor
San José, CA 95113

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Phone: (408) 535-8448

John Davidson, Senior Planner
Email: john.davidson@sanjoseca.gov
Phone: (408) 535-7895

2.5 SUBJECT SITE ASSESSOR'S PARCEL NUMBER AND ADDRESS

249-39-039; 696 North 6th Street, San José, CA 95112

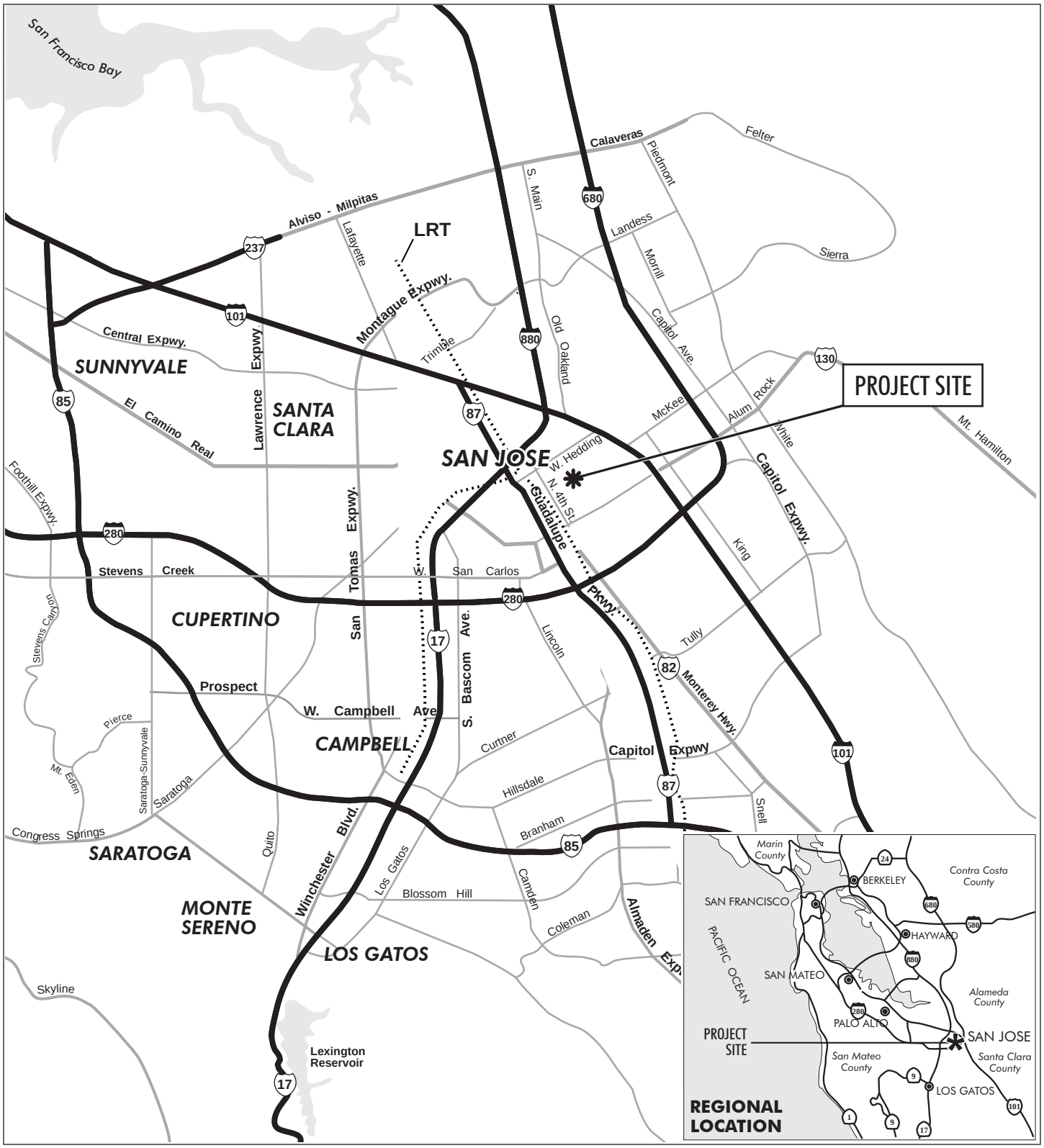
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designations. Three General Plan land use designations apply to the site as described below and shown in Figure 5 (which replaces Figure III-8 in the 2008 EIR).

- *Transit Residential, Density Range: 50-250 dwelling units/acre; Floor Area Ratio (FAR) 2.0 to 12.0 (5 to 25 stories).* This is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation may also be appropriate for some sites within Urban Village areas as identified through an Urban Village Planning process. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals and private community gathering facilities. To help contribute to "complete communities," commercial uses should be included with new residential development in an amount consistent with achievement of the planned job growth and Urban Village Plan for the relevant Urban Village area. The allowable density/intensity for mixed-use development will be determined using an FAR 2.0 to 12.0 to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office. The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.
- *Jackson-Taylor Planned Residential Community (PRC).* The Jackson-Taylor Residential Strategy is consistent with the San José 2040 General Plan. The General Plan establishes the land use pattern, development intensities and policy considerations for this area by creating the Jackson-Taylor Planned Residential Community (PRC). The PRC incorporates the major features of the illustrative land use plan and policy direction contained in the Residential Strategy. The Jackson-Taylor Residential Strategy is a separate policy document, providing background, vision, and community character for the PRC and also a level of detail for implementation beyond the scope of the General Plan.
- *Japantown Neighborhood Business District.* This General Plan Neighborhood Business District designation applies to commercial areas along both sides of a street, which function in their neighborhoods or communities as central business districts, providing community focus and identity through the delivery of goods and services. In addition, Neighborhood Business Districts may include adjacent non-commercial land uses. Neighborhood Business Districts (NBDs) contain a variety of commercial and non-commercial uses which contribute to neighborhood identity by serving as a focus for neighborhood activity.

Zoning Designation. The zoning district that applies to the site is described below and depicted in Figure 6 (which replaces Figure III-10 in the 2008 EIR).

- *LI – Light Industrial.* The Light Industrial (LI) zoning district is intended for a wide variety of industrial uses. Like the 2008 Project, the proposed the 2013 Project does not conform to the LI zoning district and requires rezoning the site to a Planned Development.



LSA

FIGURE 1

N

0 3
MILES

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Project Vicinity and Regional Location Map

SOURCE: LSA ASSOCIATES, INC., 2013.

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LSA

FIGURE 2

N

0 475 950

FEET

Project Site

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Site Location

SOURCE: GOOGLE MAPS, 2007.

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LSA

FIGURE 3

0 150 300
FEET

N

Project Site

2 Viewpoint Locations

Note: Viewpoint locations correspond to the photos depicted in Figure 4.

Japantown Corporation Yard Redevelopment Project EIR Addendum

Aerial View of Project Site and Land Use Viewpoint Location Map

SOURCES: GOOGLE EARTH, 9/12/12; LSA ASSOCIATES, INC., 2014.

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Photo 1: View from Jackson Street, looking northwest across project site

Photo 2: View from Taylor Street, looking southeast across project site

LSA

FIGURE 4

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Existing Site Conditions

SOURCE: LSA ASSOCIATES, INC., 2013.

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LSA

FIGURE 5

NOT TO SCALE

N

- Mixed Use Commercial
- Neighborhood/Community Commercial
- Public/Quasi-Public
- Transit Residential
- Urban Residential
- Mixed Use Neighborhood
- Residential Neighborhood
- Open Space, Parklands and Habitat
- Specific Plan Area Boundary
- Caltrain Line
- Project Site

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Existing General Plan Designations

SOURCE: ENVISION SAN JOSE, 2040, CITY OF SAN JOSE, DEPARTMENT OF PLANNING, BUILDING & CODE ENFORCEMENT, 1/1/2014.

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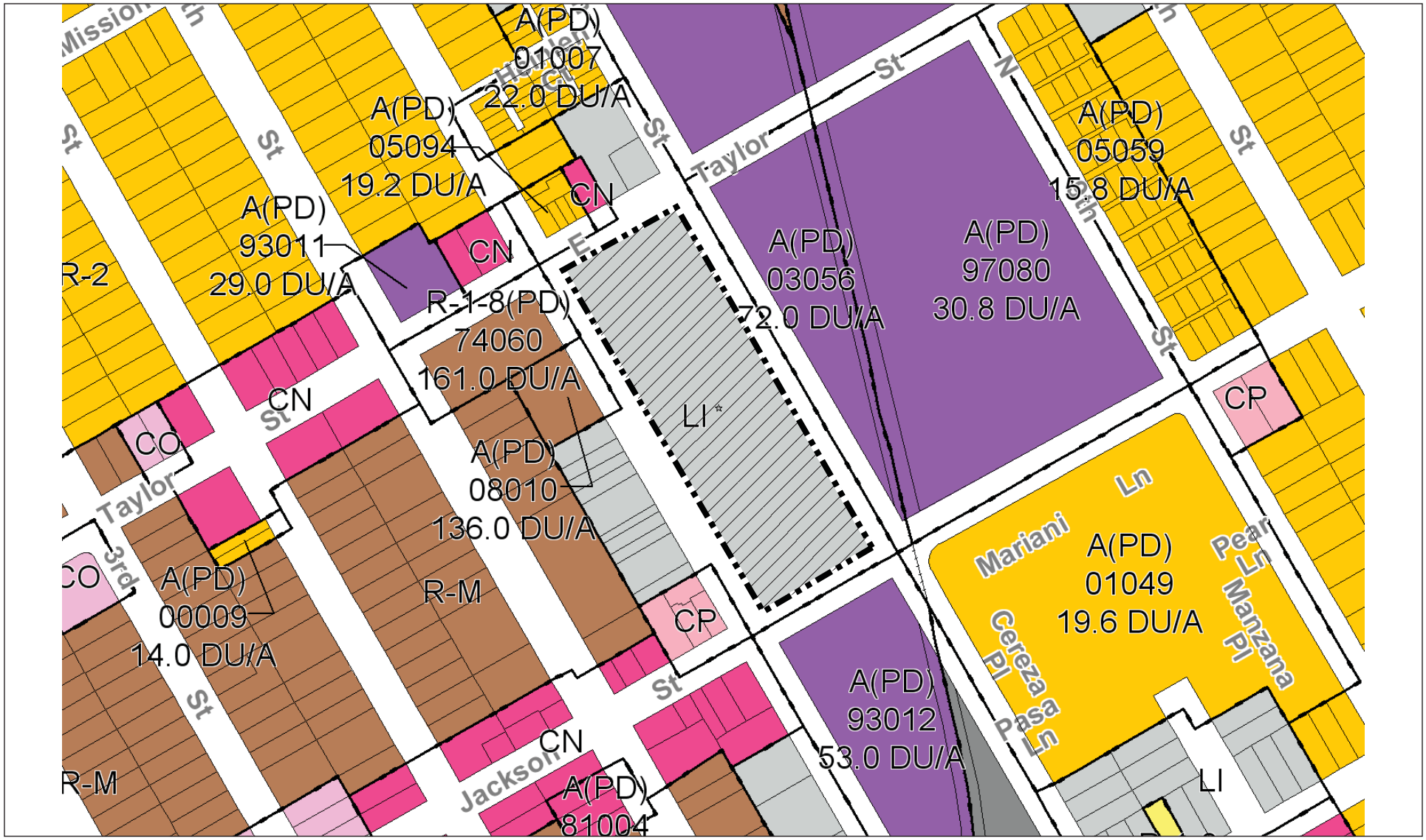

LSA

NOT TO SCALE

Zoning Districts

A	Agricultural
R-2	Two-family Residential
RM	Multi-family Residential
CO	Commercial Office
CP	Commercial Pedestrian
CN	Commercial Neighborhood
LI	Light Industrial
(PD)	Planned Development

Zoning Labels (Sample)

A(PD)	Zoning District
93050	Zone Change File Number
34.0/DU/A	Approved Residential Density

Map Legend

- Zone District Boundary
- Historic District Boundary
- Historic City Landmark
- Project Site

FIGURE 6

Japantown Corporation Yard Redevelopment Project EIR Addendum

Existing Zoning Districts

SOURCE: CITY OF SAN JOSE DEPARTMENT OF PLANNING, BUILDING & CODE ENFORCEMENT, 2/11/2014.

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SECTION 3.0 PROJECT DESCRIPTION

This section begins with a description of the characteristics of the project site and the surrounding land uses and setting of the project area. The remainder of this section discusses the project background in addition to a comparison of the 2008 and 2013 Projects, which is the subject of this Initial Study/ Addendum.

3.1 PROJECT SITE CHARACTERISTICS

The approximately 5.23-acre site was formerly used as the City's Corporation Yard and was improved with seven single-story buildings, totaling 85,000 square feet. In the spring of 2007, the City expanded operations at its Central Service Yard on Senter Road and the uses of the Japantown Corporation Yard were transferred to the Central Service Yard. On November 6, 2007, in furtherance of the Japantown Redevelopment Plan, the San José Redevelopment Agency Board approved a contract for surface demolition activities at the Corporation Yard (Project #PP07-224). Hazardous materials abatement activities at the site were completed and demolition activities commenced at the site in mid-January 2008. Demolition activities were completed in March 2008. Following demolition, in March 2008, archaeological testing and excavation activities were conducted by Sonoma State University, followed by data recovery excavation in April 2009.

Currently, the project site is undeveloped and consists of fenced and paved parking areas. There are several street trees around the perimeter of the site. Figure 4 depicts current site conditions, which have changed since the 2008 EIR (therefore Figure 4 replaces Figures V.A-2a and V.A-2b in the 2008 EIR).

The site is located within the Jackson-Taylor Planned Residential Community (PRC).[3] The current General Plan land use designation for the project site is Transit Residential. At the time that the 2008 EIR was prepared, the northern portion of the site was designated Mixed-Use #2 and the southern portion of the site was designated Public Park/Open Space.[4] In 2008, after completion of the 2008 EIR, the land use designation on the site was changed to Mixed Use 2a (File Nos. GP07-03-04/GPT07-03-04) to allow development of the 2008 Project. As part of the Envision 2040 General Plan, the Mixed Use 2a designation was changed to Mixed Use Neighborhood. However, this designation was not consistent with the type of land use and density planned for the site; therefore, the site's designation was recently changed to Transit Residential to be consistent with the type of development envisioned for the site and considered in the 2008 EIR.[5] The site is currently zoned Light Industrial on the City's Zoning Map.

In addition to the General Plan and Zoning Ordinance, the project site is subject to the following local plans and policies: Jackson Taylor Specific Plan (Residential Strategy) and the Jackson-Taylor Neighborhood Revitalization Plan.

[3] San José, City of, 2011. *Envision San José 2040 General Plan*.

[4] San José, City of, 1994. *San José 2020 General Plan*.

[5] San José, City of, 2013. Memorandum to the City Council, File No. GP13-007. Director-Initiated General Plan Amendment. September 30.

3.2 SURROUNDING LAND USES AND SETTING

A variety of land uses are found in the vicinity of the project site. Surrounding land uses are described below and depicted in Figure 3 (which replaces Figure V.A-1 in the 2008 EIR). Refer to Figures V.A-2c and V.A-2d in the 2008 EIR for photographs of surrounding land uses. These particular uses have not substantially changed since certification of the 2008 EIR, although other area uses may have, as described below.

- *North.* Taylor Street, a two-lane roadway, borders the site to the north. On the opposite side of Taylor Street, land uses consist of an automotive repair shop, a small apartment complex, a single-family residence, and a vacant lot. Land uses further to the north consist of one- to two-story single-family residences to the northwest and three- to four-story townhome and condominium complexes to the northeast. Bernal Park is located less than one quarter miles to the north of the project site and provides active recreation areas including a baseball diamond, play structures, and open lawn areas and public pathways. Further north, land uses consist primarily of industrial and employment uses. The San José International Airport is also located approximately 1 mile northwest of the project site.
- *East*. North 7th Street, a two-lane roadway, borders the site to the east. On the opposite side of North 7th Street is a vacant, triangular parcel that has land use entitlements to allow the construction of a residential podium project with up to 103 residential units (file numbers PDC03-056, PD04-076 and PDA04-076-02). Union Pacific Railroad (UPRR) tracks border this parcel to the east. Beyond the railroad tracks, land uses consist of a block of three-story townhomes. Beyond the townhomes are warehouse/outdoor storage uses followed by several blocks of single-family residences and small apartment complexes.
- *South.* Jackson Street, a two-lane roadway, borders the site to the south. On the opposite side of Jackson Street is a four-story condominium complex with ground-floor retail. There are also townhomes located at the intersection of Jackson Street and North 7th Street. The UPRR tracks continue south of the condominium development and curve to the west. Adjacent to the railroad tracks are commercial and outdoor storage uses; however, beyond the tracks the predominant use consists of low-medium density residential housing, including townhomes, apartment complexes, and single-family residences. To the southwest along Jackson Street is the center of the Japantown business district, which consists of several commercial, service, and restaurant establishments.
- *West.* North 6th Street, a two-lane roadway, borders the site to the west. Land uses along North 6th Street, opposite the project site, reflect the context and character associated with the Japantown neighborhood. Several restaurants and businesses are established within historic structures located along this street. Beyond North 6th Street to the west, land uses consist of a mix of commercial uses, medium density single-family homes, and apartment complexes.

3.3 PROJECT BACKGROUND

The 2008 EIR considered redevelopment of two parcels of land, totaling 5.78 acres and consisting of the Corporation Yard site and an associated surface parking lot (located on a separate parcel across the street from the Corporation Yard site). The 2008 Project, proposed by First Community Housing (FCH)/Williams & Dame Development, Inc., was mixed-use development that included up to 600 market-rate residential units, up to 30,000 square feet of retail space, a 10,000 to 20,000 square-foot community amenity space, and up to 900 underground/surface parking spaces on the Corporation Yard site. As a variation to the project, up to 15,000 square feet of retail space could be replaced with up to

24 live/work units. The conceptual site plan for the 2008 project is shown in Figure 7. Project buildings would range from six to 14 stories for the residential/mixed-uses and one to two stories for the community amenity uses. A senior housing complex with up to 85 units of affordable housing and 40 parking spaces was considered for development on the parking lot site.

Since certification of the 2008 EIR, First Community Housing has entitled the approximately 0.55-acre parking lot site with 75 affordable senior housing units, in a 68,559-square-foot, six-story building (PDC08-010, approved June 16, 2010). Therefore, the parking lot site is not included as part of the 2013 Project and this Addendum only considers changes related to redevelopment of the 5.23-acre Corporation Yard site. Williams/Dame & Associates, Inc., is proposing to construct the residential and retail space on the site and a non-profit entity is proposing to construct the community amenity space on the site.[6]

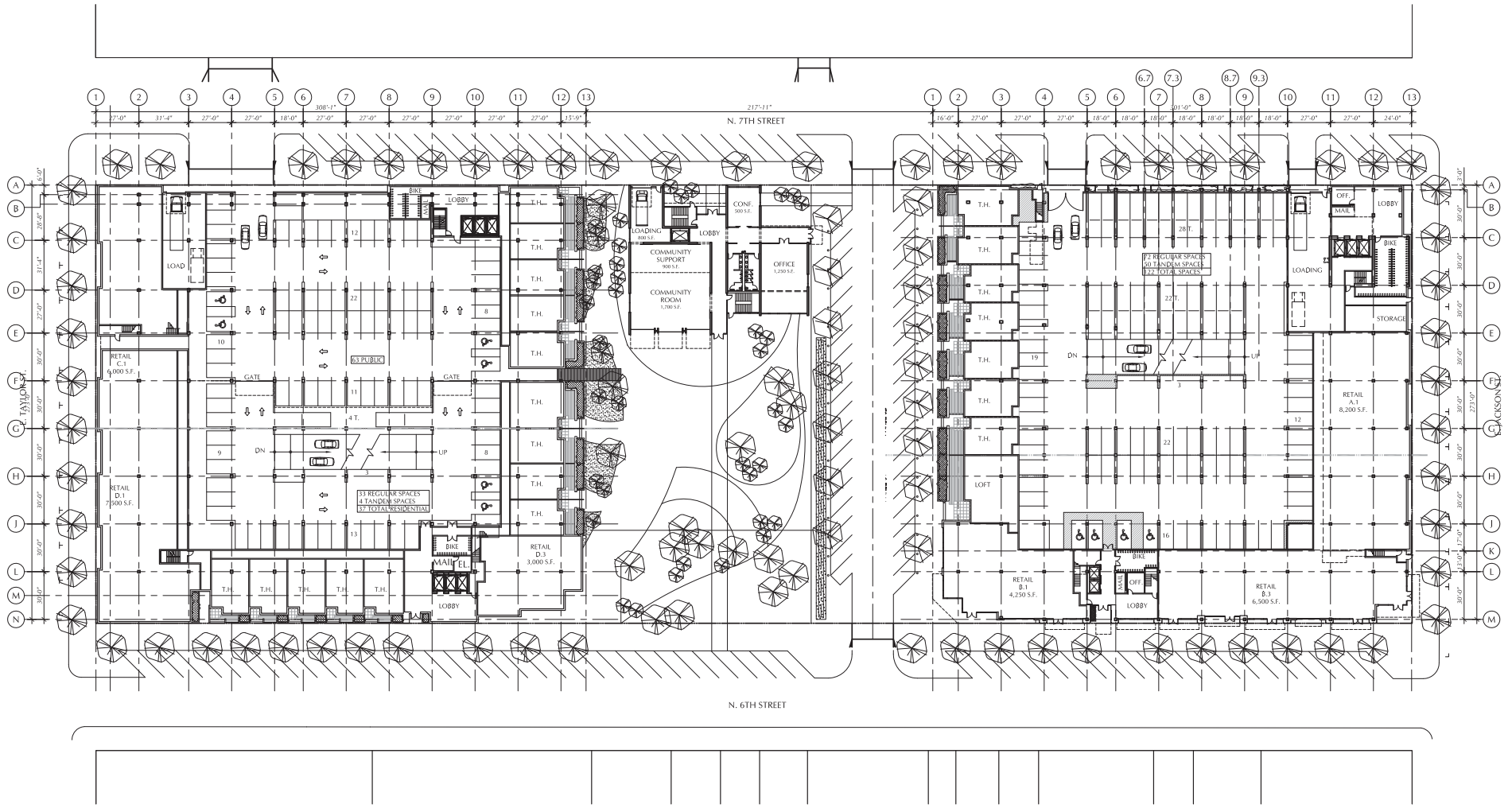
3.4 CHANGES TO THE PROJECT

The proposed 2013 Project is similar to the 2008 Project and would redevelop the Corporation Yard site with a mix of uses, including up to 552 market-rate residential condominium units, up to 48 market-rate live/work units,[7] up to 25,000 square feet of retail space, 60,000 square feet of community amenity space, up to 784 underground/surface parking spaces, and approximately 0.75 acres of community open space. Figure 8 shows the conceptual site plan for the 2013 Project. The location and height of individual buildings will be determined based on standards established on the Planned Development Rezoning for the site, and in the subsequent Planned Development permits. However, for the purposes of this analysis, it is assumed that project buildings would range in height from six to seven stories for the residential/retail component and from one to four stories for the retail/community amenity space. The 2008 Project evaluated buildings that would range from six to 14 stories for the residential/mixed-uses and one to two stories for the community amenity building.

Table 1 shows a comparison of square footages, units, building heights, and parking spaces between the 2008 Project and the 2013 Project. As shown, the 2013 Project would include a similar number of residential units (a total of 600 units, including 552 market-rate units and 48 live/work units), 5,000 fewer square feet of retail space, 40,000 additional square feet of community amenity space, the same amount of open space, and 116 fewer parking spaces than the 2008 Project. Building heights are also anticipated to be substantially lower (six to seven stories as opposed to six to 14 stories). Individual components of the 2013 Project are described in further detail below.

[6] The non-profit entity would likely be comprised of the primary tenants of the proposed building – such as, but not limited to San José Taiko, CreaTV, and Silicon Valley Creates.

[7] The final unit mix may include fewer live/work units and more condominium units, but the total would not exceed 600 residential units. For the purposes of this analysis, the maximum number of live/work units (48) is conservatively assumed as these types of units typically generate more peak hour trips. Please see Section 5.16 for further discussion.



LSA

FIGURE 7

NOT TO SCALE

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Corporation Yard Site -
Conceptual Site Plan - 2008 Project

SOURCE: ANKROM MOISAN, JANUARY 2008

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LSA

FIGURE 8

NOT TO SCALE

Japantown Corporation Yard
Redevelopment Project EIR Addendum
Corporation Yard Site -
Conceptual Site Plan - 2013 Project

SOURCES: ANKROM MOISAN; WILLIAMS & DAME DEVELOPMENT, JANUARY 7, 2013.

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Table 1: Comparison of 2008 Project and 2013 Project for the Corporation Yard Site

Use/Area	2008 Project[a]	2013 Project[b]
Gross Building Area (sq. ft.)[c]	1,170,000	735,700
Number of Buildings	4	4
Residential Units	600	552
Live/Work Units	24[d]	48
Retail (sq. ft.)	30,000	25,000
Community Amenity (sq. ft.)[e]	10,000-20,000	60,000
Building Height (Range of stories)		
Residential	6-14	6-7
Community Amenity	1-2	4
East Taylor Street edge (North)	3-4	6
Jackson Street edge (South)	3-4	6
Building Height (Feet)		
Residential	65-175	75-90
Community Amenity	45	75
Open Space (acres)	0.75	0.75
Parking Spaces	900	Up to 784

[a] Source: 2008 Final EIR

[b] Source: Williams/Dame & Associates, Inc., 2013 – all numbers based on conceptual design.

[c] Gross building area reflects all uses, including 550,000 gross square feet of residential; 25,000 gross square feet of retail; 60,000 gross square feet of community amenity space; and 100,700 gross square feet of parking.

[d] As a variation on the proposed project, up to 15,000 square feet of retail space could be replaced with up to 24 live/work units.

[e] This space includes office space, rehearsal studios, community meeting rooms and conference space for arts organizations. Currently, CreaTV, Silicon Valley Creates, and Taiko are proposed tenants.

Source: Williams/Dame & Associates, Inc., 2013

3.4.1 Mixed Use Development

Similar to the 2008 Project, the 2013 Project would redevelop the site with up to 550,000 gross square feet of residential space, including up to 600 market-rate units in three separate buildings. Residential units would consist of a mix of live/work, studio and one- to two-bedroom units.

These buildings would also include up to 25,000 square feet of retail space, about 5,000 square feet less than the retail square footage considered for the 2008 Project. Retail space would generally be located at the ground floor. As part of the retail space on the site, a 700-square-foot free-standing retail pavilion, which may include a tea house, would also be developed, near the North 6th Street and Jackson Street intersection. The role of the pavilion is to help anchor the eastern end of the Japantown business district at the corner of North 6th and Jackson Streets with an active use to invite pedestrians into the site and to provide space for outdoor seating/gathering along Jackson Street.

The mixed-use buildings would likely consist of five stories of residential units over one level of retail space/ground floor residential/parking to accommodate wood-frame construction techniques. However, the buildings could reach up to seven stories (maximum 90 feet). For the purposes of the analysis in this document, seven-story buildings are assumed.

3.4.2 Community Amenity Space

The community amenity space would include up to 60,000 square feet of space in an up to four-story building, about 40,000 square feet more than the space considered in the 2008 EIR. Similar to the 2008 Project, the intent of the community amenity space is to reflect the diverse economic, ethnic, and cultural make-up of Japantown and San José. Community performance and rehearsal facilities, which

may be occupied by San José Taiko, would increase from about 6,500 square feet to 11,100 square feet. Office space and studio space for arts organizations, including rehearsal studios, community meeting rooms and conference space would increase from about 13,500 square feet to 30,000 square feet. In addition, 9,000 square feet would be developed for TV studio and supporting space. Rehearsal and class studio space for performing artists would range from 1,500 to 3,000 square feet in size to accommodate a range of dance, theater and music ensembles. Office spaces for all of the resident arts groups (which could house tenants such as San José Taiko, CreaTV, and Silicon Valley Creates) would be housed in this building. Additional office spaces for other smaller arts organizations would also be incorporated in an open office format. It is estimated that staff for the various organizations could range from one to 20 persons and classes may range from 5 to 25 students on-site at any given time. Hours of operation would vary with the core organizations working from 9:00 a.m. to 5:00 p.m. Classes would mainly take place in the early evenings and on weekends for approximately one to three hour sessions.

The community amenity building would be located at the center of the site, and would front North 6th Street. This building would be up to four stories tall, or about two stories taller than the height considered for the 2008 Project. Due to the type of use, floor-to-floor heights would be about 13 to 15 feet, with an 18 to 20-foot ground floor (a maximum building height of 75 feet including mechanical equipment/parapets).

3.4.3 Open Space

Private open space would be developed in the residential courtyards and would include amenities such as swimming pools, decks and lawn areas. Residential balconies would also be provided. Similar to the 2008 Project, development of the 2013 Project would also include a public park/plaza to provide a gathering space and enhance street level dining and pedestrian activity. This park/plaza area would be accessed from North 6th Street and North 7th Street. At least 0.75 acres of usable public open space would be developed on the site.

In addition, publicly accessible but privately owned and maintained open space would be provided on the site, in particular sidewalks/walkways along the private street connecting 6th and 7th Street and the pedestrian walkway linking the park to Jackson Street.

3.4.4 Design Standards

The proposed development on the Corporation Yard site has been designed at a conceptual site plan level; however, detailed design plans have not yet been developed. The project will be required to incorporate design themes appropriate to and/or compatible with the Japantown neighborhood as discussed in the 2008 EIR. The project applicants intend to design the development on the Corporation Yard site for contextual sensitivity to the existing development character of Japantown and to enhance the future vision for Japantown consistent with the 2008 Project.

While the project design is only conceptual at this time, the proposed project would generally adhere to the design principals set forth in the 2008 EIR, included below, and would be subject to design review prior to project approval. Where the below guidelines have been slightly amended to reflect the 2013 Project, text changes are shown in <u>underline</u> (new text) and ~~strikeout~~ (removed text). Also, references to the project site across North 6th Street, which is not part of the 2013 Project, have been deleted.

- *Height.* The buildings on the Corporation Yard site would be stepped down from ~~tower heights (~~six to ~~14~~seven stories~~)~~ to three to four stories at the Taylor and Jackson Street edges. Uses within these "podium" areas will include retail, condominiums ~~townhomes~~, and live-work units.
- *Mass.* Primary building elements (living areas, retail bays, entrances, etc.) on the Corporation Yard site would be designed to reflect those in the vicinity creating a streetscape consistent with the existing three- to six-story experience. Building massing would be articulated with porches, bays and balconies. Variations in floor level, facades, roof styles, architectural details, materials and colors would be employed to create architectural diversity. ~~The parking lot site will have its massing along 6th Street and near the adjoining Fuji Towers.~~
- *Scale.* Building facades on the Corporation Yard site would be varied and articulated to provide visual interest to pedestrians. Facade elements (windows, balconies, porches, parapets, pilasters, etc.) would contain horizontal and vertical relief, variety and texture to reinforce a vital inside/outside connection necessary for a thriving mixed use street. ~~Ground level parking on the parking lot site will be screened from 6th Street by a lobby and community rooms, which will provide a sense of pedestrian scale and interest on 6th Street.~~
- *Access.* Building openings would face the street and sidewalk to enliven the pedestrian environment. Building entrances would orient to the sidewalk and public plaza. First floor residential units would be accessed directly from the street whenever possible. Street-facing garage entrances would be as narrow as is consistent with safety and would be spaced no less than 200 feet apart.
- *Materials.* Wood, stone, brick, metal, stucco and glass would likely be among the primary exterior materials. Their composition and arrangement would be designed to convey interior function, purpose and activity. The overarching design intent would be to reinforce a sense of permanence and connection with the building's basic functions at different levels.
- *Colors.* The chosen color palate would likely be a combined respond to historical precedents (both historically accurate and domestically interpreted.)
- *Mechanical and lighting.* All mechanical ventilation systems would be screened with louvers, screen walls, or porches and vent away from pedestrian areas. All parking garage lighting would be shielded to minimize light penetration to exterior spaces at night.
- *Public Space.* Outdoor plazas would be located over the parking podium with both common and private access. Ground level open space would be provided as an outdoor public amenity. ~~Residential balconies on the parking lot site will face 6th Street.~~

3.4.5 Circulation and Parking

Circulation and access through the project site would be similar to the 2008 Project; however, access to the structured parking areas would be provided from two driveways on North 7th Street (access would not be provided on North 6th Street). The 2013 Project would also continue to include an east-west internal roadway through a portion of the site connecting North 7th Street and North 6th Street. This internal street would provide vehicular and pedestrian access to the internal portion of the site and would provide surface level parking on both sides. Building storefronts and the public park/plaza would front the internal roadway.

The proposed project would include up to 784 parking spaces. The majority of the parking spaces would be located within the podium structure. It is anticipated that one level of subsurface parking

would be provided; however, for the purposes of the analysis in this document, two levels of subsurface parking is assumed. Parking would be provided at a minimum ratio of 1.5to 2 spaces per residential unit, and 1 per 625 net square feet of retail as part of the proposed project. The range of number of parking spaces per use is as follows:

- Residential: 534 to 644 parking spaces
- Retail: 40 parking spaces
- Community Amenity: 0 to 100 parking spaces

No changes to on-street parking are proposed. The proposed project would include the rebuilding of curbs and sidewalks (including curb extensions) and restripe the parking per the City's direction and would comply with City standards during the rezoning and development permit stage.

3.4.6 Utilities and Infrastructure

Because the project site is developed with industrial uses and is located in an urban area, public utilities are available to serve the project site, including water, sanitary sewer, storm water drainage, power and communications.

3.4.7 Demolition, Grading and Phasing

Similar to the 2008 Project, the 2013 Project includes subsurface demolition work consisting of the removal of existing pavements and any subsurface infrastructure. Subsurface parking and building foundations on the project site would require the off haul of approximately 100,000 cubic yards of soil.

It is anticipated that the project site would be constructed in approximately one to three phases; the mixed-use portion of the project may be constructed in two phases and the community amenity building may be constructed as a separate phase. Consistent with the phasing plan considered in the 2008 EIR, if this project is constructed in multiple phases, the first phases of development on the project site would likely occur on the portion of the block near Jackson Street, and the last phases of development likely occur on the portion of the block near Taylor Street.

3.5 CITY ACTIONS/APPROVALS

Similar to the 2008 Project, the City of San José will consider the information provided in the 2008 EIR and in this Addendum when considering actions necessary to implement this project, including the following approvals:

- Sale/transfer of land from the City to a private entity
- Planned Development Rezoning
- Planned Development Permit(s)
- Tentative Map Permit and other subdivision approvals
- Development Agreement
- Disposition and Development Agreement
- Grading, Building, public right-of-way, encroachment and other construction related permits

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and *CEQA Guidelines* Section 15152(a), this Initial Study tiers off the Japantown Corporation Yard Redevelopment Project Final EIR (2008 EIR), certified on April 21, 2008, which is hereby incorporated by reference, as it addressed a group of related actions, including amendments to San José's General Plan, rezoning, and associated land use permits. Because the proposed project would result in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR. Additional discussion on the appropriateness of the Addendum is provided at the end of this section.

This chapter describes the existing environmental conditions on and near the project site, as well as environmental impacts associated with the proposed 2013 Project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist indicates the source(s) for the answer to each question. The sources cited are identified at the end of this chapter in Section 4.19, Checklist Sources.

In addition, each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact VIS-1** denotes the first impact in the aesthetics section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address and correspond to the mitigation measures identified in the 2008 EIR. New or modified mitigation measures not identified in the 2008 EIR are shown in <u>underline</u> and ~~strikeout~~ to identify new and deleted text, respectively. The letter codes used to identify environmental issues are shown in Table 2.

Table 2: Letter Codes of Environmental Issues

Letter Code	Environmental Issue
VIS	Aesthetics
AG	Agricultural Resources
AIR	Air Quality
BIO	Biological Resources
CULT	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use and Planning
MIN	Mineral Resources
NOI	Noise and Vibration
POP	Population and Housing
SVCS	Public Service
REC	Recreation
TRANS	Transportation
UTIL	Utilities and Service Systems

The analysis below supports the use of this Addendum; it summarizes the reasons that a subsequent EIR, pursuant to CEQA Guidelines Section 15162, is not required to evaluate the environmental effects of the 2013 Project.

Substantial Changes to the Project
As described in Section 3.0 and 4.0, the 2013 Project is similar to the 2008 Project and would develop the project site with a mix of uses. The proposed use, square footage, and height of the new structures on the site would not be substantially different than the 2008 Project. Changes to the project would not result in significant environmental impacts beyond those identified in the Final EIR, would not increase the severity of impacts already identified in the Final EIR (and thus would not require the implementation of new or significantly changed mitigation measures). Therefore, the proposed changes to the project are considered minor refinements, not substantial changes.

Project Circumstances
Since certification of the Final EIR, conditions in and around the project site have not changed such that implementation of the currently-proposed project would result in new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the Final EIR. No substantial changes in visual resources, noise, land use patterns, or other conditions have occurred within and around the project site since certification of the Final EIR. Therefore, the physical conditions of the project site in the future are not expected to result in substantial adverse physical environmental impacts not addressed in the Final EIR.

New Information
No new information of substantial importance has been identified in regard to the 2013 Project or the project site such that the 2013 Project would be expected to result in: 1) significant environmental effects not identified in the Final EIR or 2) more severe environmental effects than shown in the Final EIR. Likewise, the 2013 Project would not require new mitigation measures previously determined to be infeasible, or mitigation measures which are considerably different from those identified in the Final EIR. The 2013 Project would require no new mitigation measures because no new impacts are expected beyond those identified in the Final EIR.

Substantial new information would include new data on traffic conditions or local air quality such that the environmental impacts identified in the Final EIR would be made substantially more severe. No such new information has been identified since publication and certification of the Final EIR. As described previously, changes to the proposed project would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified in the Final EIR). Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the Final EIR would be adequate to reduce the impacts resulting from implementation of changes to the proposed project to a less-than-significant level.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 Project Site and Surrounding Area

The 5.23-acre project site is located in an urbanized area of San José, within the City's Japantown neighborhood. Visual conditions on and in the vicinity of the site are similar to the conditions described and evaluated in the 2008 EIR. The site is visually characterized by vacant land with fenced and paved parking areas. There are mature street trees surrounding the site and ruderal vegetation grows in pavement cracks. All former City Corporation Yard buildings were removed from the site. The site is bordered by four public view corridors: Taylor Street, North 7th Street, Jackson Street, and North 6th Street. Existing visual conditions along these public view corridors and within the vicinity of the project site are summarized below:

- *Taylor Street.* Taylor Street is visually characterized by a variety of building types and uses, including: two- to three-story condominium/townhome complexes, an automotive repair shop, two-story apartment complexes, a single-family residence, and a vacant lot. Street trees are intermittently planted along sidewalk areas. As motorists and pedestrians travel east on Taylor Street, the Diablo Mountain Range is visible in the distance.
- *North 7th Street.* East of the project site and across North 7th Street is a generally flat, vacant lot which is approved for development of a five-story (65 feet from finished grade) building containing 145 residential units and 12,000 square feet of office or retail space. North and south of the vacant lot North 7th Street is visually characterized by newer two- and three-story townhome and condominium complexes. The pedestrian environment is characterized by wide, landscaped sidewalks.
- *Jackson Street.* South of and directly across from the project site is a four-story retail/ condominium complex. East of this complex is a two- to three-story condominium complex. West of this complex, Jackson Street is characterized by one- and two-story retail, restaurant, and commercial establishments which reflect the architecture and visual character associated with the Japantown neighborhood. As motorists and pedestrians travel east on Jackson Street, the Diablo Mountain Range is visible in the distance.
- *North 6th Street.* West of the project site, North 6th Street is visually characterized by a variety of uses which primarily exhibit the architecture and visual character reflective of the Japantown neighborhood. These uses include the six-story Fuji Towers senior-assisted living complex, a surface parking lot, a two-story church, and various one- to two-story commercial and restaurant establishments. Generally, these building are rectangular with flat or gabled roofs. The parking lot site, which was included as part of the 2008 Project, is located immediately west of the site, across North 6th Street; this site is approved for construction of a 6-story building containing 75 affordable senior housing units.

4.1.1.2 Envision San José 2040 General Plan

The City's 2040 General Plan provides policies which address aesthetic quality in terms of both the natural and built environment. Like the 2020 General Plan, the 2040 General Plan aims to retain and encourage diversity and individual expression in the built environment, while encouraging quality new construction. The 2008 EIR addressed Urban Design Policies 1, 2, and 10 from the 2020 General Plan. Policies from the 2040 General Plan that are relevant to the proposed project include:

- CD-1.1: Require the highest standards of architectural 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.
- CD-1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
- CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
- CD-1.9: Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.
- CD-1.11: To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
- 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.
- 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.
- 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.

- CD-1.18: Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
- CD-1.19: Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
- CD-2.5: Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
- CD-4.3: Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.
- CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
- CD-5.1: Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.
- CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.
- CD-8.1: Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories expected for new development; however, specific height limitations for buildings and structures in San José are not identified in the Envision General Plan.
- CD-8.2: Consider the Envision General Plan Community Design Goals, Policies and Implementation Actions, which provide guidance for the appropriate regulation of building heights to be implemented through the Zoning Ordinance.
- VN-1.6: Design new development to contribute to the positive identity of a neighborhood and to encourage pedestrian activity.
- VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
- H-4.1: Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.

In addition to the policies of the 2040 General Plan, future development on the project site would be required to comply with the following City policies and guidelines:

- Outdoor Lighting Policy (City Council Policy, 4-3, as revised 6/20/00);
- Residential Design Guidelines (Chapter 26);
- Envision San José 2040 General Plan; and
- Jackson-Taylor Residential Strategy.

4.1.2 Environmental Checklist and Discussion of Impacts

Aesthetics						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒	1,2,3
Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒	☐	1,2,3
Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒	1,2,3
Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,2,3

4.1.2.1 Impacts to Scenic Vistas

The 2008 EIR determined that impacts to scenic vistas would be less than significant. The project site is located immediately north of Downtown, where building heights reach up to about 285 feet. Development of the site with six- to 14-story buildings (up to 175 feet maximum), as proposed by the 2008 Project, would result in some of the tallest buildings in this area of the City; however, the analysis determined that the buildings would blend within the City skyline as viewed from distant view sheds and surrounding mountain ranges. Furthermore, the project site is not within or near a "gateway" or "urban corridor" that contains scenic views, as defined by the General Plan. Development proposed by the 2013 Project would result in reduced building heights on the site ranging from four- to seven-stories (up to 90 feet maximum), or nearly less than half of the maximum building height considered in the 2008 EIR. As such, impacts to scenic vistas would remain less than significant and would be incrementally less than the impact described in the 2008 EIR due to the overall reduction in building heights.

4.1.2.2 Scenic Resources

Similar to the 2008 Project, the 2013 Project would not alter or remove outcroppings or historic buildings from the project site and the site is not within view of a scenic highway. Therefore, this impact would remain less than significant with the incorporation of the mitigation measures identified in the 2008 EIR.

4.1.2.3 Visual Character

As discussed in the 2008 EIR, existing conditions on the project site create blight in the project area. Because the site itself suffers from blight, which in turn degrades the visual character of the project vicinity, new development on the site would likely improve the visual character of the project site. Similar to the 2008 Project, the 2013 Project would change the use and intensity of development on the site; it would provide a more vibrant mix of uses, creating a more dynamic urban environment. ‘

The proposed development on the Corporation Yard site has been designed at a conceptual site plan level; however, detailed design plans have not yet been developed. It is anticipated that project design will incorporate design themes appropriate to and/or compatible with the Japantown neighborhood. The project applicants intend to design the development on the Corporation Yard site for contextual sensitivity to the existing development character of Japantown and to enhance the future vision for Japantown consistent with the 2008 Project.

The 2008 EIR identified several City Landmarks and Structures of Merit immediately across 6th Street from the project site. Cultural resources are considered scenic resources when they provide visual interest and character. Development of the project would substantially affect the existing visual character and context of these structures, which are generally one to two stories in height. Even with the reduction in building heights from a maximum of 14 stories to a maximum of seven stories, the height, design, and scale of the 2013 Project may not be visually compatible with the existing character and context of the Japantown neighborhood, which could in turn detract from the integrity of adjacent historic structures. Although this impact would be reduced when compared to the 2008 Project due to the reduced building heights, the existing visual character of historic resources could still be adversely affected with development of the 2013 Project.

The proposed project would be required to implement 2008 EIR Mitigation Measure VIS-1 (which also requires implementation of Mitigation Measures CULT-3a and CULT-3b), identified below, to ensure that impacts to the visual character of the historic resources located adjacent to the site are reduced to a less-than-significant level with implementation of the 2013 Project. Refer to Section 4.5.1.4 for an explanation of the modifications to Mitigation Measures CULT-3a and CULT-3b).

Impact VIS-1: The proposed project could detract from the existing visual character of historic resources located adjacent to the project site. **(Less Impact than Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new of the project that was not previously evaluated.

MM VIS-1: Implement Mitigation Measures CULT-3a and 3b (below), which require project design modifications to reduce the project's impacts to the San José Japantown Historic District's integrity of setting and feeling. This would be achieved by designing new construction that is sympathetic to the district's existing architectural context and historical qualities.

MM CULT-3a: The proposed project shall have regular ~~commercial~~ ground-floor entries along the ~~following~~ portion~~s~~ of North 6th Street~~: (1) that portion of the project area directly~~ that are across from Buildings 8 through 16~~12 (i.e., within the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site)~~.

While of varying scales and designs, the nine contributing buildings along the west side of North 6th Street, although interrupted by vacant parcels and surface parking lots, create a pedestrian-scaled rhythm of ground floor entries and storefronts. Buildings 13 through 16 will be across North 6th Street from the up to four-story community amenity building ~~a proposed public open space;~~ Buildings 8 through 12~~, however,~~ will be across the street from a proposed six- to 7-story building~~s~~. These proposed buildings~~, along with the proposed structure immediately adjacent to Building 16,~~ shall maintain and extend the scaled rhythm established by the contributing buildings along North 6th Street. The project should not "wall off" this portion of North 6th Street with an undifferentiated, continuous façade. Nor shall the buildings of this portion of the project be set so far back from the street that North 6th Street fails to feel like a commercial-lined street. Staggered setbacks of up to 5 feet and/or architectural differentiation will be incorporated into the ground floor retail frontage. Building to the property line on North 6th Street from Jackson Street to approximately Building ~~12~~16 (~~APN 249-39-012~~APN 249-39-012) is desirable.

MM CULT-3b: The proposed project shall employ setbacks and horizontal façade elements to reflect the scale of the NRHP/CRHR-eligible San José Japantown Historic District along the ~~following~~ portion~~s~~ of North 6th Street that is~~: (1) that portion of the project area~~ directly across from Buildings 8 through 16~~12 (i.e., the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site)~~. This mitigation measure shall not be construed to require specific building materials or design elements.

Maximum building heights fronting North 6th Street in proximity to Buildings 8 through 16~~12 and Building 16~~ shall be mid-rise in order to be compatible with the mid-rise scale of the greater Japantown area and the low-rise scale of the identified NRHP/CRHR-eligible San José Japantown Historic District. Proposed buildings ~~on the Corporation Yard site~~ directly across North 6th Street from Buildings 8 through 16 ~~12, along with the proposed structure immediately adjacent to Building 16 on the City parking lot site,~~ shall incorporate horizontal façade elements to distinguish the first story or two from the stories above. The third through sixth stories on buildings proposed across North 6th Street from Buildings 8 through 12 shall

be set back substantially (10 to 15 feet) from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North 6th Street.

A two-part review process would be used to ensure that proposed designs meet the objectives of Mitigation Measures CULT-3a and 3b. First, conceptual elevations and architectural standards for the proposed development shall be subject to City Council approval, following community input at the Planned Development zoning stage. Then, final elevations will be subject to the approval of the Director of Planning, following community input at the Planned Development Permit stage.

In addition, mature trees are considered scenic resources as they often provide visual interest and character. As discussed in Section 4.4, construction of the project could result in the removal of the existing 66 trees on the site, including eight ordinance-sized trees. The proposed project would be required to implement 2008 EIR Mitigation Measure VIS-2 (which also requires implementation of Mitigation Measure BIO-1), identified below, to ensure that visual impacts related to tree removal are reduced to a less-than-significant level with implementation of the 2013 Project.

Impact VIS-2: The removal of all ordinance sized trees from the project site would substantially damage scenic resources. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM VIS-2: Implement Mitigation Measure BIO-1 (below), which requires mitigation for the loss of ordinance sized trees by implementation of landscaping plans approved by the City of San José. Tree replacement for those trees greater than 18 inches in diameter shall occur at a ratio of 4:1 (trees planted to trees removed) with 24-inch box trees.

MM BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San José, in conformance with the City of San José Landscape and Irrigation Guidelines and City of San José Planning Department specifications. For private projects, the City of San José requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). The project applicant shall submit a landscape plan at the development permit stage illustrating the details by which these trees will be replaced and maintained.

In addition to implementation of 2008 EIR Mitigation Measures VIS-1 and VIS-2, the 2013 Project would be subject to the design guidelines provided in the Jackson-Taylor Specific Plan (Jackson – Taylor Neighborhood Revitalization Plan) and the City's Residential Design Guidelines. The City's General Plan policies with regard to site planning, urban design, and landscaping (see Section 4.1.1) would also be implemented. Key design standards outlined in Section 3.4.4 are nearly identical to the design standards presented in the 2008 EIR and, along with implementation of Mitigation Measure VIS-1, would continue to ensure that the project design is contextually sensitive to the existing visual character of the Japantown neighborhood. Finally, the final design concept would be subject to the

City's Design Review Process, ensuring that the visual character of the site and surrounding area is not degraded and that the project complies with applicable design guidelines.

4.1.2.4 Light and Glare Impacts

The proposed project would involve the introduction of lighting and structures to a vacant site in an urban area that contains existing sources of light and glare. Similar to the 2008 Project, the 2013 Project would include outdoor safety lighting which would be visible from surrounding view corridors and at a distance. Outdoor lighting would be designed to minimize glare and spillover to surrounding properties, and is not anticipated to be of a type or level that is more intrusive than that which exists in the immediate area. The project would use non-mirrored glass to minimize daytime glare.

In addition, lighting and building materials would be subject to design review and would adhere to the City's Outdoor Lighting Policy (4-3), which requires the use of low-pressure sodium (LPS) outdoor security lighting on-site along walkways, entrance areas, common outdoor areas, and parking areas. Similar to the determination found in the 2008 EIR, increased light or glare associated with the 2013 Project would not adversely affect day or night time views or create a hazard or nuisance in the area.

4.1.2.5 Shade and Shadow Impacts

Although not listed in the checklist above (Section 4.1.2), the City of San José identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces, measured on the first day of winter and on the days of the two equinoxes (June 21st and March 21st). Shade and shadow impacts occur when a structure's height or its width (or a combination of these two characteristics) reduces the access to sunlight enjoyed by another public open space area.

The 2008 EIR considered potential shade and shadow impacts that would result with an assumed building envelope that included a single structure covering the entire site, with zero setbacks and a maximum height of 175 feet (a worst-case scenario). The analysis determined that increases in shade and shadow cast on existing development would not significantly alter the character or setting of surrounding private residential and commercial uses and that shadows cast by the proposed development would not reach any open space areas or parks. Because the 2013 Project would substantially decrease the height of the proposed buildings on the site, this conclusion remains the same for the 2013 Project and no new impacts would result.

4.1.3 Conclusion

The proposed 2013 Project, with implementation of 2008 EIR Mitigation Measures identified above, would not result in any new significant impacts related to visual resources beyond those identified in the 2008 EIR. In the case of less than significant impacts associated with scenic vistas, visual character of adjacent historic structures (with mitigation), and increases in shade and shadow, the impacts of the 2013 Project would be slightly less than similar impacts identified for the 2008 Project.

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

The project site is located on urban and built up land near Downtown San José and there is no farmland or forestland within the project vicinity, as such, the 2008 EIR did not include a detailed evaluation of impacts to these resources.

4.2.2 Environmental Checklist and Discussion of Impacts

Agriculture Resources						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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?	☐	☐	☐	☒	☐	1,4
Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,5
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
Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	☐	1

4.2.2.1 Farmland Mapping and Monitoring Program

The project site and vicinity are located within an urban area. There are no agricultural resources located on or near the project site. The site is classified as "Urban and Built-Up Land" by the State Department of Conservation.[8] Therefore, implementation of the proposed project would not convert agricultural land to non-agricultural uses. The proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a nonagricultural use.

[8] California Department of Conservation, 2011. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010 (map). Website: www.consrv.ca.gov/dlrp/fmmp/index.htm (accessed October 14, 2013). June.

4.2.2.2 Williamson Act

The project site is currently zoned Light Industrial (LI) on the City's zoning map; the project includes a rezoning of the site to Planned Development District (PD) to allow for the mix of residential, commercial, office, community amenity, performance art rehearsal space, and a multi-media production studio. Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.[9]

4.2.2.3 Forest Land

The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor result in the loss of forest land or conversion of forest land to non-forest uses.

4.2.2.4 Conversion of Farmland to Non-Agricultural Use

The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use.

4.2.3 Conclusion

Similar to the 2008 Project, the proposed 2013 Project would not result in impacts to agricultural and forest resources.

[9] California Department of Conservation, 2012. Division of Land Resource Protection. Santa Clara County Williamson Act Lands FY2012/2013 (map). Website: ftp.consrv.ca.gov/pub/dlrp/wa (accessed October 14, 2013).

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 Background Information

Ambient air quality has basically remained unchanged since approval of the 2008 EIR. The Bay Area Air Quality Management District (BAAQMD) has made two regulatory changes since the EIR was certified. Revised *BAAQMD CEQA Guidelines*[10] were adopted in May 2011 that provide new and updated CEQA thresholds for analyzing air quality impacts. In general, the 2011 *BAAQMD CEQA Guidelines* have lowered the emissions thresholds for identifying project impacts. For example, the 2011 *BAAQMD CEQA Guidelines* revised the threshold for project operations for ROG and NO_x from 80 pounds per day to 54 pounds per day. The updated thresholds also include new thresholds for $PM_{2.5}$ at 54 pounds per day. The 2011 *BAAQMD CEQA Guidelines* were also amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the *BAAQMD CEQA Guidelines*. The court did not determine whether the thresholds of significance were valid on their merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD complied with CEQA. In May of 2012, the BAAQMD filed an appeal of the court's decision. In August of 2013, the First District Court of Appeal overturned the trial court and held that the thresholds of significance were not subject to CEQA review. The BAAQMD has not reinstated the 2011 *CEQA Guidelines*; however, the District notes that the Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds. The District finds that, despite the court ruling, the science and reasoning contained in the 2011 *BAAQMD CEQA Guidelines* provide the latest state-of-the art guidance available. For that reason, substantial evidence supports continued use of the 2011 *BAAQMD CEQA Guidelines.*

The Bay Area 2010 Clean Air Plan (CAP) was adopted in September 2010.[11] The CAP is the latest Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_x) and particulate matter.

4.3.1.2 Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medicinal clinics. Existing sensitive receptors near the project site include several residential buildings.

[10] Bay Area Air Quality Management District, 2011. *California Environmental Quality Act, Air Quality Guidelines*. May.

[11] Bay Area Air Quality Management District, 2010. *Bay Area 2010 Clean Air Plan*.

4.3.1.3 Envision San José 2040 General Plan

Various policies in the City of San José's General Plan, Envision San José 2040, have been adopted that would avoid or mitigate air quality impacts from development projects. In Chapter 3, Environmental Leadership, the City's General Plan has the following goals and policies related to the proposed project that would reduce air quality impacts:

- Air Quality Goal 10: Minimize air pollutant emissions from new and existing development.
- Air Quality Policy10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
- Air Quality Policy10.2: 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.
- Air Quality Policy10.5: In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
- Air Quality Policy 10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
- Air Quality Goal 11: Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
- Air Quality Goal 13: Minimize air pollutant emissions during demolition and construction activities.
- Transportation Goal 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).
- Transportation Goal 1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Transportation Goal 7: Implement effective Transportation Demand Management (TDM) strategies that minimize vehicle trips and vehicle miles traveled.
- Transportation Goal 2: Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.
- Transportation Policy 2.4: Encourage walking and bicycling.
- Transportation Policy 2.18: Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.
- Transportation Goal 3: Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

In addition to the goals and policies of the General Plan, the proposed project is also subject to the City's Grading Ordinance, which requires that all earth moving activities control fugitive dust through steps such as regular watering of the ground surface, cleaning of nearby streets, and planting any areas left vacant for extensive periods of time.

4.3.2 Environmental Checklist and Discussion of Impacts

Air Quality						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,3,6
Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,3,7
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 that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒	☐	1,3,7
Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐	1,3,7
Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1

4.3.2.1 Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards. The 2008 EIR evaluated the project's compliance with the Bay Area 2005 Ozone Attainment Plan; the analysis below evaluates the 2013 Project's compliance with the more recent 2010 Clean Air Plan.

Determining consistency with the 2010 Clean Air Plan (CAP) involves assessing whether applicable control measures contained in the 2010 CAP are being implemented by the City and furthered by the proposed project. Implementation of control measures would improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. The project includes applicable transportation and energy control measures consistent with the 2010 CAP requirements as discussed below.

The project includes transportation control measures to promote the reduction of vehicle miles traveled such as providing secure bicycle parking spaces for residents (per City code requirements) and access to the nearby bike lanes and trails, located throughout downtown San José, including the Guadalupe River Park multi-use trail. The project has also been designed to be pedestrian-oriented and to enhance the pedestrian experience. The proposed project is located near downtown San José and within walking distance of existing bus stops and light rail stations. The project would also increase the number of San José residents within walking distance of jobs, restaurants, and services.

The project also includes energy and climate measures to increase efficiency and conservation. The proposed project would comply with the City's Green Building Ordinance and Policies which would increase building efficiency over standard construction. The project would also comply with the

City's Tree Ordinance to 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 supports the primary goals of the Clean Air Plan in that it is infill development that provides users of the site with access to existing transit and services which would reduce vehicle trips. The project is also consistent with the City's Greenhouse Gas Reduction Strategy (see Section 4.7.2.2). Therefore, the project would be consistent with the Bay Area's 2010 Clean Air Plan.

4.3.2.2 Regional and Local Air Quality Impacts

As with the 2008 Project, the 2013 Project would redevelop the Corporation Yard site with new residential and commercial uses. These new uses would result in mobile-source air quality impacts from increased vehicle trips to the project site and stationary-source impacts such as emissions generated from the use of landscaping equipment and other consumer products. The number of vehicle trips generated by the 2013 Project would be greater than the number of trips generated by the 2008 Project (see discussion in Section 4.16.2.1); however, the overall total gross building area would be less with the 2013 Project and impacts to air quality would be similar to those identified for the 2008 Project.

Development of the 2013 Project would contribute to the significant regional and local air quality impacts identified in the certified 2008 EIR, including the long-term project-related emissions associated with the ozone precursor reactive organic gases (ROG) and PM_{10}. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than described in the 2008 EIR. The 2008 EIR identified Mitigation Measure AIR-2 below, which provides feasible measures to reduce vehicle trip generation and resulting emissions from the project. The mitigation measure would reduce air quality impacts. However, regional emissions would remain significant and unavoidable as identified in the 2008 EIR.

Impact AIR-2: Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for the ozone precursor ROG and PM_{10}. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM AIR-2: The *BAAQMD CEQA Guidelines* document identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project:

- Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters).
- Provide bicycle lanes and/or paths, connected to community-wide network.
- Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.
- Provide secure and conveniently located bicycle and storage.

- Implement feasible transportation demand management (TDM) measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.

The 2013 Project would develop the site with about 434,300 fewer square feet of total building area. It would include a similar number of residential units, 5,000 fewer square feet of retail space, 40,000 additional square feet of community amenity space, the same amount of open space, and fewer parking spaces than the 2008 Project. As with the 2008 Project, the proposed 2013 Project would exceed the significance thresholds for the regional air pollutants of reactive organic gases (ROG) and PM_{10} even with implementation of Mitigation Measure AIR-2. Even with the increased number of vehicle trips, impacts of the 2013 Project would be similar to those identified for the 2008 Project and would not be expected to substantially increase the impact identified in the 2008 EIR. Therefore, the 2013 Project's regional air quality impacts would be the same as the impact from the approved 2008 Project.

4.3.2.3 Construction-Related Impacts

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of Particulate Matter (PM) downwind of construction activity.

Development of the 2013 Project would result in similar construction-related, short-term air quality impacts as those impacts identified for the 2008 Project. With implementation of 2008 EIR Mitigation Measure AIR-1 below, the proposed project would not result in any new or more significant construction-related air quality impacts than were described in the 2008 EIR and this impact would be less than significant.

Impact AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications to address new mitigation measures identified by BAAQMD are shown in underline below and would further reduce construction related impacts already identified in the 2008 EIR; these modifications do not address a new impact of the project that was not previously evaluated.

<u>MM AIR-1</u>: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications.

Demolition. The following controls shall be implemented during demolition:

- Water during demolition work, including the break-up of pavement and infrastructure, to control dust generation;
- Cover all trucks hauling demolition debris from the site; and
- Use dust-proof chutes to load debris into trucks whenever feasible.

Construction. The following controls shall be implemented at all construction sites:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

<u>Consistent with guidance from the BAAQMD, the following additional measures shall be required of construction contracts and specifications for the project and shall be implemented at all times:</u>

- <u>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</u>

- 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 and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours.

4.3.2.4 Local Community Risk and Hazard Impacts to Sensitive Receptors

The 2008 EIR did not identify any significant sources of risk or hazard impacts within the project vicinity. Since completion of the 2008 EIR, the BAAQMD, through its 2011 *CEQA Guidelines* document, has introduced new significance criteria and evaluation tools related to community health risk and hazard impacts. The new criteria went into effect on May 1, 2011 as follows.

The threshold of significance for local community risk and hazard impacts applies to the siting of a new receptor. Local community risk and hazard impacts are associated with Toxic Air Contaminants (TACs) and $PM_{2.5}$ because emissions of these pollutants can have significant health impacts at the local level. If emissions of TACs or $PM_{2.5}$ at a receptor site exceed any of the thresholds listed below, the proposed project would result in a significant impact.

- Non-compliance with a qualified Community Risk Reduction Plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a significant cumulatively considerable contribution; or
- An incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ from a single source would be a significant cumulatively considerable contribution.

A project would have a *cumulatively considerable* impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000 foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following:

- Non-compliance with a qualified Community Risk Reduction Plan; or
- An excess cancer risk levels of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0; or
- 0.8 $\mu g/m^3$ annual average $PM_{2.5}$.

The City of San José is currently working with the BAAQMD on the development of a Community Risk Reduction Plan to address reducing exposures of residents to TACs and $PM_{2.5}$ emissions from all sources. The Plan has not been adopted and implemented yet; therefore, the criterion related to compliance with that Plan does not apply at this time.

The City of San José has been identified as an impacted community under the BAAQMD's Community Air Risk Evaluation (CARE) program which was initiated in 2004 to evaluate and reduce health risk associated with exposures to outdoor TACs in the Bay Area. The BAAQMD has developed an inventory of TAC emissions and compiled demographic and health indicator data. According to the findings of the CARE Program, diesel PM, mostly from on and off-road mobile sources, accounts for over 80 percent of the inhalation cancer risk from TACs in the Bay Area.

Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a significant impact. This would apply to locating sensitive receptors near existing sources of toxic air contaminants, as well as locating sources of toxic air contaminants near existing sensitive receptors. Sensitive receptors are facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

According to the BAAQMD, when siting a new receptor, an evaluation of existing sources of TACs and $PM_{2.5}$ emissions that could adversely affect individuals within a proposed project should be performed. Implementation of the proposed project would not create any new stationary sources of TACs. However, a database search of the BAAQMD's Stationary Source Risk and Hazard Analysis Tool revealed that there are two existing permitted sources of TAC emissions within 1,000 feet of the project site. One source is identified as the Spartan Gas Station located at 444 East Taylor Street and the other source is Arco Gas Station located at 697 North 4th Street. The risk levels associated with these facilities are shown in Table 3, below. An analysis of these sources and the associated health risk and $PM_{2.5}$ concentrations is also shown.

Table 3: TAC Sources in the Project Site Vicinity

Source	Adjusted Lifetime Cancer Risk	Hazard Index	$PM_{2.5}$ Concentration
Spartan Gas Station	0.263	0.029	NA
Arco Gas Station	0.529	0.046	NA
BAAQMD Individual Project Significance Threshold	**10.0**	**1.0**	**0.3**
Cumulative Total	0.792	0.075	0.00
BAAQMD Cumulative Significance Threshold	**100.0**	**10.0**	**0.8**
Exceed?	No	No	No

Source: BAAQMD, 2013 and LSA Associates, Inc., 2013.

Based on the analysis of the TAC sources in the project site vicinity as shown in Table 3, future residents of the project site would not be exposed to substantial levels of TACs, and local community risk and hazards impacts associated with TACs would be less than significant at the individual and cumulative level.

4.3.2.5 Objectionable Odors

Similar to the 2008 Project, the proposed 2013 Project would not contain any major sources of odor, and would not be located in an area with existing objectionable odors. Therefore, impacts associated with exposure to odors would be less than significant.

4.3.3 Conclusion

The proposed project, with implementation of 2008 EIR Mitigation Measures AIR-1 and AIR-2, in addition to modifications made to Mitigation Measure AIR-1, would not result in any new or more significant air quality impacts than those identified in the 2008 EIR. The 2013 Project would result in the same criteria air pollutant emissions impacts as the 2008 Project. The 2013 Project would also result in the same construction period impacts as the 2008 Project with mitigation incorporated. No new information of substantial importance has been identified in regard to the 2013 Project or the project site such that 2013 Project would be expected to result in new significant air quality impacts.

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

The 5.23-acre site is located in an urban area near Downtown San José, is mostly unvegetated and consists of asphalt pavement, concrete surfaces, or gravel parking lots. Trees and shrubs have been planted along the sidewalks that surround the site, and near the corner of Taylor and 6th Streets, where the former Corporation Yard office building was located. No creeks or habitat for special status species are located on the project site.

The 2008 EIR identified a total of 66 trees on and immediately bordering the perimeter of the project site, eight of which are ordinance-sized trees (see 2008 EIR Figure V. J-1). All of these ordinance-sized trees are non-native species or non-local native species. Parts of the site perimeter are landscaped with ornamental shrubs and plants. Besides the landscape trees and shrubs, the only vegetation observed in the project area is ruderal vegetation growing in pavement cracks, areas of soil associated with the sidewalk planting strip, and one strip of soil associated with a former out-building.

Developed lands provide minimal habitat for locally occurring wildlife species. Amphibian and reptiles would not be expected to utilize the project site on a regular basis as part of their home range or for movement due to the lack of suitable habitat. However, a number of bird and mammalian species commonly associated with urban environments could potentially occur on-site from time to time.

4.4.2 Regulatory Framework

4.4.2.1 Special Status Species

State and federal "endangered species" legislation has provided the California Department of Fish and Wildlife (CDFW) (formerly the California Department of Fish and Game, CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as "threatened" or "endangered" under provisions of the State and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society (CNPS) are collectively referred to as "species of special status."

State and federal laws also protect most bird species. The Federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior.

4.4.2.2 Jurisdictional Waters

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank that, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), CDFW, and the California Regional Water Quality Control Board (Water Board).

4.4.2.3 Envision San José 2040 General Plan

The City's 2040 General Plan provides policies which address biological resources. Like the 2020 General Plan, the 2040 General Plan includes policies for the purpose of avoiding or mitigating

biological resources impacts resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

- 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.
- CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
- MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
- 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.
- 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.
- MS-21.6: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
- ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
- ER-6.6: Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

4.4.2.4 City of San José Tree Ordinance

The City of San José Tree Removal Controls Ordinance is intended to protect all trees having a trunk which measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope.[12] These trees are defined as "ordinance-size" trees and this

[12] San José, City of. Municipal Code, Sections 13.32, Tree Removal Controls.

ordinance protects both native and non-native tree species. A removal permit is required from the City of San José for the removal of "ordinance-size" trees.

The City also requires all trees proposed to be removed to be replaced at the following ratios listed in Table 4. The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

Table 4: City of San José Tree Replacement Ratios

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

Note: Trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

[a] x:x = tree replacement to tree loss ratio

Source: City of San José, 2013.

4.4.2.5 City of San José Heritage Trees

Under the City of San José Municipal Code, Section 13.28.330 and Section 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated "Heritage Trees."

4.4.2.6 Santa Clara Valley Habitat Conservation Plan

The City of San José and several partner agencies, including the County of Santa Clara, the Santa Clara Valley Water District (SCVWD), and the Santa Clara Valley Transportation Authority (SCVTA), adopted a multi-species Habitat Conservation Plan for the Santa Clara Valley in January 2013.[13] The *Santa Clara Valley Habitat Plan* provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The *Santa Clara Valley Habitat Plan* would protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. The *Santa Clara Valley Habitat Plan* evaluates natural-resource impacts and mitigation requirements in a way that is more efficient and effective for at-risk species and their essential habitats. The *Santa Clara Valley Habitat Plan* covers the project site and the proposed project would be subject to the provisions addressed in the *Santa Clara Valley Habitat Plan*. One particular aspect of the *Santa Clara Valley Habitat Plan* that applies to the proposed project is its nitrogen impact fee that aims to mitigate for the impact of nitrogen gas emissions from vehicle trips associated with new development to the Bay Checkerspot butterfly.

[13] Santa Clara, County of, et al., 2013. *Santa Clara Valley Habitat Plan*. Website: www.scv-habitatplan.org/www/site/alias__default/1/home.aspx (accessed October 15, 2013).

4.4.3 Environmental Checklist and Discussion of Impacts

Biological Resources						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,3
Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,3
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,3
Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1,3
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,2,3
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	☒	☐	1,2

4.4.3.1 Wildlife and Sensitive Habitat

The project site is located in a developed urban area. The 2008 EIR identified that generally, urban areas are environments utilized by numerous wildlife species that are adapted to such environments.

Trees and shrubs on the project site may be removed or otherwise disturbed to accommodate the new mixed-use development. These trees and shrubs may provide shelter, foraging, and nesting habitat for a variety of wildlife species, including migrating birds. In addition, the site provides suitable habitat for Cooper's hawk, a California Species of Special Concern (see Section 4.4.24 for further discussion).

The 2008 EIR did not identify any special status plants or potentially suitable habitat for special-status plant species on the project site. Although several special-status animals have been identified as historically occurring in the vicinity of the project area, the 2008 EIR stated that most special-status animal species occurring in the South Bay Area breed and forage in habitat types that are not present within or immediately adjacent to the project site. As a result, potential impacts to special-status plant and animal species would be less-than-significant with implementation of the 2013 Project.

4.4.3.2 Riparian Habitat

Refer to Section 4.4.1. As described in the 2008 EIR, the project site is not located in an area that supports riparian habitat or other sensitive natural communities.

4.4.3.3 Federally Protected Wetlands

Refer to Section 4.4.1. As described in the 2008 EIR, the project site is not located in an area that supports any wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act. The project site is located in an urban area, on a site that has been historically developed.

4.4.3.4 Wildlife Movement Corridors

As stated in the 2008 EIR, the project area consists of mostly asphalt and pavement and has been historically developed for urban, industrial uses. Because the project site is located in an urban environment, there are no major wildlife movement corridors that pass through the site. Therefore, the proposed project would not substantially interfere with the movement of established, native resident or migratory fish or wildlife species.

The trees on or immediately adjacent to the project site provide potential nesting habitat for Cooper's hawk,[14] as well as other native birds whose nests are protected under the California Fish and Wildlife Code. Since some trees on the project site may be disturbed or removed during construction activities, impacts to nesting pairs could occur, resulting in nest abandonment, loss of young, or reduced nesting success. While most of the birds and other wildlife species at the site are characteristic of urban settings and would readily inhabit the surrounding area once construction is completed, the 2008 EIR recommended Mitigation Measure BIO-2 in order to minimize the disturbance to pairs of nesting birds during construction. Implementation of this measure would ensure that the risks associated with construction disturbance to nesting birds, as well as Cooper's hawk, would be less than significant. Thus, the proposed project would not impede the use of native wildlife nursery sites.

Impact BIO-2: Construction activities may disturb nesting Cooper's hawks and other native birds. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM BIO-2: All work on trees proposed for removal or pruning as part of redevelopment of the Corporation Yard site should occur during the non-

[14] The 2008 EIR identified an occurrence of Copper's hawk in a California Natural Diversity Database record from 2003. The occurrence was located over 4 miles from the project site, near the intersection of Bascom and Hamilton Avenues.

breeding season (August 1 to February 28) in the year prior to the start of grading if feasible. If tree pruning or removal cannot occur in the non-breeding season, then a preconstruction survey for active bird nests shall be conducted.

Surveys to determine the presence of active raptor and bird nests on or adjacent to the construction area shall be conducted by a qualified biologist no more than 30 days prior to the initiation of construction-related activities, including removal of existing vegetation or facilities. Results from the survey shall be submitted to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement. If native birds are observed nesting on or within 100 feet from the site, exclusion zones shall be established around all active nests. The size of the exclusion zone shall be determined based on consultation with the CDFW~~G~~, which typically requires a zone of 50 to 300 feet around the nest, depending on the bird species. Active Cooper's hawk nests within urban areas would likely require a 100-foot exclusion zone. No activity shall be allowed inside the exclusion zone until a qualified biologist has determined that the young have successfully fledged from the nest or that the nest is no longer active.

4.4.3.5 Ordinance Size Trees

Refer to Section 4.4.2.4. Trees on and in the vicinity of the project site may be removed or otherwise disturbed to accommodate the new mixed-use development. Eight trees on the project site were identified as ordinance-size trees in the 2008 EIR. The 2008 EIR recommended implementation of Mitigation Measure BIO-1 for the removal of existing mature trees. Implementation of this measure and conformance with the City's Tree Ordinance would ensure that impacts to ordinance-sized trees would be less than significant.

Impact BIO-1: Construction of the proposed project could result in the removal of ordinance-size trees. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM BIO-1: Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San José, in conformance with the City of San José Landscape and Irrigation Guidelines and City of San José Planning Department specifications. For private projects, the City of San José requires tree replacement for those trees greater than 18 inches in diameter with 24-inch box trees at a ratio of 4:1 (trees planted to trees removed). The project applicant shall submit a landscape plan at the development permit stage illustrating the details by which these trees will be replaced and maintained.

4.4.3.6 Conservation Plans

As previously described, the project site is included in the recently adopted *Santa Clara Valley Habitat Plan* study area. Therefore, the 2013 Project would be subject to the plan's nitrogen deposition fees.[15] Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the study area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation.

The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that the project is expected to generate. The nitrogen deposition fees collected under the *Santa Clara Valley Habitat Plan* for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The nitrogen deposition fee applies to all Fee Zones and will be assessed as a fee per new daily vehicle trips over existing conditions.

At the time the San José 2040 General Plan FEIR was certified there was no mechanism in place to off-set the damaging effects of nitrogen deposition on serpentine plant populations and the City-wide impact of future development was identified as significant and unavoidable. Since becoming effective in October 2013, the *Santa Clara Valley Habitat Plan* now provides a mechanism for individual projects to make a fair share contribution to an established mitigation fee program, to address cumulative nitrogen impacts. The cumulative nitrogen deposition impact was not previously addressed or discussed in the 2008 EIR. However, compliance with the nitrogen mitigation fee is a standard measure required by the City and payment of the fee would ensure that this impact is less than significant.

Because the project site does not support potentially suitable habitats for special-status plant or animal species, or riparian habitats or other sensitive natural communities, the proposed project would not conflict with the conservation strategies of the *Santa Clara Valley Habitat Plan* or any other local, regional, or State plans that protect biological resources and this impact would be less than significant.

4.4.4 Conclusion

The proposed project, with implementation of 2008 EIR mitigation measures, would not result in any new or more significant impacts to biological resources beyond those identified in the 2008 EIR. Impacts to biological resources resulting from the 2013 Project would be the same as those identified for the 2008 Project.

[15] Nitrogen deposition fees are intended to protect and enhance sensitive habitat throughout the region that is subject to degradation due to nitrogen deposition (related primarily to vehicle emissions).

4.5 CULTURAL RESOURCES

4.5.1 Setting

4.5.1.1 Historical Resources

As discussed in the 2008 EIR, historic buildings within San José's Japantown include properties between North 1st and North 10th Streets to the west and east, and Taylor and Empire Streets to the north and south. Within this area, the 2008 EIR identified 86 resources that are significant for their role in the City's Japanese-American history, for their connection to historically important people, and/or for their architectural distinction. These 86 resources appear eligible for listing in the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) as a historic district, as well as a City of San José historic district. The district may also be eligible for listing as a Traditional Cultural Property. Additionally, certain contributors to the NRHP/CRHR-eligible San José Japantown Historic District may be individually significant and eligible for official designation as San José landmarks and/or separate listing in the NRHP and CRHR. As a group they appear eligible for listing as a NRHP and CRHR historic district and/or a Traditional Cultural Property, as well as a City of San José historic district. Additionally, other special resources may be individually significant and eligible for official designation as San José landmarks and/or separate listing in the NRHP and CRHR.

Nine of the 86 San José Japantown resources identified as historically significant are adjacent to the project area. These nine buildings are on the west side of North 6th Street between East Taylor and Jackson streets (see Figure V.I-1 in the 2008 EIR). As discussed in the 2008 EIR, all nine structures appear to be eligible for the NRHP as contributors to a NRHP- and CRHR-eligible district, as well as contributors to a district eligible for local listing. The historic status of each building is briefly described below (refer to the 2008 EIR for a full description of each individual building):

- *Building 8 – 605 North 6th Street (APN 249-39-024).* This building has been designated as a structure of merit and has been recorded on the State of California Historic Resources Inventory form. This building received an overall rating of 67.62 in the City of San José Evaluation Sheet, suggesting that it may qualify as a City Landmark.
- *Building 9 – 615-21 North 6th Street (APN 249-39-040).* This building scored a total of 71.98 points on the City of San José Historical Evaluation Sheet, which appears to make it eligible as a City Landmark.
- *Building 10 – 625 North 6th Street (APN 249-39-022).* This building scored 100.72 on the City of San José Historic Evaluation Sheet, confirming the building's City Landmark status. It is also considered individually eligible for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San José Japantown Historic District.
- *Building 11 – 635 North 6th Street (APN 249-39-042).* This building scored a total of 47.92 points on the City of San José Historical Evaluation Sheet, which appears to make it eligible as a Structure of Merit.
- *Building 12 – 639 North 6th Street (APN 249-39-019).* A score of 62.65 on the City of San José Historic Evaluation Sheet confirms that this building qualifies as a structure of merit and contributing structure.
- *Building 13 – 651 North 6th Street (APN 249-39-016).* This building scored a total of 80 points on the City of San José Historical Evaluation Sheet, which appears to make it eligible as a Candidate City Landmark. Because of the building's relationship to the history of African-Americans in San José, it is also considered an individual candidate for the

CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San José Japantown Historic District.

- *Building 14 – 655 North 6th Street (APN 249-39-015).* This building scored a total of 64.08 points by Carey & Co. on the City of San José Historical Evaluation Sheet, which appears to make it eligible as Structure of Merit.
- *Building 15 – 657 North 6th Street (APN 249-39-014).* This building scored a total of 35.1 points by Carey & Co. on the City of San José Historical Evaluation Sheet, which appears to make it eligible as a Structure of Merit.
- *Building 16 – 665 North 6th Street (APN 249-39-012).* A score of 93.66 on the City of San José Historic Evaluation Sheet suggests that this structure qualifies as a Candidate City Landmark. Due to its historical association and architectural merits, this building is considered an individual candidate for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San José Japantown Historic District.

4.5.1.2 Archaeological Resources

As discussed in the 2008 EIR, no archaeological resources have been recorded within the project area; however, three prehistoric archaeological sites have been recorded within one mile. In addition, the project area has a high level of historic-era archaeological sensitivity due to several factors:

- The project area represents a substantial portion of Heinlenville, a historically cohesive and ethnically integrated community. As opposed to the study of sites occupied by a single dwelling, store or activity, the project area offers a relatively rare opportunity to conduct a neighborhood-level study of long-term community development.
- The project area represents a long-term occupation by ethnic Japanese and Chinese communities. Sites associated with these groups have significant archaeological research value, and elsewhere have been found eligible for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR).
- A high level of documentation exists (including sources such as the Sanborn Company maps, U.S. Censuses, newspaper articles, and oral histories) that provide information on both the configuration of the formally-built environment, and the social development and configuration of the Chinese and Japanese communities. This level of documentation allows for sophisticated and complex archaeological inquiry.
- The archaeological potential of the project area is enhanced by the apparently minimal level of subsurface disturbance of potential archaeological remains. Disturbance appears to have been limited to several relatively narrow utility corridors and underground fuel tanks. Contemporary buildings on the site have been built on concrete slabs resulting in minimal subsurface disturbance.
- The San José Chinese-American and Japanese-American communities consider the project area an important location in their history, and have expressed their desire to see the archaeological resources treated appropriately.

4.5.1.3 Paleontological Resources

As discussed in the 2008 EIR, the project area is underlain by Holocene flood plain deposits. These deposits may be underlain by Pleistocene sediments at a depth as little as 10 feet below the surface. In the summer of 2005, mammoth bones were also reported to be exposed in the bank of the Guadalupe River north of the San José Municipal Airport approximately 10.5 feet below the elevation of the

adjacent flood plain. The presence of mammoth bones in the area introduces the possibility of Pleistocene-aged sediments located at an indeterminate depth, though possibly as shallow as 10 feet, below the surface. Such Pleistocene sediments may contain significant paleontological resources. It is also possible, however, that the mammoth bones were reworked into younger sediments.

4.5.2 Environmental Checklist and Discussion of Impacts

Cultural Resources						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Cause a substantial adverse change in the significance of an historical resource as defined in *CEQA Guidelines* §15064.5?	☐	☐	☐	☒	☐	1,2,3
Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* §15064.5?	☐	☐	☐	☒	☐	1,2,3
Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,2,3
Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,2,3

4.5.1.4 Historic Resources

Similar to the 2008 Project, the 2013 Project would introduce new land uses adjacent to the NRHP/CRHR-eligible San José Japantown Historic District. This new land use would change the immediate architectural setting of a portion of Japantown. As concluded in the 2008 EIR, the project would not, however, result in a diminishment of those qualities that may qualify the NRHP/CRHR-eligible San José Japantown Historic District as a Traditional Cultural Property (TCP). Those community events, activities, and traditions that make Japantown special would persist and, in fact, be complemented by the project and this impact would be less than significant.

Redevelopment of the project site entails construction of approximately four buildings ranging in height from four to seven stories (the 2008 Project considered development of the site with six- to 14-story buildings). Similar to the 2008 Project, these buildings would be markedly taller than the nine existing one- to two-story structures across North 6th Street. They would be of markedly different design. Unlike the 2008 Project, which included development of a public open space across from Buildings 13 through 16 on North 6th Street, the 2013 Project includes three buildings across from Buildings 8 through 16 with one gap to accommodate a pedestrian walkway and a second gap for vehicular access. Similar to the 2008 Project, implementation of the 2013 Project may have a significant adverse impact on the integrity of setting and feeling of the nine contributors to the NRHP/CRHR-eligible San José Japantown Historic District along North 6th Street.

To reduce the severity of this potential impact, the 2008 EIR recommended implementation of CULT-3 to ensure that the new buildings do not clash with or overwhelm the existing historical buildings. Implementation of this two-part mitigation measure would ensure that this impact is less than significant.

Impact CULT-3: New construction may result in significant impacts to the integrity of setting and feeling of the NRHP/CRHR-eligible San José Japantown Historic District. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM CULT-3a: The proposed project shall have regular ~~commercial~~ ground-floor entries along the ~~following~~ portion~~s~~ of North 6th Street~~: (1) that portion of the project area directly~~ that are across from Buildings 8 through 16~~12 (i.e., within the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site)~~.

While of varying scales and designs, the nine contributing buildings along the west side of North 6th Street, although interrupted by vacant parcels and surface parking lots, create a pedestrian-scaled rhythm of ground floor entries and storefronts. Buildings 13 through 16 will be across North 6th Street from the up to four-story community amenity building ~~a proposed public open space~~; ~~-~~Buildings 8 through 12~~, however,~~ will be across the street from a proposed six- to 7-story building~~s~~. These proposed buildings~~, along with the proposed structure immediately adjacent to Building 16,~~ shall maintain and extend the scaled rhythm established by the contributing buildings along North 6th Street. The project should not "wall off" this portion of North 6th Street with an undifferentiated, continuous façade. Nor shall the buildings of this portion of the project be set so far back from the street that North 6th Street fails to feel like a commercial-lined street. Staggered setbacks of up to 5 feet and/or architectural differentiation will be incorporated into the ground floor retail frontage. Building to the property line on North 6th Street from Jackson Street to approximately Building ~~12~~16 (~~APN 249-39-012~~APN 249-39-012) is desirable.

MM CULT-3b: The proposed project shall employ setbacks and horizontal façade elements to reflect the scale of the NRHP/CRHR-eligible San José Japantown Historic District along the ~~following~~ portion~~s~~ of North 6th Street that is~~: (1) that portion of the project area~~ directly across from Buildings 8 through 16~~12 (i.e., the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site)~~. This mitigation measure shall not be construed to require specific building materials or design elements.

Maximum building heights fronting North 6th Street in proximity to Buildings 8 through 16~~12 and Building 16~~ shall be mid-rise in order to be compatible with the mid-rise scale of the greater Japantown area and the low-rise scale of the identified NRHP/CRHR-eligible San José Japantown Historic District. Proposed buildings ~~on the Corporation Yard site~~ directly across North 6th Street from Buildings 8 through 16 ~~12, along with the proposed structure immediately adjacent to Building 16 on the City parking~~

~~lot site,~~ shall incorporate horizontal façade elements to distinguish the first story or two from the stories above. The third through sixth stories on buildings proposed across North 6th Street from Buildings 8 through 12 shall be set back substantially (10 to 15 feet) from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North 6th Street.

A two-part review process would be used to ensure that proposed designs meet the objectives of Mitigation Measures CULT-3a and 3b. First, conceptual elevations and architectural standards for the proposed development shall be subject to City Council approval, following community input at the Planned Development zoning stage. Then, final elevations will be subject to the approval of the Director of Planning, following community input at the Planned Development Permit stage.

Buildings 8 through 16 on North 6th Street, across from the project site, are eligible for the National and California registers as contributors to the San José Japantown Historic District. As described in Section 4.12.2.1, vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings. Activities associated with project construction have the potential to adversely impact each building's integrity of design, materials, and workmanship through project-related vibration damage to character-defining features.

As described in Section 4.12.2.1, typical groundborne vibration levels measured at a distance of 50 feet from heavy construction equipment in full operation, such as bulldozers or other heavy tracked equipment, range up to approximately 94 VdB. This is below the 96 VdB damage threshold for historic or fragile buildings. Although redevelopment of buildings on the Corporation Yard site would be greater than 50 feet from historic or fragile buildings, redevelopment could require utility construction to occur within the right of way of North 6th Street and, thus, possibly less than 50 feet from nearby sensitive structures across North 6th Street.

As identified in the 2008 EIR, implementation of Mitigation Measure NOI-2a and -2b (preparation of vibration impacts assessment to determine potential construction related groundborne vibration) may demonstrate that vibration levels would be below the damage threshold level. However, if the vibration impact assessment determines that vibration levels would be in excess of the damage threshold, implementation of Mitigation Measure CULT-4 would be required to reduce potential groundborne vibration impacts on sensitive historic buildings to less than significant levels.

Impact CULT-4: New construction may result in significant impacts to the integrity of design, materials, and workmanship of the NRHP/CRHR-eligible San José San José Japantown Historic District. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated. In particular, Building 16 is adjacent to the parking lot site that was considered in the 2008 EIR; because construction of the 2013 Project would not take place near this building, this reference is accordingly struck from this mitigation measure.

MM CULT-4a: Should the implementation of Mitigation Measure NOI ~~-2a and -~~2b demonstrate that construction-related vibration levels may be in excess of the damage threshold, a qualified geologist or other professional with expertise in ground vibration and its effect on existing structures shall determine the likelihood that such vibration would damage any of the contributing buildings of the NRHP/CRHR-eligible San José Japantown Historic District ~~(Building 16, in particular)~~. If such damage is likely, the qualified professional shall develop specifications regarding the restriction and monitoring of construction activities that shall be incorporated into the contract. Project modifications recommended by the qualified professional shall be made prior to project construction to reduce vibrations to below damage threshold levels.

Construction-related vibration levels in the vicinity of Buildings 8-16 shall be monitored during initial construction. If construction-related vibration exceeds threshold levels, then, prior to the commencement of construction within 50 feet of any of the NRHP/CRHR-eligible San José Japantown Historic District contributing buildings (including ~~development of the lot adjacent to Building 16 and~~ subsurface utility construction in North 6th Street), an architect specializing in historic architecture[16] and a registered structural engineer[17] shall undertake an existing condition study of those contributing buildings at risk ~~(in particular, Building 16)~~. The purpose of the study would be to establish the baseline condition of at-risk buildings, prior to construction that may exceed vibration thresholds, by identifying the location and extent of any visible exterior surface cracks, spalls, or structural deficiencies. The documentation shall consist of written descriptions and photographs, and shall specifically address those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register and the local register. The documentation would be reviewed and approved by the City of San José's Historic Preservation Officer.

Following the baseline condition assessment, the architect and structural engineer shall monitor groundborne vibration levels during construction and report any changes to existing condition of the at-risk buildings, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City of San José's Historic Preservation Officer, who shall also establish the frequency of monitoring and reporting. The structural engineer shall consult with the architect if any problems with character-defining features of a contributing building are discovered. If, in the opinion of the structural engineer in consultation with the architect, substantial adverse changes to the character-

[16] The architect shall meet the qualifications for historic architecture contained in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards* (36 CFR Part 61, Appendix A).

[17] The structural engineer shall have a minimum of five years of experience in the rehabilitation and restoration of historic buildings.

defining features of the contributing buildings are found during construction (and can be reasonably attributed to the effects from construction activities), the monitoring team shall immediately inform the project sponsor or sponsor's designated representative responsible for construction activities. The monitoring team shall also provide recommendations for preventive and/or corrective measures, and such measures shall be followed by the project sponsor. The preventive/corrective measures may include (1) halting construction in situations where construction activities would imminently endanger historical buildings; (2) redesigning the project to avoid certain activities that would pose future risks to historical buildings; and (3) repairing any construction-related damage such that the character-defining features of any affected buildings are restored to their pre-project condition. The monitoring teams recommendations shall be reviewed by the City of San José's Historic Preservation Officer for feasibility and appropriateness, but preventive measures shall be implemented in a timely manner to avoid additional potential damage.

MM CULT-4b: The monitoring architect (described above) shall establish a training program for construction personnel to emphasize the importance of protecting the historical buildings in the vicinity of the project area. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near historical buildings, including the proper storage of materials. The program shall also include information on ways to minimize vibrations from demolition and construction, as well as ways to monitor and report any potential damage to historical buildings from such vibration. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions would be reviewed and approved by the City of San José's Historic Preservation Officer.

MM NOI-2b: If utility construction would occur within the right of way of North 6th Street and within less than 50 feet of nearby sensitive structures on North 6th Street as a result of buildout of the Corporation Yard site, the site's project applicant shall prepare a vibration impact assessment to determine potential construction-related groundborne vibration impacts. If mitigation measures cannot be identified that would reduce groundborne vibration impacts to below the groundborne vibration damage criteria of 96 VdB for fragile structures then the measures outlined in the Cultural resources section Mitigation Measure CULT-4a and -4b shall be incorporated into construction plans for the project.

4.5.1.5 Prehistoric and Historical Archaeological Resources

No archaeological resources are known to be present within the project site. This is partly due to the paved condition of the property, which precluded inventory as part of the 2008 EIR. Historical research and geoarchaeological fieldwork indicate that the site is extremely sensitive for archaeological remains that may constitute historical resources or unique archaeological resources under CEQA. Construction and site remediation activities may effect a substantial adverse change in the significance of such resources by altering the characteristics that make them significant archaeological resources, thereby resulting in a significant impact.

To reduce the severity of this impact, the 2008 EIR recommended implementation of multi-part Mitigation Measure CULT-2 below, to reduce potential impacts to archaeological resources to a less than significant level. This reduction would be achieved by preserving the values for which the resources are important through a systematic program of identification, evaluation, or treatment, as well as reporting for the public benefit.

It should be noted that remediation activities at the project site were completed in 2008 and after completion of the 2008 EIR; therefore, the following mitigation measure only applies to future demolition and construction activities at the site. In addition, consistent with Mitigation Measure CULT-2a, in September 2007 the Anthropological Studies Center (ASC) prepared an Archaeological Research Design, Testing and Evaluation Plan (ARDTEP). This document was approved by the City and implementation began in March 2008 with evaluation fieldwork. Next the ASC created an Archaeological Treatment Plan (ATP) pursuant to Mitigation Measure CULT-2b. The ATP proposed mitigating impacts to important archaeological resources through a program of data recovery and public outreach. The ATP was approved by the City in February 2009 and the data recovery phase was completed by ASC in April 2009. This work revealed a large collection of Chinese and Japanese artifacts used by former residents in the late 19th and early 20th centuries.

Impact CULT-2: Construction-related excavation ~~(including site remediation)~~ may result in impacts to significant archaeological resources. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Both the mixed-use development and the community amenity would be subject to this mitigation measure. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM CULT-2a: Research conducted by the Anthropological Studies Center has established that it is likely that the project area~~, including construction on both the Corporation Yard and City parking lot sites,~~ may contain significant archaeological resources associated with historic-era Japanese and Chinese settlement.[18] To identify these resources in the field, an appropriate Testing Strategy is necessary to specify the appropriate investigative methods and approaches. If resources are identified, they will require evaluation to determine if they qualify as significant archaeological resources. The evaluation shall be conducted through the application of the principles contained in the Archaeological Research Design (described below).

To achieve the steps outlined above, the Director of Planning (or their designated representative) shall require that an Archaeological Research

[18] Anthropological Studies Center, 2007. *Historic Context and Archaeological Survey Report: Heinlenville-Corporation Yard Project, San José, California.* Sonoma State University, Rohnert Park, California.

Design, Testing, and Evaluation Plan (ARDTEP), ~~currently in preparation~~,[19] be implemented prior to project construction. The ARDTEP will guide fieldwork and help to determine if identified archaeological remains constitute significant archaeological resources. The ARDTEP is being prepared by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology, prehistoric archaeology, and history (36 CFR Part 61, Appendix A).

The *research design* component of the document will contain the following major sections:

Introduction and Purpose
Project Location and Description
Regulatory Context
Methods and Sources
Holocene Landscape Evolution
Prehistory and Ethnography
History
Previous Archaeological Research
    Prehistoric Archaeology
    Historical Archaeology
Archaeological Research Design
Geoarchaeology
Archival and Oral History Research
    Block Histories by Address
Research Context: Prehistoric Archaeology
    Research Themes and Issues
    Data Requirements
    Property Types: Prehistoric Archaeology
    Archaeological Sensitivity: Prehistoric
Research Context: Historical Archaeology
    Research Themes and Issues
    Data Requirements
    Property Types: Historical Archaeology
    Archaeological Sensitivity: Historical Archaeology

The *testing strategy* component of the document will contain the following major sections:

Introduction and Purpose
Test Areas and their Potential Significance
Fieldwork Methods
Hazardous Materials, Health, and Safety
Treatment of Human Remains and Burial Goods
Public Involvement
Laboratory Work
    Laboratory Methods
Archaeological Evaluation Plan: Evaluation Procedures and Criteria
    Integrity
Infield Evaluation
Post-field Evaluation
Reporting and Dissemination of Results
        Public Outreach
Curation

[19] Anthropological Studies Center, 2007. *Archaeological Research Design, Testing, and Evaluation Plan: Heinlenville/San José Corporation Yard Archaeological Project*. Sonoma State University, Rohnert Park, California. Prepared for The Redevelopment Agency, City of San José, California.

The ARDTEP shall be subject to review and approval by the Director of Planning (or their designated representative) in consultation with the City of San José Historic Preservation Officer. On approval, the Planning Director (or their designated representative) shall require that the terms of the ARDTEP be carried out by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology, prehistoric archaeology, and history (36 CFR Part 61, Appendix A). The ARDTEP will be used to inform the City's decision regarding project design, and will be carried out prior to project construction. Artifacts recovered as a result of the implementation of the ARDTEP will be curated at an appropriate curation facility. The appropriate curation facility will meet the standards in the Office of Historic Preservation's *Guidelines for the Curation of Archaeological Collections* (State Historic Resources Commission 1993), or, at the City's discretion, an alternate facility will be selected to provide for the long-term curation of archaeological materials in a manner that allows for future community interpretation and/or scientific analysis.

Following implementation of the ARDTEP, the project archaeologist shall submit a report (the content of which is specified in the ARDTEP) of his/her findings to the Planning Department. If the project archaeologist, in consultation with the Planning Department, determines that significant archaeological resources are present, and that such resources may be impacted by the project, then the Planning Department shall require the preparation and implementation of an Archaeological Treatment Plan to mitigate project impacts. The Plan may include archaeological data recovery, archaeological monitoring, and/or public interpretation of important remains. The Archaeological Treatment Plan is described below in Mitigation Measure CULT-2b.

MM CULT-2b: Unavoidable project impacts on significant archaeological resources shall be treated according to the requirements of an Archaeological Treatment Plan (ATP). The Director of Planning (or their designated representative) shall review, authorize, and require the implementation of the ATP, which shall be prepared by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology, prehistoric archaeology, and history (36 CFR Part 61, Appendix A), and who will work in consultation with the City and the appropriate descendent communities. The ATP shall specify the treatment of previously identified significant archaeological resources, as well as the treatment of property types that may be uncovered during additional archaeological excavation.

Depending on the nature of the resources and project impacts, the ATP may include requirements for any or all of the following: additional archaeological identification efforts, data recovery (scientific excavation), laboratory analysis, preparation of technical and interpretive reports, *in situ* preservation of remains, archaeological monitoring during construction, and the preparation of feasible public outreach products. Treatment, including archaeological data recovery, shall be limited to significant archaeological resources that may be adversely impacted by the project.

The ATP shall contain the following sections, as appropriate to the resources under consideration:

Introduction and Purpose
Project Description
Impact Locations
Historic Resources
Data Recovery Plan: Field Methods
Site Security Measures
Laboratory Methods
Artifact Discard and De-accession Policy
Final Reporting and Dissemination of Results
Curation
Public Interpretation Plan
Archaeological Monitoring Plan

After the City has approved the project design and the ATP has been implemented, the City, in consultation with the project archaeologist, may determine that it is necessary to prepare an Archaeological Monitoring Plan. This decision will be based on information about field conditions collected during the Archaeological Monitoring Plan's implementation, and will specifically address the likelihood that undiscovered, significant archaeological resources may be present in the project area and may be impacted by project activities. The decision shall be made by the Director of Planning (or their designated representative).

MM CULT-2c: The purpose of the Archaeological Monitoring Plan (AMP) will be to ensure that significant archaeological resources discovered during construction are identified, evaluated, and appropriately treated. The City will review, authorize, and require the implementation of the AMP. The AMP shall be reviewed, authorized, and its implementation required by the Director of Planning (or their designated representative). The AMP shall include the following requirements:

- Construction monitoring shall be undertaken by an individual who meets the Secretary of the Interior's Professional Qualifications Standards in historical archaeology and/or prehistoric archaeology (36 CFR Part 61, Appendix A), as appropriate in relation to the anticipated resources. A Native American cultural monitor shall be present if previous archaeological excavations indicate that Native American archaeological deposits may be discovered. The cultural monitor's function shall be to advise the project archaeologist and the City regarding the respectful treatment of any prehistoric archaeological remains that are uncovered.
- The City, in consultation with the project archaeologist, shall determine which project activities and/or which portions of the project area will be archaeologically monitored. This information will be included in the AMP. In most cases, all soil-disturbing activities in sensitive portions of the project area—such as demolition, foundation removal, excavation, grading, utilities installation, and foundation work—will require archaeological monitoring. The project archaeologist shall have the authority to redirect construction personnel and equipment while discoveries are being assessed. The monitoring and project archaeolo-

gists would make every effort to ensure that evaluation and treatment of remains is carried out with as little disruption as possible. If it is necessary to suspend construction for more than one working day, the project archaeologist shall consult with the City to assess the appropriate course of action.

During construction monitoring, if the project archaeologist and the City determine that the finds in question represent significant archaeological resources, and that these resources may be adversely impacted by the project, then the City shall require the implementation of the appropriate portions of the Archaeological Treatment Plan to mitigate project effects on significant resources. These efforts may include archaeological data recovery and public interpretation of important remains.

4.5.1.6 Paleontological Resources

The project area is underlain by Holocene alluvial deposits. These deposits may be underlain by Pleistocene sediments at a depth as little as 10 feet below the surface. The presence of mammoth bones in a similar geological context as the project site (see Section 4.5.1.3) introduces the possibility of Pleistocene-aged sediments occurring at an indeterminate depth in the project area, though possibly as shallow as 10 feet below the surface. Therefore, there is a possibility of encountering and inadvertently damaging paleontological resources during project construction.

The 2008 EIR recommended implementation of Mitigation Measure CULT-5, below to reduce potential impacts to paleontological resources. Implementation of this measure would ensure that impacts to paleontological resources would be less than significant.

Impact CULT-5: New construction may result in inadvertent damage to paleontological resources. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM CULT-5: If paleontological resources are encountered during project subsurface construction on the Corporation Yard ~~and/or City parking lot~~ site~~s~~, the all work within 25 feet of the discovery shall be redirected and a qualified paleontologist contacted to evaluate the finds and make recommendations. If the exposed geological formation is found to contain significant paleontological resources, such resources shall be avoided by project activities, if feasible. If project activities cannot avoid the paleontological resources, the resources shall be evaluated for their significance. If the resources are found to be significant, adverse effects shall be mitigated. Mitigation may include, but is not limited to, monitoring, data recovery and analysis, and accessioning[20] of all fossil material to a paleontological

[20] Accessioning is the process by which specimens are added to a scientific collection, which includes the recording of data associated with the specimen.

repository. A final report documenting the methods, findings, and recommendations of the consulting paleontologist shall be prepared and submitted to the paleontological repository.

4.5.1.7 Disturbance of Human Remains

Native American remains have been found throughout San José, both individually and in formal cemeteries. Although there is no evidence that human remains are present in the project area, archaeological research elsewhere in the Santa Clara Valley indicates that the possibility of discovering isolated burials cannot be discounted. In addition, geoarchaeological fieldwork indicates a moderate-to-high sensitivity for prehistoric archaeological deposits at a depth of 13 to 16 feet below the project area's surface, where a former potential occupation surface is buried. Human burials may be associated with these possible archaeological deposits. It is also possible that undocumented burials from the historic era may be present in the project area. If human remains are present, they may be disturbed by site clearance, excavation, and construction. Disturbance of human remains would constitute a significant impact.

The 2008 EIR recommended implementation of Mitigation Measure CULT-1below, to reduce potential impacts to potential human remains to a less-than-significant level. Implementation of this measure would ensure that any remains are treated appropriately according to State of California guidelines, as well as in a manner that takes into account the proper treatment of human remains in accordance with the wishes of the descendant community.

Impact CULT-1: Construction-related excavation may result in significant impacts to human remains. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM CULT-1: If human remains are discovered during archaeological investigations or construction ~~on the Corporation Yard site and/or the City parking lot site~~, any such remains shall be treated in accordance with the requirements of CCR Title 14(3) §15064.5(e), which has particular procedures that apply to the discovery of remains of Native American origin. These procedures are provided below.

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

   (A) The coroner of the County must be contacted to determine that no investigation of the cause of death is required, and

   (B) If the coroner determines the remains to be Native American:

      1. The coroner shall contact the Native American Heritage Commission within 24 hours.

      2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC §5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;

(B) The descendent identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Compliance with the requirements of CCR Title 14(3) §15064.5(e) shall be coordinated with the Native American community contacts already established for this project. If, following the fulfillment of the notification requirements described above, human remains are discovered that are determined to not be of Native American origin, then the City shall consult with the appropriate descendent community regarding means for treating or disposing of the human remains, and any associated items, with appropriate dignity.

4.5.2 Conclusion

The proposed project, with implementation of 2008 EIR Mitigation Measures CULT-1, CULT-2, CULT-3, CULT-4, and CULT-5, in addition to minor modifications to each measure, would not result in any new or more significant impacts to cultural resources than those identified in the 2008 EIR. Impacts to cultural resources resulting from the 2013 Project would be the same as those identified for the 2008 Project.

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 Geological Features and Soil Conditions

As identified in the 2008 EIR, the project site is located at the western coastal margin of the Coast Range Geomorphic Province of Northern California, a relatively geologically young and seismically-active region on the western margin of the North American plate. More specifically, the site is located at the northern end of the Santa Clara Valley, an alluvial valley and plain developed along the Guadalupe River and its tributaries. The approximately 5.23-acre project site is located within a relatively flat urbanized area and the existing ground surface elevation varies from about 63 feet to about 67 feet. No open creek or stream channels cross the site; the nearest open water is the Guadalupe River, located approximately 0.6 miles west of the project site.

The near surface materials of the site were extensively examined as part of the remediation efforts at the site (see Section V.H, Hazards and Hazardous Materials, in the 2008 EIR). The site is underlain by at least 20 feet of unconsolidated, moderately compressible, alluvial soils consisting of soft to stiff silts and clays and loose to dense sands. The uppermost 2 feet of the site is artificial fill, likely from the original site development, and the majority of the site is paved with either concrete or asphalt. Surface soils at the project site are characterized as well-drained, medium and moderately fine textured soils developed in medium textured sedimentary alluvium. The soils have moderate to high shrink/swell potential, low to moderate corrosivity, and fair strength.

4.6.1.2 Seismicity and Seismic Hazards

The entire San Francisco Bay Area is located within the San Andreas Fault Zone (SAFZ), a complex of active faults forming the boundary between the North American and Pacific lithospheric plates. Numerous moderate to strong historic earthquakes have been generated in northern California by the SAFZ. The level of active seismicity results in classification of the area of seismic risk Zone 4 (the highest risk category) in the California Building Code.

The SAFZ includes numerous active faults found by the California Geological Survey under the Alquist-Priolo Earthquake Fault Zoning Act (A-PEFZA) to be "active" (i.e., to have evidence of fault rupture in the past 11,000 years). As discussed in the 2008 EIR, there are no known active faults crossing the project site. The project site is about 12.4 miles northeast of the SAFZ and about 4.7 miles southwest of the southern Hayward fault. Both faults are right lateral strike-slip faults with a northwest-southeast axis. The site is not within an Alquist-Priolo Earthquake Fault Zone or a City of San José Potential Fault Hazard Zone, although two unnamed inactive faults are located approximately 0.5 miles northeast of the site. The site is located within a California Department of Conservation Seismic Hazard Zone as defined by the Seismic Hazards Mapping Act. Specifically, the project site falls within a liquefaction hazard zone. Seismic and seismic hazards conditions at the project site have not changed since certification of the 2008 EIR, and are summarized below.

Surface Rupture. Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along an active or potentially active major fault trace. No active faults have been mapped at the project site. Therefore, potential for fault rupture at the site is low.

The closest active fault to the project site is the Hayward fault, located approximately 4.7 miles to the northeast. Other potentially damaging active faults are located within 10 miles of the project site,

including the Calaveras and Monte Vista-Shannon faults. The Calaveras fault is listed by the A-PEFZA as an active fault and is about 8 miles northeast of the site. The Monte Vista-Shannon fault is about ten miles southwest of the project site and is considered a 'potentially active' fault that has not shown evidence of activity in the last 11,000 years.

Ground Shaking. Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions. The Modified Mercalli Intensity Scale (MMI) is the most commonly used scale for measurement of the subjective effects of earthquake intensity. A related concept, acceleration, is measured as a fraction or percentage of the acceleration under gravity (g).

A seismic event on the San Andreas fault is considered capable of generating a M_w7.9 maximum earthquake. A combined North and South Hayward fault event is estimated to be capable of producing a M_w6.9 earthquake. Either of these events would generate very strong seismic shaking (MMI VIII) at the project site.[21]

Peak Acceleration. Estimates of the peak ground acceleration from earthquakes have been made for the Bay Area based on probabilistic models that account for multiple seismic sources. Under these models, consideration of the probability of expected seismic events is incorporated into the determination of the level of ground shaking at a particular location. The expected peak horizontal acceleration (with a 10 percent chance of being exceeded in the next 50 years) generated by any of the seismic sources potentially affecting the project area, including the project site, is estimated by the California Geological Survey as 0.51. This level of ground acceleration at the project site is a potentially significant hazard.

Liquefaction. Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths.

As mentioned above, the project is located within a State of California-defined Liquefaction Hazard Zone. The vicinity of the site is rated as a moderate liquefaction hazard area by Association of Bay Area Governments (ABAG) studies.[22] The susceptibility (hazard combined with the likelihood of occurring) at the site for liquefaction is rated as moderate to high by ABAG.[23]

[21] Association of Bay Area Governments, 2013. Earthquake Shaking Scenario Map. Website: quake.abag.ca.gov/earthquakes/santaclara (accessed October 17, 2013).

[22] Association of Bay Area Governments, 2001. Liquefaction Hazard Map for San José, Scenario: North and South Hayward Earthquake. Website: www.abag.ca.gov/cgi-bin/pickmapliq.pl (accessed October 17, 2013).

[23] Association of Bay Area Governments, 2003. Liquefaction Susceptibility Map for San José, Scenario: North and South Hayward Earthquake. Website: www.abag.ca.gov/cgi-bin/pickmapliq.pl (accessed October 17, 2013).

Lateral Spreading. Lateral spreading is a form of horizontal displacement of soil toward an open channel or other "free" face, such as an excavation boundary. The lateral spreading hazard will tend to mirror the liquefaction hazard for the project, and by definition needs an open channel or "free" face to expand into; this can include temporary excavations resulting from the construction process. Similar to the 2008 Project, the 2013 Project proposes excavations up to 24 feet in depth for subsurface parking areas and foundations, and removal of 100,000 cubic yards of subsurface materials from the site. Regional mapping provided by ABAG indicates the susceptibly at the site to liquefaction to be moderate to high, therefore the risk of lateral spreading is considered to be moderate to high during excavation activities.

Expansive Soils. Expansion and contraction of volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. As a consequence of such volume changes, structural damage to buildings and infrastructure may occur if the potentially expansive soils were not considered in project design and during construction. Alluvium can develop into compressible or expansive soils. Regional mapping indicates the risk of expansive soils for the general area of the project to be moderate to high, therefore the risk of expansive soils in the project site should be considered to be moderate to high unless site-specific investigations determine otherwise.

Slope Stability. Slope failure can occur as either rapid movement of large masses of soil ("landslide") or slow, continuous movement ("creep"). The primary factors influencing the stability of a slope are: 1) the nature of the underlying soil or bedrock; 2) the geometry of the slope (height and steepness); 3) rainfall; and 4) the presence of previous landslide deposits.

The site is nearly flat and located in the middle of a large alluvial plain with no adjacent or nearby sloping land features. Regional mapping shows that the project and surrounding area is mapped as Category 1, stable areas of 0 to 5 percent slope that are not underlain by landslide deposits.

4.6.1.3 Envision San José 2040 General Plan

The City's 2040 General Plan provides policies which address soils, geology and hazards. Policies from the 2040 General Plan that are relevant to the proposed project include:

- 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.
- EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
- EC-3.3: The City of San José Building Official shall require conformance with State law regarding seismically vulnerable unreinforced masonry structures within the City.
- EC-3.10: Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.

- EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
- EC-4.2: Approve 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.
- EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
- EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are 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.
- EC-4.6: Evaluate development proposed in areas with soils containing naturally occurring asbestos (i.e., serpentinite) that would require ground disturbance and/or development of new residential or other sensitive uses, for risks to people from airborne asbestos particles during construction and post-construction periods. Hazards shall be assessed, at minimum, using guidelines and regulations of the Bay Area Air Quality Management District and the California Air Resources Board.
- EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
- 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.
- EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

4.6.2 Environmental Checklist and Discussion of Impacts

Geology and Soils						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
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.)	☐	☐	☐	☒	☐	1,2,3,8
Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,2,3,8
Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,2,3,8
Landslides?	☐	☐	☐	☒	☐	1,2,3,8
Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1,3
Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1,2,3
Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,3

4.6.2.1 Seismicity and Seismic Hazards

All structures in the Bay Area could potentially be affected by ground shaking in the event of an earthquake along regional active faults. The amount of ground shaking depends on the magnitude of the earthquake, the distance from the epicenter, and the type of earth materials in between. Very strong ground shaking is expected at the project site during expected earthquakes on the Hayward, San Andreas and other regional faults. This level of seismic shaking could cause extensive non-structural damage in buildings at the site. In addition, limited structural damage may occur.

However, as described in the 2008 EIR, the proposed project would not be expected to expose people or structures to substantial risk of loss, injury or death from rupture of a known earthquake fault as delineated by the State Geologist, as the site is not located within an active or potentially active fault zone as defined by the A-PEFZA. The proposed project would not be subject to substantial risk from landslides, as the site is relatively flat and is not underlain by, nor adjacent to, an area subject to slope

hazards. The proposed project is not located on an unstable geologic unit, the development of which would be subject to, or contribute to, on- or off-site fault rupture, landslide, or subsidence.

The proposed project would be required to implement 2008 EIR Mitigation Measure GEO-1, identified below, to reduce potential impacts associated with seismic hazards. Implementation of this measure would ensure that the risks associated with seismic ground shaking and ground failure would be less than significant.

Impact GEO-1: Seismically-induced ground shaking at the project could result in damage to life and/or property. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM GEO-1: ~~For each of the Corporation Yard and City parking lot sites, p~~Prior to the issuance of individual site-specific grading or building permits, a design-level geotechnical investigation shall be prepared by a licensed professional, commissioned by the project applicant, and submitted to the City of San José Department of Public Works for review and confirmation that the proposed development fully complies with the California Building Code (Seismic Zone 4). The reports shall describe the project site's geotechnical conditions and address potential seismic hazards, such as liquefaction. The reports shall identify building techniques appropriate to minimize seismic damage. In addition, analysis presented in the geotechnical reports shall conform to the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*.[24]

All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils reports shall be followed.

It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices. However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area. The mitigation measure described above reduces the potential hazards associated with seismic activity to a less-than-significant level.

[24] California Division of Mines and Geology, 1997. *Guidelines for Evaluating Seismic Hazards in California.* CDMG Special Publication 117, 74 p.

4.6.2.2 Unstable and Expansive Soils

Soils underlying portions of the entire project site have moderate to high shrink/swell potential. This condition could significantly damage structures and utilities. In addition, non-uniformly compacted imported fill previously placed at the site that could experience settlements under new structural loads. Structural damage, warping, and cracking of roads and other infrastructure, and rupture of utility lines may occur if the potential expansive soils and the nature of the imported fill is not considered during design and construction of improvements.

Grading of the project site in preparation for construction of buildings and utilities may result in areas of cut and fill. Up to 100,000 cubic yards of materials could be excavated and removed from the site during the construction of the subsurface parking garage. Areas of fill exist on the site related to the removal of former underground storage tanks. In addition, the demolition of foundations and excavation and removal of subsurface components such as former hydraulic automotive lifts and tanks may result in areas containing fills of irregular depths. Fills of different thickness and fills adjacent to cut areas where native soils are exposed at the surface could create the potential for differential settlement. If the settlement is not uniform, structural damage could occur. Buried utilities may also experience differential settlement along their alignments.

Uncompacted and loose fill and existing un-engineered and historic fill would be subject to varying rates of compaction and settlement compared to the native undisturbed soil. Structures built over discontinuous materials of varying densities and compactness may be subject to stress or damage due to differential settlement.

The site is also located within a California Department of Conservation Seismic Hazard Zone as defined by the Seismic Hazards Mapping Act. Specifically, the project site falls within a liquefaction hazard zone. Regional mapping by ABAG also indicates moderate to high susceptibility to liquefaction within the project site.

The proposed project would be required to implement 2008 EIR Mitigation Measures GEO-2, GEO-3 and GEO-4 identified below, to reduce potential impacts associated with unstable site soils. Implementation of these measures would ensure that the risks associated with unstable and expansive soils would be less than significant with implementation of the 2013 Project.

Impact GEO-2: Structures or property at the project could be adversely affected by expansive soils or by settlement of project soils. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM GEO-2: The Corporation Yard ~~and the City parking lot sites are~~is underlain by expansive soils and/or non-engineered fill and the designers of building foundations and other improvements (including the sidewalks, roads, and underground utilities) shall consider these conditions. The design-level geotechnical investigations required under Mitigation Measure GEO-1 shall include measures to ensure potential damages related to expansive soils and non-uniformly compacted fill are minimized. Mitigation options may range from removal of the problematic soils and replacement, as needed,

with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils reports shall be followed to reduce impacts associated with shrink-swell soils to a less-than-significant level.

Impact GEO-3: Differential settlement at the project site could result in damage to project buildings and other improvements. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM GEO-3: ~~For each of the Corporation Yard and City parking lot sites, a~~As required under Mitigation Measure GEO-1, prior to the issuance of individual grading permits for the applicable site, a site-specific grading plan and geotechnical report shall be prepared by licensed professionals and submitted to the City of San José Department of Public Works for review and approval. The plans shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness. All mitigations measures set forth in the geotechnical report and/or grading plan shall be followed.

Impact GEO-4: Liquefaction at the project site could result in damage to buildings and other improvements. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM GEO-4: Project design ~~for each of the Corporation Yard site and the City parking lot site~~ shall be in accordance with the recommendations contained in site-specific geotechnical reports, as required under Mitigation Measure GEO-1, prepared by a licensed professional and reviewed and approved by the San José Department of Public Works. The City of San José Department of Public Works shall approve all final design and engineering plans. Project design and construction shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4), applicable local codes and in accordance with the generally accepted standard of geotechnical practice for seismic design in Northern California. The City shall submit one copy of the approved geotechnical reports, including mitigation measures, if any, that are to be taken, to the State Geologist within 30 days of approval of the reports. The design-level geotechnical investigations shall include measures to reduce potential damage related to liquefaction to a less-than-significant level.

4.6.2.3 Septic Tanks

Project construction and operation would not involve the use of septic tanks or alternative wastewater disposal system. Therefore, no impact would result.

4.6.3 Conclusion

The proposed project, with implementation of 2008 EIR Mitigation Measures GEO-1, GEO2, GEO-3, and GEO-4, would not result in any new or more significant impacts related to geologic and seismic hazards beyond those identified in the 2008 EIR. Impacts related to geologic and seismic hazards resulting from the 2013 Project would be the same as those identified for the 2008 Project.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

4.7.1.1 Background Information

Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other significant changes in climate (such as precipitation or wind) that last for an extended period of time. The term "global climate change" is often used interchangeably with the term "global warming," but "global climate change" is preferred to "global warming" because it helps convey that there are other changes in addition to rising temperatures.

Climate change may result from natural factors, such as changes in the sun's intensity; natural processes within the climate system, such as changes in ocean circulation; or human activities, such as the burning of fossil fuels, land clearing, or agriculture. The primary observed effect of global climate change has been a rise in the average global tropospheric[25] temperature of 0.36°F per decade, determined from meteorological measurements worldwide between 1990 and 2005. Changes to the global climate system, ecosystems, and the environment of California could include higher sea levels, drier or wetter weather, changes in ocean salinity, changes in wind patterns or more energetic aspects of extreme weather, including droughts, heavy precipitation, heat waves, extreme cold and increased intensity of tropical cyclones. Specific effects in California might include a decline in the Sierra Nevada snowpack, erosion of California's coastline, and seawater intrusion in the Sacramento-San Joaquin River Delta.

4.7.1.1.1 Greenhouse Gases

Greenhouse Gasses (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. However, over the last 200 years, human activities have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere, and enhancing the natural greenhouse effect, which is believed to be causing global climate change. The gases that are widely seen as the principal contributors to human-induced global climate change are:[26]

- Carbon dioxide (CO_2)
- Methane (CH_4)
- Nitrous oxide (N_2O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF_6)

While GHGs produced by human activities include naturally-occurring GHGs such as CO_2, CH_4, and N_2O, some gases, like HFCs, PFCs, and SF_6 are completely new to the atmosphere. Certain other gases, such as water vapor, are short-lived in the atmosphere as compared to these GHGs that remain

[25] The troposphere is the zone of the atmosphere characterized by water vapor, weather, winds, and decreasing temperature with increasing altitude.

[26] The greenhouse gases listed are consistent with the definition in Assembly Bill (AB) 32 (Government Code 38505) and the *CEQA Guidelines* section 15364.5, as discussed later in this section.

in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is generally excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. For the purposes of this report, the term "GHGs" will refer collectively to the six gases identified in the bulleted list provided above.

On December 30, 2009, the California Natural Resources Agency adopted CEQA Guidelines Amendments related to Climate Change. These amendments became effective on March 18, 2010 and state that Lead Agencies retain discretion to determine the significance of impacts from greenhouse gas emissions based upon individual circumstances and may be described, calculated or estimated using a model and/or qualitative analysis or performance based standards to assess impacts.

4.7.1.1.2 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines

The BAAQMD adopted revised *CEQA Guidelines* in May 2011. The BAAQMD *CEQA Guidelines* include thresholds of significance for GHG emissions, whereas no established thresholds of significance were available at the time the 2008 EIR was certified. BAAQMD does not have a quantitative threshold of significance for construction-related GHG emissions. However, BAAQMD recommends that the Lead Agency quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals. Lead Agencies are encouraged to incorporate best management practices, such as recycling of at least 50 percent of construction waste or demolition materials, to reduce GHG emissions during construction.

For land use development projects (i.e., residential, commercial, industrial, and public land uses and facilities), the BAAQMD thresholds of significance for operational GHG emissions are: (1) compliance with a qualified climate action plan or qualified general plan; (2) annual GHG emissions of less than 1,100 metric tons of CO_2eq per year; or (3) annual GHG emissions of less than 4.6 metric tons per service population (residents plus employees). Achievement of any one of these standards defines a less-than-significant project impact.

4.7.1.2 Envision San José 2040 General Plan

Various policies in the City of San José's General Plan, *Envision San José 2040*,[27] have been adopted that avoid or mitigate climate change impacts resulting from planned development within the City. In Chapter 3, *Environmental Leadership*, the City's 2040 General Plan includes the following goals and policies related to the proposed project that would reduce GHG emissions and address global climate change:

- Energy Goal 2: Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.
- Energy Policy 2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- Energy Policy 2.3: Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

[27] San José, City of, 2011. *Envision San José 2040 General Plan*. November 1.

- Energy Policy 2.4: Promote energy efficient construction industry practices.
- Energy Policy 2.6: Promote roofing design and surface treatments that reduce the heat island effect of new and existing development.
- Energy Policy 2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance.
- Energy Policy 14.1: Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
- Energy Policy 14.2: Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
- Energy Policy 14.3: Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
- Energy Policy 14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices.
- 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).

In October 2008, the City Council adopted the Private Sector Green Building Policy (6-32), which establishes baseline green building standards for private sector new construction, and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. A residential project of greater than 10 units, such as the proposed project, would be required to achieve a minimum of a Leadership in Energy and Environmental Design (LEED) Certified rating or a Build it Green (BIG) rating of 50 points. The project applicant must demonstrate compliance with the Private Sector Green Building Policy by submitting verification documents to the City's Department of Planning, Building, and Code Enforcement.

The City of San José has prepared a Greenhouse Gas Reduction Strategy[28] along with the preparation of the Envision San José 2040 General Plan Update. The purposes of the Greenhouse Gas Reduction Strategy are to:

- Capture and consolidate GHG reduction efforts already underway by the City of San José;
- Distill policy direction on GHG reduction from the Envision San José 2040 General Plan Update;
- Quantify GHG reductions that could result from land use changes incorporated in the Envision General Plan Land Use/Transportation diagram;

[28] San José, City of, 2011. *Greenhouse Reduction Strategy.* June.

- Create a framework for the ongoing monitoring and revision of this Greenhouse Gas Reduction Strategy; and
- Achieve General Plan-level environmental clearance for future development activities (through the year 2020) occurring within the City of San José.

Additionally, the Reduction Strategy provides a method to streamline the CEQA review process for projects that can demonstrate conformance to the Reduction Strategy.

4.7.2 Environmental Checklist and Discussion of Impacts

Greenhouse Gas Emissions						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Would the project: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐	1,2,3,7
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐	1,2,3,9,10

4.7.2.1 Greenhouse Gas Emission Impacts

Individual projects incrementally contribute toward the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

GHG emissions associated with the project would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with the project through vehicle trips, energy consumption, and water consumption.

The 2008 EIR evaluated the project's potential contribution to global climate change; however, at the time, there were no established thresholds of significance for evaluating a project's contribution to such an impact. As discussed in Section 4.7.1.1.2, above, the BAAQMD has since established thresholds of significance for operational greenhouse gas emissions and encourages a discussion of construction emissions. Therefore, supplemental analysis is provided below, where necessary.

Construction Emissions. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Neither the City of San José nor the BAAQMD have an adopted Threshold of Significance for construction-related GHG emissions. Construction activities would produce combustion emissions from various sources. During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of

which typically uses fossil-based fuels to operate. Project excavation, grading, and construction would be a temporary condition occurring possibly over several years as each of the three phases is construction, and would not result in a permanent increase in emissions that would interfere with the implementation of the City's GHG Reduction strategy or AB 32. Therefore, the impact from construction emissions associated with the proposed project would be less than significant.

Operational Impacts. As discussed above, the City of San José has an adopted GHG Reduction Strategy. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies. Below is a listing of the mandatory and voluntary criteria provided by the City of San José:

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 the City Green Building Ordinance and Policies
    - Consistency with GHRGH Policies: MS-1.1, MS0-1.2, 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-5.5, 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 proposed project would develop up to 552 residential units and 48 live/work units on the site, in addition to community amenity space and ground floor retail space, which would be consistent with the General Plan Land Use/Transportation Diagram. As discussed in Section 4.10.1.2, the General Plan designation for the site was amended upon approval of the 2008 Project to allow development of the site with a mix of residential and retail uses, as proposed both by the 2008 and 2013 Projects.

The proposed project would result in increased traffic trips and an increase in energy use within the City of San José. However, it would also provide for new housing near the downtown core and within walking distance of jobs, other residences and retail, and various modes of transit. Additionally, the proposed project would be subject to the City's Green Building Ordinance, which would ensure operational emissions reductions are consistent with the GHG Strategy.

4.7.2.2 Conformance with Applicable Plans

The 2008 EIR did not include an evaluation of the project's compliance with various plans and policies that now relate to greenhouse gas emissions as many of these plans were not in place at the time the EIR was certified. A discussion of the 2013 Project's compliance with various plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions is included in this section.

The California Environmental Protection Agency Climate Action Team (CAT) and the ARB have developed several reports to achieve the Governor's GHG targets that rely on voluntary actions of California businesses, local government and community groups, and State incentive and regulatory programs. These include the CAT's 2006 "*Report to Governor Schwarzenegger and the Legislature*,"[29] the ARB's 2007 "*Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California*,"[30] and the ARB's "*Climate Change Scoping Plan: a Framework for Change.*"[31] The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05 and AB 32.

The adopted Scoping Plan includes proposed GHG reductions from direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as cap-and-trade systems.

In addition, mandatory green building measures and bicycle and pedestrian site design measures required by the City would be required to be incorporated into the project design. Compliance with the mandatory measures required by the City would ensure that the project is consistent with the City's adopted GHG Reduction Strategy.

The proposed project would not conflict with the State goal of reducing GHG emissions and would not conflict with the AB 32 Scoping Plan or the early action measures. The project would be subject to all applicable permit and planning requirements in place or adopted by the City of San José. Therefore, the proposed 2013 Project would result in a less than significant impact with regard to global climate change.

[29] California Environmental Protection Agency, 2006. Climate Action Team, *Report to Governor Schwarzenegger and the Legislature.* March.

[30] California Air Resources Board, 2007. *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California*. October.

[31] California Air Resources Board, 2008. *Climate Change Scoping Plan: a Framework for Change.* December.

4.7.3 Conclusion

The proposed 2013 Project would not result in a significant source of greenhouse gas emissions nor conflict with plans adopted for the purpose of reducing greenhouse gas emissions. Because current regulatory thresholds were not in place at the time the 2008 EIR was certified, the above analysis was conducted to show that the 2013 Project would result in a new less than significant impact related to greenhouse gas emissions. No new information of substantial importance has been identified in regard to the 2013 Project or the project site such that the 2013 Project would be expected to result in significant environmental effects not identified in the 2008 EIR.

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Setting

4.8.1.1 Site Conditions

As discussed in the 2008 EIR, the project site was previously developed with the City's Corporation Yard and has a history of subsurface contamination and subsequent remediation efforts. The City removed the three remaining Underground Storage Tanks (USTs) located at the site in October 2007 and completed regulatory closure of the leaking USTs that were removed in 1990.[32]

In addition, as stated in the 2008 EIR, a risk assessment conducted at the site indicated that the maximum concentration of benzene in soil and groundwater, in the absence of any future remediation, was present at levels that could contribute to health risks to future residential site users.[33] Potential health risks for future remediation/construction workers, future commercial workers, and future utility/landscape and utility workers were not evaluated as part of the risk assessment, but are possible considering the presence of subsurface soil and groundwater contamination. The corrective action plan recommended that soil remediation be conducted as part of site redevelopment activities. Remediation efforts at the site were completed after certification of the 2008 EIR and were conducted according to a December 2008 Removal Action Workplan by Cornerstone Earth Group that was approved by the Santa Clara County Department of Environmental Health (SCCDEH). The remediation technology selected was in-situ chemical oxidation using ozone injection. The remediation was performed in 2009 and, based upon post-remediation monitoring in 2010, it was determined to effective. Therefore, SCCDEH granted case closure in March 2011 and the Corporation Yard site is no longer listed on hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese list).[34] However, residual contamination in soil and groundwater remains at the site, and could pose a risk to future construction workers and site users, as identified in the 2008 EIR.

4.8.1.2 Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate hazards and hazardous materials impacts resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

- EC-6.2: Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially

[32] Removal of the three existing tanks and case closure of the leaking USTs was considered as part of the 2008 Project.

[33] Earth Tech, 1999. *Human Health Risk Assessment and Corrective Action Plan for City of San José Main Service Yard*, prepared for City of San José Department of Public Works, January. Details regarding the proposed project were not available during preparation of the 1999 risk assessment; the assessment was therefore limited to possible future residential users following redevelopment of the Corporation Yard site.

[34] The Cortese list is a compilation of hazardous waste and substances release sites designated by the State Water Resources Control Board under the Leaking Underground Storage Tank program and list of solid waste disposal facilities from which there is a migration of hazardous waste; the California Integrated Waste Management Board list of solid waste disposal facilities or landfills from which there is known migration of hazardous waste; and DTSC's Cal-sites list of potential or confirmed state hazardous substances release properties. The Corporation Yard is listed on the Cortese list due to the leaking underground storage tanks.

at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

- EC-6.4: Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.
- EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
- EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
- 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.
- 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.
- EC-7.3: Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
- EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
- EC-7.5: On 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.
- EC-7.6: The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
- EC-7.8: Where 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 hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

- 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.
- 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.
- CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.8.1.3 Federal Aviation Administration (FAA) Obstruction Standards

Most of the Greater Downtown area, including the project site, is subject to a series of policies and evaluations due to its proximity to flight paths of the San José International Airport. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards to aircraft in flight (such as reflective surfaces, flashing lights, and electronic interference). These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

4.8.2 Environmental Checklist and Discussion of Impacts

Hazards and Hazardous Materials						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☐	☒	1,2,3
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,3
Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒	1,3

Hazards and Hazardous Materials						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒	1,3
For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2,3
Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3

4.8.2.1 Use, Storage and Disposal of Hazardous Materials

The proposed project would construct new multi-family residential buildings and community space at the project site, and would not include the routine transport, use, or disposal of hazardous waste. As such, hazardous materials stored on-site following project operations would not result in a significant hazard to the public or the environment through upset or accident conditions involving hazardous materials releases and would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.

However, as discussed in the 2008 EIR, construction activities proposed by the project would require the use and transport of hazardous materials (e.g., fuels, lubricants, paints, adhesives). Accidental releases of hazardous materials could impact soil and/or groundwater quality, or could result in adverse health effects to construction workers, the public, and the environment.

The proposed project would be required to implement 2008 EIR Mitigation Measure HAZ-2, identified below, to reduce potential impacts associated with the use of hazardous materials during construction activities. Implementation of these measures would ensure that impacts of the 2013 Project would be less than significant.

Impact HAZ-2: Improper use or transport of hazardous materials during construction activities could result in releases affecting construction workers and the general public. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM HAZ-2a: The contractor(s) shall designate storage areas ~~at each of the Corporation Yard and the City parking lot sites~~ that are suitable for material delivery, storage, and waste collection. These locations must be as far away from catch basins, gutters, drainage courses, and water bodies as possible. All hazardous materials and wastes used or generated during project site redevelopment activities shall be labeled and stored in accordance with applicable local, state, and federal regulations, and General Plan policies for Hazardous Materials and Fire Hazards. In addition, an accurate up-to-date inventory, including Material Safety Data Sheets, shall be maintained on-site to assist emergency response personnel in the event of a hazardous materials incident.

All maintenance and fueling of vehicles and equipment ~~at the Corporation Yard and parking lot sites~~ shall be performed in a designated, bermed area, or over a drip pan that will not allow run-off of spills. Vehicles and equipment shall be regularly checked and have leaks repaired promptly at an off-site location. Secondary containment shall be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.

MM HAZ-2b: The contractor(s) ~~redeveloping each of the Corporation Yard and parking lot sites~~ shall prepare emergency procedures including notification procedures in the event of spills or other on-site hazardous materials releases, evacuation procedures, spill containment procedures, and required personal protective equipment, as appropriate, in responding to the emergency. Use, storage, disposal, and transport of hazardous materials during construction activities at both sites shall be performed in accordance with existing local, state, and federal hazardous materials regulations. These emergency procedures shall be prepared by the contractor(s) and submitted to the City~~/RDA~~ prior to earthworking activities.

4.8.2.2 Release of Hazardous Materials

The City completed environmental investigations and remediation efforts at the site associated with the LUSTs and surface contamination in the proximity of the Materials Testing Lab, in support of the proposed redevelopment described in the 2008 EIR. Additional subsurface investigations have been completed, under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH) to further characterize the site, and case closure of the former tanks was granted in March 2011.[35] As stated in the closure letter, residual contamination in soil and groundwater remains at the site and could pose an unacceptable risk under certain site development activities such as site grading, excavation, or the installation of water wells.

[35] Santa Clara, County of, 2011. Department of Environmental Health. *Fuel Leak Site Case Closure San José Main Yard, 696 N. 6th Street, San José, CA; Case No. 048-035, SCVWDID No. 07S1E05M01f*. March 15.

The proposed project would be required to implement 2008 EIR Mitigation Measures HAZ-1b identified below, to reduce potential impacts associated with hazardous materials contamination at the site. Implementation of this measure would ensure that impacts of the 2013 Project would be less than significant. Mitigation Measures HAZ-1a and HAZ-1d are no longer required as the LUSTs and groundwater monitoring wells have been removed as part of case closure. In addition, Mitigation Measure HAZ-1c, as identified in the 2008 EIR, is also not required as this measure applied to redevelopment of the parking lot site. Therefore, these mitigation measures are not included below.

Impact HAZ-1: Development of the project could expose remediation/construction workers and/or the public to hazardous materials from contaminants in soil and groundwater, during and following site redevelopment activities. **(Less Impact as Approved Project)**

Mitigation Measures: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM HAZ-1b: Prior to approval for any grading or construction permits ~~at each of~~ the ~~Corporation Yard and City parking lot sites,~~ the contractor(s) ~~for the applicable site~~ shall prepare procedures to be undertaken in the event that previously unreported contamination or subsurface hazards are discovered during redevelopment activities (e.g., identified by odor or visual staining), including a contingency plan for sampling of unknown materials, and shall designate personnel responsible for implementation of these procedures. The procedures shall be submitted by the contractor(s) with the application for a grading permit(s) from the City of San José Department of Public Works.

4.8.2.3 Emission of Hazardous Materials within One-Quarter Mile of a School

One school, Grant Elementary School, is located within one-quarter mile east of the proposed project site. Similar to the conclusions of the 2008 EIR, the 2013 Project would not result in hazardous emissions or handling of significant quantities of hazardous or acutely hazardous materials within one-quarter mile of existing or proposed schools (see Section 4.8.2.1). Hazardous materials brought on-site during construction would be managed in accordance with local, State, and federal requirements and in accordance with Mitigation Measures HAZ-2a and HAZ-2b. Limited quantities of hazardous materials used during project operations for residential and commercial uses (e.g., janitorial supplies, household hazardous materials) would not be expected to result in hazardous materials emissions. Therefore, this is a less-than-significant impact.

4.8.2.4 Hazardous Materials Site Pursuant to Government Code Section 65962.5

As previously described, SCCDEH granted case closure in March 2011 and the project site is no longer listed on regulatory agency databases of hazardous materials release sites compiled pursuant to Government Code Section 65962.5 associated with the LUSTs. Therefore, no additional impacts would occur related to listing on a hazardous materials database.

4.8.2.5 Aviation Hazards

The San José International Airport is approximately 1 mile northwest of the site. As discussed in the 2008 EIR, development on the site may be subject to height restrictions in compliance with Federal Aviation Regulations, Part 77, to protect use of the local airspace near an airport. These regulations, administered by the Federal Aviation Administration (FAA), define a set of imaginary surface restrictions which radiate out several miles from an airport's runways and set forth criteria for requiring FAA review of certain development proposals. For the project site, any proposed structure of a height greater than approximately 60 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. As the 2013 Project proposes maximum heights ranging up to 75-90 feet, notification to the FAA may be required. In turn, City General Plan policy requires FAA issuance of "no hazard" determinations prior to development approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's project approval. Application of this General Plan policy ensures that the 2013 Project will not be a hazard to aircraft operation, and Mitigation Measure HAZ-3 identified for the 2008 Project would not be necessary for the 2013 Project and this impact would be less than significant.

4.8.2.6 Emergency Response or Evacuation Plan

As discussed in the 2008 EIR, review and approval by the City Building Division will be required for development of the project site. Proposed access and any internal roadways at the project site would be required to meet State and City standards and policies regarding road width, turning radius, and emergency vehicle access, and the General Plan policies outlined in Section 4.8.1.1., which would prevent potential restrictions to emergency response or evacuation. This is a less-than-significant impact.

4.8.2.7 Wildland Fires

As discussed in the 2008 EIR, the project site is located in an urbanized area, and is not adjacent to a designated wildfire hazard area. In addition, the project would be subject to plan review and inspection by the City Building Division, and the General Plan policies outlined in Section 4.8.1.1, to ensure that the project meets all State and local Building and Fire Code requirements. No impacts from wildland or urban fire hazards would therefore be expected from development of the project. This is a less-than-significant impact.

4.8.3 Conclusion

The proposed 2013 Project, with implementation of 2008 EIR Mitigation Measures HAZ-b, HAZ-2a, and HAZ-2b, would not result in any new significant impacts related to hazardous materials beyond those identified in the 2008 EIR. In addition, impacts associated with aviation hazards would be less than the 2008 Project due to the reduction in the maximum proposed building heights, and implementation Mitigation Measure HAZ-3 would not be required for the 2013 Project.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

The existing drainage pattern on and in the vicinity of the site is generally unchanged from the conditions described in the 2008 EIR. The project site is located within a relatively flat urbanized area with a slope of less than one percent to the northwest. The site is almost entirely covered with impervious surfaces (with the exceptions of the lawn areas and landscaping in the northwest corner of the site and very limited amounts of unpaved areas around the perimeter of the site). No open creek or stream channels cross the site; the nearest open water is the Guadalupe River, located approximately 0.6 miles west of the project site. Most of the rainfall at the site encounters impervious surfaces, travels by sheetflow to collectors set into the paved areas near the periphery of the site, and from there into the City-maintained storm drain system. Existing groundwater and flooding conditions are described in more detail below.

In addition, although current site conditions have remained the same, regulatory requirements regarding hydrology and water quality have evolved since certification of the 2008 EIR. As described below, the primary changes are the City's revised Post-Construction Urban Runoff Management Policy (Policy 6-29, revised October 2011) and the Water Board's Municipal Stormwater NPDES Permit (MRP) requirements for new and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface.

4.9.1.1 Groundwater

Since certification of the 2008 EIR, remediation and cleanup activities have occurred at the site due to contamination associated with several leaking underground storage tanks that were removed in 1990. Past site investigations related to the remediation primarily focused on the uppermost 20 feet of the subsurface which consist of alternating layers of clay and sand. Based on a site-specific remediation and water monitoring study groundwater would be expected to occur within about 10 feet of the ground surface. Shallow groundwater at the project site has been affected by releases of petroleum-related compounds, and the recently completed remediation of soil and groundwater contaminant is detailed in Section 4.8.2.2.

4.9.1.2 Flooding

The location of the project site (more than ten miles from the southern portion of the San Francisco Bay) and the elevation of the site (greater 60 feet NGVD)[36] would be expected to preclude exposure of the site to coastal hazards, such as tsunamis, seiche, extreme high tides, or sea level rise. While catastrophic structural dam failure can be caused by an earthquake or overflow, the vicinity of the project site is not within a mapped flood inundation area due to dam failure.[37] Finally, a small two- to four-foot portion of the project site is located within the 100-year flood hazard zone, as mapped by FEMA, and a majority of the site is located within an urbanized area classified as Zone D, "Areas in which flood hazards are undetermined," and both 7th and Taylor Streets, where adjacent the project site, are classified as Zone AO[38] (DEPTH 1, flooding depth of 1 foot).[39]

[36] NGVD stands for National Geodetic Vertical Datum.

[37] Association of Bay Area Governments, 2003. Dam Failure Inundation Hazard Map for NW San José/Milpitas/ Santa Clara. Website: www.abag.ca.gov/cgi-bin/pickdamx.pl (accessed October 17, 2013).

[38] "Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined."

4.9.1.3 Regulatory Requirements

As described in the 2008 EIR, the discharge of stormwater from the City's municipal storm sewer system is regulated by the Federal National Pollution Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act). The program is administered by the California Regional Water Quality Control Boards and the project site is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (Water Board) with respect to post-construction run-off, through the stormwater municipal runoff permit (MRP) issued to the City as a participant in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). City compliance with the MRP is mandated by State and federal laws, statutes, and regulations. On October 14, 2009 (since the adoption of the 2008 EIR), the Water Board adopted a new MRP for the San Francisco Bay Region,[40] including the City of San José. Within the Water Board's newly adopted Permit are new Hydromodification Management requirements for new development and redevelopment projects, including the proposed project. The 2008 EIR considered compliance with the terms and conditions of the new MRP permit; however, the permit was not adopted at the time the EIR was prepared.

As described in the 2008 EIR, the City also must comply with the provisions of the County permit by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during the construction and operation of projects to the maximum extent practicable. Water Board Order No. R2-2005-0035 (NPDES Permit No. CAS029718) requires the City to manage development-related increases in peak runoff flow, volume and duration, where it is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams and creeks.

In addition, projects disturbing one acre or more of land during construction are required to file a Notice of Intent (NOI) with the Water Board to be covered under the State NPDES General Construction Permit (Water Quality Order 99-08-DWQ) for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include BMPs designed to reduce potential impacts to surface water quality to the maximum extent practicable (MEP) during the construction of the project.

Post-Construction Urban Runoff Management Policy (Policy 6-29). As discussed in the 2008 EIR, the City has developed a policy that implements Provision C.3 of the MRP, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes general guidelines and minimum Best Management Practices (BMPs) and Treatment Control Measures (TCMs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Since the proposed project would

[39] Federal Emergency Management Agency, 1988. Flood Insurance Rate Map, City of San José, California, Community Panel Number 060349 0019 E, December 16. As revised to reflect LOMR dated Oct. 25, 2006. Note that the map available on the FEMA interactive mapping web site had not yet been updated at the time of this writing.

[40] California Regional Water Quality Control Board, 2009. San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074. (NPDES Permit No. CAS612008)

create more than 10,000 square feet of impervious surface, source control measures and hydraulically-sized TCMs that meet the standards listed in Policy 6-29 are required.[41]

The Permit also contains provision C.3.c Low Impact Development, which has new requirements for the use of source control, site design and the exclusive use of feasible Low Impact Development (LID) Stormwater Treatment measures on-site or at a joint stormwater treatment facility. These new requirements apply to planning permits for new and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface that obtain final approval after December 1, 2011. In addition to measures that reduce the amount of pollutants that enter stormwater (source control) LID measures include the following techniques to reduce the quantity and/or improve the quality of stormwater at or near its source: rainwater harvesting, infiltration, evapotranspiration, and biotreatment. The proposed project will be subject to the new LID requirements.

Hydromodification Management Policy (Policy 8-14). The City also adopted the Post-Construction Hydromodification Management Policy (8-14), which requires stormwater discharges from new and redevelopment projects that create or replace one acre or more of impervious surface to be designed and built to control project-related hydromodification, 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 establishes specified performance criteria for Post-Construction hydromodification control measures (HCMs) and identifies project which are exempt from HCM requirements

In February 2010, the San José City Council adopted a revision of Policy 8-14 and the associated Hydromodification Management (HM) Applicability Map to bring the City's existing Policy into compliance with the Water Board's new Permit. The revised Policy 8-14 requires projects that create and/or replace one acre or more of impervious surface that are located within certain subwatershed and catchment areas to design, build, and maintain hydromodification management control measures that hold and slow down the volume of stormwater runoff coming from a site to pre-project conditions. Policy 8-14 also includes an HM Applicability Map that shows subwatershed and catchment areas for all of Santa Clara County. The project site is within the "Catchments and Subwatersheds greater than or equal to 65 percent Impervious" area in the HM Applicability Map. Although the proposed project would create and/or replace more than one acre of impervious surface, the project site is not located within the "Subwatersheds less than 65 percent Impervious" area. Therefore, the proposed project would not be subject to Policy 8-14.

4.9.1.4 Envision San José 2040 General Plan

The City's 2040 General Plan provides policies, which address hydrology, storm drainage, and water quality. The 2008 EIR addressed Water Resources Policies 7, 8, 9, 10, 11, and 12; Bay and Baylands Policy 5; and Flooding Policy 1 from the 2020 General Plan. Policies from the 2040 General Plan that are relevant to the proposed project include:

- CD-1.22: Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.

[41] San José, City of, 2011. Department of Planning, Building, and Code Enforcement. Stormwater Management. Website:www.sanjoseca.gov/index.aspx?nid=1615 (accessed October 17, 2103).

- EC-5.2: Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.
- EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
- EC-5.11: Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.
- 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.
- EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.
- ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
- ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.
- ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
- ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
- ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.
- ER-8.10: Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.
- IN-3.13: Encourage the use of flood protection guidelines in development, such as those recommended by the SCVWD, FEMA, and DWR.
- IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

4.9.2 Environmental Checklist and Discussion of Impacts

Hydrology and Water Quality						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1,2,3
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,3
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	☐	1,2,3
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 would result in flooding on- or off-site?	☐	☐	☐	☒	☐	1,2,11
Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1,2,3,12
Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,3
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?	☐	☐	☐	☒	☐	1,2,3,13
Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐	1,2,3,13
Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,2,3,13
Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,3

4.9.2.1 Water Quality Standards

The project site is currently vacant, undeveloped, and covered with impervious surface. Overall, development of the proposed project is expected to reduce impervious surface coverage on the site, although specific calculations for the increase in pervious surfaces are not available at this conceptual plan stage. The 2008 EIR identified potential impacts to water quality associated with construction and operation of the proposed project. These impacts are described in this section, as are the mitigation measures recommended to reduce these impacts to a less-than-significant level. In addition to these measures, new stormwater management requirements are also discussed.

Regulatory Requirements. New stormwater management requirements have been adopted since certification of the 2008 EIR. They were not considered in the 2008 EIR but are applicable to the proposed project. These new standard requirements are described below.

Post-Construction Urban Runoff Management Policy. The City of San José Post-Construction Urban Runoff Management Policy (6-29) establishes an implementation framework, consistent with the reissued SCVURPPP NPDES Permit requirements, for incorporating stormwater runoff pollution control measures into new and redevelopment projects. As described in Section 4.9.1.2, Regulatory Requirements, the policy requires all new and redevelopment projects to implement BMPs and TCMs to the fullest extent possible and also establishes specified design standards for TCMs for applicable projects. Applicable projects are defined as new development and significant redevelopment projects that create 10,000 square feet or more of impervious surface area.

Where a significant redevelopment project results in an increase, or replacement, of more than 50 percent of the impervious surface area of a previously existing development, and the previously existing development was not subject to stormwater control measures, the entire impervious surface area of the project site must be included in the application of the sizing design standard. Where a significant redevelopment project results in an increase, or replacement, of not more than 50 percent of the impervious surface area of a previously existing development, and the previously existing development was not subject to stormwater control measures, only the net new impervious surface area must be included in the application of the sizing design standard. Roof area that is not connected to downspouts and instead drains to properly sized and designed Post-Construction TCMs, may be excluded from the project square footage calculation for the purpose of determining whether additional treatment is required.

Applicable projects are to incorporate stormwater treatment systems designed per the following hydraulic sizing criteria:

- *Volume Hydraulic Design Basis:* Treatment control measures whose primary mode of action depends on volume capacity, such as detention/retention units or filtration or infiltration devices (including, insert filters and oil/water separators), shall be designed to treat storm water runoff equal to the maximized storm water quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (199*8), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook,* (1993), using local rainfall data.

- *Flow Hydraulic Design Basis:* Treatment control measures whose primary mode of action depends on flow capacity, such as vegetative swales, sand filters, or wetlands, shall be sized to treat: 10 percent of the 50-year peak flow rate; or the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity**.**

Project applicants would be responsible for verifying the rainfall data used to meet the above criteria and for providing engineering certification that the criteria have been met. Post-Construction Treatment Control Measure Tree Credit would be provided for new trees planted within 30 feet of impervious surfaces and for existing trees kept on a site if the trees' canopies are within 20 feet of impervious surfaces.

Low Impact Development. As described in Section 4.9.1.2, Regulatory Requirements, the MRP also contains Provision C.3.c Low Impact Development, which has requirements for the use of source control, site design and the exclusive use of feasible Low Impact Development (LID) Stormwater Treatment measures on-site or at a joint stormwater treatment facility. MRP permittees, which includes the City of San José, require that projects treat 100 percent of runoff (based on the selected calculation described above) with LID treatment measures that include harvesting and reuse, infiltration, evapotranspiration, or biotreatment (biotreatment may only be used if the other options are infeasible).

MRP Permittees must require development projects to incorporate the following source control and site design measures:

- Properly designed trash storage areas;
- Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- Efficient irrigation systems;
- Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
- Minimize stormwater runoff by implementing one or more of the following site design measures:
    - Direct roof runoff into cisterns or rain barrels for reuse.
    - Direct roof runoff onto vegetated areas.
    - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
    - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
    - Construct sidewalks, walkways, and/or patios with permeable surfaces.

The proposed project would be subject to the following measures, which are consistent with the regulatory requirements of the NPDES Permit and associated City policies discussed above. The measures would reduce potential construction impacts to surface water quality to less-than-significant levels:

Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
    1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
    2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San José, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
    1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
    2. Utilize on-site sediment control BMPs to retain sediment on the project site;
    3. Utilize stabilized construction entrances and/or wash racks;
    4. Implement damp street sweeping;
    5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
    6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

Construction Period Impacts. As discussed in the 2008 EIR, construction within the project site would require temporary disturbance of surface soils. During the construction period, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment (and potentially contaminants associated with releases that may have occurred at industrial sites) in the runoff. Soil stockpiles and excavated areas on the project site would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation and pollutants in stormwater.

The potential for chemical releases is present at most construction sites given the types of materials used, including fuels, oils, paints, and solvents. Once released, these substances could be transported to the Guadalupe River and the Bay in stormwater runoff, wash water, and dust control water, potentially reducing water quality. In addition, the project site is the location of historic chemical releases that have affected soil quality. Erosion of contaminated soils could result in the transport of pollutants (along with the sediments) to the Bay. The City of San José regularly inspects construction sites to ensure that the sites are doing their part to protect the storm drains and creeks and are operating in compliance with the law. Most construction sites are inspected by a Building Inspector, Public Works Inspector and an Environmental Services Inspector. All three types of City inspectors are trained to ensure that the construction site is protecting the storm drains and creeks from polluted runoff. If a site has difficulty complying with stormwater regulations, that site would be inspected by the City more frequently and would be subject to fines.[42] Grading would not be allowed between October 15 and April 15 of any year without Erosion Control plans and measures approved by the Director of Public Works. Stormwater pollution prevention measures in accordance with City specifications and with the document "Clean Bay Blueprint" shall be implemented throughout the year to the satisfaction of the Director of Public Works.[43]

Operation-Period Impacts. New construction and intensified land uses at the project site would result in increased vehicle use and potential discharge of associated pollutants. Increased numbers of vehicles and parking facilities at the project site would likely result in increased leaks of fuel, lubricants, tire wear, and fallout from exhaust, which would contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from the landscaped areas at the proposed project may contain residual pesticides and nutrients. Long-term degradation of runoff water quality from the site could impact local water quality in the Guadalupe River, impaired for diazinon and mercury, or the receiving waters of South

[42] San José, City of, 2013. Department of Environment: Stormwater Inspections and Enforcement. Website: www.sanjoseca.gov/index.aspx?NID=1618 (accessed October 17, 2013).

[43] San José, City of, 2013. Department of Development Services: Grading and Erosion Control. Website: www.sanjoseca.gov/index.aspx?nid=542 (accessed October 17, 2013).

San Francisco Bay, impaired for several pesticides (chlordane, DDT, diazinon, and dieldrin), dioxin compounds, exotic species, furan compounds, mercury, PCBs, and selenium.[44] Any untreated discharge from the site would likely contain elevated levels of pollutants and therefore could result in a significant impact to water quality.

In addition to the new construction- and post-construction measures described above, the proposed project would be required to implement 2008 EIR Mitigation Measures HYD-2a and HYD-2b, identified below, to reduce potential construction- and operation-period impacts to water quality. Implementation of these measures, along with the additional standard measures described in this section, would ensure that impacts of the 2013 Project would be less than significant.

Impact HYD-2: Construction activities and post-construction site uses could result in degradation of water quality in the receiving waters by reducing the quality of stormwater runoff. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project. Modifications which incorporate applicable changes to stormwater control requirements are shown in underline and strikeout; these modifications do not address a new impact of the project that was not previously evaluated.

MM HYD-2a: The applicant(s) shall each prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPPs must be maintained on-site and made available to City inspectors and/or Water Board staff upon request. The SWPPPs shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPPs shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPPs. The SWPPPs shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046,[45] monitoring would be required during the construction period for pollutants

[44] Regional Water Quality Control Board, 2003. San Francisco Bay Region, 2002 CWA Section 303(d) List of Water Quality Limited Segment, Approved by USEPA. July 2003.

[45] State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

that may be present in the runoff that are "not visually detectable in runoff."[46]

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

The City of San José Department of Public Works shall review and approve the SWPPPs and drainage plans prior to approval of the planning development permit or grading plan. The Director of Public Works and City inspectors from Building, Public Works or Environmental Services Departments may require more stringent stormwater treatment measures than required by the SWPPPS, at their discretion. Implementation of this two-part mitigation would reduce this impact to a less-than-significant level.

MM HYD-2b: Project applicants for the site shall comply with the City of San José's Post-Construction Urban Runoff Management Policy (Policy Number 6-29), [47] which requires~~:~~ use of Low Impact Development (LID) techniques including infiltration, harvest and reuse, evapotranspiration, or biotreatment to manage stormwater. In addition, the project shall incorporate the following measures:

> ~~*All new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specified design standards for Post-Construction TCMs for Major Projects and minimum Post-Construction BMPs for all Land Uses of Concern, including Expansion Projects. This Policy further establishes the criteria for determining the situations in which it is impracticable to comply with the Major Project design standards,*~~

[46] Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

[47] San José, City of, 2011. City Council Policy, Post-Construction Urban Runoff Management, Policy Number 6-29. October 4.

~~*including the criteria for evaluating the equivalency of Alternative Compliance Measure(s).*~~[40]

- The applicants for the site shall have a stormwater control plan prepared by a qualified professional, prior to approval of the planning development permit. In accordance and compliance with City of San José Policy 6-29, the stormwater control plan ~~for each site~~ shall include, and show, calculations in compliance with the numerical sizing criteria listed in Chapter 4 of the C.3 Stormwater manual, as issued by the SCVURPPP. As part of the determination as to suitability of the site, location-specific soil testing is required if landscape treatment is part of the treatment strategy to be employed at the site(s).
- The stormwater control plans shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plans would result in treatment of the appropriate percentage of the runoff from the site~~s~~ (in compliance with the County NPDES permit). The permit provides for more than one methodology for calculating numeric sizing criteria; however, the amount of runoff that is typically required to be treated is about 85 percent of the total average annual runoff from the site. The qualified professionals preparing the design-level stormwater control plans shall consider additional measures designed to mitigate potential water quality degradation of runoff from all portions of the completed developments. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred by the agency. The City shall ensure that the site project designs include features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the projects to the maximum extent practicable. These features shall be included in the stormwater control plans and final development drawings.
- The design teams for the site shall review and incorporate as many concepts as practicable from Start at the Source, Design Guidance Manual for Stormwater Quality Protection[48] and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook, New Development and Redevelopment. Any use of end-of-pipe treatment systems must be accompanied by a viable maintenance program. Specifically, drainage from the project sites should be treated prior to discharge to city storm drains.
- The enclosed parking areas shall not be drained to the stormwater conveyance system. The garages should be dry-swept or, if wash-down water is used the effluent should be discharged to the sanitary sewer system under permit from the San José/Santa Clara Water Pollution Control Plant.

[48] Bay Area Stormwater Management Agencies Association, 1999. *Start at the Source, Design Guidance Manual for Stormwater Quality Protection.*

The City of San José Department of Public Works shall review and approve the stormwater control plans and drainage plans prior to approval of the planning development permit. The Director of Public Works and City inspectors from Building, Public Works or Environmental Services Departments may require more stringent stormwater treatment measures than required by the SWPPPS, at their discretion. Implementation of this two-part mitigation would reduce this impact to a less-than-significant level.

4.9.2.2 Deplete Groundwater Supplies

As discussed in the 2008 EIR, the project area is highly urbanized and is largely covered with impervious surfaces, with the exception of a small amount of lawn and landscaping in the northwest corner of the corporation yard. It is expected that the proposed project would include areas of lawn, trees, permeable pavement and/or gravel walkways, and would result in a net reduction in impervious surfaces. Therefore, the groundwater recharge rate at the site would be expected to be the same or potentially greater than current conditions. A below-grade parking garage is proposed for the site; however, the total footprint of impervious surfaces, including subsurface structures resistant to recharge, can be no greater than current conditions, as at present the site is nearly completely paved. The project does not propose to pump groundwater (aside from necessary construction period dewatering operations to clear excavations) and therefore would not deplete local groundwater supplies by extraction of the resource. Compared to current conditions, additional depletion of groundwater resources associated with the 2013 Project is not expected.

4.9.2.3 Drainage Pattern and Surface Run-off

The project does not propose to alter the course of an established stream or river at or adjacent to the project site. Drainage patterns at the site may be locally modified; however, the amount of impervious cover is expected to be reduced when compared to existing conditions. Alteration of drainage patterns can result in hydromodification impacts to downstream creeks. Hydromodification is defined as the alteration of the hydrologic characteristics of coastal and noncoastal waters, which in turn could cause degradation of water resources. In the case of a stream channel, this is the process whereby a stream bank is eroded by flowing water. This typically results in the suspension of sediments in the water course.

Provision C.3.f of the applicable NPDES Permit specifies the enhanced requirements for limiting "the increase of peak stormwater runoff rates." However, the NPDES Permit amendment (Order No. R2-2005-0035, NPDES Permit No.CAS029718) states that:

> *…projects within "Redevelopment Project Areas" (as defined by the [California] Health and Safety Code Section 33000, et seq.) that redevelop an existing Brownfield site or create housing units affordable to persons of low or moderate income as defined by Health and Safety Code Section 50093, are excepted from the requirements of Provision C.3.f. and the HMP, and after impracticability of including onsite treatment measures is established, from the requirement for alternate, equivalent offsite treatment. Significant change in impervious surface or significant change in stormwater runoff volume or timing is unlikely in these redevelopment circum-*

stances, because these developments would be within a largely already paved catchment, and on a site that is largely already paved or otherwise impervious.[49]

In addition, the proposed project would be required to meet the current NPDES permitting requirements, which include the use of BMPs. The project is required to comply with City Council Policies 6-29 and 8-14, as applicable, at the Development Permit stage. Therefore, potential impacts associated with hydromodification from the proposed project would be less than significant.

4.9.2.4 Contribute Polluted Runoff Water

The project site is in the Guadalupe River watershed, which empties to South San Francisco Bay. The Water Board has designated the Guadalupe River as water quality impaired for diazinon and mercury, and South San Francisco Bay as impaired for several pesticides (chlordane, DDT, diazinon, and dieldrin), dioxin compounds, exotic species, furan compounds, mercury, PCBs, and selenium. None of these contaminants would be used at the project site.

Groundwater at the project site could be encountered at about 10 feet below the ground surface (and on a seasonal basis may be present at shallower depths) and may therefore be encountered during excavation for building foundations, utilities, and other improvements. Therefore, dewatering activities may be required during construction.

There are two general classes of pollutants that may result from dewatering operations: sediment, and chemical compounds. High sediment content in dewatering discharges is common because of the nature of the operation in which soil and water mixes in the turbulent flow of high volume pump intakes. Chemical pollutants are most commonly found in dewatering in areas with a history of groundwater contamination (e.g. leaks to the subsurface from historical uses). The project site has a history of industrial activity (refer to the Hazards section of this Draft EIR for discussion of identified areas of potential subsurface contamination and impacts and mitigations required before site development). Direct discharge of dewatered groundwater to the storm drainage system could result in water quality impacts to the receiving waters.

Implementation of 2008 EIR Mitigation Measure HYD-3, identified below, would ensure that water quality impacts of the 2013 Project associated with dewatering activities would be less than significant.

Impact HYD-3: Dewatering discharges may contain contaminants and if not properly managed could cause impacts to construction workers and the environment. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

[49] California Regional Water Quality Control Board, 2005. San Francisco Bay Region, *Amendment Revising Order No. 01-119*, Order No. R2-2005-0035, NPDES Permit No.CAS029718).

MM HYD-3: As required under Mitigation Measure HYD-2a, the project applicants for the project site shall each have a SWPPP prepared for their sites. The SWPPPs shall include provisions for the proper management of construction-period dewatering activities. At minimum, all dewatering shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only sediment-free water is discharged to the storm or sanitary sewer system, as appropriate. The General Permit makes allowance for circumstances where limited amounts of uncontaminated dewatering effluent, from foundation excavations for example, may be released after sediment has settled out and the effluent has been filtered, in compliance with the terms of the SWPPP. In areas of suspected groundwater contamination (i.e., near sites where chemical releases are known or suspected to have occurred), the groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project applicant(s) shall acquire the appropriate permit(s) prior to discharge of the dewatering effluent. Discharge of the dewatering effluent would require a permit from the Water Board (for discharge to the storm sewer system) and/or the San José/Santa Clara Water Pollution Control Plant (for discharge to the sanitary sewer system).

4.9.2.5 Flooding

Under existing conditions, the project site is urbanized and almost entirely covered with impervious surfaces (with the exceptions of the lawn areas and landscaping in the northwest corner of the site and very limited amounts of unpaved areas around the perimeter of the site). Although the exact details of the specific design of the project are still in development, conceptual plans include open space and a plaza on the site, which may result in a net decrease in impervious surfaces compared to current conditions. In addition, the proposed project would be required to meet the current NPDES permitting requirements, which include the use of BMPs. Generally, these BMPs result in a reduction of both peak and total runoff from a site. Drainage from the site would be directed to storm mains located under Taylor Street.

The majority of the project site is not located within the 100-year flood hazard zone and no placement of housing in a flood hazard zone is proposed by the project. Therefore, the project would not result in exposing people to loss, injury or death from flooding in their homes. However, according to the most recent FEMA flood maps that were evaluated in the 2008 EIR, updated per the FEMA Letter of Map Revision (LOMR) dated October 25, 2006, the area of East Taylor Street and North 7th Street adjacent the project site is within a 100-year flood zone and classified Zone AO (DEPTH 1, flooding depth of 1 foot). This flood zone encroaches slightly on the project site along these streets. However, this area of the site would be developed with either live/work (with the work component on the ground floor), commercial/retail, or parking uses; therefore, the proposed project would not place housing within the flood zone. In addition, upon completion of the project, the project applicant intends to apply for a Letter of Map Revision from FEMA to remove the site from the floodplain, as the site would be regraded and raised above the flood area.

Redevelopment of the site includes a full level of below-grade parking across a large portion of the site. Access to the parking areas has been proposed off of North 7th Street. If, during storm events, the potential surface water inflow was not controlled, stormwater runoff could flow into these underground parking garages, potentially endangering people and property.

Implementation of 2008 EIR Mitigation Measure HYD-4, identified below, would ensure that impacts of the 2013 Project associated with flooding would be less than significant.

Impact HYD-1: Alteration of local drainage patterns could potentially exceed the capacity of downstream stormwater conveyance structures, resulting in localized flooding. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM HYD-1: As a condition of approval of the Planned Development Permit plans of the project site, the ~~respective~~ applicant~~s~~ shall demonstrate through the preparation of a detailed hydraulic analysis, that implementation of proposed drainage plans for the applicable development site would not increase total off-site peak flow rates, or exceed the capacities of local system components. The projects must use drainage components and methods that are designed in compliance with City of San José standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of San José Department of Public Works. Any improvements deemed necessary by the City will be part of the conditions of approval. Implementation of this mitigation measure would reduce potential impacts associated with increased peak runoff volumes to a less-than-significant level.

Impact HYD-4: Redevelopment of the site proposes below-ground parking structures which could be inundated by infiltrating groundwater and/or during extreme storm events. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM HYD-4a: The portions of the structures of the proposed site that may come into contact with groundwater shall be waterproofed using accepted building practices and approved by the City of San José Building Official. The methods used in waterproofing may include (but are not limited to) the placement of membranes or coatings (e.g. modified asphalt, urethanes, or rubber polymers) on the exterior surfaces of the below grade foundation components. In addition, each sublevel area shall be equipped with a sump pump to remove infiltrating ground water and garage wash-down water to the sanitary sewer system, and the effluent should be discharged to the sanitary sewer system under permit from the San José/Santa Clara Water Pollution Control Plant.

MM HYD-4b: All structures of the proposed site shall be built so that the potential for surface water flow into the underground parking, or other underground structures, is minimized. If the potential surface water inflow is not controlled, the sump pumps, installed primarily to remove ground water infiltration and wash-down water from garage maintenance, may be inadequate. Specifically, the entrances and exits to all below-grade structures shall

be protected from all surface water inflow (including floodwater associated with the 100-year flood event) either by grade control and/or berms at the entrances and exits. The surface elevation for the entrance to the underground garage shall rise to at least one foot above the highest 'top-of-curb' point adjacent the parking entrance.

4.9.2.6 Inundation by Seiche, Tsunami, or Mudflow

The distance from the Bay and elevation of the project site (greater than 60 feet NGVD) would be expected to protect the site from coastal flooding hazards, including tsunami, extreme high tides, seiche and sea level rise. There are no surface water bodies in the vicinity of the project site that could generate damaging seiches. The site is not located within a mapped dam failure inundation zone. These potential impacts are therefore less-than-significant.

4.9.3 Conclusion

The proposed 2013 Project, with implementation of 2008 EIR Mitigation Measures HYD-1, HYD-2a, HYD-2b, HYD-3, HYD-4a, and HYD-4b, would not result in any new significant impacts related to hydrology and water quality beyond those identified in the 2008 EIR.

4.10 LAND USE AND PLANNING

4.10.1 Setting

4.10.1.1 Existing and Surrounding Land Uses

The approximately 5.23-acre site, generally bounded by Taylor Street on the north, North 7th Street on the east, Jackson Street on the south, and North 6th Street on the west, is located within the Japantown neighborhood in San José. Existing conditions at and within the vicinity of the site have not substantially changed since certification of the 2008 EIR. Baseline conditions evaluated in the 2008 EIR assumed that the site was cleared of all structures, with surface pavements and subsurface infrastructure remaining. The site is generally in this same condition and remains undeveloped. The site currently contains fenced and paved parking areas and there are several street trees around the perimeter. A variety of land uses are found in the vicinity of the project site and are fully described in Section 3.2 of this Initial Study.

4.10.1.2 Land Use Regulations

Applicable City of San José plans and policies which regulate development of the project site include the City of San José 2040 General Plan,[50] the San José Zoning Ordinance, the Jackson-Taylor Neighborhood Revitalization Plan, Jackson-Taylor Residential Strategy, and Japantown Redevelopment Plan. The project would also be required to comply with the City's Residential Design Guidelines, which include parameters for setbacks, building design, landscaping, screening, and lighting. Each of these plans is briefly described below.

San José 2040 General Plan. The Envision San José 2040 General Plan Update was adopted by the City Council on November 1, 2011, after certification of the 2008 EIR. The site is located within the General Plan Jackson-Taylor Planned Residential Community (PRC) and in the Japantown Neighborhood Business District. At the time that the 2008 EIR was prepared, the northern portion of the site was designated Mixed-Use #2 and the southern portion of the site was designated Public Park/Open Space.[51] In 2008, after completion of the 2008 EIR, the land use designation on the site was changed to Mixed Use 2a (File Nos. GP07-03-04/GPT07-03-04) to allow development of the 2008 Project. As part of the Envision 2040 General Plan, the Mixed Use 2a designation was changed to Mixed Use Neighborhood. However, this designation was not consistent with the type of land use and density planned for the site; therefore, the site's designation was recently changed to Transit Residential to be consistent with the type of development envisioned for the site and considered in the 2008 EIR.[52] The Transit Residential designation also better aligns with the vision and intent of the Jackson-Taylor Specific Plan.

Various policies in the City's General Plan have been adopted that avoid or mitigate land use impacts resulting from planned development within the City. The City of San José has the following goals and policies related to the proposed project that would reduce land use impacts:

[50] San José, City of, 2011. *City of San José 2040 General Plan.* November 1.

[51] San José, City of, 1994. *San José 2020 General Plan.*

[52] San José, City of, 2013. Memorandum to the City Council, File No. GP13-007. Director-Initiated General Plan Amendment. September 30.

- CD-3.1: Promote development patterns that cause areas to function and provide connectivity as a whole rather than as individual developments.
- CD-3.11: Encourage new development to connect with the surrounding community and continue the existing street grid to integrate with the neighborhood.
- CD-4.1: Maintain and update design guidelines adopted by the City and abide by them in the development of projects.
- CD-4.5: For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
- CD-8.3: While the height of new development should be regulated to avoid long-term land use incompatibilities, ensure proposed Zoning Ordinance changes establish adequate maximum building heights to allow full build-out of the planned job and housing growth capacity within each of the identified Growth Areas.
- LU-1.5: With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
- LU-9.1: Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities, that do not provide through- and publicly-accessible bicycle and pedestrian connections.
- LU-9.3: Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.
- LU-9.4: Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
- LU-9.5: Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
- LU-9.7: Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use/ Transportation Diagram.

Jackson-Taylor Planned Residential Community. The Corporation Yard site is located within the Jackson-Taylor Planned Residential Community (Jackson-Taylor PRC) which provides the basis for the community based on the Jackson-Taylor Residential Strategy (discussed below). The Jackson-Taylor PRC Land Use Plan provides development guidelines for an approximately 80-acre urban area bounded by Hedding, 11th, Empire, and 6th Streets. The goal of the Jackson-Taylor PRC is to increase high density housing opportunities and supportive mixed uses in the central area of the City and in close proximity to transit. The Jackson-Taylor PRC was adopted October 10, 1992. General and specific policies and guidelines for development within the Jackson-Taylor PRC are contained in the Jackson-Taylor Residential Strategy.

Japantown Neighborhood Business District. The project site is also located within the Japantown Neighborhood Business District. The purpose of Neighborhood Business Districts is to recognize the variety of commercial and non-commercial uses which contribute to neighborhood identity by serving as a focus for neighborhood activity. The Neighborhood Business District Program seeks to preserve, enhance, and revitalize San José's older neighborhood serving commercial areas through the coordination of public and private improvements, such as streetscape beautification, facade upgrading, business organization activities, business development, and promotional events. In areas designated as a Neighborhood Business District, any new development or redevelopment must conform to both the underlying land use designation and the overlay designation.

Zoning Ordinance. The project site is currently zoned Light Industrial (LI). The LI District is intended for a variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The proposed project includes a rezoning of the Corporation Yard site to a Planned Development District with an alternative base zoning district of Agricultural (i.e., A [PD]) to allow for and guide residential and mixed-use residential and retail development on the site consistent with the Jackson-Taylor PRC and the Jackson-Taylor Residential Strategy. The proposed PD Rezoning would establish development standards for use of the site, building configuration and massing, circulation and parking configuration, building height and setbacks.

Jackson-Taylor Neighborhood Revitalization Plan. The Corporation Yard site is subject to the Jackson-Taylor Neighborhood Revitalization Plan.[53] The Revitalization Plan focuses on the long-term elimination of incompatible land uses, the preservation of residential areas from non-residential encroachment, the revitalization and the reinforcement of the Jackson Street Neighborhood Business District and the improvement of the overall quality of the residential environment. The Revitalization Plan identifies the Corporation Yard site as a suitable location for the City to "evaluate City-owned property for possible community center use." The Revitalization Plan establishes goals of converting industrial areas to residential uses through redevelopment or Jackson-Taylor Residential Strategy implementation.

Jackson-Taylor Residential Strategy. The Jackson-Taylor Residential Strategy provides policy direction for the review of rezoning and development permit applications within the Jackson-Taylor PRC. Under the Jackson-Taylor Residential Strategy Land Use Plan, the northern portion of the Corporation Yard site is designated Mixed Use; the central portion is designated Mixed Use with ground floor retail recommended; and the southern portion is designated Park. The Jackson-Taylor Residential Strategy contains similar development caps as identified in the General Plan for the Jackson-Taylor PRC.

The Residential Strategy identifies the Corporation Yard site as an area where other land uses are recommended in addition to those contemplated under the Illustrative Land Use Plan. In particular, the Residential Strategy specifies that the site should be developed with the mixed-use development type described in the Jackson-Taylor PRC set forth in the City's General Plan.

Japantown Redevelopment Plan. The project site is located within the Japantown Redevelopment Project Area and is subject to the Japantown Redevelopment Plan.[54] The Japantown Redevelopment

[53] San José, City of, 1987. *The Jackson-Taylor Neighborhood Revitalization Plan.* December.

[54] San José, City of, Redevelopment Agency, 1993. *Japantown Redevelopment Plan.* Adopted December 2. Amended through August 29, 2006.

Plan Area is generally bounded by Taylor Street on the north, North 7th Street on the east, Empire Street on the south, and North 1st Street on the west.

The goals of the Redevelopment Plan include:

- Elimination, by public and private actions, of blighting conditions in the area.
- Strengthening the economic base of the project area and the community in general by providing necessary assistance to stimulate revitalization and new commercial expansion.
- Replanning, redesign, and further development of underdeveloped areas that are economically stagnant, physically constrained, and/or underutilized.
- Rehabilitation or replacement of substandard and deteriorated public improvements in the area.
- Provision of more adequate parking resources.
- Encouragement, by the provision of appropriate assistance, of the rehabilitation and seismic strengthening of commercial buildings in the area.
- Creation of a more attractive environment as a means of attracting more people and an activity to this unique commercial district.
- Attraction of additional private investment and employment into the Redevelopment Area and adjoining areas.

According to the Redevelopment Plan, land uses permitted in the project area are those land uses provided in the General Plan as they currently exist or as they may from time to time be amended.

4.10.2 Environmental Checklist and Discussion of Impacts

Land Use and Planning						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Physically divide an established community?	☐	☐	☐	☒	☐	1,2,3
Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1,2,3
Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,2,3,14

4.10.2.1 Disrupt or Divide an Established Community

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. Similar to the 2008 Project, the 2013 Project would provide a mix of land uses, including commercial, residential, and community uses on a vacant and underutilized site. It is the intent of the proposed project to develop the existing site consistent with the vision of applicable plans for the area, including the Japantown Redevelopment Plan and the Jackson-Taylor Neighborhood Revitalization Plan. The proposed project would provide greater public access through and within the site by providing an east-west internal street which would allow vehicular and pedestrian access between North 6th Street and North 7th Street. The proposed park/plaza area and community amenity space at the project site would serve to connect the surrounding community to the project site. Specifically, the community amenity space is intended to reflect the diverse economic, ethnic, and cultural make-up of Japantown and San José with the provision of facilities (e.g., offices and studio space) for non-profit organizations, such as music and arts organizations. In this way, development on this site would fill a large hole in the urban fabric of the area, and serve to connect the established surrounding neighborhoods.

4.10.2.2 Conformance with Land Use Plans

Similar to the 2008 Project, the 2013 Project would generally conform to all applicable land use plans. Similar to the 2008 Project, Planned Development Rezoning of the project site would be required to allow development of the 2013 Project.

As previously discussed, the General Plan land use designation for the site was recently changed to Transit Residential to allow for the type of use and density proposed for the site. The Transit Residential designation is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals, and private community facilities. The proposed project would be consistent with the existing land use designation for the site.

Similar to the 2008 Project, the 2013 Project would develop the site with a mix of residential, commercial, and public uses and would be consistent with the overall vision and intent of the 2040 General Plan, the Jackson-Taylor PRC, the Neighborhood Business District Program, the Planned Development Zoning District, and the Jackson-Taylor Residential Strategy. In addition, the project would also be consistent with the Jackson-Taylor Neighborhood Revitalization Plan and the Japantown Redevelopment Plan. Because the 2013 Project would be consistent with the underlying land use designation for the site, no amendments to the General Plan or Jackson-Taylor Residential Strategy (which were required as part of the 2008 Project) would be required.

4.10.2.3 Land Use Compatibility

Land uses on the project site, and in the immediate vicinity of the project site, have historically been industrial and commercial in nature. However, land uses to the south and east of the project site have transitioned to medium density residential uses. Similar to the 2008 Project, the 2013 Project would include the development of housing, retail, and community amenity space on the site. This change in land use and increase in land use intensity would alter the existing character of the project area; however, the proposed project would not substantially conflict with established or planned uses surrounding the site.

4.10.2.4 Habitat Conservation Plan

Refer to Section 4.4.2.6. The project site is included in the *Santa Clara Valley Habitat Plan* study area. Because the project site does not support potentially suitable habitats for special-status plant or animal species, riparian habitats, or other sensitive natural communities, the proposed project would not conflict with the conservation strategies of the proposed Santa Clara Valley Habitat Conservation Plan and Natural Community Conservation Plan or other local, regional, or State plans that protect biological resources.

4.10.3 Conclusion

The proposed 2013 Project would not result in any new or more significant land use impacts than those identified in the certified 2008 EIR.

4.11 MINERAL RESOURCES

4.11.1 Setting

The project site is located in a developed urban area near Downtown San José and mineral exploration and extraction is not performed in the project vicinity. Also, the project site is not located in an area designated as containing mineral resource deposits of regional importance.

4.11.2 Environmental Checklist and Discussion of Impacts

Mineral Resources						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒	☐	1,2
Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,2

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), which is about 6 miles south of the project site, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of Statewide significance or the significance of which requires further evaluation.

The project site is outside of the Communication Hill area and does not contain known mineral resources. Therefore, the proposed project would not result in a significant impact from the loss of availability of a known mineral resource.

4.11.3 Conclusion

Similar to the 2008 Project, the proposed 2013 Project would not result in impacts related to mineral resources.

4.12 NOISE

4.12.1 Setting

4.12.1.1 Characteristics of Noise

Several noise measurement scales exist which are used to describe noise in a particular location. A decibel (dB) is a unit of measurement which indicates the relative intensity of a sound. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

Noise impacts can be described in three categories. The first is audible impacts, which refers to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater, since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6-dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern. There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and community noise equivalent level (CNEL) or the day-night average level (L_{dn}) based on A-weighted decibels (dBA). CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

4.12.1.2 Existing Site Conditions

The project site is located in an urban area and is, therefore, influenced by several surrounding noise sources including traffic, railroad, aircraft, delivery-truck loading and unloading activities, and occasional festival noise. The existing noise environment in the project vicinity has been documented through short- and long-term noise measurements as shown in Tables V.E-8 and V.E-10 in the 2008 EIR. Recorded noise sources included vehicle traffic and freight trains. The ambient noise level for

the measured time period was 62 dBA L_{dn}. Noise conditions in the project vicinity have not changed substantially since that time.

4.12.1.3 Envision San José 2040 General Plan

The City of San José addresses noise in the Envision San José 2040 General Plan's Noise Element and in the provisions of the City's Municipal Code Noise Control Ordinance. The Noise Element standards specify an exterior noise limit of 60 dBA L_{dn} for residential land uses impacted by transportation-related noise sources; a limit of 45 dBA L_{dn} is specified for interior living spaces. The Noise Element recognizes that full attainment of noise standards may not be achievable in the environs of the San José International Airport (SJIA) and the Downtown Core Area.

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate noise impacts resulting from planned development within the City. The City of San José has the following goals and policies related to the proposed project that would reduce noise impacts:

- Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.
- 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 L_{dn}. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA L_{dn} or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.
    - *Exterior Noise Levels*: The City's acceptable exterior noise level objective is 60 dBA L_{dn} or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the SJIA and the Downtown, as described below:
        - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA L_{dn} in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA L_{dn} 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 L_{dn} standard for noise from sources other than aircraft and elevated roadway segments.
        - For single-family residential uses, use a standard of 60 dBA L_{dn} for exterior noise in private usable outdoor activity areas, such as backyards.

- EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) 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 L_{dn} at noise sensitive receptors to increase by five dBA L_{dn} or more where the noise levels would remain "Normally Acceptable"; or
    - Cause the L_{dn} at noise sensitive receptors to increase by three dBA L_{dn} or more where noise levels would equal or exceed the "Normally Acceptable" level.
- EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
    - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

      For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
- EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.
- EC-1.11: Require safe and compatible land uses within the SJIA noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
- EC-1.12: Encourage the Federal Aviation Administration to enforce current cruise altitudes that minimize the impact of aircraft noise on land use.
- EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
- Goal EC-2 – Vibration: Minimize vibration impacts on people, residences, and business operations.

- EC-2.1: Near light and heavy rail lines or other sources of ground-borne 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.
- EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

4.12.1.4 City of San José Municipal Code

The Zoning Ordinance of the San José Municipal Code contains performance standards for the generation of noise at adjacent properties. Noise from air-conditioning or other mechanical equipment is limited to a maximum of 55 dBA at residential property lines. The Code restricts construction or demolition activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction or demolition work is permitted on Sundays or federal holidays.

4.12.1.5 California Building Code

The California Building Code (CBC) includes standards for interior noise levels. Specifically, noise levels from exterior noise sources must be reduced to a day-night sound level (L_{dn}) of 45 dBA or less in habitable rooms of multi-family housing. Projects exposed to exterior noise levels greater than 60 dBA L_{dn} require an acoustical analysis showing that the proposed design will limit interior noise levels to the allowable interior noise level of 45 dBA L_{dn}. Additionally, if windows must be closed to meet the interior standards the design of the buildings must include a ventilation or air-conditioning system to provide a habitable interior environment with the windows closed.

4.12.1.6 Federal Transit Administration

The Federal Transit Administration (FTA), in a document titled Transit Noise and Vibration Impact Assessment, provides guidelines for levels of ground-borne vibration due to rail lines adjacent to various land uses. Groundborne vibration related to human annoyance is generally related to root mean square (rms) velocity levels expressed in VdB. For proposed residential land uses, the guidelines suggest maximum vibration levels of 72 VdB for frequent events (more than 70 trains per day), 75 VdB for occasional events (30 to 70 trains per day), and 80 VdB for infrequent events (fewer than 30 trains per day). While these guidelines are generally intended to help assess the potential of new rail projects adjacent to existing land uses, they are frequently used to help assess the compatibility of new projects adjacent to existing rail lines.

4.12.2 Environmental Checklist and Discussion of Impacts

Noise						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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?	☐	☐	☐	☒	☐	1,2,3,15
Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1,2,3,15
A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,3,15
A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,3,15
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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2,3,15
For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2,3,15

4.12.2.1 Construction-Period Impacts

When compared to the 2008 Project, the proposed 2013 Project would include a similar number of residential units, 5,000 fewer square feet of retail space, and 40,000 additional square feet of community amenity space. Potential noise and groundborne vibration impacts during the construction period for the 2013 Project are analyzed below.

Construction Noise Impacts. 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.

As noted in the 2008 EIR, noise levels from construction activities such as finished grading and building erection for the proposed project may range up to 91 dBA L_{max} at 50 feet from the active construction area for a limited time period. Pile driving is not anticipated to be utilized in construction of the project.

The closest noise sensitive land uses to the construction area are the Fuji Towers on North 6th Street and the apartment complex on 5th Street that border the future affordable senior housing site (the parking lots site evaluated in the 2008 EIR), at a distance of approximately 80 feet. These residences could be exposed to noise levels of up to 87 dBA L_{max} during construction on the Corporation Yard site (it should be noted that maximum noise levels for construction at the parking lot site were identified to be up to 91 dBA L_{max}, so this represents a slight reduction in the overall noise level when compared to the 2008 Project).

In accordance with City standards, the proposed project would be required to implement 2008 EIR Mitigation Measure NOI-1, identified below, to ensure that impacts related to construction noise are reduced to a less-than-significant level with implementation of the 2013 Project.

Impact NOI-1: Noise levels from construction activities may range up to 87~~91~~ dBA L_{max} at the nearest sensitive land uses to the project site. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM NOI-1a: All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.

MM NOI-1b: The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site as much as is reasonably feasible.

MM NOI-1c: The construction contractor shall locate equipment staging in areas that would create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

MM NOI-1d: Except as otherwise permitted, construction activities shall be restricted to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction shall be permitted on Sundays or federal holidays.

Construction Groundborne Vibration Impacts. Construction activities are also known sources of groundborne vibration. When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB." Human perception to vibration starts at levels as low as 67 VdB and sometimes lower. Annoyance due to vibration in residential settings starts at approximately 70 VdB. The damage threshold for buildings considered of particular historical significance or that are particularly fragile structures is approximately 96 VdB; the damage threshold for other structures is 100 VdB.[55]

Pile driving can be a potential source of groundborne vibration. However, the project will not employ pile driving as a construction method; instead, auger cast piles will be used. Auger cast piles are a

[55] Harris, C.M. 1998. *Handbook of Acoustical Measurements and Noise Control.*

drilled and pumped pile, not a driven pile. This eliminates the hammer impact noise and vibration created by driving piles.

Typical groundborne vibration levels measured at a distance of 50 feet from heavy construction equipment in full operation, such as bulldozers or other heavy tracked equipment, range up to approximately 94 VdB. This is below the damage threshold for historic or fragile buildings. However, buildout of the project site could require utility construction to occur within the right of way of North 6th Street and, thus, possibly less than 50 feet from nearby sensitive structures.

Therefore, a detailed vibration impact assessment would be required to reduce these potential ground-borne vibration impacts on sensitive receptors in the project vicinity. However, at the present stage of the project development, the necessary level of construction detail is not yet available to conduct such an analysis. The proposed project would be required to implement 2008 EIR Mitigation Measure NOI-2b, identified below, to ensure that impacts related to groundborne noise and vibration are reduced to a less-than-significant level with implementation of the 2013 Project. It should be noted that Mitigation Measure NOI-2a, as identified in the 2008 EIR, applies to development of the parking lot site, and is not applicable to the 2013 Project.

Impact NOI-2: Groundborne noise and vibration levels from construction activities may range up to 96 VdB L_{max} at the nearest sensitive land uses to the project site. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM NOI-2b: If utility construction would occur within the right of way of North 6th Street and within less than 50 feet of nearby sensitive structures on North 6th Street as a result of buildout of the Corporation Yard site, the site's project applicant shall prepare a vibration impact assessment to determine potential construction-related groundborne vibration impacts. If mitigation measures cannot be identified that would reduce groundborne vibration impacts to below the groundborne vibration damage criteria of 96 VdB for fragile structures then the measures outlined in the Cultural resources section Mitigation Measure CULT-4a and -4b shall be incorporated into construction plans for the project.

MM CULT-4a: Should the implementation of Mitigation Measure NOI~~-2a and -~~2b demonstrate that construction-related vibration levels may be in excess of the damage threshold, a qualified geologist or other professional with expertise in ground vibration and its effect on existing structures shall determine the likelihood that such vibration would damage any of the contributing buildings of the NRHP/CRHR-eligible San José Japantown Historic District ~~(Building 16, in particular)~~. If such damage is likely, the qualified professional shall develop specifications regarding the restriction and monitoring of construction activities that shall be incorporated into the contract. Project modifications recommended by the qualified professional shall be made prior to project construction to reduce vibrations to below damage threshold levels.

Construction-related vibration levels in the vicinity of Buildings 8-16 shall be monitored during initial construction. If construction-related vibration exceeds threshold levels, then, prior to the commencement of construction within 50 feet of any of the NRHP/CRHR-eligible San José Japantown Historic District contributing buildings (including ~~development of the lot adjacent to Building 16 and~~ subsurface utility construction in North 6th Street), an architect specializing in historic architecture[56] and a registered structural engineer[57] shall undertake an existing condition study of those contributing buildings at risk ~~(in particular, Building 16)~~. The purpose of the study would be to establish the baseline condition of at-risk buildings, prior to construction that may exceed vibration thresholds, by identifying the location and extent of any visible exterior surface cracks, spalls, or structural deficiencies. The documentation shall consist of written descriptions and photographs, and shall specifically address those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register and the local register. The documentation would be reviewed and approved by the City of San José's Historic Preservation Officer.

Following the baseline condition assessment, the architect and structural engineer shall monitor groundborne vibration levels during construction and report any changes to existing condition of the at-risk buildings, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City of San José's Historic Preservation Officer, who shall also establish the frequency of monitoring and reporting. The structural engineer shall consult with the architect if any problems with character-defining features of a contributing building are discovered. If, in the opinion of the structural engineer in consultation with the architect, substantial adverse changes to the character-defining features of the contributing buildings are found during construction (and can be reasonably attributed to the effects from construction activities), the monitoring team shall immediately inform the project sponsor or sponsor's designated representative responsible for construction activities. The monitoring team shall also provide recommendations for preventive and/or corrective measures, and such measures shall be followed by the project sponsor. The preventive/corrective measures may include (1) halting construction in situations where construction activities would imminently endanger historical buildings; (2) redesigning the project to avoid certain activities that would pose future risks to historical buildings; and (3) repairing any construction-related damage such that the character-defining features of any affected buildings are restored to their pre-project condition. The monitoring teams recommendations shall be reviewed by the City of San

[56] The architect shall meet the qualifications for historic architecture contained in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards* (36 CFR Part 61, Appendix A).

[57] The structural engineer shall have a minimum of five years of experience in the rehabilitation and restoration of historic buildings.

José's Historic Preservation Officer for feasibility and appropriateness, but preventive measures shall be implemented in a timely manner to avoid additional potential damage.

MM CULT-4b: The monitoring architect (described above) shall establish a training program for construction personnel to emphasize the importance of protecting the historical buildings in the vicinity of the project area. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near historical buildings, including the proper storage of materials. The program shall also include information on ways to minimize vibrations from demolition and construction, as well as ways to monitor and report any potential damage to historical buildings from such vibration. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions would be reviewed and approved by the City of San José's Historic Preservation Officer.

4.12.2.2 Operational-Period Impacts

Operation-period impacts for the proposed project are discussed below, including potential stationary, aircraft, traffic, and railroad noise impacts. As discussed below and in the 2008 EIR, the proposed project would be exposed to traffic and railroad noise levels in excess of "normally acceptable" levels as set forth in the San José land use compatibility guidelines.

Stationary Noise Impacts. The potential long-term stationary noise impacts at the project site would be primarily from outdoor activities and operations associated with parking lot and delivery truck activities. Additional stationary noise sources associated with project implementation would include the proposed Taiko drumming facility. The closest sensitive receptors would be on-site residential land uses. Specific future on-site commercial uses are yet to be determined. On-site commercial and retail uses would generate noise from occasional truck delivery, loading/unloading activities, and typical parking lot activities. These activities are potential point sources of noise that could affect noise-sensitive receptors in the project vicinity.

Of the on-site stationary noise sources, noise generated by delivery truck activity would generate the highest maximum noise levels. Representative parking activities, such as people conversing or doors slamming, would generate approximately 60 dBA to 70 dBA L_{max} at 50 feet. Delivery truck loading and unloading activities can result in maximum noise levels from 75 dBA to 85 dBA L_{max} at 50 feet. The closest sensitive receptors would consist of the residential and commercial land use components of the project.

According to the standards outlined in the Zoning Ordinance of the Municipal Code, a Planned Development permit may be required for this project due to stationary noise source impacts. In addition, Title 24 of the California Building Code establishes construction engineering standards for reducing noise impacts in multi-family residential units. However, project related stationary noise source impacts would not exceed the City's established significance criteria.

Existing activity noise sources in the project vicinity also occasionally includes festivals and street fairs. Noise generated by such existing activities could impact proposed sensitive land uses. However, festivals and similar activities would be regulated through the City's permit process and would be temporary in nature. Thus, similar to the conclusions found in the 2008 EIR, all existing and project-

related stationary noise source impacts would be considered less-than-significant and no mitigation would be required for the 2013 Project.

Aircraft Noise Impacts. The proposed project site is not located within an airport land use plan. Mineta San José International Airport is located approximately 1-mile west-northwest of the project site. According to the City's aircraft noise maps for Mineta San José International Airport, the project site would be located outside of the projected 60 dBA CNEL contour of the airport. Therefore, implementation of the project would not expose persons to residing or working in the project area to excessive noise levels from aircraft.

Traffic and Railroad Noise Impacts. Vehicular and contributions from railroad noise are the primary noise sources in the project vicinity. The measured ambient noise from these noise sources on the project site is 62 dBA L_{dn}; which is above the City's normally acceptable standard for new residential developments of 60 dBA L_{dn}. Railroad and traffic-noise impacts are discussed below.

Railroad Noise. The Southern Pacific rail line borders project site. As discussed in the 2008 EIR, approximately four trains per day use the rail line (two daytime and two nighttime trains) resulting in noise levels of 44 to 49 dBA L_{dn}. As a result, rail activity would not exceed City time-averaged noise level standards for residential use. Therefore, no significant noise impacts from rail operations would occur. Slow-moving freight trains, however, typically produce single-event noise levels of approximately 80 to 85 dBA at a distance of 100 feet. This noise level could result in interference in speech and disturb residents if they are sleeping. Therefore, residential uses proposed adjacent to the tracks would potentially be exposed to intermittent single-event train noise that may be viewed as an annoyance to future residents.

Traffic Noise. The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions in the vicinity of the project site. Traffic data was obtained from the traffic report prepared for the 2013 Project.[58] The resultant noise levels were weighted and summed over a 24-hour period in order to determine the L_{dn} values. Table 5 lists the existing, background, and cumulative traffic noise levels with and without the project. The model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA noise contour distances for each modeled roadway segment, are provided in Appendix A.

[58] Hexagon Transportation Consultants, Inc., 2014. *Japantown Corporation Yard Draft Transportation Impact Analysis*. January 10.

Table 5: Modeled Traffic Noise Levels at 50 feet from Centerline of Outermost Travel Lane, dBA

Roadway Segment	Existing (L_{dn})	Existing + Project (L_{dn})	Change from Existing to Existing + Project	Background No Project (L_{dn})	Background + Project (L_{dn})	Increase from Existing Conditions	Increase from Background No Project Conditions	Cumulative + Project (L_{dn})	Increase from Existing Conditions	Increase from Background No Project Conditions
Hedding Street - 1st Street to 4th Street	63.5	63.7	0.2	64.4	64.5	1.0	0.1	64.8	1.3	0.4
Hedding Street - 4th Street to 7th Street	64.1	64.2	0.1	65.2	65.2	1.1	0.0	65.6	1.5	0.4
Hedding Street - 7th Street to 10th Street	63.9	64.0	0.1	64.7	64.8	0.9	0.1	64.9	1.0	0.2
4th Street - Hedding Street to Taylor Street	60.9	60.9	0.0	62.1	62.2	1.3	0.1	62.5	1.6	0.4
7th Street - Hedding Street to Taylor Street	56.6	57.8	1.2	57.6	58.7	2.1	1.1	58.7	2.1	1.1
11th Street - Hedding Street to Taylor Street	57.0	57.0	0.0	58.3	58.3	1.3	0.0	58.7	1.7	0.4
Taylor Street - 1st Street to 4th Street	64.3	64.8	0.5	65.4	65.8	1.5	0.4	66.1	1.8	0.7
Taylor Street - 4th Street to 6th Street	64.3	64.8	0.5	65.4	65.8	1.5	0.4	66.0	1.7	0.6
Taylor Street - 6th Street to 7th Street	64.8	65.3	0.5	65.4	65.9	1.1	0.5	65.9	1.1	0.5
Taylor Street - 7th Street to 10th Street	64.9	65.1	0.2	65.5	65.7	0.8	0.2	65.8	0.9	0.3
Taylor Street - 10th Street to 11th Street	63.9	63.6	-0.3	64.6	64.8	0.9	0.2	65.2	1.3	0.6
4th Street - Taylor Street to Jackson Street	60.3	60.4	0.1	61.1	61.2	0.9	0.1	61.6	1.3	0.5
7th Street - Taylor Street to Jackson Street	56.3	59.8	3.5	57.2	60.2	3.9	3.0	60.2	3.9	3.0
10th Street - Taylor Street to Jackson Street	62.6	62.6	0.0	63.3	63.4	0.8	0.1	64.0	1.4	0.7
11th Street - Taylor Street to Jackson Street	57.6	57.6	0.0	58.5	58.5	0.9	0.0	58.9	1.3	0.4
Jackson Street - 1st Street to 4th Street	57.3	57.7	0.4	57.3	57.7	0.4	0.4	57.7	0.4	0.4
Jackson Street - 4th Street to 7th Street	55.9	56.9	1.0	56.6	57.4	1.5	0.8	57.8	1.9	1.2
Jackson Street - 7th Street to 10th Street	54.9	56.0	1.1	54.9	56.0	1.1	1.1	56.0	1.1	1.1
Jackson Street - 10th Street to 11th Street	54.5	55.4	0.9	54.7	55.4	0.9	0.7	55.4	0.9	0.7

Note: Shaded cells indicate roadway segments adjacent to or within the project site.

Source: LSA Associates, Inc., January 2014.

Overall, traffic noise levels for the 2013 Project would be slightly lower than what was identified in the 2008 EIR. However, similar to the previous analysis, the results show that small increases in noise levels would occur with the project in comparison to without project conditions. The largest such increases would occur on 7th Street, which would experience a 3.0 dBA increase compared to conditions without the project under both background and cumulative plus project conditions; and a 3.9 dBA increase compared to existing conditions without the project. Thus, these traffic noise level increases would be barely perceptible by humans in an outdoor environment. Typically, a 5 dBA increase in outdoor noise levels is considered "readily perceptible" and would be considered a substantial increase in the existing noise environment. As the 2013 Project would not result in a substantial increase in traffic noise along any of the modeled roadway segments, no mitigation is required to address off-site traffic related noise.

On-site land uses would be exposed to traffic noise levels of up to 65.8 dBA L_{dn} along Taylor Street under background plus project conditions and up to 66.1 dBA L_{dn} under cumulative plus project conditions. On-site land uses would also be exposed to a combination of railroad and traffic noise levels of up to approximately 62.0 dBA L_{dn} along 7th Street and Jackson Street under both background plus project and cumulative plus project conditions. For ambient noise levels that range from 60.0 dBA L_{dn} to 70.0 dBA L_{dn} the City of San José Noise Element requires an analysis of how building design would reduce interior noise to 45 dBA L_{dn}. Based on the EPA's Protective Noise Levels, with a combination of walls, doors, and windows, standard construction for northern California residential buildings would provide more than 25 dBA in exterior to interior noise reduction with windows closed and 15 dBA or more with windows open. With windows open, the residents within 155 feet of Taylor Street and within 58 feet of 7th Street would not meet the interior noise standard of 45 dBA L_{dn} for residential land uses (i.e., 66.1 dBA – 15 dBA = 51.1 dBA). As a result, an alternative form of ventilation, such as air conditioning systems, would be required in these units to ensure that windows could remain closed for a prolonged period of time. With windows closed, the proposed units would meet the 45 dBA L_{dn} interior noise standard (i.e., 66.1 dBA – 25 dBA = 41.1 dBA) for traffic and railroad noise levels.

The proposed development on the Corporation Yard site includes a public park/plaza. Outdoor activity areas on this site located within 155 feet of the centerline of Taylor Street could be exposed to noise levels exceeding the 60 dBA L_{dn} exterior noise threshold established by the City for parks. It would not be possible to reduce outdoor noise to City standards using standard mitigation measures such as sound walls or berms due to required property access from surrounding streets. However, fully shielding such uses by building placement could reduce noise levels from traffic and railroad noise sources by as much as 15 dBA. This reduction would reduce noise levels to below the 60 dBA L_{dn} standard.

To meet City of San José land use compatibility guidelines and interior noise level standards, the proposed project would be required to implement 2008 EIR Mitigation Measures NOI-3a, NOI-3b, and NOI-3c identified below, to ensure that operational impacts associated with combined railroad and traffic noise are reduced to a less-than-significant level with implementation of the 2013 Project.

Impact NOI-3: The existing ambient noise environment would exceed the City of San José's land use compatibility guidelines. **(Same Impact as Approved Project)**

Mitigation Measures: The following mitigation measures are identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM NOI-3a: All noise sensitive development on ~~both~~ the Corporation Yard ~~and City parking lot~~ site~~s~~ that is ~~are~~ located within 155~~310~~ feet of the centerline of Taylor Street or within 58~~50~~ feet of the centerline of 7th Street shall include an alternate form of ventilation, such as an air conditioning system, in order to ensure that windows can remain closed for a prolonged period of time.

MM NOI-3b: All on-site outdoor activity areas shall be located so that they are completely sheltered by buildings from direct exposure to Taylor Street.

MM NOI-3c: All residential bedroom units with direct exposure to and within 320 feet of the railroad tracks shall include upgraded façade assemblies with an overall minimum sound transmission class rating of STC-36 including windows with a minimum rating of STC-38 in order to reduce nighttime train passby single event noise levels to below 50 dBA L_{max}.

4.12.3 Conclusion

The proposed 2013 Project, with implementation of 2008 EIR Mitigation Measures NOI-1a, NOI-1b, NOI-1c, NOI-1d, NOI-2b, NOI-3a, NOI-3b, and NOI-3c, would not result in any new significant impacts related to noise beyond those identified in the 2008 EIR. In addition, Mitigation Measure NOI-2a, as identified in the 2008 EIR, applies to development of the parking lot site, and is not applicable to the 2013 Project.

4.13 POPULATION AND HOUSING

4.13.1 Setting

The 2008 EIR analyzed the development of a mix of uses, including up to 600 residential units and an additional total of 24 live/work units (in exchange for a reduction in retail floor area) on the Corporation Yard site. The 2013 Project would include development of up to 552 residential units and 48 live/work units, for a maximum total of 600 residential units. The current and future population and housing estimates and assumptions have not substantially changed since certification of the 2008 EIR.

4.13.1.1 Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate housing-related impacts resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

- H-1.9: Facilitate the development of housing to meet San José's fair share of the County's and region's housing needs.
- H-3.1: Require the development of housing that incorporates the highest possible level of amenities, fit and finish, urban design and architectural quality.
- H-3.2: Design high density residential and mixed residential/commercial development, particularly development located in identified Growth Areas, to:
    1. Create and maintain safe and pleasant walking environments to encourage pedestrian activity, particularly to the nearest transit stop and to retail, services, and amenities.
    2. Maximize transit usage.
    3. Allow residents to conduct routine errands close to their residence, especially by walking, biking, or transit.
    4. Integrate with surrounding uses to become a part of the neighborhood rather than being an isolated project.
    5. Use architectural elements or themes from the surrounding neighborhood when appropriate.
    6. Provide residents with access to adequate on- or off-site open space.
    7. Create a building scale that does not overwhelm the neighborhood.
    8. Be usable by people of all ages, abilities, and needs to the greatest extent possible, without the need for adaptation or specialized design.

4.13.2 Environmental Checklist and Discussion of Impacts

Population and Housing						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1,2,3
Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3

The project site is currently vacant and contains no temporary or other shelters onsite. As a result, no residents or housing would be displaced by implementation of the proposed project.

The proposed project would directly generate population growth in San José by creating new residential units. The 2008 EIR assumed that the 600 residential units proposed by the project would generate about 1,908 new residents (based on the City's average household size of 3.18 persons) and that the 24 live/work units would generate an additional 76 new residents, for a total population growth of between 1,908 and 1,984 new residents at the Corporation Yard site. The 2008 EIR assumed that San José's population in 2010 was 1,005,300 and projected the City to reach 1,282,700 people in 2030 and 1,356,600 people in 2035. This increase would have represented less than one percent of the City's 2005 and 2010 population, respectively. The analysis determined that the proposed project would not result in substantial population growth beyond that planned for the City and instead would contribute to the City's regional housing supply.

Based on the same average household size assumed for the 2008 Project, the 2013 Project would generate about 1,908 new residents. The additional housing and associated population increase would represent a very small percentage of the total City population (945,942)[59] and is well within the range of anticipated population growth forecast to occur on this site in the 2008 EIR. In addition, the project site is located within an identified Growth Area as shown in the City's 2040 General Plan Growth Area Diagram[60] and the project would help to meet the demand for additional higher density infill housing in San José, consistent with the 2040 General Plan and Housing Element goals. Therefore, the 2013 Project would not result in substantial population growth beyond that planned for the City.

4.13.3 Conclusion

Similar to the 2008 Project, the 2013 Project would not result in any significant impacts related to population and housing.

[59] Bay Area Census. Website: www.bayareacensus.ca.gov/cities/SanJosé.htm (accessed October 11, 2013).

[60] San José, City of, 2012. *City of San José 2040 General Plan, Growth Area Diagram.* March.

4.14 PUBLIC SERVICES

4.14.1 Setting

The description of existing public services that is provided in the 2008 EIR for police, fire, schools, and libraries remains generally accurate as conditions have not substantially changed. The closest fire station to the project site is Station No. 1, located at 225 North Market Street. Other fire stations in close proximity of the project area include Station No. 5, Station No. 7, and Station No. 8, located at 1380 North 10th Street, 800 Emory Street and 802 East Santa Clara Street, respectively. The San José Police Department provides police protection services to the City. The project site is located within the District Victor, Beat 3.

The project site is within the San José Unified School District (SJUSD), which serves students from grades kindergarten to 12. According to the SJUSD, elementary and middle school residents from the proposed project area would attend Grant Elementary School (Grades K-5), located at 470 East Jackson Street and Peter Burnett Academy (Grades 6-8), located at 850 North 2nd Street. High School residents would attend San José High located at 275 North 24th Street. As indicated in the 2008 EIR, SJUSD uses a student generation rate that assumes apartment/condominium development generates 0.116 elementary school students, 0.057 middle school students, and 0.065 high school students per unit.

4.14.1.1 Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate impacts to public services resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

Police and Fire Protection Services

- CD-5.3: Promote crime prevention through site and building designs that facilitate surveillance of communities by putting "eyes on the street." Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
- 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.
- ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:
    1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
    2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
    3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
    4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.

5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

- ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.
- ES-3.3: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
- ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
- ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
- ES-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
- 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.
- ES-3.13: Maintain emergency traffic preemption controls for traffic signals.
- ES-3.14: Encourage property maintenance and pursue appropriate code enforcement to reduce blight, crime, fire hazards or other unsafe conditions associated with under-maintained and under-utilized properties.
- ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits, and field inspections.
- ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.
- ES-3.18: Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Marshall.
- ES-3.21: Create long-range funding and deployment strategies for expanding and maintaining police and fire facilities and operations to address service delivery demands from new population growth.
- ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Schools

- FS-5.7: Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and

mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.

- ES-1.5: Cooperate with school districts in identifying and evaluating the impacts of population and demographic changes that may lead to the need for new schools, school closures, re-opening of closed schools, or the decision that existing school sites should be preserved for meeting future needs.

4.14.2 Environmental Checklist and Discussion of Impacts

Public Services						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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?	☐	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☐	☒	☐	1,2
Schools?	☐	☐	☐	☒	☐	1,3
Parks	☐	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☐	☒	☐	1,3

4.14.2.1 Fire and Police Protection

The proposed project would create a small increase in demand for police services within the City of San José due to the addition of approximately 1,908 additional residents that would be generated by the proposed project (see Section 4.13.12). The increase in demand for police and fire services at the project site would generally be the same as that assumed for the 2008 Project.

Regarding police services, the City considers the need for additional funding for new officers, vehicles, and other safety and communications equipment for the area to maintain current service delivery goals as part of its annual budgeting process. A new police station would not be needed to serve the project. The increase in demand for these services would not impact the Police Department's ability to maintain established response time goals for service. The proposed project also would enhance public safety in the area by developing residential uses that provide additional "eyes on the street", redeveloping a mostly vacant parcel, and creating defensible space within the site. As such, the proposed project would have a less-than-significant impact on police services.

The increased demand for fire services that would result from the implementation of the proposed project would not be so substantial as to exceed planned staffing levels, facilities, or equipment for the Fire Department. In accordance with standard City practices, the Fire Department would review the design of the proposed project prior to issuance of building permits to ensure incorporation of adequate fire and life safety features.

The 2008 EIR also determined that the project site is within an area of the City already receiving service levels within adopted parameters. Response times to the project site from Station 1 are anticipated to be within the Fire Department's performance objective and the Fire Department does not anticipate that the project would degrade service levels below adopted performance objectives. Because the 2013 Project would provide a similar number of residential units and amount of development on the site, it is anticipated that the proposed project would result in a less-than-significant impact upon fire services in San José.

4.14.2.2 Schools

The addition of up to 600 residential units on the site (552 units and 48 live/work units) would result in an increase of approximately 1,908 new residents within the project site. All students generated by the proposed new housing would attend schools within the San José Unified School District. SJUSD uses a student generation rate that assumes apartment/condominium development generates 0.116 elementary school students, 0.057 middle school students, and 0.065 high school students per unit. Based on these rates, the proposed project would generate up to 69 elementary school students, 34 middle school students, and up to 39 high school students. In total, the proposed project would generate up to142 school-age children. This represents a slight decrease in projected new school-age children from the previous total in the 2008 EIR of up to 149.

As discussed in the 2008 EIR, the addition of school aged children to the project area would increase the operating capacity of both Grant Elementary and Peter Burnett Academy (Middle School) and would have required additional classrooms as a result; however, this was not identified as a significant impact in the 2008 EIR. Since the 2013 Project proposes fewer residential units than the 2008 Project, it is not anticipated that the project would create additional impacts upon schools.

State law (Government Code Section 65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can negotiate directly with the affected school district or make a payment of fees (prior to the issuance of a building permit). The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

The proposed project would increase the number of students attending public schools in the project area, but would mitigate its impact through compliance with state law regarding school mitigation. In accordance with Government Code 65996, the developer would be required to pay the statutory school impact fee to offset the increased demands on school facilities caused by the proposed project. Therefore, this impact would be less than significant.

4.14.2.3 Parks

Refer to Section 4.15, below. The proposed 2013 Project would not result in any new or more significant impacts to parks or recreation services beyond those identified in the certified 2008 EIR.

4.14.2.4 Other Public Facilities

Implementation of the proposed project would increase the use of existing libraries. In November 2000, a bond measure was passed to fund six new branch libraries. Since 2004, fifteen of the existing library branches were renovated. As of October 2013, four new branch libraries, the Seven Trees Community Center and Branch Library, the Bascom Library and Community Center, the Calabazas Branch Library, and the Educational Park Branch Library have been completed. The proposed project would not require additional new library facilities.

4.14.3 Conclusion

The proposed 2013 Project would not result in any new or more significant impacts to public services than those identified in the certified 2008 EIR.

4.15 RECREATION

4.15.1 Setting

Passive and active recreational activities occur at a number of neighborhood parks in the project vicinity including the 5.8-acre Bernal Park located 0.4 miles north of project site on Hedding Street and 7th Street, the 13-acre Backesto Park located 0.6 miles east of the project site at the corner of 13th and Empire Street, Guadalupe River Park & Gardens located 0.8 miles west of the project site along the west side of the Guadalupe Parkway and the banks of the Guadalupe River, and the 3.2-acre Ryland Park located 0.9 miles southwest of the project site.

San José Greenprint, 2009 Update For Parks, Recreation Facilities and Trails- A Strategic Plan to 2020 describes the Central/Downtown planning area, where the project site is located, as parkland deficient and is projected to remain so in the future. The planning area had 204 acres of neighborhood/ community serving parkland as of 2009, including the addition of 26 acres of newly developed parkland since the 2008 EIR was certified.[61] In order to meet the overall level of service objective of 3.5 acres per 1,000 residents, the planning area will need 323 additional acres. But given the population and development density of the area, it is not possible to acquire this amount of land. The *Greenprint* recommends that the most practical strategy for increasing recreation amenities will be the development of privately owned pocket parks, plazas and other small scale recreation facilities. The southern portion of the project site is designated "Future/Potential Park Site" in the Greenprint.

According to the *Greenprint*, there are no areas within the Central/Downtown planning area that are underserved by community centers.

In addition, the proposed project would be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

4.15.1.1 Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate recreation impacts resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

- 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 recreation needs.
- CD-3.8: Provide direct access from developments to adjacent parks or open spaces, and encourage residential development to provide common open space contiguous to such areas.
- CD-4.10: When development is proposed adjacent to existing or planned parks or along park chains, include frontage roads along the public park in that development in order to maximize access to park lands, to provide separation between urban land uses and park

[61] San José, City of, 2009. *Greenprint, 2009 Update For Parks, Recreation Facilities and Trails- A Strategic Plan to 2020.* Website: www.sanjoseca.gov/DocumentCenter/Home/View/32 (accessed October 17, 2013).

lands without the use of "back-up" design, and to maximize public exposure and view of park lands for scenic and security purposes.

- 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.
- 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.
- PR-1.3: Provide 500 square feet per 1,000 population of community center space.
- PR-1.8: Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.
- PR-2.6: Locate all new residential developments over 200 units in size within ⅓ 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

Recreation						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐	1,2,3
Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1,2,3

Similar to the 2008 Project, the 2013 Project would add up to 600 new residential units to the site, directly increasing the demand for recreation space and activities by its 1,908 new residents.

The proposed project would construct private open space and recreational amenities for building residents that would not result in an adverse physical impact on the environment. Private open space would be developed in the residential courtyards and may include amenities such as swimming pools, decks and lawn areas. Residential balconies would also be provided. Similar to the 2008 Project, development of the 2013 Project would also include a public park/plaza to provide a gathering space and enhance street level dining and pedestrian activity. At least 0.75 acres of usable public open space would be developed on the site. In addition, publicly accessible but privately owned and maintained open space would be provided on the site, in particular sidewalks/walkways along the private street connecting 6th and 7th Street and the pedestrian walkway linking the park to Jackson Street.

In accordance with the Parkland Dedication Ordinance and the Parkland Impact Ordinance, as delineated in the San José Municipal Code, the applicant will be required to dedicate parkland, pay a parkland fee in lieu of dedication, or both, for neighborhood, community park, or recreational purposes. According to the Municipal Code, the addition of 600 new housing units to the project site would require the applicant to dedicate 5.72 acres of parkland. Live/work units would be subject to parkland dedication and in lieu fee requirements because the Municipal Code counts them as residential units. The City would review the final design of the proposed public plaza at the Planned Development Permit stage to determine whether it would qualify as a neighborhood park, and count towards the project's dedication or in lieu fee requirements.

As noted above, *San José Greenprint, 2009 Update For Parks, Recreation Facilities and Trails- A Strategic Plan to 2020* describes the Central/Downtown planning area, where the project site is located, as deficient in parkland but sufficient in community centers. As such, the population increase in the area as a result of the project would further the planning area's deficiency in parkland. The City will continue to fail to meet the General Plan's stated goal to provide 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum of 1.5 acres must be City owned neighborhood or community park lands and up to 2 acres can be provided by school playgrounds, and all should be located within reasonable walking distance). According to *Greenprint,* the City's 2009 service levels included: 1) 3.00 acres of City Parkland and Recreation School grounds combined per 1,000 population; 2) 1.9 acres of Citywide/Regional park lands per 1,000 population; and 601 square feet of community center floor area per 1,000 population.

The Central/Downtown planning area included 225.4 acres of neighborhood and community parklands in 2009 with a service level shortfall of 299.6 acres.

In light of *Greenprint's* findings, it is advisable that parkland be developed on or in close proximity to the project site, in order to improve the area's poor parkland-to-population ratio. However, compliance with the City's PDO and PIO would ensure that the proposed project would not result in a significant impact to the City's neighborhood and community parkland ratios.

Therefore, the increase in demand for recreational facilities and activities would not result in a significant adverse impact, and such use is not expected to be substantial enough to cause existing and future facilities to deteriorate.

4.15.3 Conclusion

The proposed 2013 Project would not result in any new or more significant impacts to parks or recreation services beyond those identified in the certified 2008 EIR.

4.16 TRANSPORTATION

Hexagon Transportation Consultants, Inc. prepared a traffic impact analysis (TIA) for the 2013 Project to determine whether changes to the project would result in new or more significant impacts than those identified in the 2008 EIR.[62] The complete report is included in Appendix B. In addition, a Parking Study was prepared to determine the availability of public parking within the vicinity of the project site. [63] This report is included in Appendix C. The results of both studies are summarized in this section.

4.16.1 Setting

4.16.1.1 Scope of Study

The potential impacts of the 2013 Project were evaluated following the standards and methodologies set forth by the City of San José. An analysis according to the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) guidelines also was prepared, as the project would generate more than 100 peak hour gross vehicle trips. The study determined the potential traffic impacts of the 2013 Project on 22 signalized intersections, 1 unsignalized intersection, and 15 freeway segments in the vicinity of the project site (listed below) during the weekday AM and PM peak periods of traffic. The study area intersections and freeway segments were selected in order to reflect the area of potential impact and to be consistent with the previous 2008 TIA prepared for the site.

Study Intersections

1. SR 87 and Taylor Street (CMP)
2. San Pedro Street and Taylor Street
3. North 1st Street and I-880 Southbound Ramps (CMP)
4. North 1st Street and I-880 Northbound Ramps (CMP)
5. North 1st Street and Hedding Street
6. North 1st Street and Taylor Street (Protected)
7. North 1st Street and Jackson Street
8. North 4th Street and Hedding Street (Protected)
9. North 4th Street and Taylor Street
10. North 4th Street and Jackson Street (Protected)
11. North 7th Street and Hedding Street
12. North 7th Street and Taylor Street
13. North 10th Street and Hedding Street (Protected)
14. North 10th Street and Taylor Street (Protected)
15. North 10th Street and Jackson Street
16. North 11th Street and Hedding Street
17. North 11th Street and Taylor Street (Protected)
18. North 11th Street and Jackson Street
19. Old Oakland Road and US 101 Northbound Ramps (CMP)
20. Old Oakland Road and US 101 Southbound Ramps (CMP)

[62] Hexagon Transportation Consultants, Inc., 2014. *Japantown Corporation Yard Draft Transportation Impact Analysis*. January 10.

[63] Hexagon Transportation Consultants, Inc., 2014. *Parking Study for the Japantown Corporation Yard Redevelopment Project*. February 7.

21. North 13th Street and Hedding Street
22. North 13th Street and Taylor Street
23. North 6th Street and Taylor Street (unsignalized)

Study Freeway Segments

1. SR 87, from I-280 to Julian Street
2. SR 87, from Julian Street to Coleman Avenue
3. SR 87, from Coleman Avenue to Taylor Street
4. SR 87, from Taylor Street to Skyport Drive
5. SR 87, from Skyport Drive to US 101
6. US 101, from Santa Clara Street to McKee Road
7. US 101, from McKee Road to Oakland Road
8. US 101, from Oakland Road to I-880
9. US 101, from I-880 to Old Bayshore Highway
10. US 101, from Old Bayshore Highway to North 1st Street
11. US 101, from North 1st Street to SR 87
12. I-880, from Coleman Avenue to SR 87
13. I-880, from SR 87 to North 1st Street
14. I-880, from North 1st Street to US 101
15. I-880, from US 101 to Brokaw Road

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 a.m., and the PM peak hour of traffic is typically between 4:00 and 6:00 p.m. It is during these periods on an average weekday that the most congested traffic conditions occur.

Traffic conditions were evaluated for the following scenarios:

- *Existing Conditions.* Existing traffic volumes were obtained from the City of San José, the 2012 CMP count database, and new 2013 manual turning-movement counts. The new counts have been reviewed and approved by the City of San José Department of Transportation (DOT).
- *Existing Plus Project Conditions.* Existing plus project peak hour traffic volumes were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing plus project conditions were evaluated relative to existing conditions in order to determine the effects the project would have on existing traffic conditions.
- *Background Conditions.* Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments. The added traffic from approved but not yet completed developments was provided by the City of San José in the form of the Approved Trips Inventory (ATI).
- *Background Plus Project Conditions.* Projected near-term peak hour traffic volumes with the project were estimated by adding to background traffic volumes the additional traffic generated by the project. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts according to the City of San José Level of Service Policy.

- *Cumulative Conditions.* Cumulative traffic conditions were calculated by adding the traffic generated by pending developments to background plus project conditions. The traffic generated by pending developments was provided by the City of San José.

In addition, available parking on streets within a one-quarter mile radius of the project site was counted throughout the day and evening for one typical weekday and one typical Saturday. The following roadway segments were surveyed:

1. Mission Street, between 4th Street and 8th Street
2. Taylor Street, between 3rd Street and 10th Street
3. Jackson Street, between 3rd Street and 10th Street
4. Empire Street, between 4th Street and 9th Street
5. Third Street, between Taylor Street and Jackson Street
6. 4th Street, between Mission Street and Empire Street
7. 5th Street, between Mission Street and Empire Street
8. 6th Street, between Mission Street and Taylor Street
9. 7th Street, between Mission Street and Empire Street
10. 9th Street, between Mission Street and Empire Street
11. 10th Street, between Taylor Street and Jackson Street

Parking counts were conducted between the hours of 6:00 a.m. and 10:00 p.m., once every hour, on the north/south streets and east/west streets. The total number of spaces counted includes free parking, restricted parking, short-term parking, metered parking and potential parking in loading zones.

4.16.1.2 Protected Intersection Policy

Six of the intersections that are analyzed in the TIA are identified as Protected Intersections in the City's Transportation Level of Service (LOS) Policy, Council Policy 5-3. Protected Intersections consist of locations (there are a total of 25) that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect on other transportation facilities (such as pedestrian, bicycle, transit systems, etc.). Protected Intersections are, therefore, not required to maintain a Level of Service D, which is the City of San José standard. The deficiencies at all 25 Protected Intersections in the City of San José have been disclosed and overridden in previous EIRs.

If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved if offsetting Transportation System Improvements are provided. The offsetting improvements are intended to provide other transportation benefits for the community adjacent to the traffic impact. The improvements may include enhancements to pedestrian, bicycle, and transit facilities, as well as neighborhood traffic calming measures and other roadway improvements.

The City will identify the specific offsetting improvements, which should be agreed upon by the community. Priority is given to improvements identified in previously adopted plans such as area-wide specific or master plans, redevelopment plans, or plans prepared through the Strong Neighborhoods Initiative. Community outreach should occur in conjunction with the project review and approval process. Once the specific improvements have been identified, the developer must submit improvement plans to the City of San José Department of Public Works for review and approval. The specific offsetting improvements proposed can be finalized during the subsequent planning permit stages and can be described in the Final EIR.

The LOS Policy has established a fee equal to $2,000 per net peak hour project trip for one intersection impact and $3,000 per net peak hour project trip for multiple intersection impacts, plus a 3.5 percent annual cost escalation adjustment, to fund alternative transportation improvements. For the purpose of determining the Protected Intersection LOS impact fee, net peak hour project trips are defined as the total number of peak hour trips generated by the project during the highest peak hour period after all appropriate trip credits have been applied. The value of the improvements should be equal to the established fees.

4.16.1.3 US 101/Oakland/Mabury Transportation Development Policy (TDP)

The City of San José has identified operational problems along the Oakland Road corridor at the US 101 interchange, which are due primarily to the capacity constraints of the interchange. The interchange's current configuration is inadequate to serve the vehicular demand due to it serving as the main gateway into the Oakland Road area and as the only route across US 101. As a result, the City has identified two key capital improvement projects: 1) modification of the US 101/Oakland Road interchange, including improvements to the Oakland Road/Commercial Street intersection, and 2) construction of a new US 101/Mabury Road interchange. Both interchange projects will create additional capacity for accessing and crossing US 101, which will be crucial to accommodate future growth in the vicinity, including the future BART station at the San José Flea Market site. To fund these necessary interchange improvements, the City has developed the US 101/Oakland/Mabury Transportation Development Policy (TDP).

The purpose of the US 101/Oakland/Mabury TDP is to provide additional needed freeway access capacity at the US 101/Oakland Road interchange in order to accommodate new mixed-use, commercial and residential development, and to provide incentives for new industrial development in the areas of San José generally surrounding the interchange that otherwise would not be possible due to existing capacity constraints. The result of the City Council's approval of the US 101/Oakland/ Mabury TDP is a change to the normal sequence of events, allowing one or more projects to develop and generate traffic congestion in excess of the City's Level of Service Policy standard for a temporary period of time prior to construction of the required transportation improvements.

As part of the new Policy, a fee to fund the planned interchange improvements has been adopted. The fee is based on PM peak hour vehicle trips generated by a project. Any project that would add traffic to the US 101/Oakland Road interchange is required to participate in the TDP program. The new TDP includes a fee schedule requiring all new developments to pay a "fair share" contribution for using a portion of the interchange capacity that would be created with buildout of the US 101/Oakland Road interchange and construction of a new US 101/Mabury Road interchange. Unlike most Area Development Policies that base their fees on the number of residential units or square footages built, the fee for the US 101/Oakland/ Mabury TDP is based on the number of PM peak hour vehicular trips that would be added to the US 101/Oakland Road interchange. The TDP traffic impact fee is $32,595.15 per each new PM peak hour vehicle trip that would be added to the US 101/Oakland Road interchange. Projects are required to pay the traffic impact fee prior to Public Works clearance.

4.16.1.4 Envision San José 2040 General Plan

Various policies in the Envision 2040 General Plan have been adopted that avoid or mitigate transportation and traffic impacts resulting from planned development within the City. Policies from the General Plan that are relevant to the proposed project and would reduce transportation impacts include:

Street Network

- CD-2.2: Consider the street type (e.g., expressway, arterial, Main Street) in the development review process to ensure that the design of the site, buildings, and public way respond to the transportation mode priorities (i.e., pedestrian, bicycle, or vehicular traffic) for the area. (Refer to the Transportation section of this Plan for street types and mode priorities for each type.)
- TR-5.5: Require that new development, which includes new public or private streets, connect these streets with the existing public street network and prohibit the gating of private streets with the intention of restricting public access. Furthermore, where possible, require that the street network within a given project consists of integrated short blocks to facilitate bicycle and pedestrian travel and access.

Parking and Loading

- CD-2.11: Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the applicable Land Use / Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks above parking structures.
- TR-6.7: As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation.
- 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.
- TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.
- TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Pedestrian, Bicycle, and Public Transit Facilities

- CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
- 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.

- 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.
- CD-3.7: Encourage development to maximize pedestrian, bicycle, and vehicular connections to adjacent existing and planned neighborhoods and community facilities. Use cul-de-sacs only when no current or future options exist to connect one area to another, or if such design would help preclude development from extending to areas where it is not planned.
- CD-3.9: Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.
- CD-6.8: Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.
- 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).
- TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- 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 transportation impacts of new developments or infrastructure projects.
- TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- 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.
- TR-2.12: Consider alternative public right of way materials for roadway, sidewalks, park strips, crosswalks, and trails etc., to enhance the pedestrian and bicyclist experience as well as provide other benefits such as stormwater management and hydromodification control.
- 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.

Level of Service

- 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 proposals for their impacts on the level of service and require appropriate 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.
    - *Downtown*. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown is 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.

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

4.16.1.5 Site Circulation, Access, and Parking

Access to the project site has not substantially changed since completion of the 2008 EIR. Regional access to the project site is provided by SR 87, US 101 and I-880. Local access to the project site is provided via Hedding Street, Taylor Street, Jackson Street, Julian Street, St. James Street, North 1st Street, North 4th Street, North 6th Street, North 7th Street, North 10th Street, North 11th Street, and North 13th Street/Oakland Road. Since completion of demolition, remediation and archaeological excavation activities on the site, the site has been used as a 61-space public parking lot.

After completion of the project, circulation and access through the project site would be similar to the 2008 Project; however, access to the structured parking areas would be provided from two driveways on North 7th Street (access would not be provided on North 6th Street). The 2013 Project would also continue to include an east-west internal roadway through a portion of the site connecting North 7th Street and North 6th Street. This internal street would provide vehicular and pedestrian access to the internal portion of the site and would provide surface level parking on both sides. Building storefronts and the public park/plaza would front the internal roadway.

The 2013 Project would include up to 784 parking spaces. The majority of the parking spaces would be located within the podium structure. It is anticipated that one level of subsurface parking would be

provided; however, for the purposes of the analysis in this document, two levels of subsurface parking is assumed. Parking would be provided at a minimum ratio of 1.5 to 2 spaces per residential unit, and 1 per 625 net square feet of retail as part of the proposed project. The range of number of parking spaces per use is as follows:

- Residential: 534 to 644 parking spaces
- Retail: 40 parking spaces
- Community Amenity: 0 to 100 parking spaces

No changes to on-street parking are proposed. The proposed project would include the rebuilding of curbs and sidewalks (including curb extensions) and restripe the parking per the City's direction and would comply with City standards during the rezoning and development permit stage.

4.16.1.6 Existing Transit, Bicycle and Pedestrian Facilities

Pedestrian facilities consist mostly of sidewalks along the streets in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at all of the signalized intersections in the study area. Although the network of sidewalks in the study area is extensive, sidewalks do not exist on the east side of North 7th Street between Taylor Street and Jackson Street. Overall, the existing network of sidewalks has good connectivity and provides pedestrians with safe routes to the surrounding land uses and transit services in the area.

Class II bicycle facilities (striped bike lanes) exist in the vicinity of the project site. Bike lanes are provided along Hedding Street, Taylor Street west of North 1st Street, Empire Street, North 3rd and 4th Streets south of Jackson Street, North 7th Street north of Hedding Street and south of Empire Street, and along North 10th and North 11th Streets. North 7th Street between Hedding Street and Empire Street is an identified bike route. The project site is located within approximately one-half mile of both the Japantown/Ayer LRT station and the Civic Center LRT station, and bicycles are permitted on LRT trains. In addition, a Bay Area Bike Share facility is located less than two blocks to the west of the project site, on Jackson Street.

Taylor Street provides a direct connection to the Guadalupe River trail system, approximately ¾ of a mile west of the project site at Guadalupe Gardens. The Guadalupe River trail system is an 11-mile paved trail that runs through the City of San José along the Guadalupe River and is shared with pedestrians and separated from motor vehicle traffic. The Guadalupe River trail is a continuous Class I bikeway from Curtner Avenue in the south to Alviso in the north.

Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority (VTA). Local Routes 12, 61 and 62 run along Taylor Street adjacent to the project site and stop at North 7th Street. The 12 line provides limited weekend service only between the Eastridge Transit Center and the San José Civic Center, with 30-minute headways all day. The VTA currently operates the 42.2-mile 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, as well as Campbell. The service operates nearly 24-hours a day with 15-minute headways during the peak commute periods of the day.

4.16.1.7 Background Conditions

The results of the level of service analysis show that, measured against the City of San José level of service policy, all but one of the study intersections currently operate at an acceptable level of service

(LOS D or better) during both the AM and PM peak hours of traffic. The CMP intersection of Old Oakland Road/US 101 Northbound Ramps currently operates at LOS E during the AM peak hour of traffic. The results of the level of service analysis show that, measured against the CMP standards, all of the study CMP intersections currently operate at an acceptable level of service (LOS E or better) during the AM and PM peak hours of traffic.

Traffic volumes for the study freeway segments were obtained from the 2012 CMP Annual Monitoring Report, which contains the most recent data collected for freeway segments located in Santa Clara County. The results of the analysis are summarized in the TIA (see Appendix B). The results show that the several freeway segments currently operate at an unacceptable LOS F during at least one of the peak hours of traffic.

In addition, AM and PM field observations revealed that overall the study intersections operate well, and the level of service calculations accurately reflect existing conditions. However, field observations revealed that some minor operational problems currently occur that may not be reflected in the intersection level of service calculations, as discussed in more detail in the TIA.

It should be noted that background roadway network assumptions are different between the 2008 TIA and the 2013 TIA. The 2008 study assumed the originally planned conversion of North 10th and 11th Streets between Julian and Hedding Streets from one-way streets to two-way streets. However, this couplet conversion never occurred. Instead, the City reduced the number of travel lanes on both one-way streets from three lanes to two lanes and added buffered bike lanes. Although one travel lane has been removed from each street, the intersection levels of service are acceptable. The couplet conversion is no longer being considered by the City of San José.

4.16.1.8 Cumulative Conditions

The roadway network under cumulative conditions was assumed to be the same as the existing network. For the purpose of this traffic impact analysis, the cumulative traffic scenario considered peak hour trips attributable to the following reasonably foreseeable projects: Downtown Strategy Plan 2000 (Phase 2), Vision North San José (Phase 2), and Diridon Station Area Plan.

The results of the level of service analysis under cumulative conditions show that, measured against the City of San José level of service policy, all but three of the study intersections would operate at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic. The City of San José Protected intersection of North 1st Street/Taylor Street would operate at LOS F during the PM peak hour, the intersection of Old Oakland Road/US 101 Northbound Ramps would operate at LOS F during both the AM and PM peak hours, and the intersection of Old Oakland Road/US 101 Southbound Ramps would operate at LOS F during the PM peak hour under cumulative conditions.

The results of the level of service analysis under cumulative conditions show that, measured against the CMP standards, all but two of the study CMP intersections would operate at an acceptable level of service (LOS E or better) during the AM and PM peak hours of traffic. The CMP intersection of Old Oakland Road/US 101 Northbound Ramps would operate at LOS F during both the AM and PM peak hours, and the CMP intersection of Old Oakland Road/US 101 Southbound Ramps would operate at LOS F during the PM peak hour under cumulative conditions.

4.16.2 Environmental Checklist and Discussion of Impacts

Transportation/Traffic						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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?	☐	☐	☐	☒	☐	16, 17
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?	☐	☐	☐	☒	☐	16
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?	☐	☐	☐	☒	☐	16
Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	16
Result in inadequate emergency access?	☐	☐	☐	☒	☐	16
Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	16

4.16.2.1 Trip Generation

Trip generation resulting from new development proposed within the City of San José is typically estimated using the rates contained in the San José Traffic Impact Analysis Handbook, August 2009. The City's rates were applied to the residential and retail components of the project. The trip generation rates published in the Institute of Transportation Engineers' (ITE) manual entitled Trip Generation, 9th Edition (2012) for Recreational Community Center (Land Use 495) were used for the community amenity space component of the project, since the City of San José has not derived trip rates for this land use type. Table 5 provides project trip generation estimates.

After applying the appropriate trip generation rates and trip reductions, the proposed mixed-use project would generate 6,002 new daily vehicle trips, with 513 new trips occurring during the AM peak hour and 566 new trips occurring during the PM peak hour. Using the inbound/outbound splits recommended by the City of San José and ITE, the project would produce 221 inbound and 292

outbound trips during the AM peak hour, and 342 inbound and 224 outbound trips during the PM peak hour. Thus, the 2013 Project would generate approximately 1,298 more trips, including 116 AM and 94 PM peak hour trips, than the 2008 Project.[64]

Table 5: Project Trip Generation Estimates

Land Use	Size	Daily Rate [a]	Daily Trips	AM Peak Hour				PM Peak Hour			
				Peak Hour Rate [a]	In	Out	Total	Peak Hour Rate [a]	In	Out	Total
Condominiums [b]	600 units	7.50	4,500	0.75	158	292	450	0.75	292	158	450
Community Amenity Space [c]	60,000 sf	33.82	2,029	2.05	81	42	123	2.74	80	84	164
Retail [d]	25,000 sf	40.00	1,000	1.20	21	9	30	3.60	45	45	90
Gross Project Trips			*7,529*		*260*	*343*	*603*		*417*	*287*	*704*
Trip Reductions											
Residential Transit Reduction [e]			(405)		(14)	(26)	(40)		(26)	(14)	(40)
Residential/Retail Mixed-Use Internalization [f]			(300)		(4)	(4)	(8)		(14)	(14)	(28)
Residential/Community Center Mixed-Use Internalization [g]			(609)		(18)	(18)	(36)		(25)	(25)	(50)
Retail Pass-by Reduction [h]			(213)		(3)	(3)	(6)		(10)	(10)	(20)
Net Project Trips			**6,002**		**221**	**292**	**513**		**342**	**224**	**566**

[a] Rate per unit for residential use; per 1,000 sf for retail and community center uses.
[b] Based on Condominium rates contained in the *San José TIA Handbook,* August 2009.
[c] Based on ITE *Trip Generation, 9th Edition* (2012). Average rates for Land Use 495 (Recreational Community Center) were used.
[d] Based on "Specialty Retail/Strip Commercial" rates contained in the *San José TIA Handbook,* August 2009.
[e] A 9 percent transit reduction was applied to the residential component of the project since the project site would be located within approximately 2,000 feet of a major transit facility (*Santa Clara VTA TIA Guidelines,* March 2009).
[f] A 15 percent residential/retail mixed-use trip reduction was applied to the project per the *Santa Clara VTA TIA Guidelines,* March 2009. The 15 percent trip reduction was first applied to the smaller trip generator (retail). The same number of trips was then subtracted from the larger trip generator (residential) to account for both trip ends.
[g] A 15 percent residential/community center mixed-use trip reduction was applied to the project to account for internalization of trips between the residential and community amenity space components of the project.
[h] A pass-by trip reduction of 25 percent was applied to the retail component of the project. The reduction was applied to the net retail project trips after applying the residential/retail mixed-use reduction.

sf = square feet
Source: Hexagon Transportation Consultants, Inc., 2014. *Transportation Impact Analysis.* January 10.

4.16.2.2 Intersection and Freeway Level of Service Impacts

Level of service impacts for the 2013 Project are described in detail below, per City of San José and CMP standards. The 2008 EIR included an analysis of long-range traffic conditions because the 2008 Project required a General Plan Amendment. A proximity analysis and screenline analysis were conducted for congested roadways within the vicinity of the site and significant and unavoidable impacts were identified (Impacts TRANS-2 and TRANS-3); however, these impacts and associated mitigation measures do not apply to the 2013 Project because no General Plan Amendment is proposed.

[64] As shown in Table V.C-6 in the 2008 EIR, the 2008 Project would have generated 4,704 net daily trips, with 397 AM and 472 PM peak hour trips (not including the 306 daily trips that would have been generated by the senior housing component). Trip generation calculations for the 2008 Project also included a 475 daily trip reduction for existing uses on the Corporation Yard site; which were not applied to the 2013 trip generation, as these uses are no longer active on the site.

The TIA also evaluated intersection and freeway operations, including vehicle queuing and storage at selected intersections and freeway ramps, as well as operations at the unsignalized North 6th Street and Taylor Street intersection and determined that no impacts related to these operations would result from the proposed project. Refer to Appendix B for additional detail.

4.16.2.2.1 Background Conditions Analysis

City of San José Level of Service. The 2008 EIR analyzed the 23 intersections and 15 freeway segments listed in section 4.16.1.1 and identified level of service impacts (when measured against the City's impact criteria) at three of the six protected study intersections: North 1st Street and Taylor Street (PM peak hour), North 10th Street and Hedding Street (AM peak hour), and 10th Street and Taylor Street (PM peak hour). No feasible mitigation measures were identified to reduce this impact to a less than significant level and therefore this impact was identified as significant and unavoidable in the 2008 EIR.

For the 2013 Project, when measured against the City of San José significant impact criteria, the protected North 1st Street and Taylor Street (PM peak hour) intersection would be significantly affected. The level of service at this intersection would be an unacceptable LOS F during the PM peak hour under background conditions, and the added trips as a result of the project would cause the volume-to-capacity (V/C) ratio to increase by 0.058. Based on the City of San José level of service impact criteria for protected intersections, this constitutes a significant project impact.

The intersections of North 10th Street/Hedding Street and 10th Street/Taylor Street would not be significantly affected by the project because the background roadway network assumptions are different between the two studies. As noted above, the 2008 study assumed the originally planned conversion of North 10th and 11th Streets between Julian and Hedding Streets from one-way streets to two-way streets. However, this couplet conversion never occurred. Instead, the City reduced the number of travel lanes on both one-way streets from three lanes to two lanes and added buffered bike lanes. Although one travel lane has been removed from each street, the intersection levels of service are acceptable. The couplet conversion is no longer being considered by the City of San José.

Similar to the 2008 Project, the 2013 Project's level of service impact at the North 1st Street and Taylor Street intersection would be significant and unavoidable, as no feasible mitigation measures are available to reduce this impact to a less-than-significant level.

Impact TRANS-1: When measured against the City of San José level of service impact criteria, ~~three~~ one protected study intersections ~~out of the five~~ would be significantly impacted by the project: North 1st Street and Taylor Street (PM peak hour)~~, North 10th Street and Hedding Street (AM peak hour) and 10th Street and Taylor Street (PM peak hour).~~ during both background and cumulative plus project conditions. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure was identified as part of the certified 2008 EIR. Similar to the conclusion in the 2008 EIR, this impact would be significant and unavoidable with implementation of the 2013 Project.

MM TRANS-1: Feasible mitigation measures are not available to reduce this impact to a less than significant level.

Protected Intersection Policy. Since the project significantly impacts one Protected Intersection, the project would be required to pay the estimated fee of $2,000 times 566 net PM peak hour trips, plus a 3.5 percent annual cost escalation adjustment. The peak hour trips generated by each use proposed for the site were evaluated to determine the contribution of each use to the significant impact at the Protected intersection of North 1st Street/Taylor Street. Based on the number of net PM peak hour vehicle trips that each proposed use would add to the impacted Protected intersection, it is estimated that 89 percent of the trips would be attributable to the 600 residential units, 3 percent would be attributable to the 25,000 square feet of retail space, and 8 percent would be attributable to the 60,000 square feet of community amenity space.

US 101/Oakland/Mabury Transportation Development Policy (TDP). Since the proposed project would send some PM peak hour vehicle trips through the US 101/Oakland Road interchange, the project would be required to pay a fair share contribution toward the planned interchange improvements. The TDP traffic impact fee is $32,595.15 per each new PM peak hour vehicle trip that would be added to the US 101/Oakland Road interchange. The project would add 20 trips to the interchange during the PM peak hour of traffic.

Freeway Segment Level of Service. Traffic volumes on the study freeway segments with the project were estimated by adding project trips to the freeway segment volumes obtained from the 2012 CMP Annual Monitoring Report. Similar to the conclusions of the 2008 EIR, the results of the freeway segment analysis show that the project would not cause significant increases in traffic volumes (one percent or more of freeway capacity) on any of the study freeway segments currently operating at LOS F, and none of the study freeway segments currently operating at LOS E or better would worsen to LOS F as a result of the project. Therefore, based on CMP freeway impact criteria, none of the study freeway segments would be significantly impacted by the project.

4.16.2.2.2 Cumulative Conditions Analysis

City of San José Level of Service. The 2008 EIR identified a significant unavoidable cumulative impact associated with total VMT and VHT exceeding the significance criteria for all roadways in Santa Clara County during both the AM and PM traffic periods, resulting in a significant increase in peak direction traffic volumes across all three special subarea cordon lines and significant increases in V/C across regional screenline links (Impact TRANS-4). However, this impact was associated with the proposed General Plan Amendment, which is not part of the 2013 Project.

The results of the level of service analysis conducted for the 2013 TIA under cumulative conditions show that, measured against the City of San José level of service policy, all but three of the study intersections would operate at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic. The City of San José Protected intersection of North 1st Street/Taylor Street would operate at LOS F during the PM peak hour, the intersection of Old Oakland Road/US 101 Northbound Ramps would operate at LOS F during both the AM and PM peak hours, and the intersection of Old Oakland Road/US 101 Southbound Ramps would operate at LOS F during the PM peak hour under cumulative conditions.

The project would contribute a considerable amount of traffic (more than 25 percent) to the North 1st Street/Taylor Street intersection, and this would be a significant project impact. The project would be required to pay the Protected Intersection fee for this impact; however, this impact cannot be mitigated to a less-than-significant level and this impact would be significant and unavoidable (see Impact and Mitigation Measure TRANS-1, above).

The proportion of project-generated traffic would equate to less than 5 percent of the increase in total volume from background traffic conditions to cumulative traffic conditions for the Old Oakland Road/US 101 intersections. Therefore, the project's contribution to the cumulative impacts at the Old Oakland Road/US 101 intersections would not be considerable. Nevertheless, the project would be required to pay the US 101/Oakland/Mabury TDP traffic impact fee, which will fund interchange improvements.

Freeway Segment Level of Service. The results of the level of service analysis under cumulative conditions show that, measured against the CMP standards, all but two of the study CMP intersections would operate at an acceptable level of service (LOS E or better) during the AM and PM peak hours of traffic. The CMP intersection of Old Oakland Road/US 101 Northbound Ramps would operate at LOS F during both the AM and PM peak hours, and the CMP intersection of Old Oakland Road/US 101 Southbound Ramps would operate at LOS F during the PM peak hour under cumulative conditions. However, as discussed above, the proportion of project-generated traffic would equate to less than 5 percent of the increase in total volume from background traffic conditions to cumulative traffic conditions. Therefore, the project's contribution to the cumulative impacts at the Old Oakland Road/US 101 intersections would not be considerable. Nevertheless, the project would be required to pay the US 101/Oakland/Mabury TDP traffic impact fee, which will fund interchange improvements.

4.16.2.3 Air Traffic Patterns

Refer to Section 4.8.1.2, Airport Safety Hazards, regarding potential Federal Aviation Administration (FAA) airspace safety review of proposed development on the project site. Similar to the 2008 Project, this impact would be less than significant.

4.16.2.4 Hazardous Design Features and Emergency Access

The majority of project-generated traffic would use North 7th Street to access the site, since vehicular access to the residential parking garage would be provided by two driveways on North 7th Street. Currently, there is very little traffic on North 7th Street; the existing peak hour traffic volume on North 7th Street between Taylor and Jackson Streets is approximately 250 vehicles during both the AM and PM peak hours of traffic. Thus, both driveways are expected to operate well with very little delay and no queuing issues. Based on the residential trip generation estimates for the project, 133 inbound trips and 255 outbound trips would occur at the North 7th Street driveways during the AM peak hour, and 246 inbound trips and 124 outbound trips would occur at these driveways during the PM peak hour.

Parking for the retail and community center components of the project would be provided along North 6th and 7th Streets, as well as an east-west internal street that would connect North 6th and 7th Streets. The internal street would provide vehicular and pedestrian access to the internal portion of the site and would provide surface level parking on both sides.

Pedestrian access to the residential uses would be provided via Taylor Street, North 6th Street, and Jackson Street. Sidewalk would encircle the entire site. A pedestrian walkway would bisect the site midway between Taylor Street and the east-west internal street. This walkway and the internal street would provide pedestrian access to the retail and community center components of the project.

Both project driveways on North 7th Street should be free and clear of obstructions in order to provide good sight distance. Standard no parking zones should be established adjacent to the project driveways so that exiting vehicles can see pedestrians on the sidewalk, as well as vehicles traveling on

North 7th Street. Appropriate visible and/or audible warning signals should be provided at the parking garage entrances to alert pedestrians and bicyclists of vehicles exiting the North 7th Street driveways.

Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection, and provides drivers with the ability to exit a driveway or locate sufficient gaps in traffic. Sight distance generally should be provided in accordance with Caltrans standards. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For driveways on North 7th Street, which has a posted speed limit of 25 mph, the Caltrans stopping sight distance is 200 feet (based on a design speed of 30 mph). Thus, a driver must be able to see 200 feet down North 7th Street in order to stop and avoid a collision. Adequate sight distance would be required at both project driveways.

The City Public Works Department will review the final site plan to ensure that the project does not include any hazardous design features and that adequate access and site distance is provided. The City will review the final design plans prior to issuance of a Planned Development Permit. Given the above, the proposed project would not result in any hazardous design features which could result in inadequate or unsafe access. Refer to Section 4.8.2.6 for a discussion of impacts to emergency access.

4.16.2.5 Alternative Transportation

It is assumed that some residents would utilize the transit services in the area. Applying a 9 percent transit mode share, which is appropriate considering the proximity of the site to the Japantown/Ayer and Civic Center LRT stations, equates to approximately 40 new transit riders during both the AM and PM peak hours. Assuming the existing weekday peak hour transit service/headways would remain unchanged with five local bus lines and LRT providing service within walking distance of the project site, the number of new transit riders during the weekday peak commute periods would equate to less than 2 riders per bus/LRT train. These new riders could be accommodated by the current available ridership capacity of the existing bus and LRT service in the study area.

Pedestrian facilities consist mostly of sidewalks along the streets in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads are located at all of the signalized intersections in the study area. Although a sidewalk currently does not exist on the east side of North 7th Street between Taylor Street and Jackson Street, a project that currently is under construction has been conditioned to add sidewalk to this segment of North 7th Street. Overall, the network of sidewalks and crosswalks would provide good connectivity and provide pedestrians with safe routes between the project site and the surrounding land uses and transit services in the area. However, it should be noted that there are no crosswalks at the unsignalized intersections of North 6th Street/Taylor Street and North 7th Street/Jackson Street.

Several Class II bicycle facilities (striped bike lanes) exist in the immediate vicinity of the project site. The project site is located within approximately one-half mile of both the Japantown/Ayer LRT station and the Civic Center LRT station, and bicycles are permitted on LRT trains. A reasonable assumption for bicycle commute trip generation is a 3 percent mode share. This calculates to approximately 14 bicycle trips during both the AM and PM peak hours. Thus, the project would be expected to add a relatively insignificant amount of bicycle traffic to the roadways in the study area during the peak commute periods of the day.

The need for improvements to existing or future transit, pedestrian, and bicycle facilities within the project area would be evaluated by the City prior to issuance of a Planned Development Permit. However, for the reasons given above, the proposed project would not conflict with adopted policies,

plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

4.16.2.6 Parking

As previously discussed, a Parking Study was conducted for the 2013 Project to determine if adequate parking supplies are available in the project area. As discussed in more detail in the study (see Appendix C), the streets that were surveyed within a one-quarter-mile radius of the project site collectively provide a total of 1,438 parking spaces. In addition to these spaces, there currently is a parking lot on the project site with 61 spaces, making the actual current total 1,499 parking spaces. Implementation of the project would remove this parking lot, and the current parking demand for this lot would be shifted to the surrounding available parking in the area. Thus, in order to account for the loss of this parking lot, the parking analysis assumes the total future available parking supply within a quarter mile radius of the project site would be 1,438 parking spaces.

As identified in the study, parking demand on a typical weekday peaks during two different time periods: once during lunch time between 11:30 a.m. and 12:30 p.m., and again at night between 7:00 p.m. and 8:00 p.m. Parking demand during a typical weekday increases gradually from a low at 8:00 a.m. to a peak occupancy of 782 spaces at 12:00 p.m. (noon). After 12:00 p.m., the demand for parking in the area decreases steadily until about 3:00 p.m. After 3:00 p.m., the demand for parking begins to increase again, reaching a peak of 904 spaces at 8:00 p.m. After 8:00 p.m., the parking demand begins to slowly decline. During the hour with the highest parking demand, 63 percent of the total available parking spaces in the area were occupied, and 534 parking spaces were still available on a typical weekday.

The demand for parking on a typical Saturday appears to be slightly higher (approximately 8 percent higher) compared to the parking demand on a typical weekday. The demand for parking on a Saturday follows the same pattern as the demand for parking on a typical weekday, with two peaks: one around lunch time (12:00 p.m.) and the other in the late evening. Parking demand at its peak was counted to be 973 spaces between 6:00 p.m. and 7:00 p.m. on Saturday. During the hour with the highest parking demand, 68 percent of the total available parking spaces in the area were occupied, and 534 parking spaces were still available on Saturday. These spaces include free parking, restricted parking, short-term parking, metered parking and potential parking at designated loading zones.

The analysis also considered the availability of only the free parking spaces in the area because of the logistics and constraints associated with metered parking, restricted parking, short-term parking and potential parking in loading zones. It is likely that there would be a higher demand for the free parking spaces in the area, even if metered or restricted parking is situated closer to a particular destination.

On a typical weekday, there are a total of 962 unrestricted free parking spaces within a one-quarter-mile radius of the project site. The peak weekday demand for free parking was observed to occur during the late evening between 7:00 p.m. and 8:00 p.m. (64 percent occupied) with 617 free spaces occupied out of a total of 962 free spaces. There were 345 free parking spaces available during the hour with the highest parking demand on a typical weekday.

The peak Saturday demand for free parking was observed to occur during the evening between 6:00 p.m. and 7:00 p.m. (70 percent occupied) with 674 free spaces occupied out of a total of 962 free parking spaces. There were 288 free parking spaces available within a quarter mile radius of the project site during the hour with the highest parking demand on a typical Saturday.

The 61-space public parking lot located on the Corporation Yard site currently is underutilized. Based on the weekday parking counts, the peak parking demand of this lot occurs between noon and 2:00 p.m. During this time, a maximum of 12 vehicles were parked in this lot. Eight or fewer vehicles were parked in the lot the remainder of the weekday observed. Based on the parking counts conducted on Saturday, the parking demand of this lot peaked between 1:00 p.m. and 2:00 p.m. (maximum of 12 parked vehicles), and peaked again between 6:00 p.m. and 7:00 p.m. (maximum of 14 parked vehicles). Ten or fewer vehicles were parked in the lot the remainder of the day on Saturday. Based on the current usage of this lot, it can be concluded that the loss of the 61-space lot can be absorbed by other available parking in the area.

The proposed project would include up to 784 parking spaces to serve the residential, retail, and community amenity uses. Based on the above analysis, there are adequate parking supplies available within the vicinity of the site, and development of the proposed mixed-use project would not substantially reduce the parking supply, such that environmental impacts would result.

4.16.3 Conclusion

The proposed project, with implementation of the above standard measure and mitigation measures, would not result in new or more significant impacts to intersection LOS and the regional transportation system than those addressed in the certified 2008 EIR.

4.17 UTILITIES AND SERVICE SYSTEM

4.17.1 Setting

Water supply, sanitary sewer and wastewater treatment, storm drainage, solid waste, natural gas, and electricity services and facilities are described in the 2008 EIR. These services have not substantially changed since certification of the 2008 EIR, and are briefly described below.

Water service to the project is supplied by the San José Water Company. The existing water supply system to the project area consists of water lines of various sizes within the street rights-of-way, including: a 12-inch cast iron water line below Taylor Street built in 1924; a 6-inch cast iron water line below North 6th Street and; a 12-inch ductile iron water line below North 6th Street built in 1998. There are no water lines below the portions of Jackson Street and North 7th Street that border the project site.

The City of San José owns and maintains the wastewater collection system in north San José. The sewer system in the vicinity of the project site includes a 66-inch reinforced concrete pipe rehabilitated with a 58-inch Spiral PVC liner on the east side of North 7th Street between Jackson Street and Taylor Street. On the West side of 7th Street between Jackson Street and Taylor Street, there is an 8-inch vitrified clay pipe (VCP). There is also an 8-inch VCP running along North 6th Street between Jackson Street and Taylor Street. The San José/Santa Clara Water Pollution Control Plant (Plant) provides wastewater treatment for the project area. Most of the final treated water from the Plant is discharged through Artesian Slough and into South San Francisco Bay.

The 2013 Project proposes a similar amount of site coverage as the 2008 Project. Refer to Section 4.9 Hydrology and Water Quality, for additional discussion regarding the hydrology and drainage at the project site.

Solid waste and recycling collection services, including yard waste recycling are provided to multi-family residences by Garden City Sanitation, California Waste Solutions, and GreenWaste Recovery.

4.17.1.1 Envision 2040 San José General Plan

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate impacts to utilities and service systems resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

Water Supply and Demand

- MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- MS-17.2: Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved

only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar environmentally sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

Water, Wastewater, and Stormwater Facilities

- MS-18.12: Encourage stormwater capture and encourage, when feasible and cost-effective, on-site rainwater catchment for new and existing development.
- MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
- MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
- MS-3.4: Promote the use of greenroofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
- MS-3.5: Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
- IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
- IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
- IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
- IN-3.5: Require mitigation for development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D". Mitigation measures to improve the LOS to "D" or better can be provided by either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.

Recycled Water

- MS-18.13: Encourage graywater use whenever appropriate and in areas that do not impact groundwater quality as determined through coordination with local agencies.

- MS-19.1: Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
- MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Infrastructure

- CD-1.27: When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
- IN-1.4: Give priority to the development of infrastructure within identified Growth Areas to support the amount, type and location of new development planned through the Land Use/Transportation Diagram and other Envision General Plan goals and policies.
- IN-1.5: Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.
- IN-1.6: Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the Envision General Plan.
- IN-1.9: Design new public and private utility facilities to be safe, aesthetically pleasing, compatible with adjacent uses, and consistent with the Envision General Plan goals and policies for fiscal sustainability, environmental leadership, an innovative economy, and quality neighborhoods.
- IN-1.10: Require undergrounding of all new publicly owned utility lines. Encourage undergrounding of all privately owned utility lines in new developments. Work with electricity and telecommunications providers to underground existing overhead lines.
- IN-1.11: Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.

Solid Waste

- EC-6.10: Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.
- MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.
- MS-6.3: Encourage the use of locally extracted, manufactured or recycled and reused materials including construction materials and compost.
- MS-6.8: Maximize reuse, recycling, and composting citywide.
- MS-6.12: Promote use of recycled materials, including reuse of existing building shells/ elements, as part of new construction or renovations.

4.17.2 Environmental Checklist and Discussion of Impacts

Utilities and Service Systems						
Issues	**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"**	**Information Source(s)/ Discussion Location**
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3
Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2,3
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3
Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2,3
Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2,3

4.17.2.1 Regional Water Quality Control Board

The San José/Santa Clara Water Pollution Control Plant (plant) provides wastewater treatment for the project area. The San Francisco Bay Regional Water Quality Control Board (Water Board) requires that the plant limit its effluent to 120 million gallons per day (mgd). In 2007, the plant's average dry weather capacity was 114 mgd, well below the imposed threshold.

Assuming that wastewater generation would be about 95 percent of water usage, the proposed 2013 Project would generate approximately 0.13 million gallons per day of wastewater (see Section 4.17.2.5 below). This is similar to the amount of wastewater assumed to be generated by the 2008 Project. Development of the proposed project would not increase wastewater generation beyond what was considered in the 2008 EIR and therefore would not exceed the wastewater treatment standards of the Water Board.

4.17.2.2 Water Infrastructure

The San José Water Company provides services to the project area from the Santa Clara Valley Water District's (SCVWD) three water treatment plants. Connection to serve the proposed project exists on Taylor Street and North 6th Street. New lateral water supply lines within the site would have to be constructed to connect to these existing lines. Per the 2008 EIR, water mains in the project vicinity would not need to be replaced or upgraded to accommodate the 2008 Project. Because the water lines would be connected to a pre-existing network, they would not be considered as "major" water lines. In addition, no upgrades to the existing water treatment plants would be required to serve the project. Therefore, impacts to water service facilities would be less than significant.

4.17.2.3 Wastewater Infrastructure

As described in the 2008 EIR, the sewer system in the vicinity of the project includes a 66-inch RCP rehabilitated with a 58-inch Spiral PVC liner on the east side of North 7th Street between Jackson Street and Taylor Street. This pipe has capacity for the planned development. Lateral connections to this pipe shall be at manholes only. No tapped lateral connections directly to the pipe will be allowed. On the West side of 7th Street between Jackson Street and Taylor Street, there is an 8-inch VCP. This pipe discharges into the CIPP lined by 28x42-inch brick sewer's invert. Based on flow monitoring of the 28x42-inch sewer conducted in 2003, the maximum recorded depth of sewage in this pipe is approximately 1.4 feet. During peak flow in the brick sewer, the 8-inch VCP is slightly hydraulically blocked. This may be a concern because of the depth of the underground portion of the proposed parking facility on the Corporation Yard site. There is also an 8-inch VCP running along North 6th Street between Jackson Street and Taylor Street.

The proposed project would be required to implement 2008 EIR Mitigation Measure UTIL-1, identified below, to ensure that impacts related to wastewater infrastructure are reduced to a less-than-significant level with implementation of the 2013 Project.

Impact UTIL-1: The proposed project could exceed the capacity of some sewer lines in the vicinity of the project site. **(Same Impact as Approved Project)**

Mitigation Measure: The following mitigation measure is identified as part of the certified 2008 EIR and would also be implemented by the 2013 Project.

MM UTIL-1: As a condition of project approval, the applicant for redevelopment of the Corporation Yard site shall verify with survey data, to be submitted to the San José Department of Public Works, that the 8-inch VCPs on North 7th Street between Jackson Street and Taylor Street and on North 6th Street between Jackson Street and Taylor Street could accommodate any proposed lateral connections from the below grade garage. If the VCPs cannot accommodate the proposed laterals from the below grade garage, then the applicant shall contract with a qualified engineering firm to design a system that could include ejector pumps and backflow preventors.

4.17.2.4 Stormwater Drainage Facilities

The proposed project not result in an increase in impervious surfaces on the site (refer to Section 4.9 Hydrology and Water Quality). With construction of an on-site storm drainage collection system including stormwater treatment BMPs, the proposed project would not result in any significant impacts to the storm drainage collection system in the project area.

4.17.2.5 Water Supply

As discussed in Section 4.17.2.2, water is supplied to the project area by the San José Water Company. Development of the proposed project would not significantly increase water demand beyond what was considered in the 2008 EIR. Using the City's estimates of 225 gallons per day (gpd) for each single family high density residential unit and 0.0751 gpd per square foot of retail space, the 2008 Project (with 600 residential units and 30,000 square feet of retail space) would have increased the demand for water services by about 137,253 gpd. With 600 residential units and 25,000 square feet of retail space, the proposed 2013 Project would slightly decrease the demand to 136,878 gpd. In either case, the project would increase the demand for water services by about 50 million gallons per year.

Based on the 2008 EIR, the increased water demand of the project site would be accommodated by the City's existing water supply. Therefore, the proposed project would not result in a substantial alteration to the existing water supply system and no new or expanded entitlements would be required.

4.17.2.6 Solid Waste

Implementation of the 2013 Project would result in a similar increase in solid waste generated from the site. The number of residential units would be about the same and, although there would be a slight decrease in retail square footage, there would be an increase in the size of the community amenity space. The 2008 EIR concluded there is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the development of the project site. Development of the proposed project would not result in any new or more significant impacts to solid waste collection and disposal than were previously identified in the 2008 EIR.

4.17.3 Conclusion

The proposed project is not anticipated to exceed the capacity of existing utility and infrastructure systems. The 2013 Project would not result in new or more significant impacts to utilities and service systems than those addressed in the certified 2008 EIR.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings of Significance						
Issues	**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"**	**Information Source(s)/ Discussion Location**
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 , 2, 3, 14
Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively consider-able" 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 , 2, 3
Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1, 2, 3

The 2008 EIR evaluated the impacts of a group of related actions which would have allowed redevelopment of the Corporation Yard site with a mix of uses. The proposed 2013 Project is similar to the 2008 Project and would redevelop the Corporation Yard site with a mix of uses, including up to 552 market-rate residential condominium units, up to 48 live/work units, up to 25,000 square feet of retail space, 60,000 square feet of community amenity space, up to 784 underground/surface parking spaces, and approximately 0.75 acres of community open space. The 2013 Project would include a similar number of residential units, 5,000 fewer square feet of retail space, 40,000 additional square feet of community amenity space, the same amount of open space, and fewer parking spaces than the 2008 Project.

The proposed 2013 Japantown Corporation Yard Redevelopment Project was anticipated and is within the development envelope analyzed in the 2008 EIR. With implementation of the standard measures and mitigation measures included in the project and described in this Addendum/Initial Study, the proposed 2013 Project would not result in new or more significant environmental impacts than those addressed in the certified 2008 EIR.

4.19 CHECKLIST SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site, surrounding conditions, and review of the project plans.
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