Initial Study Addendum

SJSC Towers Mixed-Use Project

File Nos. SP17-009 and T16-056

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

March 2017

TABLE OF CONTENTS

TABLE OF CONTENTS

Figures

Tables

Appendices

Appendix A: Community Health Risk Assessment

Appendix B: Historic Report

Appendix C: Web Soil Survey

Appendix D: Phase I Environmental Site Assessment

Appendix E: Phase II Environmental Assessment Report Symphony Hall Project

Appendix F: Noise and Vibration Assessment

Appendix G: Traffic Operations Study with Supplemental Memo

Appendix H: Water Supply Assessment

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study (IS) has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq.*), and the regulations and policies of the City of San José. The purpose of this Initial Study is to inform decision makers and the public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

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

The existing Downtown Strategy 2000 has a development capacity of 8,500 residential units, with 7,500 allowed in Phase 1. At the time the IS was completed for the proposed project, these development levels had not been met including constructed, approved, and projects currently on file.

The original Downtown Strategy 2000 EIR evaluated all environmental impacts, including traffic, noise, air quality, biological resources, and land use at a programmatic (General Plan) level. The program-level environmental impacts were updated as part of the Envision San José 2040 General Plan EIR, which was certified in September 2011 and supplemented in December 2015 (hereinafter referred to as the General Plan EIR). Therefore, the 781 residential units as proposed in the SJSC Towers project have been evaluated in the original Downtown Strategy 2000 EIR at a program-level, which remains current.

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

While traffic impacts of the Downtown Strategy 2000 were evaluated at a project- or site-specific level and recently updated in 2016, the 2005 EIR's analysis assumed that project-level site-specific environmental issues for a given parcel proposed for redevelopment, including impacts to historic resources would require additional review. This Supplemental EIR provides that subsequent project-level environmental review.

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

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

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

1.1.1 Tiering From Previous EIRs

In accordance with CEQA, this IS will tier from the General Plan EIR, as supplemented, and the Downtown Strategy 2000 EIR. The CEQA Guidelines contain the following information on tiering an environmental document:

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

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

SJSC Towers Mixed-Use Project

2.2 PROJECT LOCATION

The 1.4-acre project site is located on the north side of East Santa Clara Street, between North Fourth and North Fifth Streets in Downtown San José. The project site and surrounding area are shown in Figure 2.2-1: Regional Map, Figure 2.2-2: Vicinity Map, and Figure 2.2-3: Aerial Photograph and Surrounding Land Uses.

2.3 ASSESSOR PARCEL NUMBERS

467-20-008	467-20-082
467-20-009	467-20-083
467-20-010	467-20-086
467-20-013	467-20-087
467-20-014	

2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Contact: Reema Mahamood
200 East Santa Clara Street
San José, CA 95113
(408) 535-7874
reema.mahamood@sanjoseca.gov

2.5 PROPERTY OWNER/PROJECT APPLICANT

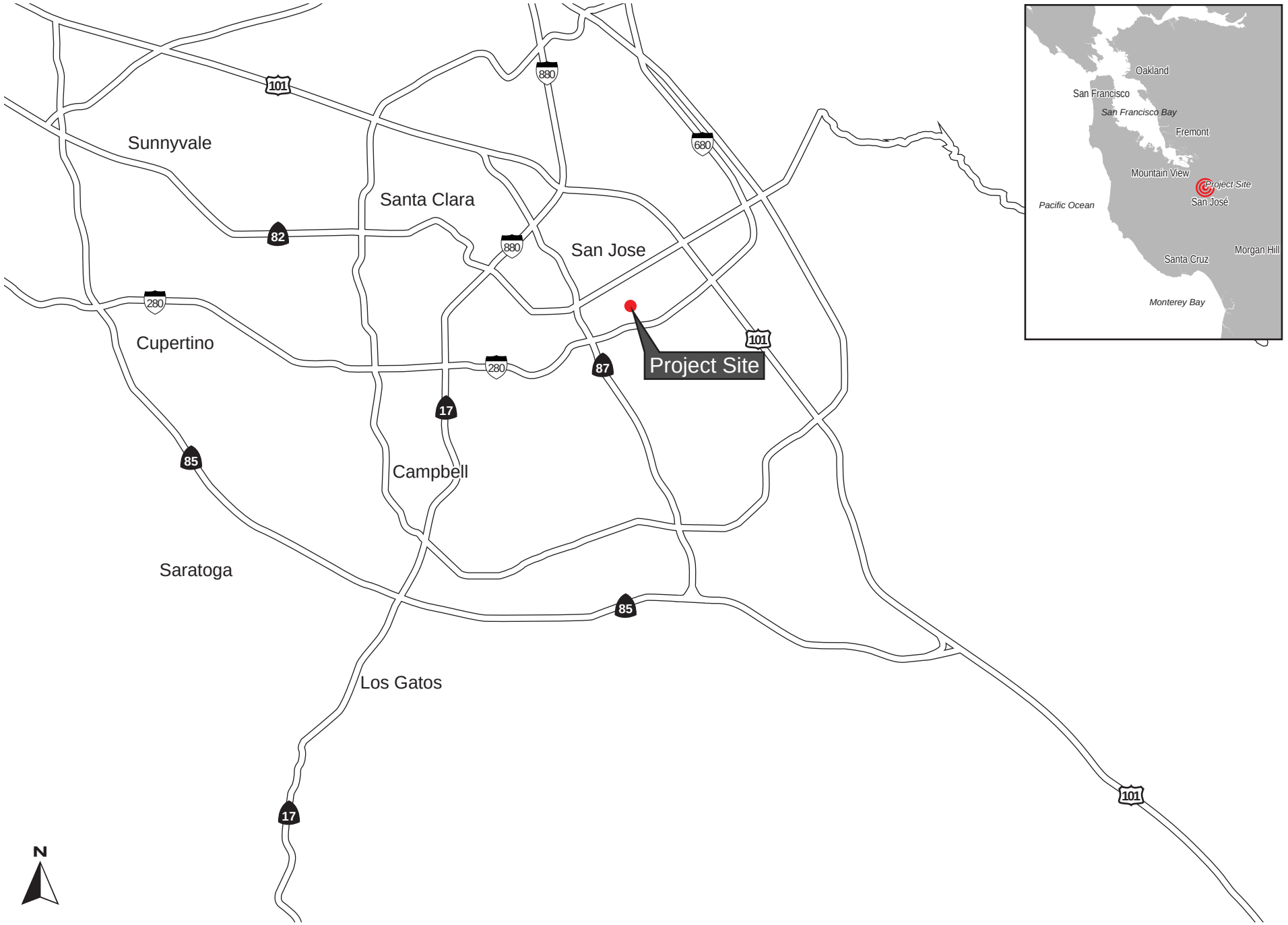
SJSC Properties, LLC
60 South Market Street, Suite 450
San José, CA 95113

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

Zoning District: *DC – Downtown Primary Commercial*
General Plan Designation: *Downtown*

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

- Special Use Permit
- Vesting Tentative Map
- Demolition, Grading, Building, and Occupancy Permits



REGIONAL MAP

FIGURE 2.2-1

VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION AND INFORMATION

3.1 PROJECT DESCRIPTION

The approximately 1.4-acre (61,650 square foot) project site consists of nine parcels (APNs 467-20-008, -009, -010, -013, -014, -082, -083, -086, and -087) located on the north side of East Santa Clara Street, between North Fourth and Fifth Streets in Downtown San José. The project site is occupied by a construction yard, surface parking lot, and a drive-through car wash. The parking lot is the southernmost land use, located along Santa Clara Street. The parking lot has a single ingress/egress driveway on Fourth Street. Immediately north of the parking lot is the car wash, which is accessed from North Fifth Street. A dirt lot, currently utilized for construction staging, is located between the car wash and the San José City Hall employee parking structure to the north.

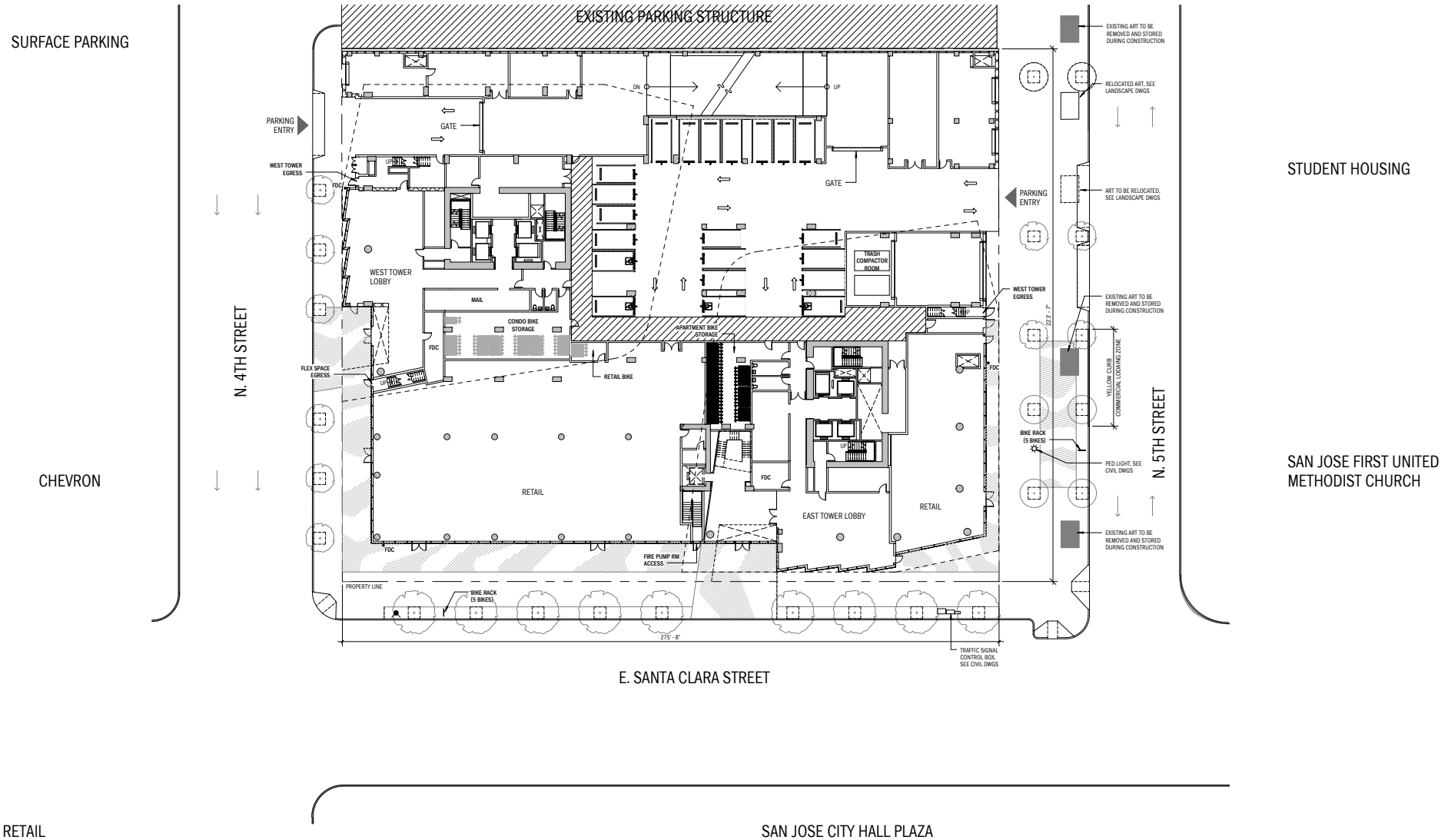
The project would demolish the existing car wash and hardscape and construct a 298-foot-tall building with two towers constructed over four shared floors. The ground floor would have up to 14,381 square feet of retail space along the East Santa Clara Street and North Fifth Street frontages. The third floor would have flex/office space of approximately 8,503 square feet and an alternative scenario of up to 24,693 square feet of flex/office space. The first floor would have some limited parking and floors two through four would be utilized for parking. Parking would also be provided within a three-level below-grade garage. The west tower would have up to 298 residential units and the east tower would have up to 312 residential units. Both towers would have designated lobby space on the shared first floor.

As noted above, parking for the residences would be provided on-site within an above- and below-grade parking garage. A total of 708 parking spaces would be provided as part of the project, which meets the City's parking requirement. Of the 708 parking spaces, 179 spaces would be tandem spaces. The project also proposes ground-level secure bicycle parking for at least 165 and up to 169 bicycles, which would be accessed from inside the parking area and lobby hallways.

The proposed building would have no setback from the adjacent City parking structure (to the north) or from the sidewalks along the street frontages. The project plans are shown in Figures 3.1-1 through 3.1-4.

Outdoor recreational space for the residents would be provided within a common open space area on the fifth floor (between the towers) and would include a pool and open space for recreation. A private pool deck and open space/recreation areas (including a club house and kitchen) for the residents would be provided on the roof of the west tower. Open space, along with a club house and fitness room, would be provided on the roof of the east tower. The recreational areas would total 47,173 square feet.

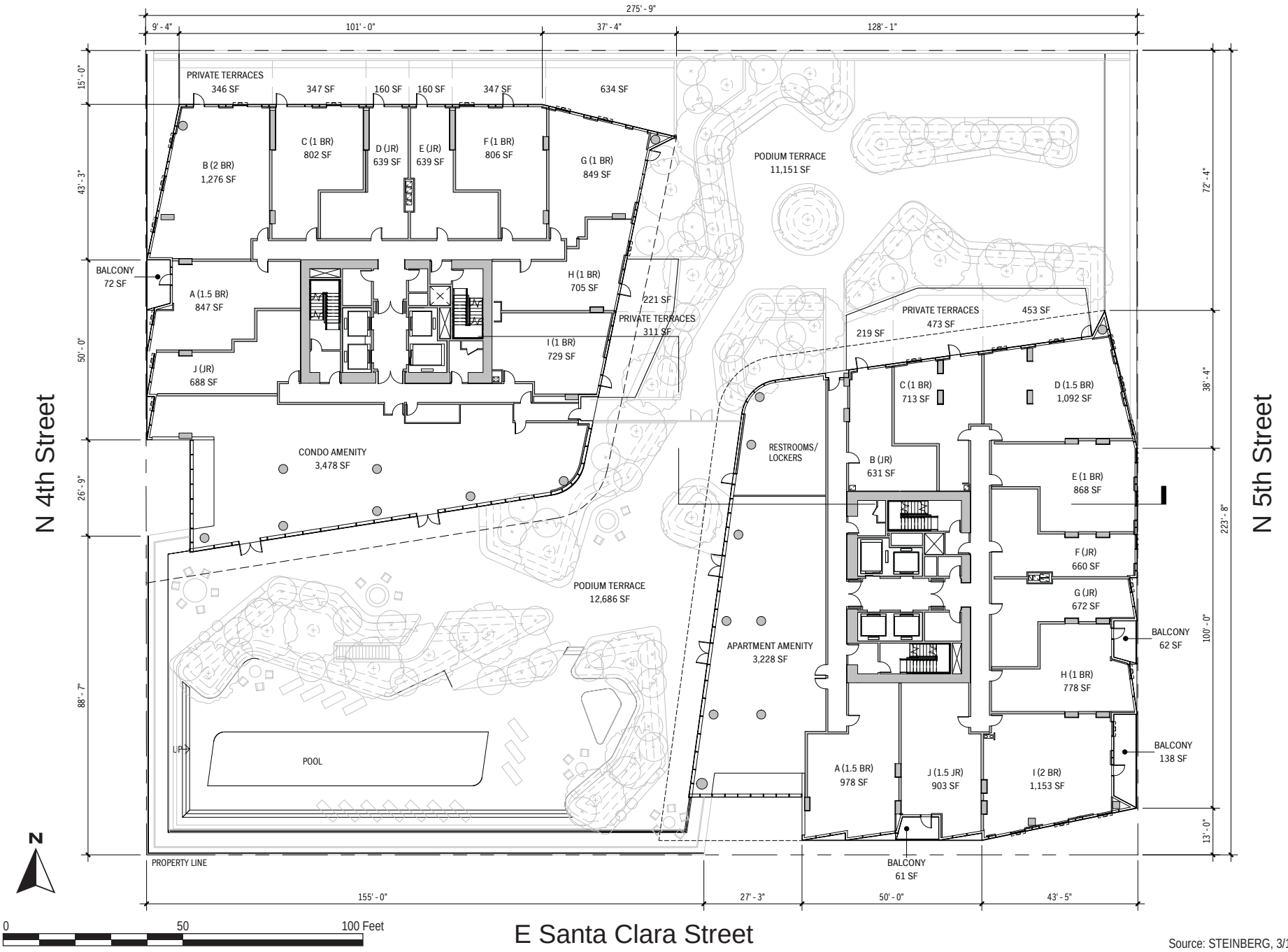
Currently, there is approximately 87 square feet of public right-of-way located at the southwest corner of the project site at North Fourth and Santa Clara Streets. To allow the proposed project to be built completely up to the sidewalk on all street facing facades, consistent with Downtown Design Guidelines, the project proposes that this 87 square foot right-of-way be vacated. Along with this vacation, the project applicant would be required to purchase this excess property for incorporation into their project. This proposed vacation and sale requires a separate action by City Council which is included as a condition of approval for the Special Use Permit.



Source: STEINBERG, 3/1/2017.

SITE PLAN

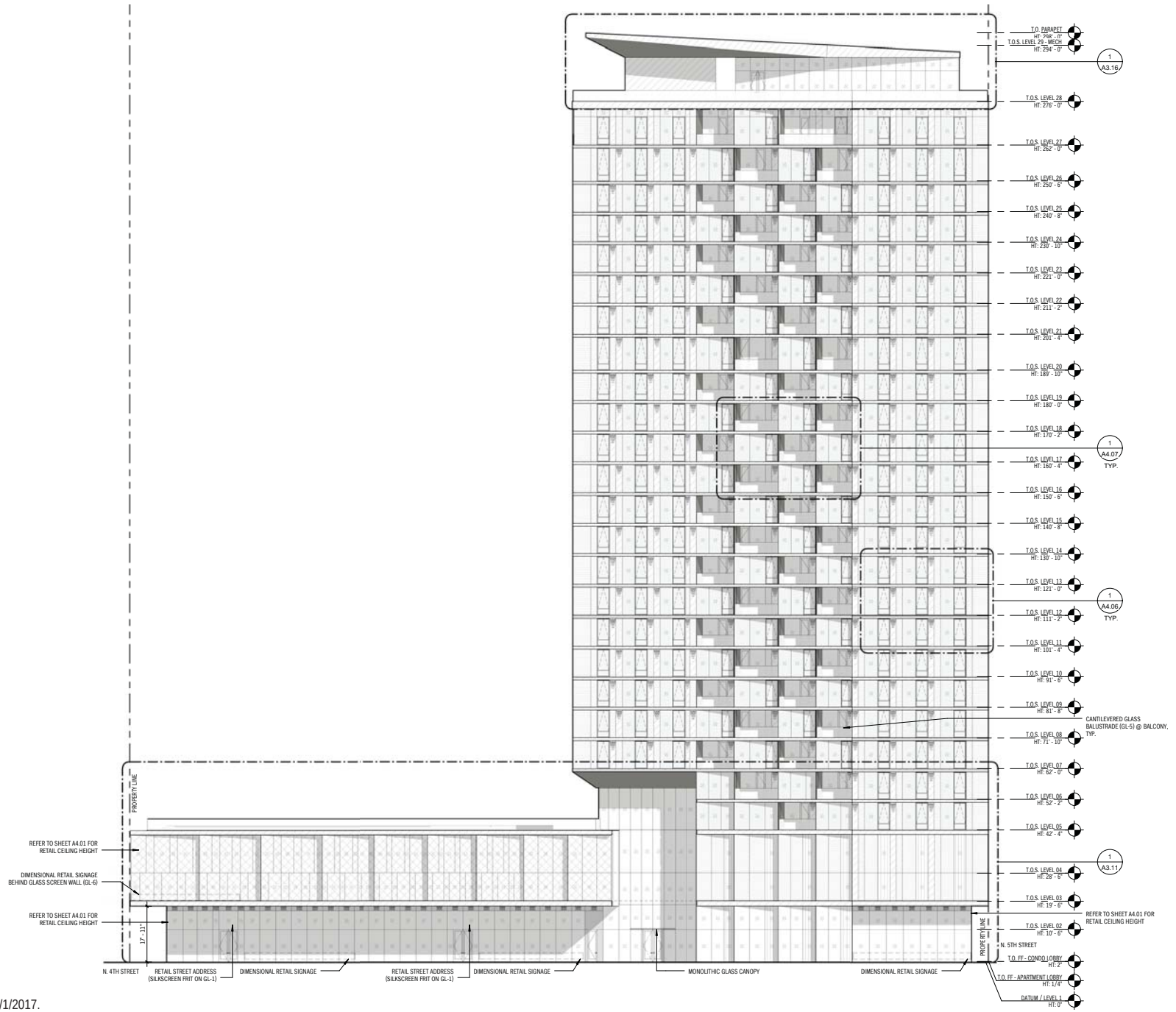
FIGURE 3.1-1



Source: STEINBERG, 3/1/2017.

5TH FLOOR PLAN

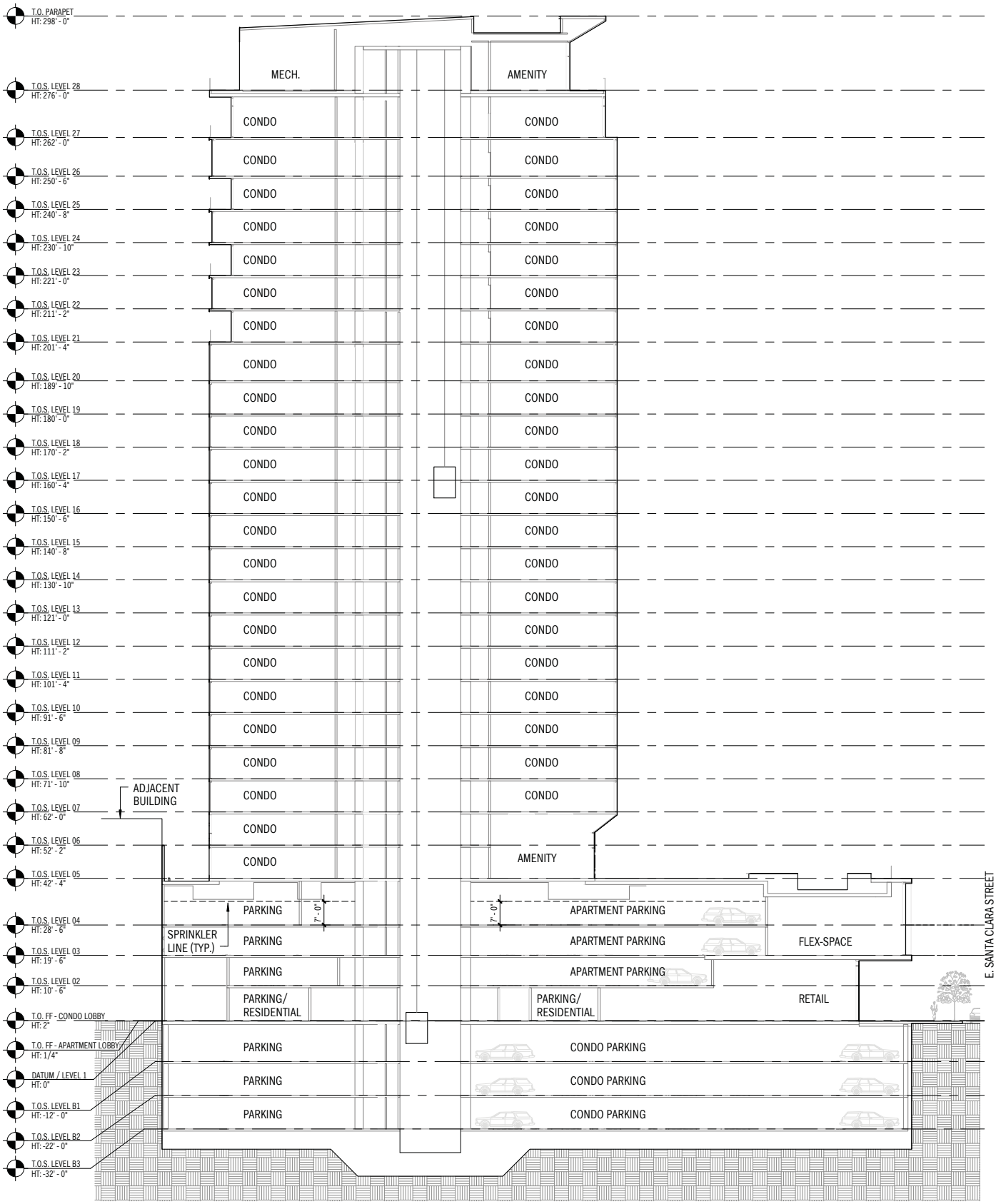
FIGURE 3.1-2



Source: STEINBERG, 3/1/2017.

SOUTH ELEVATION

FIGURE 3.1-3



Source: STEINBERG, 3/1/2017.

BUILDING CROSS SECTION

FIGURE 3.1-4

3.2 EXISTING LAND USE DESIGNATION AND ZONING

The site is currently designated *Downtown* under the City's General Plan and zoned *DC – Downtown Primary Commercial.* The General Plan designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, floor area ratio (FAR) of up to 30, and residential densities up to 800 dwelling units per acre. Under this designation, residential projects should generally incorporate ground floor commercial uses. Please refer to Section 4.10, Land Use and Planning for a discussion of the project's consistency with the General Plan designation.

Permitted land uses under the *DC* zoning are consistent with the *Downtown* General Plan land use designation allowed land uses (office, retail, service, residential, and entertainment). Based on the *DC* zoning, development would only be subject to the height limitations necessary for the safe operation of Norman Y. Mineta San José International Airport. There are no minimum setback requirements. Please refer to Section 4.10, Land Use and Planning for a discussion of the project's consistency with the zoning designation.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

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

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). The reference to "Approved Project" refers to the adopted General Plan and the Downtown Strategy 2000.

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

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss some previously identified significant impacts as planning considerations that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Project Site*

The project site is a relatively flat and rectangular-shaped area covering the entire block along East Santa Clara Street from North Fourth Street to North Fifth Street. The project site is currently developed with several uses, including a construction yard, surface parking lot, and a drive-through car wash (as shown in Photographs 1 through 4). A prominent pole-mounted sign for the car wash is present along North Fourth Street. The car wash structure itself is single-story and has a flat roof. The long, narrow, rectangular structure is constructed mostly of concrete block. An open driveway on the north side of the structure facilitates a circular route for autos to enter and exit the car wash on North Fifth Street.

The rest of the project site is undeveloped and contains flat paved and unpaved surfaces for parking and staging of materials. A temporary construction trailer is located at the northeast corner of the property. A six-foot, chain-link fence encloses most of the project site.

There are three driveways on North Fourth Street and two on North Fifth Street providing access to the project site. There are sidewalks along all three of the site's street frontages. There are nine mature trees on the project site which would be removed as part of the project. There is an assembly of public art along North Fifth Street, known as the Parade of Floats, which will be preserved as part of the project.

4.1.1.2 *Surrounding Area*

The project site is set within the urbanized core of Downtown San José with developed parcels on all sides. A six-story City parking garage is located adjacent to the northern site boundary, the City of San José City Hall is located to the south, a one-story gas and service station is located to the west, and a two-story church is located to the east. The surrounding properties are shown in Photographs 5 through 8 and Figure 2.2-3.

Existing uses, architectural styles, building heights, and building ages vary in the neighborhood and there is not a common unifying architectural theme in the area immediately surrounding the project site. The City of San José City Hall and parking garage to the north were both constructed in 2005 in a modern, minimalist architectural style using contemporary materials. The gas and service station to the west was built in 1969 and is of a corporate design implemented with Neo-Spanish Colonial architectural materials (red clay tile and slumpstone block walls). To the east, there is a San José State University student housing building. Additionally, there is a three-story Methodist church building to the east, which was constructed in 2013 and has a stucco and light-colored stone façade.

PHOTO 1: The project site showing the existing parking lot, car wash, and adjacent parking structure, facing north along North Fourth Street.

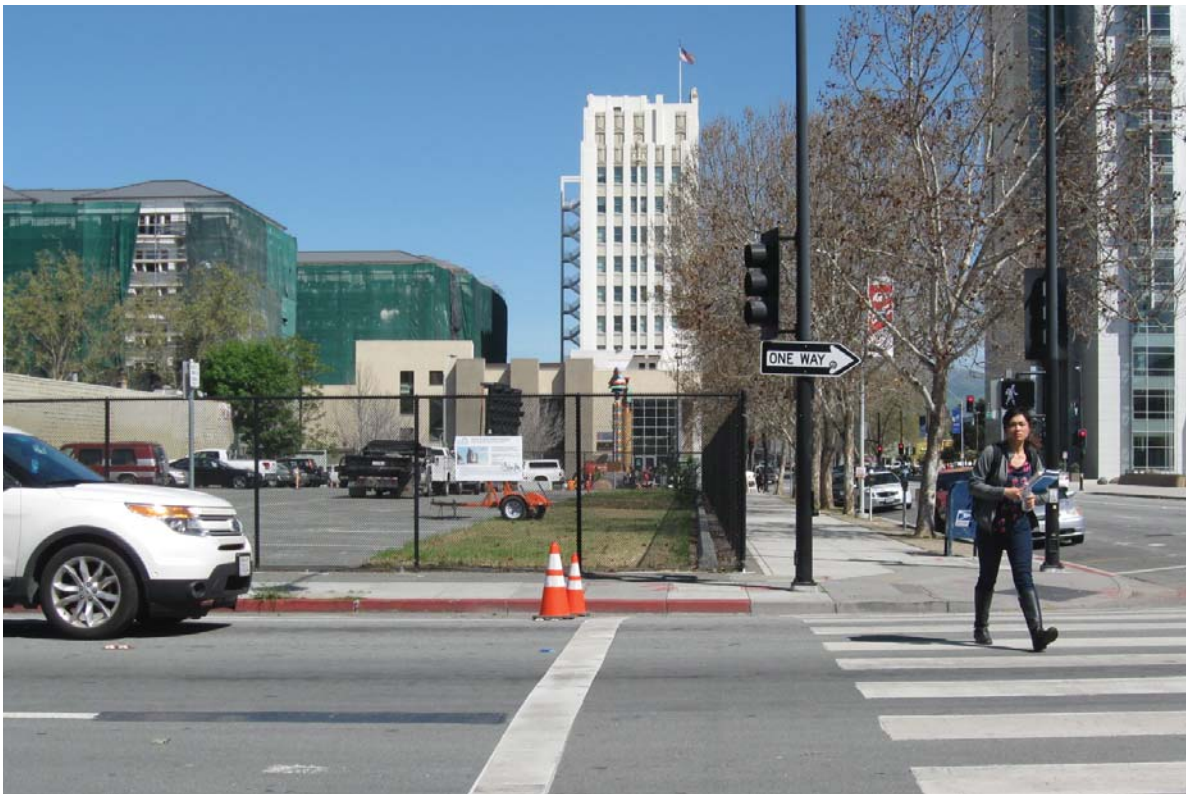


PHOTO 2: The existing parking lot at the project site, facing east along East Santa Clara Street.

PHOTO 3: The project site along North Fifth Street, facing north.

PHOTO 4: View into the project site from North Fifth Street, facing west.

PHOTO 5: Adjacent property to the west of the project site across North Fourth Street, facing west.

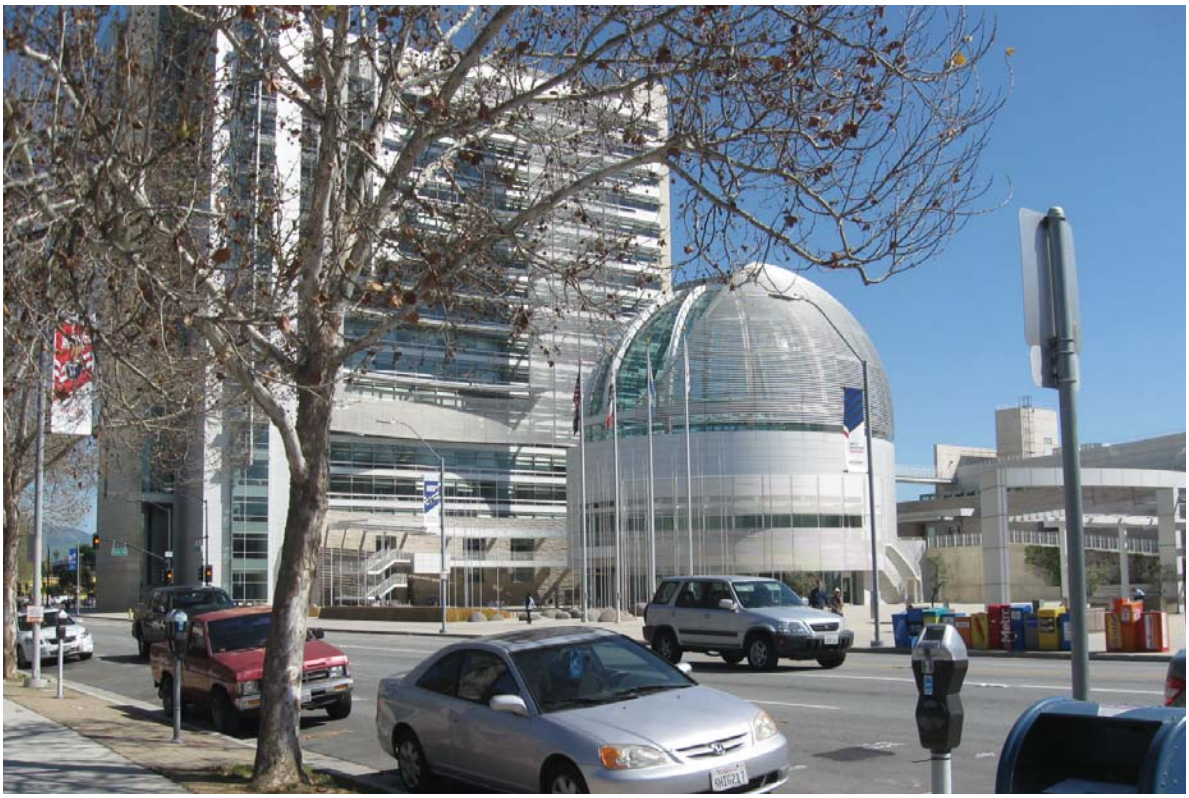


PHOTO 6: City of San José City Hall across East Santa Clara Street, facing south.

PHOTO 7: View from the project site across North Fifth Street, facing east.

PHOTO 8: The project site and adjacent parking structure, facing north along North Fifth Street.

4.1.1.3 *Scenic Views*

The project site and surrounding area are flat and do not provide scenic views of the Diablo foothills to the east or the Santa Cruz Mountains to the west. The project area has been developed and redeveloped for over 100 years and no natural scenic resources, such as designated Heritage Trees or rock outcroppings, are present on the site or in the project area.

4.1.1.4 *Applicable Plans, Policies, and Regulations*

State Scenic Highways Program

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

Envision San José 2040 General Plan

The City's goal is to create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and grand boulevards, to contribute towards the positive image of the City. The General Plan includes the following aesthetic policies applicable specifically to development projects in downtown San José:

> ***Policy CD-1.1*:** Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
>
> ***Policy CD-1.9*:** Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.
>
> ***Policy CD-1.23:*** Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

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

Policy CD-6.8: Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.

The General Plan EIR found that while new development and redevelopment would alter the appearance of the City of San José, the implementation of General Plan policies would avoid substantial degradation of the existing visual character or quality of the City and its surroundings on a local and citywide area.

Downtown Strategy 2000

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

Transportation and Access 1: Incorporate a pedestrian orientation in new development, including appropriate site planning, human-scale street frontages, ground floor uses, and integration with adjacent transit stops, to ensure walkability and integration with the existing downtown. Incorporate bicycle amenities into transportation and streetscape planning.

Transportation and Access 4: Make streetscape improvements, such as landscaping, adding shade trees, lighting, public art, street furniture, markers, banners, and water features to enhance and increase pedestrian and transit use.

Lighting: Existing light levels should be maintained, and adequate lighting should be provided to ensure visitor safety.

Downtown Design Guidelines

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

Massing and Scale: Buildings should be compatible with the scale of development anticipated by the *Downtown Strategy Plan* and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones.

Materials: Use the materials consistent and exceed the design and quality existing in the Downtown on facades and exterior walls of buildings to give a perception of permanence and civic pride. Use the most durable (i.e. low maintenance) materials at the public level.

Lighting: Lighting should be coordinated with the Federal Aviation Administration (FAA) and the Lick Observatory. Illuminating building features should create a sense of safe and intimate space around the precinct of the building. Provide appropriate levels of building mounted lighting on façade, in private landscaped areas, in merchandising display windows, and on signage.

Downtown Streetscape Master Plan

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

4.1.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
• Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-3
• Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-3
• Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-3,9
• Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-3

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the

community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan, the General Plan EIR, and Downtown Strategy 2000 EIR.

4.1.2.1 *Scenic Vistas and Resources (Questions a and b)*

The project site is located in a built-up urban area of Downtown San José. The site is not located along a state scenic highway or designated scenic corridor. Views of the project site are limited to the immediate area. The proposed project towers (once constructed) may be seen briefly by passersby on California State Route (SR) 87; however, SR 87 is not designated as a State Scenic Highway, nor would the views of the project site be prominent from that location.

The General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The project site is not located in a designated scenic area or corridor as defined by the General Plan. The nearest Scenic Gateway is located along First Street between East Virginia Street and East San Carlos Street, approximately 0.47 mile southwest of the project site. The nearest designated Scenic Corridor (Penitencia Creek Road) is approximately three miles east of the site. While the top floors of the project towers may be visible from the General Plan designated Scenic Gateway along South First Street, the views would be obscured by buildings of similar height within the view shed (including the San José City Hall at 285 feet in height, One South Market Street at 238 feet in height, and the Fairmont Hotel on ~~170~~ South Market Street at 253 feet in height). Additionally, the project would be designed in conformance with the Downtown Design Guidelines, which ensure the building would be visually compatible within the larger area context with regard to massing and visual character. As a result, the impact would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Visual Character (Question c)*

The project site is surrounded by a mix of commercial and residential buildings of varying ages and styles, and is located across the street from the San José Downtown Historic District. Consistent with the Downtown Design Guidelines, the project would be required to incorporate high-quality architecture and materials in the building design. The project would also conform to the policies of the General Plan and would include streetscape features consistent with the Downtown Streetscape Master Plan, such as trees, lighting, wide sidewalks, and visible retail.

Although the proposed building would represent a substantial visual change from the existing, it is consistent with the more intensive type of development planned for this location in the General Plan and the Downtown Strategy 2000. Site and building design would be required to comply with the Downtown Design Guidelines. Street trees would be preserved and planted, and new landscaping is proposed on the street frontages of the site to enhance the pedestrian environment in the area. With adherence to the Downtown Design Guidelines, Streetscape Master Plan, Downtown Strategy 2000, and General Plan, the project would not substantially degrade the existing visual character or quality of the site and its surroundings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.3 *Light and Glare (Question d)*

Existing ambient sources of nighttime lighting include neon and florescent signs, lighting of building exteriors for safety or architectural accents, lights within buildings that illuminate the exteriors of buildings through windows, landscape light, street lighting, parking lot lighting, and vehicle headlights. Glare in the Downtown area is caused by the reflection of sunlight and electric lights from the existing windows and building surfaces.

The General Plan EIR concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare, but that implementation of existing regulations, General Plan policies and provisions of other adopted plans would avoid substantial light and glare impacts.

Outside lighting on the proposed building would be limited, would be focused at the ground floor retail level, and would be comparable in brightness to the ambient lighting in the surrounding area. Landscape or architectural accent lighting that is aimed upward, would contain glare control, louvers or be shielded from direct vertical up light; which is consistent with the Downtown Design Guidelines, Downtown Strategy 2000, and Streetscape Master Plan.

The proposed exterior materials of the building would be reviewed as part of the City of San José approval process so that they would not result in glare, consistent with the relevant design guidelines and standards for the Downtown. For these reasons, the proposed project would not create significant impacts to adjacent properties with nighttime lighting or daytime glare. **(Less Than Significant Impact)**

4.1.3 Conclusion

The project would result in less than significant impacts to designated scenic resources and view corridors. Further, compliance with adopted General Plan policies, Downtown Design Guidelines, Downtown Strategy 2000, and Streetscape Master Plan would ensure that the project would not degrade the character of the existing community. New lighting would be similar to the ambient lighting levels in the vicinity and the building materials would be reviewed to ensure that they would not result in significant glare impacts. Therefore, the project would have less than significant visual or aesthetic impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Agricultural Resources*

The Santa Clara County Important Farmland 2012 Map designates the project site as *Urban and Built-Up Land*, which is defined as land occupied by structures with a building density of at least one unit to a 1.5-acre parcel (or approximately six structures to a 10-acre parcel).[1] Common examples of *Urban Built-Up Land* include residential, industrial, institutional facilities, cemeteries, and sanitary landfills. The project site is developed with a construction yard, a surface parking lot, and a drive-through car wash and is surrounded by other *Urban and Built-Up Land*. There is no designated farmland on or adjacent to the site project. The site is not subject to a Williamson Act contract.

There is no forest land located on or adjacent to the project site.

4.2.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1-3,4
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1-3,4
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	1-3

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

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,2
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,2

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the General Plan EIR, the proposed project would not result in any impacts to agricultural and forest resources, as described in the following.

4.2.2.1 *Impacts from the Proposed Project (Questions a though e)*

Implementation of the project would allow construction of a 27-story structure with ground-floor retail uses on a site currently developed with a construction yard, a surface parking lot, and a drive-through car wash. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. The proposed development would not interfere with agricultural operations or facilitate unplanned conversion of farmland elsewhere in San José to non-agricultural uses.

The project site does not contain forest resources nor are there forest lands in the vicinity. Thus, the project would not result in no impacts to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

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

4.3 AIR QUALITY

The following discussion is based, in part, on a health risk assessment report prepared by Illingworth & Rodkin, Inc., in February 2016. A copy of the report is provided in Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Background*

Air quality and the amount of a given pollutant in the atmosphere is determined by the amount of a pollutants released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine. The San Francisco Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

The Bay Area Air Quality Management District (BAAQMD) is responsible for ensuring that the national and state ambient air quality standards are attained and maintained in the Bay Area and monitors air quality at several locations within the San Francisco Bay Air Basin. As shown in Table 4.3-1, violations of State and Federal standards at the Downtown San José monitoring station (the nearest monitoring station to the project site) during the 2013-2015 period (the most recent years for which data is available) include high levels of ozone, PM_{10} and $PM_{2.5}$.[2] Violations of carbon monoxide (CO) standards have not been recorded since 1992.

Table 4.3-1: Ambient Air Quality Standards Violations and Highest Concentrations (2013-2015)

Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
San José Station				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
CO	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

Source: Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. http://www.baaqmd.gov/~/media/Files/Communications%20and%20Outreach/Annual%20Bay%20Area%20Air%20Quality%20Summaries/pollsum2014.ashx?la=en. Accessed March 16, 2016.

[2] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

The pollutants known to exceed the State and Federal standards in the project area are regional pollutants. Ozone (O_3), PM_{10}, and $PM_{2.5}$ are all considered regional pollutants because their concentration is not determined by proximity to individual sources; but rather show a relative uniformity over a region.

The Bay Area as a whole, does not meet State or Federal ambient air quality standards for ground level O_3, State standards for PM_{10}, and Federal standards for $PM_{2.5}$. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a "nonattainment area" for O_3 and PM_{10} under the California Clean Air Act. The County is either in attainment or unclassified for other pollutants.

4.3.1.2 *Toxic Air Contaminants*

The Federal Clean Air Act defines Hazardous Air Pollutants (HAPs) as air contaminants identified by the United States (U.S.) Environmental Protection Agency (EPA) as known or suspected to cause cancer, serious illness, birth defects, or death. In California, Toxic Air Contaminants (TACs) include all HAPs, plus other contaminants identified by CARB as known to cause morbidity or mortality (cancer risk). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level. Unlike other emissions, TACs are measured based on the risk of human health rather than a set emission standard.

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

4.3.1.3 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medicinal clinics. Existing sensitive receptors near the project site include residential development on North Fifth Street and East St. John Street, an elementary school on North Sixth Street, and a senior apartment complex on North Third Street. New housing is currently under construction at the southeast corner of North Fourth Street and East St. John Street, just north of the City's parking structure. Future residents of the proposed project would also be considered sensitive receptors.

4.3.1.4 *Applicable Air Quality Regulations and Policies*

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

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

Action MS-11.8: For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

Policy MS-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size, and operations of the facility.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Action MS-13.4: Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines

4.3.2 Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1-3, 5,6,12
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1-3, 5,6,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1-3, 5,6,12
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1-3, 5,6,12
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1-3

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

Thresholds of Significance

In 2009, BAAQMD published Proposed Thresholds of Significance. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects. BAAQMD's adoption of the 2011 thresholds was called into question by a trial court order issued March 5, 2012, in the California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693), which determined the adoption of the thresholds was a project under CEQA but did not address the substantive validity, merits, or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review and before whom the matter is pending. BAAQMD is not recommending the use of the 2011 thresholds pending a final judgment.

The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. These CEQA Air Quality thresholds were used to evaluate air quality impacts from the project.

This analysis is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-2.

Table 4.3-2: Thresholds of Significance Used in Air Quality Analyses

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

Source: *BAAQMD CEQA Guidelines* (updated May 2011) and BAAQMD. *Revised Draft Options and Justification Report CEQA Thresholds of Significance*. October 2009.

4.3.2.1 *Applicable Air Quality Plan and Standards (Question a)*

The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* (CAP) that was adopted by BAAQMD in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O_3, PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the

population/employment assumptions utilized in developing the 2010 CAP, which were based on Association of Bay Area Governments (ABAG) Projections. The proposed project is consistent with the development assumptions in the General Plan. Therefore, the project is consistent with the current growth projections in the 2010 CAP.

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

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

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

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

Measure	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers	The project proposes secure bicycle parking spaces for residents and retail uses. The project, is consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers	The project site has been designed to be pedestrian oriented (including ground floor retail uses, pedestrian scale landscaping, and street trees) which would enhance the overall pedestrian experience. The project is consistent with this measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use	The proposed residential development is located within the Downtown area and is within walking distance of existing bus stops and light rail. The project would place residents within walking distance of jobs, restaurants, retail, and services. Due to the availability of nearby services and existing transportation options, the project is consistent with this measure.

Table 4.3-3: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Measure	**Description**	**Project Consistency**
Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	The project is requesting a reduction in the residential parking requirement with implementation of a Transportation Demand Management Program. Therefore, the project is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be required to comply with the City's Green Building Ordinance, which would increase building efficiency over standard construction. The project is consistent with this measure.
Tree-Planting	Promote planting of shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project would be required to conform to the City's Tree Removal Controls. Additionally, the project proposes to plant new street trees, which would help with the absorption of air pollutants and would increase shade. The project is consistent with this control measure.

The project includes transportation and energy control measures and is generally consistent with the population projections in the CAP. The project is also consistent with the City's General Plan. The project, therefore, would not result in a significant impact related to consistency with the CAP. **[Less Impact Than Approved Project (Less Than Significant Impact)]**

4.3.2.2 *Impacts to Regional and Local Air Quality (Questions b and d)*

Construction Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, TACs from vehicles, and $PM_{2.5}$, which is a regulated air pollutant. There are sensitive receptors surrounding the project site. To quantify the effects project construction on nearby sensitive receptors, construction period criteria pollutant emissions were computed. In addition, TAC emissions and their concentrations at existing sensitive receptors (see Figure 4.3-1 below) were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM at existing sensitive receptors in the vicinity of the project site. The analysis was based on a 28-month construction period.

Table 4.3-4: Construction Period Criteria Pollutant Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Total Construction Emissions (tons per year)	7.84	7.46	0.25	0.24
Average Daily Emissions (pounds per day)	24.5	24.2	0.8	0.8
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Source: Illingworth & Rodkin Inc., *SJSC Towers Community Health Risk Assessment*, February 12, 2016				

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

Residential receptors are designated in yellow, school receptors are designed in black, and the maximum off-site exposure locations for residents and school children are circled in blue.

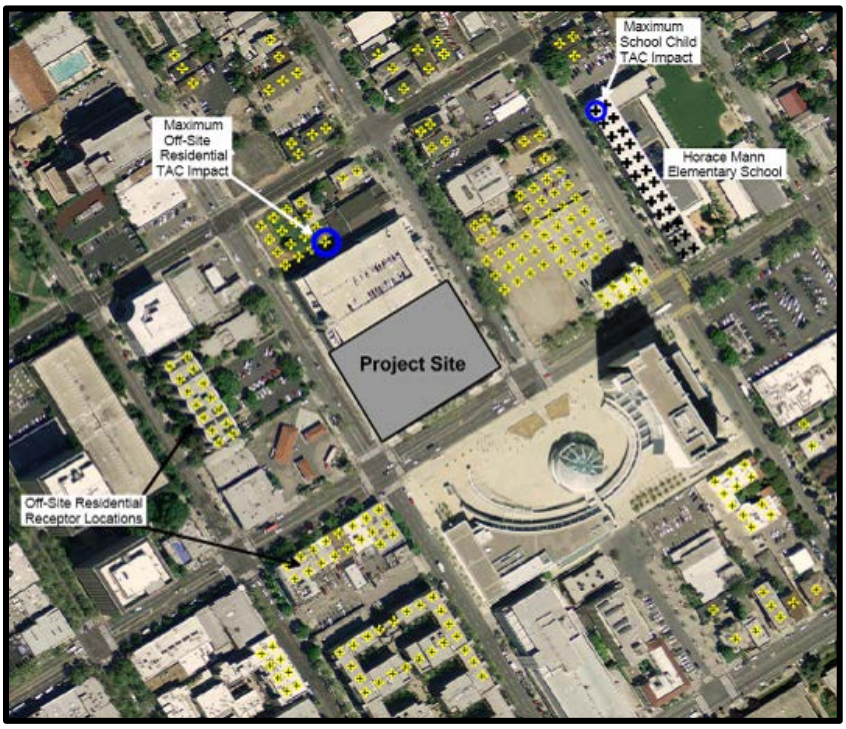


Figure 4.3-1: Sensitive Receptors near the Project Site

At the maximum residential exposure location, the total annual $PM_{2.5}$ emissions for off-road construction equipment and on-road vehicles (i.e., haul trucks, vendor trucks, and worker trucks) would be 0.2 micrograms per cubic meter ($\mu g/m^3$). At the maximum school exposure location, the total annual $PM_{2.5}$ emissions would be 0.1 $\mu g/m^3$. For both sets of receptors, annual $PM_{2.5}$ emissions would not exceed the BAAQMD threshold of 0.3 $\mu g/m^3$.

Based on the total $PM_{2.5}$ emissions at the maximum residential impact location, the maximum incremental residential child cancer risk was calculated to be 38.9 cancer cases per million. The maximum residential adult cancer risk is 0.7 in one million. While the cancer risk estimated for adults was well below the health risk threshold of 10 cancer cases per million, the residential child cancer risk would exceed the threshold. Based on the total $PM_{2.5}$ emissions at the maximum school impact location, the maximum cancer risk for children at the nearby school would be 0.6 in one million.

Non-cancer community risks from chronic exposure to DPM were also analyzed. The threshold for chronic inhalation reference exposure level (REL) for DPM is 5.0 μ/m^3 and the Hazard Index is greater than 1.0. The maximum annual residential non-cancer DPM concentration from construction activities would be 0.12 μ/m^3 and the maximum Hazard Index score would be 0.03. For the school, the maximum Hazard Index score would be less than 0.01. The non-cancer community risks are, therefore, below the thresholds.[3]

Impact AIR-1: Construction activities associated with the proposed project would expose children at residences within 1,000 feet of the project site to temporary TAC emissions in excess of acceptable risk thresholds. **(Significant Impact)**

Mitigation and Avoidance Measures

Consistent with the General Plan EIR, the following Standard Permit Conditions and would be implemented during construction to reduce exposing nearby residents to TAC emissions:

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with 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 Lead Agency regarding dust complaints. This person shall be respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

[3] Concentration levels for contaminants that pose non-cancer health hazards are set by the California's Office of Environmental Health and Hazards (OEHHA).

Mitigation Measure

In addition to the Standard Permit Conditions listed previously, the following project-specific mitigation measure is also included:

MM AIR-1.1: The project applicant shall develop a construction operations plan demonstrating that the off-road equipment used to construct the project would achieve a fleet-wide average 30 percent reduction in $PM_{2.5}$ emissions. Consistent with the air quality assessment, the plan shall include the following measures:

- All diesel-powers off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- The construction contractor shall use CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled (i.e. non-diesel) equipment, or equivalent, as well as exhaust devices that minimize construction period diesel particulate matter emissions, in accordance with the City's approval.

A copy of the construction operations plan shall be submitted to the Supervising Environmental Planner, Department of PBCE prior to the start of any construction activities. These Standard Permit Conditions and the mitigation measure are intended to establish a process that minimizes fugitive dust and exhaust emissions that protect the health and safety of nearby sensitive receptors such that temporary construction emissions would not exceed the BAAQMD significance thresholds for community risk and hazard impacts.

With implementation of the identified Standard Permit Conditions and Mitigation Measure MM-AIR-1.1, the residential child cancer risk during construction would be reduced to 3.0 cases per million which is below the 10 per one million cases threshold. Therefore, the proposed project would result in a less than significant community risk impact due to construction activities. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Dust Generation

As identified in the Downtown Strategy 2000 EIR and the General Plan EIR, 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 soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Construction activities on the site would include demolition of the existing structures and hardscape, excavation, and grading of the site, which would generate dust and other particulate matter. The generation of dust and other particulate matter could temporarily impact nearby residents.

With implementation of the Standard Permit Conditions identified above, dust and other particulate matter generated during construction that could affect adjacent and nearby sensitive land uses would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.3 *Operational Emissions*

The proposed project would construct approximately 637 residential units and 19,500 square feet of retail uses. Operational emissions associated with the project would occur primarily as a result of vehicles driven by future residents. An on-site, emergency generator would also produce a small amount of emissions. Table 4.3-5 shows the predicted annual emissions in tons and average daily operational emissions, assuming 365 days of operation per year. As shown, average daily and annual emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ associated with operation of the project would not exceed the BAAQMD significance thresholds.

Table 4.3-5: Project Operational Emissions

Scenario	ROG	NOx 5	PM10	PM2.5
Annual Project Operational Emissions (tons per year)	8.20	6.30	4.83	1.38
Emergency Generator Emissions (tons per year)	<0.01	0.05	<0.01	<0.01
Total Emissions (tons per year)	8.20	6.30	4.83	1.38
BAAQMD Thresholds (tons per year)	*10*	*10*	*15*	*10*
Threshold exceeded?	**No**	**No**	**No**	**No**
Average Daily Project Operational Emissions (pounds)	44.9	34.8	26.5	7.6
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Threshold exceeded?	**No**	**No**	**No**	**No**

Source: Illingworth & Rodkin Inc., *SJSC Towers Community Health Risk Assessment*, February 12, 2016.[4]

Because the project would not exceed BAAQMD daily or yearly thresholds for operational emissions, there would be a less than significant operational air quality impact.

Carbon Monoxide Emissions

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

[4] The operational project emissions are based on a previous iteration of the project which included 350 residences, 20,000 square feet of retail, and 365,500 square feet of office, which would result in 6,593 net new traffic trips from the project site. The proposed project would result in 3,800 net new daily trips (see Section 4.17). As a result, criteria pollutant emissions generated by the project would be less than stated in Table 4.3-5.

4.3.2.4 *Odors (Question e)*

Construction of the project would generate localized emissions of diesel exhaust during equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. Odors would, however, be localized and temporary and are not likely to affect people off-site. Once operational, the proposed residential and commercial development will not generate substantive odors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.7 Cumulative Air Quality Impacts *(Question c)*

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

4.3.3 Existing Air Quality Conditions Affecting the Project

As previously discussed in *Section 4.0,* on December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

4.3.3.1 *Community Risk Impacts*

Mobile Source Emissions (Vehicles)

BAAQMD recommends that projects be evaluated for community risk when they are located within 1,000 feet of stationary permitted sources of TACs, and/or within 1,000 feet of freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). Traffic on high volume roadways is a source of TAC emissions that may adversely impact sensitive receptors in close proximity the roadway. A review of the project area indicates that traffic on East Santa Clara Street is the only substantial source of mobile TAC emissions within 1,000 feet of the project site.

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

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter (µg/m3) annual average PM2.5.

The vehicular traffic on East Santa Clara Street could result in elevated community risk levels for future residents of the project, as shown in Table 4.3-6. The Cancer Risk and Hazard Index at the project site would be less than established thresholds; therefore, the significance criteria would not be exceeded. As a result, the project would be consistent with General Plan Policy MS-11.1.

Table 4.3-6: Mobile Source Community Risk Levels			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ Concentration ($\mu g/m_3$)**	**Hazard Index**
East Santa Clara Street	9.1	0.2	<0.03
Source: Illingworth & Rodkin Inc., *SJSC Towers Community Health Risk Assessment*, February 12, 2016.			

Stationary Source Emissions

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. In addition to the previously discussed mobile (vehicular) sources, stationary sources of TACs can result in significant TAC or $PM_{2.5}$ exposure. Stationary sources identified by BAAQMD revealed four sources within 1,000 feet of the project site. The location of these sources and the level of community risk associated with them is shown within Table 4.3-7. As summarized in the table, future residents of the proposed project would not be exposed to TACs or $PM_{2.5}$ levels in excess of BAAQMD standards; therefore, the project is consistent with General Plan Policy MS-11.1 as it relates to stationary sources of TACs.

Table 4.3-7: Stationary Source Community Risk Levels				
Source	**Location from Project Site**	**Cancer Risk (per million)**	**Annual PM2.5 Concentration (µg/m3)**	**Hazard Index**
Plant G4124, Chevron #4259	100 feet west	8.1	0.0	<0.03
Plant 15267, Emergency Generator, San José City Hall	250 feet south	2.6	0.0	<0.01
Plant 1880, Emergency Generator, Global Netoptex	550 feet west	0.6	0.0	<0.01
Plant 9339, Emergency Generators and Fire Pumps, San José State University	900 feet south	0.8	0.0	<0.01
On-Site Project Generator	NA	2.8	0.0	<0.01
	Total:	14.9	0.0	<0.07
	BAAQMD Threshold – Single Source	>10.0	>0.3	>1.0
	BAAQMD Threshold – Cumulative Sources	>100	>0.3	>10.0
	Threshold Exceeded?	**No**	**No**	**No**
Source: Illingworth & Rodkin Inc., *SJSC Towers Community Health Risk Assessment*, February 12, 2016.				

4.3.3 Conclusion

Construction and operation of the proposed project would have a less than significant impact on local and regional air quality and would not result in new or more significant operational, regional, or local air quality impacts, or odors than disclosed in the Downtown Strategy 2000 EIR and/or the General Plan EIR. Additionally, the proposed project would comply with applicable General Plan policies

related to TAC emissions exposure to future site residents. Implementation of the identified Standard Measures would reduce short-term construction-related dust impacts to less than significant levels. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Implementation of MM AIR-1.1 would reduce short-term construction-related diesel emissions and dust impacts to less than significant levels. **[New Impact (Less Than Significant Impact with Mitigation)]**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Existing Conditions*

The project site is located in a developed, urban area of Downtown San José. There are no sensitive habitats or wetlands on or adjacent to the project site. Biological resources on-site consist of trees and shrubs. There are a total of nine trees on-site, four of which are ordinance-sized (defined as trees with a circumference of 56 inches or greater). None of the trees on-site are native species. Table 4.4-1 describes the trees located on the project site and corresponds to Figure 4.4-1. In addition to these on-site trees, there are 17 existing street trees, 15 of which would remain and be protected in place and two would be relocated along the North Fifth Street frontage.

Table 4.4-1: Trees Species Observed On-Site

Tree #	Scientific Name	Common Name	Circumference*
1	*Ailanthus altissima*	Tree of Heaven	60
2	*Prunus sp.*	Fruit tree	28
3	*Washingtonia robusta*	Mexican fan palm	71
4	*Washingtonia robusta*	Mexican fan palm	78
5	*Ailanthus altissima*	Tree of Heaven	40
6	*Cinnamomum camphora*	Camphor tree	59
7	*Ailanthus altissima*	Tree of Heaven	42
8	*Ailanthus altissima*	Tree of Heaven	10
9	*Ailanthus altissima*	Tree of Heaven	12

Source: DJP&A Tree Survey of the project site. Conducted in December 2015

* Circumference is measured in inches.

Note: Ordinance sized trees are 56+ inches in circumference, measured at a height of 24 inches above natural grade.

Habitats in developed urban areas, such as the project site, are relatively low in species diversity. Species that use this habitat are urban adapted birds, such as rock dove, mourning dove, house sparrow, scrub jay, and starling. Due to the lack of sensitive habitats and the extent of human disturbance of the project site, special-status plant and animal species are not expected to occur.

4.4.1.2 *Regulatory Setting*

Special-Status Species

Special-status species are those plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife (CDFW). Additionally, nesting birds are considered special-status species and are protected by the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act. Most special status animal species

occurring in the Bay Area use habitats that are not present on the project site, such as salt marsh, freshwater marsh, and serpentine grassland habitats. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in trees located on or in the area surrounding the project site.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

Since the certification of the Downtown Strategy 2000 EIR and the General Plan EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Habitat Plan is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the CDFW and the USFWS).

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of planned development and public infrastructure operations and maintenance activities, as well as to enhance the long-term viability of endangered species.

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

Envision San José 2040 General Plan

The General Plan includes the following policies applicable to the proposed project.

> ***Policy MS-21.4:*** Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
>
> ***Policy MS-21.5:*** As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
>
> ***Policy MS-21.6:*** As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

TREE LOCATION MAP

FIGURE 4.4-1

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds. This shall include requiring pre-construction surveys for nesting birds prior to grading permit issuance for projects that disturb trees and begin construction during the nesting season (February 1 and August 31). Pre-construction surveys for nesting birds will be conducted by a qualified biologist within onsite trees as well as all trees within 250 feet of the site. The survey will occur within 14 days of the onset of construction. If pre-construction surveys locate active nests within or near construction zones, these nests, and an approved buffer around them (as determined by a qualified biologist), will remain off-limits to construction until the nestling/chicks have fledged and are no longer dependent on the nest.

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

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José Municipal Code Section 13.31.010 to 13.32.100) protects all trees having a trunk that measures 56 inches or more in circumference (17.8 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A Tree Removal Permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. Additionally, San José Municipal Code Section 13.28 requires the protection of street-trees in the public right-of-way, adjacent to private properties.

4.4.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐	1-3,7

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☐	☒	1-3
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒	1-3
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1-3,7
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1-3,7
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1-3,7

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the General Plan EIR, the proposed project would result in less than significant biological impacts, as described in the discussion that follows.

*4.4.2.1 **Impacts to Sensitive Species and Habitats** (Questions a though d)*

Vegetation, Habitats, and Wildlife

Due to the fact that there are no sensitive or natural habitats on the project site, no significant impacts to natural plant communities or special status or endangered species would result from the project. In addition, there are no wetlands located on the project site. The nearest riparian corridor, the

Guadalupe River, is approximately 0.75 mile west of the site. Therefore, the proposed project would not adversely affect special status species, riparian habitat, wetland habitat, or interfere with wildlife movement. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impacts to Nesting Migratory Birds

While the project site is located within an urban environment, the mature trees on or adjacent to the site could provide nesting and/or foraging habitat for migratory birds adapted to urban environments. Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the California Department of Fish and Game Code Sections 3503, 3503.5, and 2800. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance.

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

Mitigation and Avoidance Measures

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan Policy ER-5.2, the project shall implement the following measures to reduce impacts to nesting birds and raptors to a less than significant level through avoidance or completion of pre-construction/pre-demolition surveys:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.

MM BIO-1.2: If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests would be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist would inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, would determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests would not be disturbed during project construction.

MM BIO-1.3: The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José's Department of PBCE prior to issuance of any grading permit.

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

4.4.2.1 *Local Policies and Ordinances (Question e)*

On-Site Trees

There are four ordinance-sized trees and five other trees on the project site (as described in Table 4.4-1), which will be removed as part of the project. While there are no native species or Heritage Trees on-site, development of the proposed project would result in the loss of all nine on-site trees. Consistent with the General Plan EIR, trees removed as a result of the project would be required to be replaced or mitigated for in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Removal Controls (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code street tree protection requirements (Municipal Code Section 13.28)
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Table 4.4-2 outlines the City's approved tree replacement ratios. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. Trees removed would be replaced at these ratios, or the applicant would pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site.

Table 4.4-2: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38 to 56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gallon container

Source: City of San José Municipal Code
x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 56-inch trunk circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The project would be required to plant 20 24-inch box trees and three 15-gallon trees to comply with the previously described City ordinances and General Plan policies. Per the General Plan EIR, compliance with applicable regulations, policies, and guidelines would reduce impacts to trees to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Street Trees

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There are 17 street trees along the project frontages. Fifteen of these street trees would be preserved in place and two would be relocated. As a part of the Special Use Permit approval, the project would implement the following Standard Permit Conditions to protect the existing street trees.

- The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the Tree Protection Zone prior to demolition, grubbing or grading. Fences shall be six-foot chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
- No grading, construction, demolition or other work shall occur within the Tree Protection Zone. Any modifications must be approved and monitored by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.2.2 *Consistency with the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Question f)*

The project site is located within the Habitat Plan area. Private development in the Habitat Plan area is subject to the requirements of the Habitat Plan if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development;*[5] and;
- In Figure 2-5 of the Habitat Plan, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
    - The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" or;

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

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

The project will require discretionary approval by the City of San José and is consistent with activity described in Section 2.3.2 of the Habitat Plan; however, the project site is 1.4 acres in size (below the 2.0-acre threshold) and is not subject to the requirements of the Habitat Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.3 Conclusion

Implementation of the proposed project would have the same less than significant impact on biological resources as previously identified in the General Plan EIR and Downtown Strategy 2000 EIR. Implementation of the identified Standard Permit Conditions with regard to preserving the street trees, would result in a less than significant impact with regard to compliance with local policies and ordinances **[Same Impact as Approved Project (Less Than Significant Impact)]**

Consistent with the certified Downtown Strategy 2000 EIR, General Plan EIR, and City policies, the project would implement mitigation measures to ensure that nesting birds would be protected during construction activities. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on a historic resources report prepared by Archives & Architecture in February 2016, and an archaeological records search prepared by Holman & Associates in December 2015. The historic report is provided in Appendix B. A copy of the archaeological records search is available in the office of Planning, Building, and Code Enforcement Department during regular business hours.

4.5.1 Environmental Setting

4.5.1.1 *Prehistoric Subsurface Resources*

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 1,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone lived in small villages referred to as tribelets. Each tribelet occupied a permanent primary habitation site and also had smaller resource procurement camps. The Ohlone, who were hunter/gatherers, traveled between their various village sites to take advantage of seasonal food resources (both plants and animals). During winter months, tribelets would merge to share food stores and engage in ceremonial activities.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the Downtown area, particularly near the Guadalupe River. The Downtown Strategy 2000 EIR notes that several Native American sites have been found in the area bounded by West Santa Clara Street, West Reed Street, South Market Street, and the Guadalupe River.

In December 2015, Holman & Associates completed a literature review to identify potential archaeological deposits below the ground surface in the immediate project vicinity. No evidence of prehistoric era archaeological deposits on the project site was found and there are no recorded prehistoric sites in proximity to the project site. The site is, however, considered sensitive for prehistoric resources due to its location between the Guadalupe River and Coyote Creek.

4.5.1.2 *Historic Subsurface Resources*

Mission Period

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

The pueblo was originally located northwest of the project site, near the old San José City Hall. This location was prone to flooding and the pueblo was relocated in the late 1780's or early 1790's south of what is now Downtown San José. The current intersection of Santa Clara Street and Market Street was the center of the second pueblo. Each colonist in the pueblo was assigned a house lot and an agricultural plot. The houses (constructed of adobe) were generally placed in a north/south alignment around what is now Market Street. At that time, Market Street was the main north/south thoroughfare through the pueblo and connected to Market Plaza which was a large open area used for public markets and community entertainment. There is no documented development on the project site prior to 1884.

Post-Mission Period to Mid-20th Century

In the mid-1800's the project area began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. Historic era maps of the project block identify the potential for historic-era resources within the study area. Prior to the existing development on-site, the site was developed with a church, a blacksmith, a wood yard, a coal-storage area, and residential dwelling units from at least 1884 to 1891. By 1891, the blacksmith site was replaced by a junkyard and the wood yard and coal storage area was replaced by the Garden Stage Line (a livery and boarding operation). A carriage business was also developed on-site around this time period. By 1915, most uses on-site were replaced by industrial or commercial uses. By 1950, gas and oil fueling stations were developed. The existing cash wash and parking lot were constructed between 1957 and 2006 as old structures were removed from the site.

The literature review found no evidence of historic era archaeological deposits on the project site. Two previous studies evaluated structures and features in the project area. No resources were found eligible for the California Register of Historic Resources (CRHR). Given the history of development on-site and in the project area, the site is considered sensitive for historic resources.

4.5.1.3 *Historic Structures – Regulatory Framework*

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

National Criteria

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

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

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

State of California Criteria

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the CRHR are very similar to those of the National Register, with emphasis on local and State significance. They are:

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

City of San José Criteria for Local Significance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

a. An individual structure or portion thereof;
b. An integrated group of structures on a single lot;
c. A site, or portion thereof; or
d. Any combination thereof.

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

- Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
- Identification as, or association with, a distinctive, significant or important work or vestige:
  1. Of an architectural style, design or method of construction;
  2. Of a master architect, builder, artist or craftsman;
  3. Of high artistic merit;
  4. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;

5. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
6. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

- The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A). The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B). Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above.

According to the City of San José's *Guide to Historic Reports*, a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential."

4.5.1.4 *Structures on the Project Site*

There is currently one structure on the project site, a commercial building located at 21 North Fifth Street which operates as Pacific Car Wash. The building was originally constructed as American Car Wash in 1956-1957 and has operated as a car wash since that time under various owners. The building spans the block between North Fourth and Fifth Streets. The building is an open structure with an internal drive-through serving a commercial car-washing operation. The building is rectangular in shape and one-story tall. The site is located between City Hall and the City Hall parking structure, and across the street from the San José First United Methodist Church and new student housing for San José State University. The City Hall structures and the church have all been constructed within the last 11 years. The student housing has been under construction and is recently completed.

The building is mostly concrete block. The south wall is flush with the old property line and consists of unfinished concrete block with a short parapet top. The three exposed walls are a mix of concrete

block or framed walls set within clad steel posts. The exterior framed walls are finished with smooth plaster. The north wall along the internal washing area has glazing set within the regularly spaced clad steel posts with solid panels above. The building is covered with a flat roof and the roofing plane extends beyond the three outside wall areas within the site, providing narrow eaves along the north walls and more substantial eaves at the street sides. The eaves trim the walls with wide board fascias caped with wood box trim.

Pole-mounted signs were originally located at both street frontages. The North Fifth Street sign, which was located at the northeast corner of the site, is no longer extant and it is not known when it was removed. The North Fourth Street sign is still extant, and is steel-pole-mounted on two supports located at the northwest corner of the site. It is a wide box design with an angled front that curves as an arrow (pointing to the car wash) into its base. The rear side is angled outward. The signage is applied to the flat box surface on both sides.

The existing building on the project site is not eligible for listing on the National or California Register under any criteria. While the building retains a high level of structural integrity and is in its original location, the setting has changed substantially and the building is not a unique or artistic representation of its style of architecture in San José. The car wash building does not architecturally represent important patterns of development or events, nor does it contribute to a recognized district of historical significance. The use has a limited connection to automobile-related development during the post-World War II era of suburbanization, and is a familiar use in the Downtown. The commercial strip that exists today along East Santa Clara Street has a long shared and varied history, but the buildings are not architecturally bound together in a way that represents any particular era or architectural style. The building itself is not associated with significant events, persons, or patterns of history. The building does not meet the threshold for listing on the City's Historic Resources Inventory.

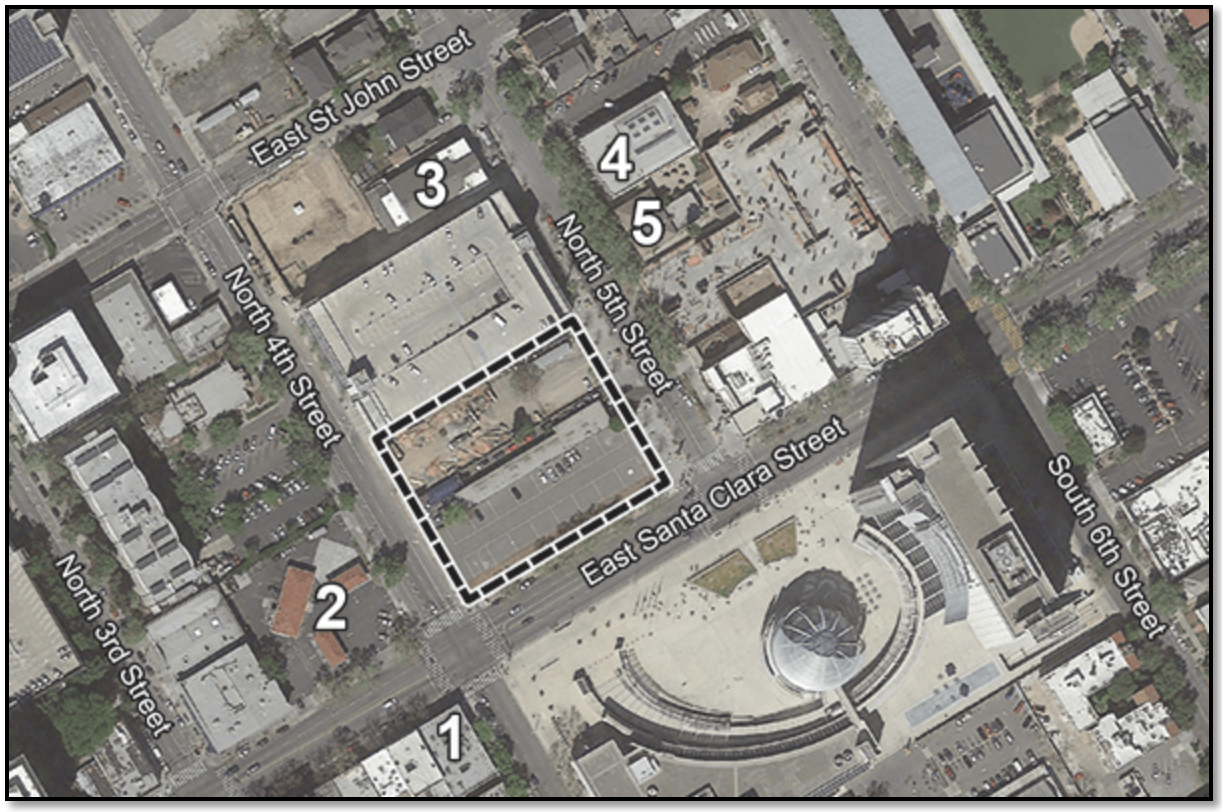
4.5.1.5 *Historic Resources Adjacent or in Proximity to the Project Site*

The project area, which includes buildings within 200 feet of the project site, includes five buildings that are currently more than 50 years old, as shown in Table 4.3-1.

Table 4.5-1: Historically Significant Buildings in the Project Area

No.	Building Name	Address	Year Built	Significance
1	Kennedy Building/State Meat Market	148 East Santa Clara St	1909	NRHP Listed City Landmark
2	Chevron Service Station	147 East Santa Clara St	1969	Not Significant
3	Central Apostolic Church	77 North Fifth St	1910	CRHR Eligible
4	Le Petit Trianon	72 North Fifth St	1922	CRHR Eligible Candidate City Landmark
5	Mother Olson's Inn	54 North Fifth St	1951	Not Significant

The locations of the buildings are shown in the figure below.



Building 1 (Kennedy Building) is a two-story commercial building that anchors the east end of San José's National Register Downtown Commercial District. The building was constructed in the Arts and Crafts style and was designed by prominent local architect George W. Page. The building is listed in the NRHP as a contributor to the Downtown Commercial District and is a designated City Landmark (HL92-70).

The Chevron site (Building 2) is comprised of a single-story building and two islands of covered gas pumps. The site was constructed with Neo-Spanish Colonial architectural materials (red clay tile and slumpstone block walls) and is one of the few remaining gas stations in the Downtown core. While largely original, the building is not eligible for listing on the local, State, or National registers.

Building 3 (Central Apostolic Church) was originally designed in the Mission Revival style by architect George W. Page, but has been remodeled twice since World War II and no longer retains the character defining features of the Mission Revival style. While the exterior of the building has been heavily modified, previous studies of the building concluded that it may be eligible for listing in the CRHR under Criterion 3 due to the historic integrity of the surviving sanctuary, which was designed by George W. Page. As it is a privately owned building, however, the integrity of interior spaces is not consideration for significance under CEQA.

Building 4 was designed by prominent local architect William Binder or the firm Binder and Curtis, and was based on Le Petit Trianon in Versailles, France. The building is eligible for listing in the CRHR under Criterion 3 as an exceptional example of William Binder's work. The building is also a Candidate City Landmark.

Building 5 is a two-story building designed in a late rendition of the Mediterranean Revival style. While the building retains a high level of integrity, the building is not a distinguished example of it style and is not associated with any significant historic themes or persons. The building is not eligible for the CRHR and does not qualify as a Candidate City Landmark.

All these structures are in their original locations, but the historic context and setting of the buildings have changed over time due to the continuous development and redevelopment of the project area.

4.5.2 Applicable Goals and Policies

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

> ***Policy EC-2.3:*** Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
>
> ***Policy ER-10.2****:* Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity would cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
>
> ***Policy ER-10.3:*** Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
>
> ***Policy LU-13.1:*** Preserve the integrity and fabric of candidate or designated Historic Districts.
>
> ***Policy LU-13.8*****:** Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

4.5.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	1-3,9

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1-3,10
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1-3
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1-3,10

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory.

Similar to the site development evaluated in the General Plan EIR and Downtown Strategy 2000 EIR, the proposed project would result in less than significant cultural resources impact.

4.5.3.1 *Changes to Historical Resources (Question a)*

Demolition of Buildings on the Project Site

As stated above, the building on the project site is not eligible for listing in the City's local inventory or the California or National Registers. Therefore, demolition of this structure would have a less than significant impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impacts of Construction on Nearby Historic Structures

The proposed project would require below-grade excavation and foundation work, pile driving, and new building framing. This may produce ground-borne vibration that would adversely impact the historic buildings in the immediate vicinity of the project site. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Construction activities will occur within 130 feet of the Kennedy Building and 165 feet from the Le Petit Trianon Theatre.

Pile driving would generate the highest ground borne vibration levels (approximately 0.644 in/sec PPV at 25 feet), but will be avoided by pre-drilling the piles. Other construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.089 in/sec PPV at 25 feet) may also generate substantial vibration in the immediate site vicinity. Construction of the main building

structure is not anticipated to be a source of substantial vibration and construction vibration would not be substantial for the majority of the construction schedule. Due to the distance between the project site and nearby historic structures, vibration levels associated with construction of the proposed project would not exceed the City's threshold of 0.08 in/sec PPV. **[Less Impact Than Approved Project (Less Than Significant Impact)]**

Impact of the Proposed Project on Nearby Historic Structures

The project proposes a modern style building of greater height and massing then most buildings in the project area. The setting of the project area has, however, already been compromised by recent development, including City Hall. Implementation of the proposed project would further change the setting of the project area, but would not diminish the integrity of location, design, materials, and workmanship of the two historic structure near the site. As a result, the proposed project would have a less than significant impact on the historic significance of the Kennedy Building and the Le Petit Trianon Theatre. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3.2 *Change to Archaeological Resource (Question b)*

Prehistoric Resources

The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric resources.

Policy ER-10.1 states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

While the project site is located within a prehistoric district defined in the Downtown Strategy 2000 *EIR*, subsurface testing of nearby sites consistent with City policy and in accordance with Mitigation Measure CUL-3b of the Downtown Strategy 2000 EIR failed to yield any evidence of prehistoric archaeological deposits. Therefore, it was concluded that the potential for discovery of significant prehistoric archaeological materials within the project site is low and the proposed project will have a less than significant impact on prehistoric subsurface artifacts. Nevertheless, measures consistent with the Downtown Strategy 2000 EIR are included in the project to mitigate prehistoric impacts in the event of an unexpected discovery. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Historic Resources

Although *Holman and Associates* found no recorded evidence of historic era archaeological deposits on or in proximity to the project site, the potential for discovery of significant historic archaeological materials within the project site is high. The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface historic resources. The Downtown Strategy 2000

EIR similarly identified disturbance or loss of such resources as a significant impact that could be mitigated to a less than significant level and provided area-specific measures for doing so.

Based on the literature review completed for the project site (in accordance with Mitigation Measure CUL-3b of the Downtown Strategy 2000 EIR), the site has the potential to yield post-mission artifacts associated with residential and commercial development. Implementation of the proposed project will require excavation of the entire site to approximately 35 feet below the ground surface for construction of the underground parking structure. Excavation of the site would result in the loss of all as yet unknown subsurface historic resources on the project site.

Impact CUL-1: Subsurface cultural resources could be uncovered and disturbed during demolition/construction of the proposed project, resulting in a significant impact. **(Significant Impact)**

Mitigation and Avoidance Measures

The Downtown Strategy 2000 EIR identified the following measures for mitigation of impacts on the project site (Table V I-2).

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

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

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

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

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

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

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

In conformance with the Downtown Strategy 2000 EIR mitigation requirements outlined above, the following project-specific measures would be implemented as conditions of approval to avoid significant impacts to unknown subsurface cultural resources:

MM CUL-1.1: The project applicant shall complete subsurface testing to determine the extent of possible resources on-site. Subsurface testing shall be completed by a qualified archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist.

MM CUL-1.2: Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any demolition and grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL-1.3: All historic-era features identified during exploration shall be evaluated based on the CRHR criteria consistent with the archaeological treatment plan. After completion of the field work, all artifacts shall be cataloged and the appropriate forms completed and filed with the Northwest Information Center of the California Archaeological Inventory at Sonoma State University.

In addition to the archaeological resources treatment plan outlined above, the following measures (consistent with the mitigation measures outlined in the Downtown Strategy 2000 EIR) are included in the project to further reduce impacts to subsurface cultural resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding he disposition of such finds prior to issuance of building permits. If the finds do not

meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

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

Within implementation of these mitigation measures, construction of the proposed project would have a less than significant impact on as yet unrecorded subsurface archaeological resources. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.5.3.3 *Paleontological Resource Destruction (Question c)*

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a lower potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments, often found at depths of more than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the General Plan EIR found the project site to have a high sensitivity (at depth) for paleontological resources.

The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on paleontological resources.

While the project site is located within a high sensitivity area (at depth) for paleontological resources, subsurface testing and excavation in the immediate project area, including project sites closer to Guadalupe River than the project site, has failed to yield any evidence of paleontological deposits. Therefore, it was concluded that the potential for discovery of significant paleontological deposits within the project site is low and the proposed project will have a less than significant impact on paleontological deposits. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3.4 *Human Remains Disturbance (Question d)*

Discovery of human remains is unlikely given the location of the project site to known occupation areas. Should human remains be encountered during project construction, however, the following Standard Permit Condition (included as part of the Special Use Permit approval) would be implemented:

- This Project would incorporate the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of

California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains and the Santa Clara County Coroner shall be notified immediately. If the Coroner determines that the remains are of Native American origin, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and any ongoing monitoring are accepted.

With the implementation of the Standard Permit Condition, impacts to human remains would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.4 Conclusion

The proposed project will have a less than significant impact on subsurface prehistoric resources, paleontological resources, and historic structures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

With implementation of the identified mitigation measures, including the proposed archaeological testing and treatment plans, and the standard permit conditions, the proposed project will be consistent with adopted City policies and will have a less than significant impact on known and unknown subsurface archaeological artifacts located on the project site. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.6 GEOLOGY AND SOILS

The following discussion is based, in part, information contained within the Web Soil Survey conducted at the U.S. Department of Agriculture National Cooperative Soil Survey website in January 2016, and included as.

4.6.1 Environmental Setting

4.6.1.1 *Regional Geology*

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

4.6.1.2 *On-Site Geologic Conditions*

Topography and Soils

The project site is relatively flat and generally slopes in a northwesterly direction. The site is located on a Holocene flood plain deposit and is primarily underlain by soft to very stiff clay, sandy clay, and clay with sand.[6] The project site is underlain by soils that have a moderate- to high-expansion potential. There may be areas of localized undocumented fill and loose surficial soils on the project site.

Groundwater

Based on the information contained within the Phase I Environmental Site Assessment (Appendix D), groundwater at the project site has historically been encountered at a depth of approximately 10 feet below-ground surface (bgs). Groundwater levels encountered in geotechnical borings on-site, however, ranged from approximately 20 to 30 feet bgs at the time of exploration. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismicity and Seismic-Related Hazards

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

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone, Santa Clara County Fault Hazard Zone, or City of San José Fault Hazard Zone[7]. In addition, as discussed in the certified Downtown Strategy 2000 EIR, no known surface expressions of active faults cross the site; therefore, fault rupture is not a significant geologic hazard on the project site.

[6] Langan Treadwell Rollo. *Phase I: Environmental Site Assessment SJSC Towers*. February 10, 2016.
[7] County of Santa Clara. Geologic Hazards Zones, Map 20. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

Nearby active or potentially active faults include the Hayward, Monte Vista-Shannon, Calaveras, and San Andreas faults. The distance from the project to these faults is shown in Table 4.6-1. Due to the proximity of the project site to these active or potentially active faults, ground shaking, ground failure, and/or liquefaction as a result of an earthquake could cause damage to structures.

Table 4.6-1: Active Faults Near the Project Site

Fault	Distance and Location from Project Site
Hayward (Southeast Extension)	9.2 miles northeast
Hayward (total length)	9.3 miles northeast
Monte Vista-Shannon	12 miles southwest
Calaveras	14 miles northeast
San Andreas	19 miles north

Source: City of San José, Downtown Strategy 2000 EIR.

Liquefaction

Liquefaction is a result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soil susceptible to liquefaction includes loose- to medium-dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits.

The project site is located within a State of California Hazard Zone for liquefaction and within a Santa Clara County Liquefaction Hazard Zone[8]. Given the on-site soil type, soil density, and depth to groundwater, the potential for liquefaction on-site during seismic shaking is considered high.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face, such as an open body of water, channel, or excavation. There are no creeks or open bodies of water adjacent to the project site where lateral spreading could occur; therefore, the potential for lateral spreading to affect the site is low.

Landslides

The site is not located within a California Seismic Hazard Zone for landslides or within a Santa Clara County Landslide Hazard Zone[9]. Additionally, the project area is relatively flat. Thus, the probability of landslides occurring at the site during a seismic event is low.

[8] County of Santa Clara. Geologic Hazards Zones, Map 20. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[9] Ibid.

4.6.2 Applicable Goals and Policies

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

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1*:* Design and build all new or remodeled 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.

Policy 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.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Action EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of Grading Permits by the Director of Public Works.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
• Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						1-3,8
f. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐	1-3,8
g. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1-3,8
h. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1-3,8,13
i. Landslides?	☐	☐	☐	☒	☐	1-3
• Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1-3,8,13
• Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1-3,8,13
• 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?	☐	☐	☐	☒	☐	1-3,8
• 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

In conformance with the Downtown Strategy 2000 EIR, General Plan EIR, and current standard practices in the City of San José, the project will be required to design and construct new buildings in conformance with California Building Code requirements and based upon a geotechnical investigation that addresses potential liquefaction and other soil and seismic hazards specific to the site.

4.6.3.1 *Seismic Risk (Question a)*

The project site and surrounding areas are relatively flat. The area is not exposed to soil erosion or landslides. The project site is not located near creeks or channels. As a result, the potential for lateral spreading is very low. The project would not be subject to impacts from other seismic-related hazards including lateral spreading, slope instability, or landslides due to the flat topography of the site.

The City of San José (including the project site) is located within a seismically active area. The proposed project would be required to be constructed in accordance with the most recent California Building Code, which contains the regulations that govern the construction of structures in California. Additionally, the project would be constructed in conformance with the recommendations of the design-level geotechnical investigation to be prepared for the project. The General Plan EIR and Downtown Strategy 2000 EIR concluded that adherence to the California Building Code would reduce seismic-related impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3.2 *Soil Erosion (Question b)*

The project site is flat and exposed soil is limited to landscaped areas. Ground disturbance would be required for removal of the existing pavement, grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind- or water-related erosion and sedimentation at the site until construction is complete.

The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in Section 4.9 Hydrology and Water Quality) are the primary means of enforcing erosion control measures through the grading and building permit process. In addition, a site-specific erosion control plan will be required between October 1st and April 30th, which is the City's observed rainy season. The General Plan EIR concluded that with the regulatory programs currently in place, the impact of accelerated erosion during construction would be less than significant. In addition, according to the certified Downtown Strategy 2000 EIR, the project would not contribute to long-term erosion hazards.

Because the project would be required to comply with the regulations identified in the General Plan EIR, City policies, and Municipal Code regulations, implementation of the proposed project would have a less than significant soil erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3.3 *Unstable Geologic Unit (Question c)*

The site is flat and not subject to landslide, lateral spreading, or subsidence issues.

Due to the high groundwater table and soil type on-site, there is a high potential for liquefaction impacts during a regional earthquake. Additionally, the project site is located within a state- and county-designated liquefaction zone; however, the General Plan EIR and Downtown Strategy 2000 EIR concluded that adherence to the California Building Code (which would be required through issuance of a City of San José Building Permit) would reduce liquefaction-related impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3.4 *Expansive Soils (Question d)*

The project site is underlain by soils that have a moderate- to high-expansion potential. To address this potential geologic hazard, prior to issuance of any site-specific Grading or Building Permits, a design-level geotechnical investigation would be prepared and submitted to the City of San José Public Works Department for review and approval (consistent with General Plan Policy EC 4.1Action EC-4.11 and Policy EC 4.1). The project would implement the recommendations in the investigation to minimize impacts from expansive soils, which (per the General Plan EIR) would reduce impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3.5 *Septic Tanks and Wastewater Disposal (Question e)*

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3.6 *Existing Geologic Conditions Affecting the Project*

As noted previously, on December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

On-Site Seismic Conditions

The policies within the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on-site or on adjoining properties. To ensure this, the Action EC-4.11 requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards as part of the project approval

process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance to ensure that proposed development sites are suitable.

The primary soil consideration on the project site is the presence of a moderate-expansion potential of the surficial soil, which could damage future buildings and improvements on the project site. While the proposed project would not be exposed to substantial slope instability, erosion, or landslide-related hazards based on the soils present, the project area has been developed for over 100 years and it is conceivable that undocumented fill could be present.

As discussed in the certified Downtown Strategy 2000 EIR, differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of the undocumented fill and expansive soils are not considered during project design and construction. The site is also subject to very strong ground shaking during an earthquake.

To address these potential soils geologic hazards, prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from undocumented fill, expansive soils, and differential settlement. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

To address the potential seismic hazards, the proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code, which contains the regulations that govern the construction of structures in California. The General Plan EIR concluded that adherence to the California Building Code would reduce seismic-related impacts and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because implementation of the proposed project would comply with the design-specific geotechnical report(s), the California Building Code, and regulations identified in the General Plan EIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4 and Action EC-4.11.

Groundwater Conditions

The project requires excavation to a depth of approximately 32 feet below ground for construction of a subterranean garage. While geotechnical borings on-site encountered groundwater at depths of approximately 20 to 30 feet bgs, historically high groundwater in the project area has been reported to be approximately 10 feet bgs. Therefore, construction of the project could encounter groundwater. Potential impacts associated with construction activities near or below the ground water table could include wet and unstable subgrade pavement, difficulty achieving compaction, and difficult underground utility installation. Construction techniques such as dewatering, shoring of utility trenches, waterproofing, and a hydrostatic pressure (uplift) design are anticipated to be required for the project to avoid impacts from shallow groundwater on-site.

In addition, as discussed in the certified Downtown Strategy 2000 EIR, construction of below-ground structures could result in lowered groundwater levels in the project area. The lowered water level could increase the stress on underlying sediments, potentially resulting in settlement that could affect the proposed project.

As required by the Downtown Strategy 2000 EIR, a design-level geotechnical investigation would be prepared for the project (and reviewed and approved by the Department of Public Works). The geotechnical investigation would evaluate the consolidation properties of the underlying sediments to determine the potential for settlements associated with dewatering and other potential earth movements. If it is determined that unacceptable settlements may occur with either active or passive dewater systems, then alternative groundwater control systems that do not require continuous groundwater removal (e.g., slurry wall) shall be required. The design-level geotechnical investigation would also identify necessary measures associated with shoring of utility trenches, waterproofing, and designing for hydrostatic pressure (uplift). Conformance with the recommendations contained within the project's geotechnical investigation would ensure that impacts as a result of earth movement due to settlement associated with dewatering are avoided (consistent with Policies EC-4.2 and EC-4.4 and Action EC-4.11). **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.6.4 Conclusion

Implementation of the proposed project would not result in new or more significant geologic and seismic-related hazards to the adjacent or nearby uses than disclosed in the Downtown Strategy 2000 EIR and the General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

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

4.7.1.1 *Regulatory Background*

State of California Executive Order S-3-05

In June 2005, Governor Schwarzenegger issued Executive Order S-3-05, which identified CalEPA as the lead coordinating State agency for establishing GHG emission reduction targets in California. A "Climate Action Team," a multi-agency group was set up to implement Executive Order S-3-05. Under this order, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050.

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

California Assembly Bill (AB) 32, the California Global Warming Solutions Act, was signed into law in September 2006. With the passage of AB 32, the State of California made a commitment to reduce GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease over current levels. CARB's Discrete Early Actions include maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, including new technologies and new policy and implementation mechanisms, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities). In December 2008, CARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals.

On May 22, 2014, CARB adopted an updated Scoping Plan document. The 2014 update defines CARB's climate change priorities for the next five years and lay the groundwork to start the transition to the post-2020 goals set forth in Executive Order S-3-05 and B-16-2012.[10] The 2014 update highlights California's progress toward meeting the near-term 2020 greenhouse gas emission reduction goals defined in the 2008 Scoping Plan and evaluate how to align the State's longer-term greenhouse gas reduction strategies with other State policy priorities such as for water, waste, natural resources, agriculture, clean energy, transportation, and land use.

[10] Executive Order B-16-2012, issued by Governor Brown in March 2012, calls for expanded infrastructure to support zero emission vehicles and sets benchmarks for future state fleet vehicle purchases of zero emission vehicles. The executive order is available online at: http://gov.ca.gov/news.php?id=17472

California Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[11] The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced GHG emissions from passenger vehicles along with other benefits.

The Metropolitan Transportation Commission (MTC) and Associated Bay Area Governments (ABAG) adopted Plan Bay Area in July 2013 and the California Air Resources Board accepted the technical evaluation of the SCS in April 2014.[12] The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly with Priority Development Areas (PDAs) identified by local jurisdictions. The project site is within the City Center PDA designated by the City of San José.[13]

Executive Order B-30-15

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

As a part of this effort, the California Air Resources Board is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB initiated a public process in the summer of 2015 to update the State's Climate Change Scoping Plan. The updated Scoping Plan provides a framework for achieving the 2030 target and will be completed and adopted by CARB in 2017.

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

[11] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.
[12] The next update, called Plan Bay Area 2040, is now being prepared and is scheduled for adoption in 2017. (Source: Metropolitan Transportation Commission. *Plan Bay Area 2040*. http://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2040).
[13] One Bay Area. *Future Place Type for Priority Development Areas in Santa Clara County*. https://www.sanJoséca.gov/DocumentCenter/View/735.

Resources Agency will be responsible for ensuring that the provisions in the state's climate adaption strategy are fully implemented and state agencies must take climate change impacts into account in their planning decisions, including for all infrastructure projects.

4.7.1.2 *Regional and Local Plans*

2010 Bay Area Clean Air Plan

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

BAAQMD CEQA Guidelines

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

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[14] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

a. Green Building Regulations for Private Development (Chapter 17.84)
b. Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
c. Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
d. Construction and Demolition Diversion Deposit Program (Chapter 9.10)
e. Wood Burning Ordinance (Chapter 9.10)

Envision San José 2040 General Plan

The General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and

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

reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

The GHG Reduction Strategy was approved by the City Council in December 2015. The environmental impacts of the GHG Reduction Strategy were analyzed in a 2015 Supplement to the General Plan EIR. The City's projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals, however, and the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

4.7.1.3 *General Plan Policies*

The General Plan includes the following GHG reduction policies, which are applicable to the project. These policies are also described within the City's GHG Reduction Strategy.

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

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

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

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas

Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

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

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

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

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.7.1.4 *Existing On-Site GHG Emissions*

The project site is currently occupied by a parking lot, a construction yard and a car wash. GHG emissions are generated from vehicles entering, parking, and leaving the site and from heating, cooling and lighting of buildings.

4.7.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1-3,6,12
a. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1-3,6,12

4.7.2.1 ***Greenhouse Gas Emissions*** *(Question a)*

Construction

The proposed residential development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant; consistent with the findings of the General Plan EIR as it relates to GHGs. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Operation

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy (such as the proposed project) would have a less than significant impact related to GHG emissions. The project's conformance with the GHG Reduction Strategy is further described in the following section. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.2.2 *Conflict with Plans or Policies (Question b)*

Consistency with the San José Greenhouse Gas Reduction Strategy

The General Plan contains goals and policies adopted for the purpose of reducing GHG emissions, which center around five strategies: energy, waste, water, transportation, and carbon sequestration. These goals and policies are also discussed within the City's GHG Reduction Strategy. Some measures are considered mandatory for all proposed development projects, while others are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City.

The primary test for consistency with the GHG Reduction Strategy is conformance to the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for all development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020. If approved, the proposed project would be constructed and operational prior to the year 2020.

The proposed project's consistency with the relevant mandatory GHG reduction criteria is detailed below.

Mandatory Criteria

- Consistency with the Land Use/Transportation Diagram and Zoning Ordinance
- Conformance with the Municipal Code Chapter 17.84 (Green Building Regulations for Private Development)
- Consistency with GHG Reduction Strategy Policies MS-2.3, MS-2.11, and MS-14.4,
- Pedestrian/Bicycle Site Design Measures

- Consistency with GHG Reduction Policies: CD-2.10, CD-3.2, CD-5.1, LU-5.1, LU-5.4, TR-2.18, TR-3.3

The proposed project is consistent with the General Plan land use designation and zoning for the site. The project proposes a very high level of residential and commercial density, which would facilitate neighborhood vitality and transit ridership. New structures would be constructed in compliance with Municipal Code Chapter 17.84 (Green Building Regulations for Private Development) and the California Green Building Code (CALGreen). Bicycle parking would be provided consistent with San José requirements (the project will provide the required 160 bicycle parking spaces). Given the project's proximity to transit, the inclusion of green building measures, and the provision of adequate bicycle parking, the project would be consistent with the mandatory criteria described above. Thus, the proposed project is consistent with the mandatory GHG Reduction Strategy and General Plan goals and policies intended to reduce GHG emissions and the impact as a result of plan or policy conflict would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.3 Conclusion

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

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on the information contained within the Phase I Environmental Site Assessment Appendix D: Phase I Environmental Site Assessment, prepared by Langan Treadwell Rollo in February 2016, as well as a Phase II investigation, prepared by SCS Engineers in September 2001. The Phase I is provided in Appendix D and the results of the Phase II investigation are provided in Appendix E.

4.8.1 Environmental Setting

The project site is developed with a construction yard, a surface parking lot, and a drive-through car wash. As previously described, groundwater in the project area has historically been encountered at a depth of approximately 10 bgs. Groundwater levels encountered in geotechnical borings on-site, however, ranged from approximately 20 to 30 feet bgs at the time of exploration. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Prior to the existing development on-site, the project site was developed with a Presbyterian church, a blacksmith, a wood yard, a coal-storage area, and residential dwelling units from at least 1884 to 1891. By 1891, the blacksmith site was replaced by a junkyard and the wood yard and coal storage area was replaced by the Garden Stage Line which was a livery and boarding operation. A carriage business was also developed on-site around this time period. By 1915, most uses on-site were replaced by industrial or commercial uses. By 1950, gas and oil fueling stations were developed. The car wash, which is present today, was constructed in 1956-1957 and is seen in a 1969 Sanborn Map of the project site.

4.8.1.1 *On-Site Sources of Contamination*

With the exception of minor oil stains on the concrete floor of the car wash facility and asphalt-paved or bare ground parking surfaces, no hazardous substances or hazardous materials storage were observed on the project site. The minor staining was determined to be a condition typically associated with the parking of automobiles and does not represent a substantial concern.

Based on a database records search, the project site is listed on various databases due to the site's historical gas fueling station uses. The 2001 Phase II investigation found soil and groundwater contamination from previous land uses on-site, but no information was found on file regarding whether associated underground storage tanks (USTs) were removed or whether a documented release had occurred.

The 2001 Phase II investigation included both soil and groundwater sampling to determine the extent of possible contamination on-site from historic land use operations. Benzene, toluene, ethylbenzene, and total xylenes were detected in both the soil and as soil vapor. Naphthalene, lead, and TPHg were also detected in the soil samples. Contamination levels were below commercial screening thresholds in all but one of the samples. One soil sample taken near the southeast corner of the car wash building had TPHg and benzene in concentrations that exceed regulatory levels at a depth of 15 feet.

Groundwater samples found benzene, naphthalene, and xylenes above established regulatory levels.

4.8.1.2 *Off-site Sources of Contamination*

As discussed in the Downtown Strategy 2000 EIR, hazardous material releases have been reported on properties within the downtown that could present a health risk to construction workers and area residents if such a release were to occur on-site. For this reason, the Phase I Environmental Site Assessment for the project also looked at surrounding properties to determine whether there was potential contamination on nearby sites that could affect the project site.

Off-site hazardous materials sources within a one-eighth mile radius of the project site are listed in the following Table 4.8-1[15]. Groundwater flows generally from southeast to northwest in the area. The hazardous materials sites in this area are located to the southwest and northeast of the project site, which is up-gradient and cross-gradient, respectively to the project site as it relates to groundwater flows.

Table 4.8-1: Hazardous Materials Sites Within 1/8 Mile Radius of Project Site

Address	Distance to Project Site	Hazardous Materials of Issue	Site Description	Status
100 East Santa Clara Street	325 feet southwest (cross-gradient)	Leaking fuel oil UST removed from an underground vault in 1989	LUST, HIST LUST, HIST CORTESE	Closed in 2002
147 East Santa Clara Street	80 feet southwest (cross-gradient)	Gasoline spills and leaks in 1983 and 1984, site is currently a Chevron gas station	RCRA-SQG, LUST, HIST CORTESE, SAN JOSÉ HAZMAT,	Closed in 2010
154 East Santa Clara Street	80 feet southeast (up-gradient)	Five gasoline and waste oil USTs removed	HIST CORTESE	Closed in 2000
235 East Santa Clara Street	250 feet northeast (up/cross gradient)	Bunker fuel in a UST, release of fuel did not occur and the UST was slurry grouted in 2015	LUST, SAN JOSÉ HAZMAT	Open, undergoing verification monitoring
224/250 East Santa Clara Street	350 feet east (up-gradient)	Two stoddard solvent USTs removed from the site	HIST CLEANSERS, HIST CORTESE	Closed in 1997

HIST UST - historic underground storage tank databases that are no longer updated
SAN JOSÉ HAZMAT - San José Hazardous Materials Facilities
RCRA-SGQ - Resource Conservation and Recovery Act-Small Quantity Generator
FINDS - Facility Index System
HIST CORTESE - sites for the list are designated by the State Water Resource Control Board, the Integrated Waste Board, and the Department of Toxic Substances Control
LUST – Leaking Underground Storage Tank

Source: Langan Treadwell Rollo. *Phase 1 Environmental Site Assessment SJSC Towers.* February 10, 2016.

[15] [15] Concentrations of hazardous materials traveling via groundwater would dissipate over distance. At a distance greater than 1/8 mile they would not have a significant impact on the project site.

4.8.1.3 *Other Hazards*

Airports

Norman Y. Mineta San José International Airport is located approximately 1.75 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan, the project site is not located within the Airport Influence Area. Additionally, the project is not located in the vicinity of a private airstrip.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (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 (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. 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. For the project site, any proposed structure of a height greater than approximately 75 feet above ground is required to be submitted to the FAA for review (under FAR Part 77).

Wildfire Hazards

The project site is located in downtown San José and is surrounded by urban development. The project site is not located within a Very-High Fire Hazard Severity Zone[16].

4.8.1.4 *Regulatory Setting*

The General Plan includes the following hazards and hazardous materials related policies applicable to development projects in the City of San José.

> ***Policy EC-7.1:*** For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
>
> ***Policy EC-7.2:*** Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines, and standards.
>
> ***Policy EC-7.4:*** On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

[16] Cal Fire. Santa Clara County. Fire Hazards Severity Zones in SRA Map. Adopted November 7, 2007.

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

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

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on-sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with FAA regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

Policy TR-14.4: Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Policy CD-5.8: Comply with applicable FAA regulations identifying maximum heights for obstructions to promote air safety.

4.8.2 Checklist and Discussion of Impacts

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

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1-3
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1-3

With implementation of General Plan policies and MM HAZ-1.1 through HAZ-1.5, the proposed project would result in less than significant hazards and hazardous material impacts, as described below. This is consistent with the findings of the Downtown Strategy 2000 EIR and the General Plan EIR in that the proposed project would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination, or the handling of hazardous materials, or wildland fires.

4.8.2.1 *Hazardous Material Transport or Disposal (Questions a and c)*

The proposed retail and residential uses would not involve the routine transport, use, or disposal of hazardous materials. A generator would be located on-site and would be used for backup power in emergency conditions. The engine would use commercially available California low-sulfur diesel fuel, several gallons of which would likely be stored on-site. The fuel would be properly stored within the generator or within appropriate diesel fuel containers to prevent leaks. To prevent impacts to adjacent uses, appropriate best management practices for containment and clean up would be implemented in the unlikely event of a fuel spill.

The project may also use fertilizers and pesticides for landscaping, as well as small quantities of commercial household cleansers and other chemicals for cleaning. These materials would be stored and used in accordance with the manufacturer's specifications and an accidental release affecting sensitive receptors in the area is, therefore, unlikely and the impact would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.2.2 *Hazardous Materials Release (Question b)*

Each of the properties identified in Table 4.8-1 involved a release of no or relatively small amounts of hazardous materials. In the case of the Chevron gasoline station where 148 gallons and later 657 gallons of gasoline were released, the soils and groundwater were appropriately cleaned, disposed of, and monitored, such that the case is now closed and no further action is required. All sites listed in

the table have been closed for several years by the relevant monitoring agency, except for the removal of the bunker fuel UST at 235 East Santa Clara where a release did not occur.

The Phase II investigation did, however, identify volatile organic compounds (VOCs) in the soil and groundwater. The project proposes three levels of underground parking which would require excavation of the entire site to a depth of approximately 35 feet (and slightly deeper in the locations of the elevators) and removal of the contaminated soils from the site. While soil contaminants can breakdown over time and groundwater contamination dissipates over time, and because no previous remediation was completed on-site construction of the proposed project could expose construction workers to unhealthy levels of VOCs in the soil or groundwater.

Impact HAZ-1: Construction of the proposed project could expose workers to elevated levels of VOCs in the soil and groundwater on-site. **(Significant Impact)**

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

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

MM HAZ-1.2: Site Management Plan (SMP). A SMP shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the Site Management Plan. The Site Management Plan shall identify potential health, safety, and environmental exposure considerations associated with development activities. The Site Management Plan shall be submitted to both the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The Site Management Plan shall include, but is not limited to, the following:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.

- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities;
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);
- Procedures for proper disposal of contaminated materials (if required); and
- Monitoring, reporting, and regulatory oversight arrangements.

The SMP shall also be submitted to SCCDEH or equivalent regulatory agency for review and approval prior to issuance of grading permits and commencement of cleanup activities.

A No Further Action letter (or equivalent assurance) from SCCDEH or equivalent regulatory agency documenting completion of cleanup activities shall be provided to the PBCE Supervising Environmental Planner prior to issuance of a grading permit.

MM HAZ-1.3: Dewatering During Construction/Operation: A groundwater management and dewatering plan shall be developed to 1) protect construction workers if groundwater is encountered, and 2) meet the permit requirements if groundwater requires treatment prior to discharge to either the sewer system or disposal at an appropriate facility following characterization of the groundwater contaminants. Characterization of the contaminants shall be performed in accordance with the SMP and requirements of the California Regional Water Quality Control Board. The SCCDEH shall be notified of any groundwater contaminants encountered at the site. The SCCDEH shall oversee implementation of the groundwater management and dewatering plan.

If regular dewatering of the proposed subgrade parking garage is required, the collected water shall also be discharged to the sanitary sewer system through a discharge permit issued by City of San José Department Environmental Services.

MM HAZ-1.4: Soil Vapors Controls for Residential Use: In the event elevated levels of soil vapors are found during testing under MM HAZ –1.1, the project applicant shall either remediate contaminated soils (e.g., in-situ remediation, or excavation and off-site disposal) and/or implement institutional and engineering controls to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, residents, and the general public as a result of hazardous materials contamination are reduced to acceptable levels, as required by the SCCDEH and/or other regulatory oversight agency.

Institutional and engineering controls employed on the site may include placement of new fill, pavement, or buildings over any contaminated soils and groundwater, passive and active ventilation systems, vapor barriers, and/or adoption of deed restrictions.

MM HAZ-1.5: Guidelines and measures for health and safety during construction activities, soil management, groundwater management, addressing vapor intrusion issues, and construction activities (unanticipated subsurface conditions) shall be addressed in the Site Management Plan (see MM HAZ-1.2) and reviewed and approved by SCCDEH (or equivalent regulatory agency). Final approval of the SMP indicating that the entire site is suitable for residential land uses shall be issued by SCCDEH (or equivalent regulatory agency) and copied to the City of San José, prior to issuance of any grading permit.

In the event institutional or engineering controls are required for soil vapors, a No Further Action letter (or equivalent assurance) from SCCDEH (or equivalent regulatory agency) documenting completion of remediation activities and/or engineering controls shall be provided to the Supervising Environmental Planner of the City of San José Department of PBCE and the Compliance Officer/Hazardous Materials Specialist of the City of San José Department of Environmental Services prior to issuance of any Certificate of Occupancy (temporary or final) for the proposed residences.

All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

Conformance with the proposed mitigations and the City's policies and existing regulations would substantially reduce hazards to the people and the environment. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.8.2.3 *Cortese List (Question d)*

The project site is not located on a list of hazardous materials sites (as defined by Government Code Section 65962.5) and there is no impact. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.8.2.4 *Airport and Aircraft Hazards (Questions e and f)*

As the project proposes a maximum building height of 298 feet above ground, notification to the FAA is required under FAR Part 77. Furthermore, the City's General Plan policies require FAA issuance of a No Hazard determinations prior to development approval, with any conditions set forth in an FAA No-Hazard determination also incorporated in the City's project approval.

If the FAA determines that the proposed 298-foot maximum tower height would create an airspace hazard, the project would need to be redesigned to a lower height determined acceptable by the FAA. Therefore, application of General Plan Policy TR-14.2 and CD-5.8 requiring compliance with the FAR Part 77 review process would ensure that the project will not result in a significant aviation hazard to the Norman Y. Mineta Airport nor interfere with the continuing operations of the airport. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8.2.5 *Implementation of Safety Plans (Question g)*

The development of the proposed project, including its design, would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. **[Same Impact as Approved Project (No Impact)]**

4.8.2.6 *Wildfire Hazards (Question h)*

As discussed previously, the project site is not located in a Very-High Fire Hazard Severity Zone and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (No Impact)]**

4.8.2.7 *Existing Hazardous Materials Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-7.1 requires the evaluation of a project site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. Additionally, Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for the health of future users and provide as part of the environmental review process. As such a Phase I ESA was prepared for the project site.

The Phase I ESA identified three hazardous materials sites within 1/8-mile radius of the project, as shown in Table 4.8-1. All recorded violations on these sites have been closed. No environmental conditions associated with these adjacent properties were identified as part of the Phase I because the cases are closed, there was documented remedial action, and/or the location of property in comparison to the groundwater gradient would not result in impacts to the proposed project.

The 2001 Phase II investigation did, however, identify soil and groundwater contamination from previous land uses on-site. Due to the proposed design of the project, the site would be excavated to a depth of 35 feet and all contaminated soil would be removed. As such, existing soil contamination would have no effect on future site occupants.

Consistent with mitigation measure HAZ-1.3, dewatering will occur during construction of the proposed project. Dewatering would remove contaminated groundwater from the site. Once construction is complete, the shallow groundwater would no longer impact on-site soils or result in soil vapors within the on-site structures as the underground parking levels would act as a barrier to the groundwater.

With implementation of Mitigation Measures HAZ-1.1 through HAZ-1.5, contaminated soil and groundwater that may be present on-site would be removed during construction of the proposed project. As a result, future residents of the project site would not be affected by existing on-site contamination and the project would be in compliance with General Plan Policy EC-7.1 and EC-7.2.

4.8.3 Conclusion

Implementation of the proposed project would result in the same less than significant wildfire, airport hazards, and hazardous material transport-related impacts as identified in the Downtown Strategy 2000 EIR and General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

To reduce potential impacts from impacted soil and groundwater to a less than significant level, MM HAZ-1.1 through MM HAZ-1.4 would be implemented. **Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Hydrology and Drainage*

Surface Water

The project site is located within the Guadalupe Watershed, a 170 square mile area with multiple small-creek watersheds. Stormwater runoff from the project site drains into the Guadalupe River, which originates in the Santa Cruz Mountains west and south of San José and flows in a northerly direction to the San Francisco Bay.

The 1.42-acre project site is developed with a construction yard, a surface parking lot, and a drive-through car wash. The site contains 41,167 square feet of impervious surfaces (67 percent of the site) and 20,395 square feet of pervious surfaces (33 percent of the site). Stormwater mains in the project area consist of a 60-inch storm main in North Fourth Street, a 48-inch storm main in North Fifth Street, and a 24-inch storm main in East Santa Clara Street.

Groundwater

As discussed in *Section 4.6 Geology and Soils*, groundwater has historically been encountered at a depth of approximately 20 to 30 feet bgs, though recent investigations have found groundwater at a depth of 10 feet. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors. The project site is not located within a natural or facility groundwater recharge area. [17]

4.9.1.2 *Flooding and Other Hazards*

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map 06085C0234H), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D. As identified in the General Plan EIR, the project site is not located in an inundation area in the event of a complete dam failure.

Earthquake-Induced Waves and Mudflow Hazards

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

[17] Santa Clara Valley Water District. *Groundwater Management Plan.* 2012.

4.9.1.3 *Water Quality*

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

4.9.1.4 *Regulatory Setting*

Federal Emergency Management Agency

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

FEMA manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data.

Clean Water Act and Porter-Cologne Water Quality Control Act

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws that govern water quality. The CWA forms the basis for several state and local laws throughout the nation. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA outlines the federal laws for regulating discharges of pollutants, as well as sets minimum water quality standards for all Waters of the United States. The Porter-Cologne Act established the State Water Resources Control Board (SWRCB) which implements water quality regulations on a state-wide level.

Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the EPA. At the state and regional level, the CWA is administered and enforced by the SWRCB and the nine Regional Water Quality Control Boards (RWQCB). The State of California has developed a number of water quality laws, rules, and regulations to assist in the implementation of the CWA and related federally mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the state and regional boards exceed the federal requirements.

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

State Water Quality Control Board Nonpoint Source Pollution Program

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

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

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

Municipal Regional Stormwater NPDES Permit/C.3 Requirements

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (MRP) for the region. In an effort to standardize stormwater management requirements, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES MRP, projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. This would also require a narrative discussion as to why the implementation of 100 percent LID measures is not feasible per the MRP. The project qualifies as a Special Project (Category A – Small Infill Sites). If it is not feasible for the project to implement 100 percent LID measures, the project would submit an explanation to the City for confirmation, in accordance with the MRP.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. The City of San José's Policy No. 6-29 requires all new development and redevelopment project to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. As described previously, the project qualifies as a Special Project under the MRP. It is the project's intent to incorporate LID measures into the project design, as well as for a portion of the stormwater runoff.

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

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

Based on the Santa Clara Permittees Hydromodification Management Applicability Map for the City of San José, the project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious.

Envision San José 2040 General Plan

The General Plan includes hydrology-related policies applicable to development projects in San José.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

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

Policy EC-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.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
b. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
c. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1-3
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	☐	1-3,15
e. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1-3
f. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1-3
g. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	
h. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1-3,15
i. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
j. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1-3
k. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1-3,7

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

4.9.2.1 *Hydrology and Drainage Impacts (Questions a through d)*

Drainage and Surface Water

The project site is developed with a construction yard, a surface parking lot, and a drive-through car wash. There are no waterways on the project site; therefore, development of the project would not alter the course of a stream or river. The project involves construction of retail and residential uses.

The project site is currently 67 percent impervious and 33 percent pervious. Implementation of the proposed project would replace all pervious surfaces on-site with impervious surfaces and increase stormwater runoff from the project site. The General Plan EIR concluded that implementation of General Plan policies and existing state and local regulations would avoid substantial new impacts to the water quality of surface waters. In addition, the Downtown Strategy 2000 EIR concluded that build-out of the Downtown Strategy 2000 plan would result in an overall net decrease in impervious surfaces. Though the proposed project would result in a minor increase in stormwater runoff, the existing stormwater system would have sufficient capacity to support the proposed project. For these reasons, the proposed project would result in the same less than significant to stormwater quality or capacity described in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundwater

The project includes construction of an underground parking garage that would extend approximately 32 feet bgs. Because groundwater in the project area is expected to be approximately 20 to 30 feet bgs based on historical data (or potentially at shallower levels depending on conditions), dewatering would be likely required during project construction. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit from the City of San José Environmental Services Department Watershed Protection Division and in accordance with the Watershed Protection discharge requirements.

Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer, but would not

substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

As discussed previously, the project site is not located within a natural or facility groundwater recharge area. In the event post-construction dewatering is required, the City's Environmental Services Department shall review the project to ensure conformance with the City's Stormwater Permit requirement as part of the Building Permit review. For these reasons, the project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. The project would not result in a new or more significant impact on groundwater than described in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 *Flood Impacts and Other Inundation Hazards (Questions g through j)*

The project site is not located in a 100-year floodplain and, therefore, impede or redirect flood flows within a 100-year flood hazard area, nor would the project would not worsen flooding offsite. Additionally, the project site is not subject to seiche, tsunami, sea-level rise, or mudslide hazards, and is not located in a dam failure inundation area. **[Same Impact as Approved Project (No Impact)]**

4.9.2.3 *Water Quality Impacts (Questions e and f)*

Construction Impacts

Construction of the proposed project, including demolition, grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system.

The proposed project is required to comply with the City's Grading Ordinance and NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a Grading Permit for work occurring during the rainy season (October 1 to April 30), the proposed project applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The plan must detail the BMPs that would be implemented to prevent the discharge of stormwater pollutants.

The NPDES General Permit for Construction Activities requires the developer to submit a NOI to the SWQCB and develop a SWPPP to control discharge associated with construction activities. Implementation of the following standard permit conditions, consistent with the General Plan EIR, would reduce potential construction-related water quality impacts to a less than significant level.

Standard Permit Conditions

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

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

Post-Construction Impacts

Development of the proposed project would increase impervious surfaces from 41,167 square feet (67 percent) to 61,562 square feet (100 percent). Construction of the project would add or replace more than 10,000 square feet of impervious surfaces; therefore, it is required to comply with the City's Urban Runoff Policy 6-29 which requires implementation of Best Management Practices (BMPs). These BMPs include site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. The project is also subject to the RWQCB MRP under the C.3 Provisions, which require post-construction runoff be treated with LID treatment controls.

The MRP requires all of the post-construction stormwater runoff to be treated by numerically sized Low Impact Development (LID) treatment controls unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The proposed project has been determined to qualify for treatment reduction credits because it is a high-density, in-fill development in proximity to transit. To comply with the MRP, the project is currently proposing to utilize both LID (flow-through planters and bioretention) and non-LID (media filters and mechanical units) measures for stormwater treatment.

Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design to minimize and properly treat stormwater runoff.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. The project's compliance with the City's Grading Ordinance, the City's Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements would result in the same less than significant impacts to post-construction water quality as described in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3 Conclusion

Implementation of the proposed project would have the same less than significant hydrology and water quality impacts as previously identified in the Downtown Strategy 2000 EIR and General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Existing Land Use*

The 1.42-acre project site is comprised of nine parcels (APNs 467-20-008, -009, -010, -013, -014, -082, -083, -086, and -087) located on the north side of E. Santa Clara Street, between North 4th and 5th Streets in downtown San José. The project site is currently a construction yard, a surface parking lot, and a drive-through car wash. The parking lot is the southernmost land use, located along Santa Clara Street. The parking lot has a single ingress/egress driveway on Fourth Street. Immediately north of the parking lot is the car wash. Cars enter from a single driveway on Fourth Street and exit on Fifth Street. A dirt lot, currently utilized for construction staging, is located between the car wash and the City Hall employee parking structure. Figure 2.2-3 shows an aerial of the project site and surrounding land uses.

The site has minimal landscaping which is comprised of street trees along Santa Clara Street and Fifth Street, and some trees around the car wash and within the dirt lot.

4.10.1.2 *Surrounding Land Uses*

Development in the project area is a mix of retail/commercial, office, and residential land uses. The building heights vary by land use from one to 18 stories. The project site is bound by the City Hall employee parking garage to the north, North Fifth Street to the east, East Santa Clara Street to the south, and North Fourth Street to the west. In the vicinity of the project site, North Fourth Street is a two-lane, one-way, roadway that carries southbound traffic. The other surrounding roadways are two-lane, multi-directional roadways.

The City parking garage is a six-level parking structure with ground floor office space on both street frontages. Immediately north of the garage is a two-story church, a two story single-family house, and a four-story apartment building currently under construction. East of North Fifth Street are single and multi-family housing, the Le Petit Trianon Theater, and the newly constructed First United Methodist Church. These buildings range from two to seven stories. South of East Santa Clara Street is San José City Hall. The main building is an 18-story tower with a three-story wing. A free-standing pavilion building is located within a large central plaza. To the west of North Fourth Street is a gas station, a church, and two single-story commercial buildings with an associated parking lot.

Aside from street trees, there is very minimal landscaping in the immediate project area.

4.10.1.3 *Existing Land Use Designation and Zoning*

The project site is designated *Downtown* in the General Plan and is zoned *DC – Downtown Primary Commercial*, consistent with the General Plan.

The General Plan designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, density of up to a FAR of 30, and residential densities up to 800 dwelling units per acre. Under this designation, residential projects should generally incorporate ground floor commercial uses.

Permitted land uses under the *DC* zoning are consistent with the *Downtown* General Plan land use designation. Based on the *DC* zoning, development shall only be subject to the height limitations necessary for the safe operation of Norman Y. Mineta San José International Airport. There are no minimum setback requirements.

Zoning Code Section 20.70.110 states that new structures exceeding one hundred fifty feet and an FAR of 6:1 which are constructed within one hundred feet of a city landmark or contributing structure in a designated landmark district shall be reviewed by the historic landmarks commission prior to consideration or approval of a development permit for new construction. The comments of the historic landmarks commission shall be included in any development permit staff report subsequently presented to the executive director of the redevelopment agency, director of planning, planning commission or city council.

4.10.1.4 *Applicable Land Use Regulations and Policies*

The General Plan includes the following relevant land use-related policies applicable to all development projects in San José.

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

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

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

Policy LU-3.4: Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.

Policy LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrian, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

Policy TR-14.4: Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

4.10.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Physically divide an established community?	☐	☐	☐	☒	☐	1,2,3
j. 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
k. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,2

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

4.10.2.1 *Consistency with the General Plan Land Use Designation and Zoning (Question b)*

The project site is currently designated *Downtown* in the General Plan and is zoned *DC – Downtown Primary Commercial*. Implementation of the proposed project will result in the redevelopment of an underutilized site with high-density, mixed-use development that will place housing within close proximity to transit and services and increase retail/commercial space within the downtown area. The project would also be reviewed by the Historic Landmarks Commission to ensure that the design is compatible with nearby historic structures. As designed, the building conforms to the design parameters outlined in the zoning code. Therefore, the project site is consistent with the General Plan and zoning land use designations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.2 *Land Use Impacts (Question a)*

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is a residential/retail/commercial mixed-use project located in the Downtown core. This area is characterized by office buildings, restaurants, single and multi-family residential, small commercial

establishments and both low-rise and high-rise buildings. Based on the analysis prepared for the Downtown Strategy 2000 EIR, the proposed project would not conflict with the adjacent and nearby land uses, because it is a compatible land use. Future residents could potentially utilize existing commercial businesses and restaurants that are located within walking distance of the site and/or live or work in the downtown, enabling them to walk or use transit.

The project, as proposed, is consistent with the General Plan. The General Plan EIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. The proposed project will comply with all applicable City policies, actions, and ordinances, and will be consistent with adopted design guidelines. Therefore, the proposed project would have a less than significant impact on surrounding land uses. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Shade and Shadow

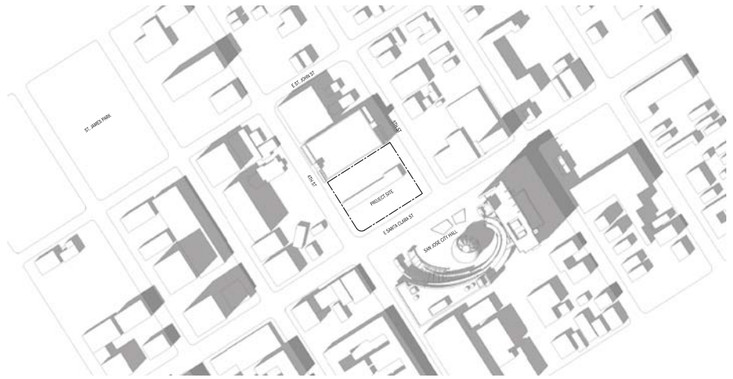
Pursuant to the Downtown Strategy 2000 EIR, a project would have a shade and shadow impact if it would result in a 10 percent or greater increase in the shadow cast onto St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, or McEnery Park; or substantially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

Consistent with requirements of the Downtown Strategy 2000 EIR, a shade and shadow study was completed to determine the project's impact on the park. Under existing conditions (Figure 4.10-1), the southeast corner of St. James Park is shaded by existing trees and buildings during the winter in the morning hours. As shown on Figure 4.10-2, the maximum shading from the proposed project would occur in the winter months. In the winter morning hours, the towers would cast shadows to the northwest, extending adjacent to the northeast corner of St. James Park, but not actually shading the park.

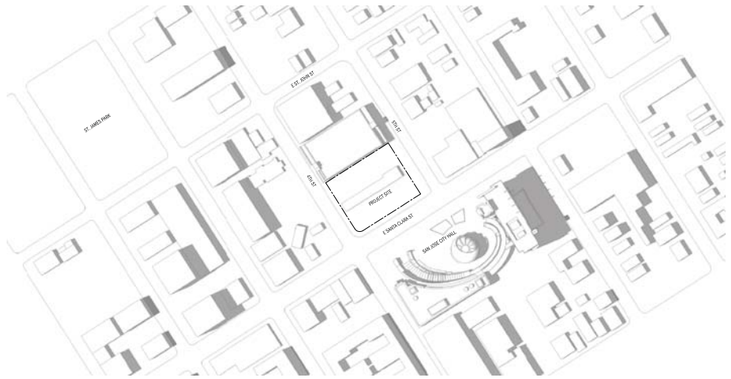
While the project will increase shading on nearby properties, the increase would not be substantial, shading would not occur on St. James Park, and the increased shading would not preclude use of any public open space area. Therefore, shadows cast by the proposed building will have a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Compatibility with Airport Operations

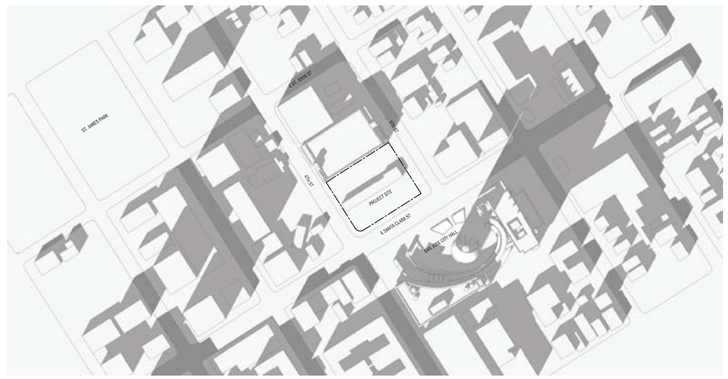
Norman Y. Mineta San José International Airport is located approximately 1.75 miles northwest of the project site. The project site is not located within an "Airport Influence Area" as defined by the Santa Clara County Airport Land Use Commission (ALUC). See Section 4.8 Hazards and Hazardous Materials for discussion of project compliance with FAA regulations and General Plan policies regarding proposed building height. Pursuant to General Plan policy, the applicant will be required to grant an Avigation Easement over the project site to the City to provide for acceptance of aircraft overflight impacts, including elevation restrictions. **[Same Impact as Approved Project (Less Than Significant Impact)]**



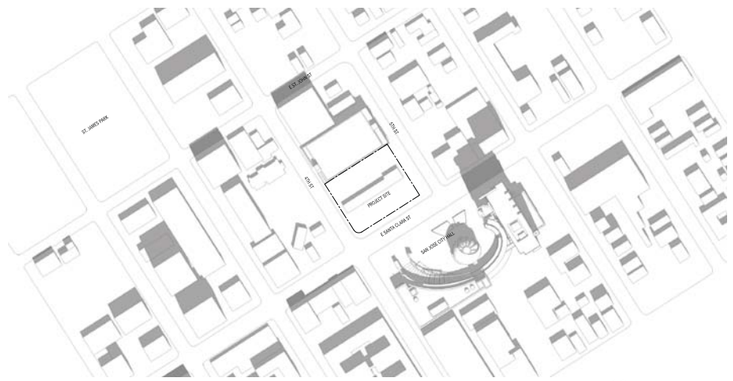
3pm



3pm

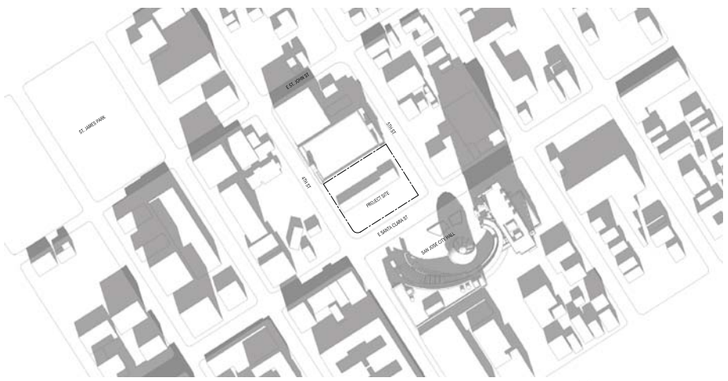


3pm

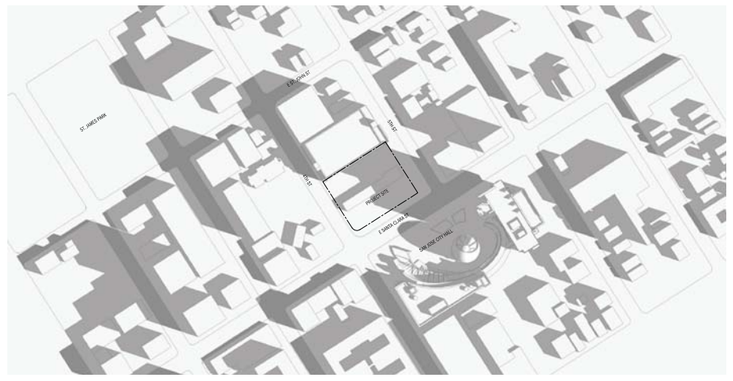


12noon

12noon

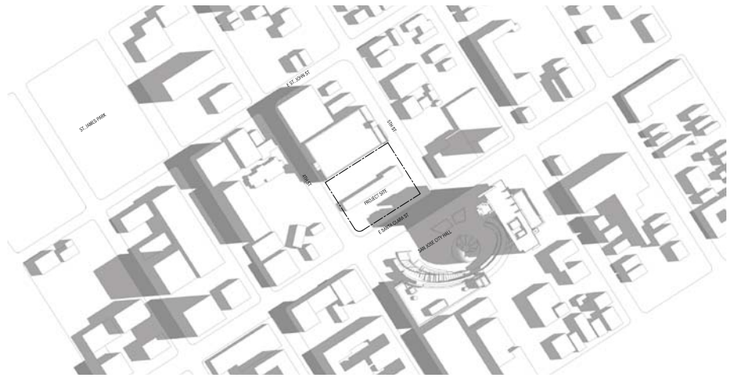


12noon



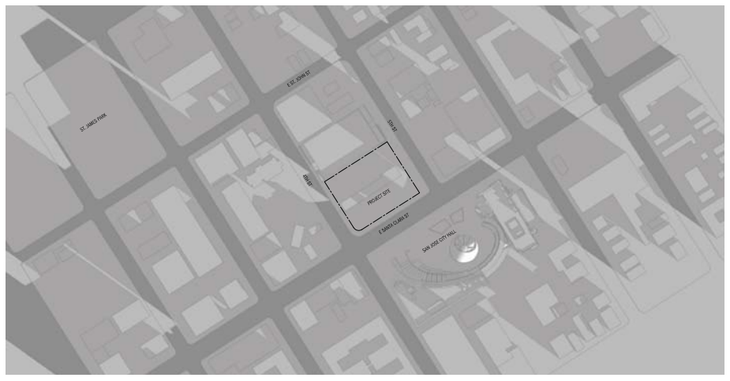
Mar. / Sept. 21st

9am



June 21st

9am

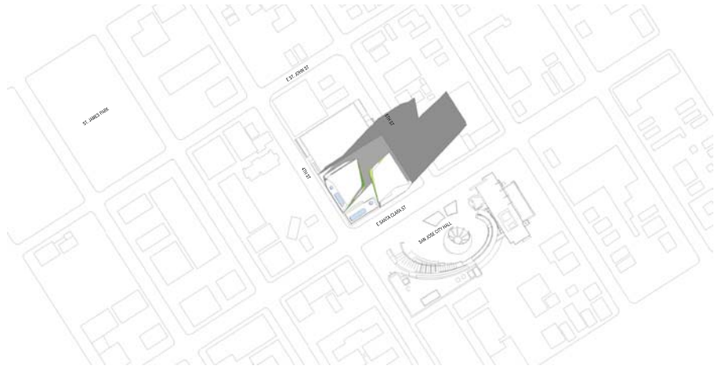


Dec. 21st

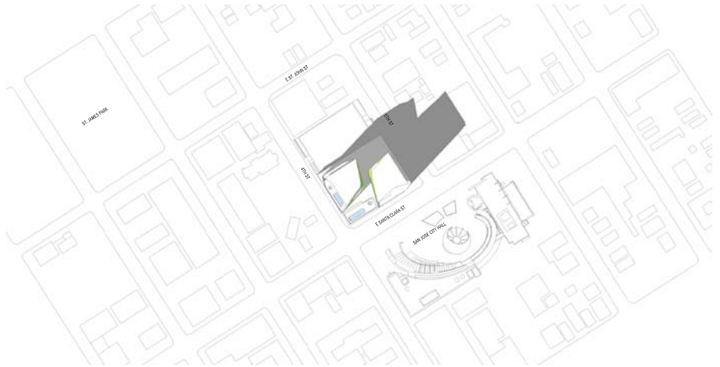
9am

SHADE AND SHADOW STUDY - CURRENT CONDITION

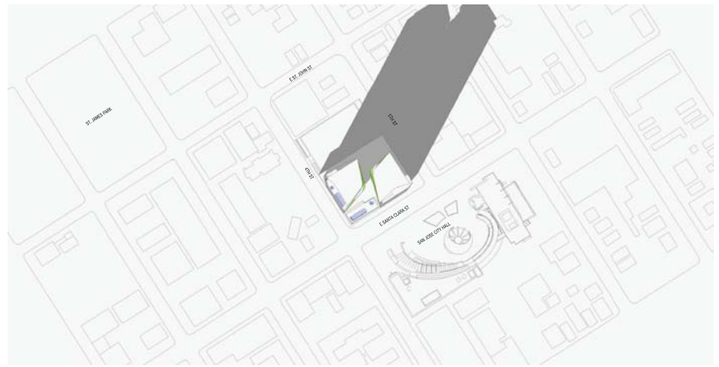
FIGURE 4.10-1



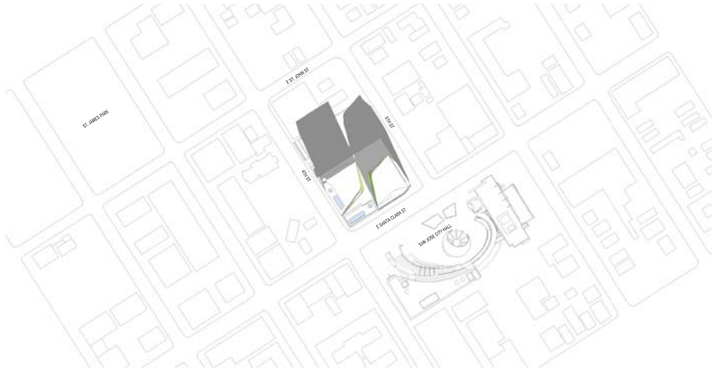
3pm



3pm

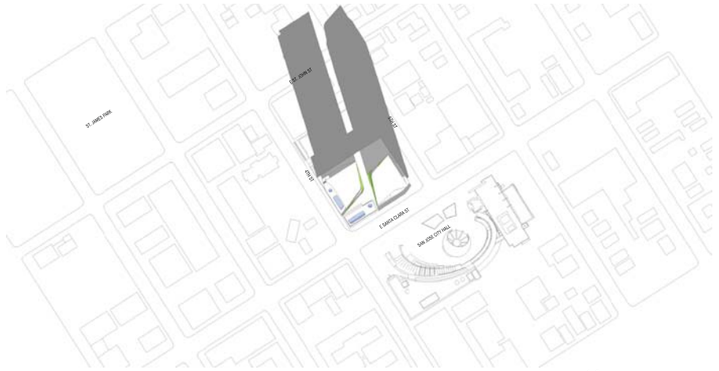


3pm

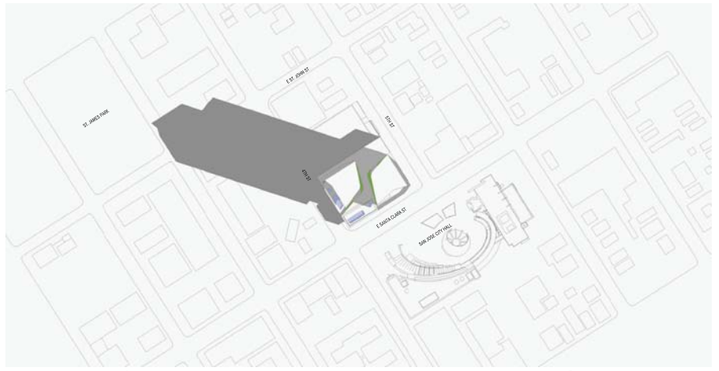


12noon

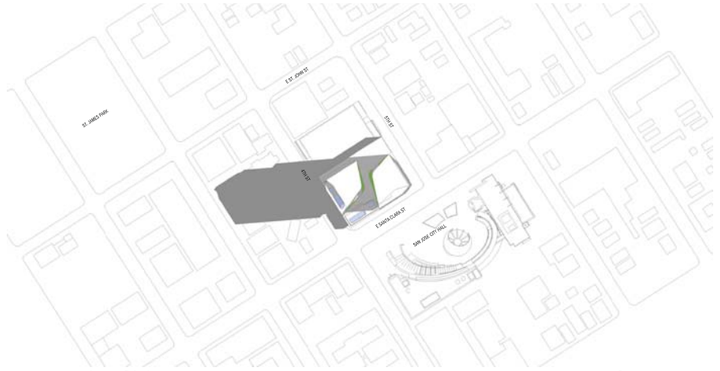
12noon



12noon



Mar. / Sept. 21st 9am



June 21st 9am

Dec. 21st 9am

SHADE AND SHADOW STUDY - PROPOSED CONDITION

FIGURE 4.10-2

4.10.2.3 ***Other Land Use Issues*** *(Questions a and c)*

The proposed project would not conflict with any applicable habitat conservation plan (see Section 4.4 of Appendix A, *Biological Resources)* or natural community conservation plan.

The project would result in a mixed-use residential/commercial building being constructed within a mixed-use neighborhood of residential, retail, and office land uses. As a result, the project would not divide an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.3 Conclusion

The project would have a less than significant land use impact, consistent with the findings of the Downtown Strategy 2000 EIR and General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

According to the General Plan EIR, the area of Communications Hill in central San José is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. Communications Hill is the only area in the City with this designation. The project site is not located on or near Communications Hill and, therefore, does not contain known mineral resources

4.11.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
• Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1-3
• 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?	☐	☐	☐	☒	☐	1-3

Similar to the site development evaluated in the Downtown Strategy 2000 EIR and the General Plan EIR, the proposed project would not impact mineral resources, as described below.

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

The proposed project is located in a developed urban area and is not located in an area containing known mineral resources. Implementation of the project would not result in the loss of availability of any known resources. **[Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

The project would not result in the loss of availability of known mineral resources, consistent with the findings of the Downtown Strategy 2000 EIR and General Plan EIR. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE AND VIBRATION

The following analysis is based on a Noise and Vibration Assessment prepared by Illingworth & Rodkin in February 2016. A copy of this report is provided in Appendix F.

4.12.1 Environmental Setting

4.12.1.1 *Background*

Noise is typically defined as unwanted sound and is subjective due to varying tolerances. Acceptable levels of noise also vary from land use to land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

Sound levels are usually measured in decibels (dB) with dB corresponding roughly to the threshold of hearing. Most of the sounds which we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the fact that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the dB level so measured is call the A-weighted sound level (dBA).

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

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during 1, 10, 50, and 90 percent of a stated time period.

Sound level meters can accurately measure environmental noise levels to within about plus or minus one dBA. Since the sensitivity to noise increases during the evening hours, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Day/Night Average Sound Level, *Ldn*, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

The most widespread and continual sources of noise in San José are transportation and transportation-related facilities. Freeways, local arterials, the Norman Y. Mineta San José International Airport, railroads, and Light Rail Transit are all major contributors to noise in San José.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typically, hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

Background Information – Vibration

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

Table 4.12-1: Effects of Vibration

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

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

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

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with normal activities or quality of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

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

4.12.1.2 *Regulatory Background*

The State of California and the City of San José have established guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. Appendix E of the State CEQA Guidelines, the State of California Building Code, and the City of San José's Noise Element of the General Plan present the following applicable criteria:

General Plan

The General Plan includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-2, below. Relevant City policies and municipal code standards are also listed.

Table 4.12-2: General Plan Land Use Compatibility Guidelines (Table EC-1)						
Land Use Category	**Exterior DNL Value in Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
• Residential, Hotels and Motels, Hospitals and Residential Care[1]						
• Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
• Schools, Libraries, Museums, Meeting Halls, and Churches						
• Office Buildings, Business Commercial, and Professional Offices						
• Sports Arena, Outdoor Spectator Sports						
• Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

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

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

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

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

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected General Plan EIR traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (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 DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

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

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

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

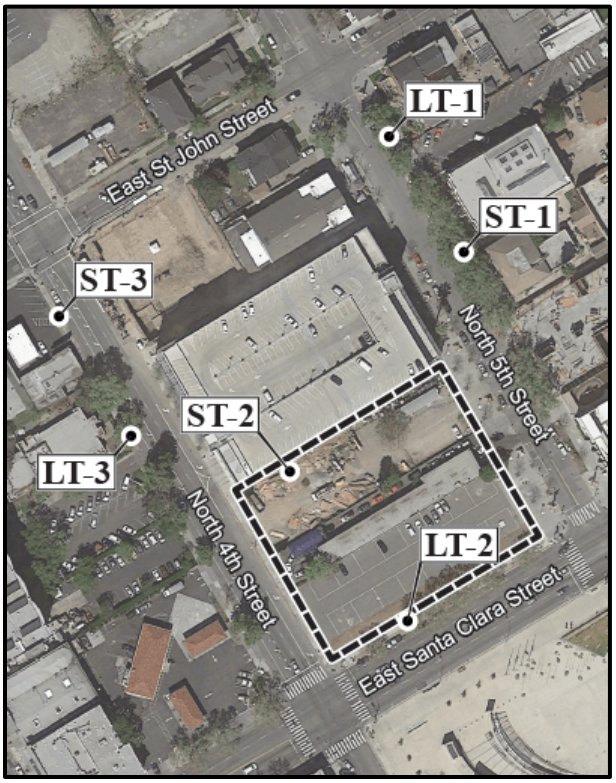
Policy EC-1.11: Require safe and compatible land uses within the Norman Y. Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV 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.

Municipal Code – Construction Standards

According to San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.1.3 *Existing Noise Environment*



The project site is located immediately north of East Santa Clara Street, between North Fourth and Fifth Streets in the Downtown core of San José. Noise in the project area is generated primarily from vehicular traffic on the surrounding roadways. The site is also near the flight path of the Norman Y. Mineta San José International Airport. Based on the noise contour maps prepared for the airport, the project site is outside the existing and projected 60 dBA CNEL contour for aircraft noise.

To quantify the existing noise environment, a noise monitoring survey was completed at the site. The survey consisted of three long-term measurements (LT-1, LT-2, and LT-3) and three short-term measurements (ST-1, ST-2, and ST-3). Long-term measurements occurred over 24 hours, short-term measurements were for a duration of 10 minutes. Table 4.12-3 and Table 4.12-4 give a summary of the acoustical locations and measurements. The noise monitoring locations are shown in the adjacent figure.

Table 4.12-3: Existing Long Term Noise Measurements

Measurement	Location	Noise Level (in dBA)		
		Daytime	Nighttime	Average
LT-1	In front of 96 North Fifth Street, 35 feet from the center of Santa Clara Street	55-64	48-63	65
LT-2	East Santa Clara Street, approximately 90 feet from the corner of East Santa Clara Street and North Fourth Street	67-73	60-69	73
LT-3	In front of 94 North Fourth Street	62-71	56-68	71

Table 4.12-4: Existing Short Term Noise Measurements		
Measurement	**Location**	**Noise Level (in dBA)**
ST-1	In front of 72 North Fifth Street	61
ST-2	On the top level of the parking structure (southwest corner) immediately north of the project site	68
ST-3	In front of 95 North Fourth Street	71

4.12.1.4 *Sensitive Receptors*

The nearest noise sensitive receptors to the project site are the residences on the west side of North Fourth Street, the residences on North Fifth Street, and the nearby school. The other surrounding buildings are retail/commercial and office and are not considered sensitive land uses.

4.12.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1-3,11
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1-3,11
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-3,11
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-3,11
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-3,11

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-3,11

In conformance with the Downtown Strategy 2000 EIR and General Plan EIR, the project would be required to be constructed according to with General Plan policies and Zoning Ordinance requirements. Impacts as a result of noise would be less than significant, consistent with the Downtown Strategy 2000 EIR and General Plan EIR.

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

City of San José Standards

Construction Noise

The City of San José considers temporary construction-related noise to be significant when construction-related noise occurs for a period of more than 12 months and noise levels would exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses.

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 mm/sec (0.5 inches/sec), PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound. . For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection. (See General Plan Policy EC-2.3)

Traffic-Generated Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. Pursuant to the General Plan, the City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DML or more where noise levels would remain "Normally Acceptable".

4.12.3 Noise Impacts

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

4.12.3.1 *Noise Impacts from the Project (Questions a, c, and d)*

Project Generated Traffic Noise Impacts

An increase of three dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact. The project would have to double the existing traffic volume in the project area to reach that threshold. Based on available data from the 2040 General Plan and the Diridon Master Plan, the segment of Santa Clara Street near the project site currently has a daily traffic volume of approximately 17,200 vehicles. As discussed in Section 4.16, *Transportation*, the project would generate 3,800 net new daily trips. This volume of traffic would not be sufficient to double existing traffic volumes and substantially increase noise levels (by three dBA DNL or more) in the immediate project area. With implementation of the proposed project, noise volumes in the project area would increase by 1.0 dBA due to increased traffic volumes. Therefore, the project would have a less than significant long-term noise impact.

Operational Noise Impacts

The Downtown Strategy 2000 EIR concluded that proposed development could result in long-term noise impacts from mechanical equipment and other on-site sources (air conditioning or other mechanical ventilation equipment, delivery loading docks or areas, emergency generators, etc.), which could emanate beyond the site boundaries. The proposed project is a mixed use development consisting of residential and retail uses and it will include various mechanical equipment such as air conditions, exhaust fans, pool equipment, etc., that could increase ambient noise levels in the immediate project vicinity.

At this time, the exact location and type of mechanical equipment is unknown. The most substantial noise generating equipment would likely be large exhaust fans and air conditioning units. Pursuant to the City's Noise Element, noise levels from building equipment would be limited to 55 dBA DNL at receiving noise-sensitive land uses.

Consistent with the Downtown Strategy 2000 EIR and in accordance with the General Plan EIR, the proposed project will be required by conditions of project approval to implement the following measure:

- A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the city's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations around the project site. The noise control features identified by the study will be incorporated in the project.

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

Construction Noise Impacts

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 dB measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six dB per doubling of distance between the source and receptor.

Table 4.12-5: Estimated Construction Noise Levels

Construction Phase	Noise Level at 100-Foot Distance	
	Leq dBA	Lmax dBA
Demolition – 7 days	83	84
Site Preparation – 30 days	77	77
Grading/Excavation – 90 days	82	82
Trenching – 15 days	77	78
Building Exterior – 400 days	77	77
Building Interior – 420 days	minimal	minimal
Paving – 40 days	74	74

Construction of the proposed project will include demolition of the existing car wash and parking lot, excavation of the entire site for three levels of underground parking, insertion of piles for the foundation, and construction of the building. The calculated construction noise for each phase of development is shown in Table 4.12-5. Pile driving was not specifically accounted for, but could result in a maximum noise level of up to 99 dBA Lmax at a distance of 100 feet.

For sensitive receptors located 100 feet from the project site, construction activities would exceed 60 dBA and increase ambient noise levels by more than 5.0 dBA Leq over a period exceeding one year. This would be a significant impact.

The General Plan EIR concluded that short-term construction noise would be mitigated by identified General Plan policies. Consistent with the Downtown Strategy 2000 EIR, the Municipal Code, and in accordance with the General Plan and General Plan EIR, particularly Policy EC-1.7, the proposed project will be required by conditions of project approval to implement the following standard permit conditions during all phases of construction on the project site:

Standard Permit Conditions

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

- Construct solid plywood fences around construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

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

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

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

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

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

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

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

- If pile driving is necessary, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

- If pile driving is necessary, consider the use of "acoustical blankets" for receptors located within 100 feet of the site.

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

Implementation of the above measures would reduce construction noise levels, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels would be less than significant. Therefore, the project would have a less than significant construction noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.3.2 *Groundborne Vibration Impact (Question b)*

Pile driving would generate the highest ground borne vibration levels (0.644 in/sec PPV at 25 feet). Other construction activities such as drilling, use of jackhammers (0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (0.089 in/sec PPV at 25 feet) may also generate substantial vibration in the immediate site vicinity. Construction of the main building structure is not anticipated to be a source of substantial vibration and construction vibration would not be substantial for the majority of the construction schedule.

The distance of the contemporary buildings near the project site along the eastern, southern, and western boundaries range from 100 to 150 feet from the project site. At these distances, vibration levels from construction equipment, other than pile driving, would generate vibration levels up to 0.046 in/sec PPV at 100 feet and up to 0.059 in/sec PPV at 150 feet. If pile driving were to be used as a method of construction, the upper range of impact pile driving would exceed the City's threshold with levels up to 0.252 in/sec PPV, with typical impact pile driving levels of 0.140 in/sec PPV at a distance of 100 feet. Other than impact pile driving, construction activities would not generate vibration levels exceeding 0.2 in/sec PPV at these structures.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. At 100 feet, it is possible that pile driving could generate vibration levels in excess of the City's threshold.

The project, however, proposes to use drilled piers which would reduce vibration levels at nearby buildings below the City's thresholds. Therefore, the project is required to use only drilled piers or rammed aggregate piers.

Consistent with the certified Downtown Strategy 2000 EIR, General Plan EIR, General Plan policies (specifically policy EC-1.7), and Municipal Code, the project proposes to implement the following mitigation measures to reduce potential construction-related vibrations and potential for vibrational noise impacts to a less than significant level:

Impact NOI-1.1: Pile driving could cause vibration levels in excess of City standards and result in physical damage to nearby structures. **(Significant Impact)**

The following mitigation measure would reduce impacts to surrounding structures as a result of vibration.

MM NOI-1.1: If piles are utilized for project construction, the project applicant shall ensure that only drilled piers or rammed aggregate piers will be used.

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

The effects of vibration on surrounding historic buildings during construction is addressed in *Section 4.5, Cultural Resources.*

4.12.3.3 *Airport Noise (Questions e and f)*

The project site is located approximately 1.75 miles southeast of the nearest airport (the Norman Y. Mineta San José International Airport) and is not within the City's projected aircraft noise impact area. (**No Impact)**

4.12.3.4 *Existing Noise Conditions Affecting the Project*

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

The policies of the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering Federal, State and City noise standards and guidelines as a part of new development review.

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Interior Use Areas

Ambient noise levels on the project site would be influenced primarily by automobile traffic. The current noise levels around the project site range from approximately 68 dBA DNL at the northern

façade to 72 dBA DNL at the southern, eastern, and western facade. Existing noise levels at the project site are within the "conditionally acceptable" limit of 60 dBA to 75 dBA for residential land uses. With standard construction and windows open, the interior noise levels of the residential units would be up to 57 dBA DNL, which exceeds the City's threshold of 45 dBA.
Consistent with Policy EC-1.1, the project will be required to implement the following measures as a condition of project approval.

- Provide sound rated windows to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC18 Ratings of 28 to 32 would be satisfactory for units to achieve acceptable interior noise levels. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the project.

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

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA DNL or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

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

Outdoor Use Areas

As proposed, the project would include communal open space areas for on-site residents on the 5th floor, between the towers, and on the roof tops of the towers. The 5th floor common space area would be elevated from the surrounding roadways and partially shielded by the towers. Noise levels at this location would range from 72 dBA DNL (along the Santa Clara Street frontage) to 68 dBA DNL at the northern end of the building. The center of this common space area would have noise levels below 60 dBA DNL. The residential rooftop deck would be exposed to noise levels of 72 dBA DNL. These are within the conditionally acceptable exterior noise limit for residential uses.

Consistent with Policy EC-1.1, the project will be required to implement the following measures as a condition of project approval.

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

a. 5th Floor Common Area: Construction of five-foot high parapet walls, as measured above the base elevation of the outdoor use area and located along all outer edges of the 5th floor outdoor use area would reduce exterior noise levels to 60 dBA DNL or less.

b. Rooftops: The construction of five-foot high parapet walls, as measured above the base elevation of the outdoor use area and located along all outer edges of the residential towers (rooftop pool deck and open space areas) would reduce exterior noise levels in outdoor residential use areas to 60 dBA DNL or less.

c. The recommended parapet walls would be located along the edges of the use areas and attach to the proposed buildings on both sides. To be effective, the parapet wall must be constructed with a solid material with no gaps in the face of the wall or at the base. Openings or gaps between sound wall materials or the ground substantially decrease the effectiveness of the sound wall. Suitable materials for sound wall construction should have a minimum surface weight of three pounds per square foot (such as 1-inch-thick wood, ½-inch laminated glass, masonry block, concrete, or metal one-inch). The final recommendations for design shall be confirmed when detailed site plans and grading plans are available.

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

4.12.4 Conclusion

With implementation of the proposed mitigation measures and project conditions, and conformance with General Plan policies, noise impacts to existing sensitive land uses would be reduced to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact With Mitigation)]**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The City of San José population was estimated to be approximately 1,016,479 in January of 2015.[19] The City had approximately 322,770 housing units in 2015, and ABAG estimates that there will be approximately 409,800 households in the City by 2035.[20] The average number of persons per household in San José is approximately 3.07.[21] The average number of employed residents per household is 1.55[22]. According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. The relationship is quantified by the jobs/employed resident ratio. The jobs/employed residential ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs.

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build-out under the General Plan.

4.13.2 Checklist and Discussion of Impacts

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

[19] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. May 2015.
[20] Association of Bay Area Governments. Projections 2013. August 2013.
[21] Ibid.
[22] Ibid.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
c. Displace substantial numbers of people, necessitating the construction of housing elsewhere?	☐	☐	☐	☒	☐	1-3

Similar to the site development evaluated in the Downtown Strategy 2000 EIR, the proposed project would result in less than significant population and housing impacts, as described below.

4.13.2.1 *Impacts to Population and Housing (Questions a and b)*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The General Plan EIR concluded that the potential for direct growth-inducing impacts from buildout of the General Plan is minimal because growth planned and proposed as part of the General Plan would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

The project proposes to redevelop an existing car wash, construction yard, and parking lot with a building that would consist of two residential towers with up to 637 residential units. Assuming 3.07 persons per household, the project would generate approximately 1,956 new residents.

As discussed in *Section 4.10 Land Use*, the proposed development is consistent with the project site's General Plan land use designation and would not add growth beyond what is anticipated from buildout of the General Plan. It is also consistent with General Plan and Downtown Strategy 2000 goals for focused and sustainable growth because it proposes the intensification of underutilized land in an urbanized area that is currently served by existing roads, transit, utilities, and public services.

The proposed project would increase housing and increase the number of residents living in Downtown San José; however, the project is consistent with the site's General Plan land use designation and would not induce substantial population growth over what has been planned for in the Downtown Strategy 2000 plan. The project also proposes to construct up to 19,500 square feet of ground-floor retail space which would provide jobs in downtown San José. Therefore, the project would not have a substantial impact on the job/housing imbalance. For these reasons, the proposed development would not result in a significant impact on population and housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.2.2 *Housing Displacement (Question c)*

The project site is developed with a construction yard, surface parking lot, and drive-through car wash. Development of the site would not displace residents. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.3 Conclusion

Implementation of the proposed project would have the same less than significant impact on population and housing as previously identified in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Fire and Police Protection Services*

Fire protection services for the project site is provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station Number 1, located at 225 North Market Street, approximately 0.6 mile west of the project site.

Police protection services for the project site is provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 1.6 miles northwest of the project site.

4.14.1.2 *Schools*

The project site is located in the San José Unified School District (SJUSD). The District currently has twenty-seven elementary schools, six middle schools and nine high schools in operation. Students in the project area attend Horace Mann Elementary School, Burnett Middle School, and San José High School.

4.14.1.3 *Parks*

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

Nearby City park facilities include Saint James Park, located 0.4 mile north of the project site, and Plaza De Cesar Chavez, located 0.7 mile southwest of the project site. The Guadalupe River Trail and other outdoor recreational areas along the trail are approximately 0.8 mile west of the project site.

4.14.1.4 *Libraries*

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries. Libraries near the project site include the Dr. Martin Luther King Jr. Main Library (0.3 mile south), East San José Carnegie Branch Library (1.2 miles east), and Joyce Ellington Branch Library (1.1 miles north).

4.14.1.5 *Regulatory Setting*

> ***Policy PR-1.1:*** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a three-mile radius of the residential development that generates the PDO/PIO funds.

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

Policy 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.

Policy ES-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.

4.14.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
a. Would the project 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?	☐	☐	☐	☒	☐	2,3
Police Protection?	☐	☐	☐	☒	☐	2,3
Schools?	☐	☐	☐	☒	☐	2,3
Parks?	☐	☐	☐	☒	☐	2,3
Other Public Facilities?	☐	☐	☐	☒	☐	2,3

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

4.14.2.1 *Impacts to Fire and Police Protection Services*

The General Plan EIR concluded that, with the build out of the General Plan, additional fire staff and equipment may be required to adequately serve a larger population but no new fire stations would be required other than those already planned. In regards to police services, the General Plan EIR concluded that the build out of the General Plan could require new police facilities, which would require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts. The Downtown Strategy 2000 EIR concluded that periodic operation and capital improvements may be required for both fire and police services, but those improvements would not result in significant environmental impacts.

The project proposes to redevelop the project site with residential and commercial uses, consistent with the General Plan and Downtown Strategy 2000. Implementation of the proposed project would intensify the use of the site and generate additional residents in the area, which would incrementally increase the demand for fire and police protection services compared to existing conditions. The project site, however, is currently served by both the SJFD and SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan and Downtown Strategy 2000. The project, by itself, would not preclude the SJFD and SJPD from meetings their service goals and would not require the construction of new or expanded fire or police

facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would not have new or more significant impacts to fire and police protection services than those disclosed in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.2 *Impacts to Schools*

Buildout of the City General Plan is estimated to generate 11,079 new students in the SJUSD. The Downtown Strategy 2000 EIR anticipated the addition of 10,000 dwelling units in the greater downtown area would generate up to 5,000 new students. Based on a student generation rate of 0.272 K-12 students per unit, the proposed project is estimated to generate approximately 173 new students.[23] Of the 173 new students, approximately 47 would be high school students, 37 would be middle school students, and 89 would be elementary school students. Table 4.14-1 below shows the current capacity and enrollment numbers for the schools that would serve the project site.

Table 4.14-1: School Capacity and Enrollment

School	Current Capacity	Current Enrollment
Horace Mann Elementary School[24]	750	516
Peter Burnett Middle School[25]	928	877
San José High School[26]	1,421	1,034

The proposed project is part of planned growth in the City, and would not increase the number of students in the SJUSD beyond what has been anticipated in the General Plan or Downtown Strategy 2000.

In the near-term, however, students generated by the proposed project, in combination with other proposed residential development in the downtown area, could increase the student population of Peter Burnett Middle School beyond its current capacity.

State law (Government Code Section 65996) specifies that an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a Building Permit. The affected school districts are responsible for implementing the specific methods for mitigating school effects under the Government Code,

[23] San José Unified School District. Development Fee Justification Study. April 2014. http://www.sjusd.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf. Accessed March 1, 2016.
[24] Capacity and enrollment data for Horace Mann Elementary School was derived from the Horace Mann Elementary School Accountability Report Card. http://www.sarconline.org/SarcPdfs/Temp/43696666048599.pdf Accessed February 4th, 2016.
[25] Capacity data for Peter Burnett Middle School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the Peter Burnett Middle School Accountability Report Card. http://www.sarconline.org/SarcPdfs/Temp/43696666062103.pdf Accessed February 4th, 2016.
[26] Capacity data for San José High School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the San José High School Accountability Report Card. http://www.sarconline.org/SarcPdfs/Temp/43696664337200.pdf Accessed February 4th, 2016.

including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would offset project-related increases in student enrollment.

While the proposed project would increase the number of school children attending the public schools in the area, the increase is consistent with the increase identified in the General Plan EIR and Downtown Strategy 2000 EIR, and would comply with state law regarding payment of school impact fees. For this reason, the project would not result in a new or more significant impact to local schools than disclosed in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.3 *Impacts to Parks*

Residential growth from the build out of the General Plan is expected to result in a City population of over 1.3 million people by 2035, which would increase the demand for park and recreational facilities and create an overall (city-wide) need for an additional 2,187.4 acres of parkland.[27] The General Plan EIR concluded that conformance with General Plan policies and payment of applicable fees would reduce any potential physical impacts from development to parks to a less than significant level.

According to the Downtown Strategy 2000 EIR, the addition of 10,000 new residences assumed in the Downtown Strategy 2000 would require 87.5-acres of new parkland in the downtown per the City's PDO/PIO. The Downtown Strategy 2000 EIR concluded that the required parkland acreage would be satisfied through a combination of means, including: dedication of land, payment of impact fees, credit for qualifying recreational amenities, and improvement of existing parkland or recreational facilities. In addition, the Downtown Strategy 2000 EIR concluded that the increased demand on existing park and recreational facilities from the increased population associated with implementing the Downtown Strategy 2000 plan, would not substantially deteriorate or result in significant adverse physical impacts to these existing facilities.

The project would be required to pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan policies PR-2.4 and PR-2.5. In addition, the project proposes to provide a combined 38,688 square feet of outdoor open space through a common open space area on the fifth floor (between the towers), and open space on the roofs of the towers. The towers would also include indoor lounge areas on the fifth floor (connected to the outdoor recreational area). These proposed facilities would offset some of the project's demand on existing park and recreational facilities.

Based on the above discussion, the project would not result in new or more significant impacts on park facilities than those disclosed in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

4.14.2.4 *Impacts to Libraries*

The General Plan EIR concluded that the existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population growth under build out of the General Plan by the year 2035, which is above the City's General Plan service goal of 0.59 square feet of library space per capita (General Plan Policy ES-2.2).

As previously discussed in Section 4.13, Population and Housing, the project would generate approximately 1,956 new residents, which would incrementally increase the demand on neighborhood libraries and the Martin Luther King Jr. Main Library. The population growth resulting from the project is anticipated in the General Plan; therefore, the project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals or result in new or more significant impacts to library facilities than disclosed in the General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

The project would have the same less than significant impact on public services in the City of San José, as previously identified in the General Plan EIR and Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Environmental Setting

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 25 community centers, 12 senior centers, and 14 youth centers, though some are temporarily closed due to budget constraints. Other recreational facilities include six public skate parks and over 57 miles of trails.

As discussed in *Section 4.14 Public Services*, City park facilities near the project site include St. James Park (0.4 mile north) and Plaza De Cesar Chavez (0.7 mile southwest). The Guadalupe River Trail and other outdoor recreational areas along the trail are approximately 0.8 mile west of the project site.

Nearby community centers include Grace Community Center, approximately 0.5 miles east of the project site, and Washington United Youth Center, approximately 1.4 miles south of the project site.

The City's goal is to provide 3.5 acres of neighborhood/community serving parkland per 1,000 population, 7.5 acres of citywide/regional park and open space lands per 1,000 population, and 500 square feet of community center facilities per 1,000 population.

4.15.1.1 *Regulatory Framework*

The following General Plan policies related to recreation facilities are applicable to the proposed project.

> ***Policy PR-1.1:*** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
>
> ***Policy PR-1.2:*** Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
>
> ***Policy PR-1.3:*** Provide 500 square feet per 1,000 population of community center space.
>
> ***Policy PR-1.12:*** Regularly update and utilize San José's PDO/PIO to implement quality facilities.
>
> ***Policy PR-2.4:*** To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend PDO and PIO fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within 0.75-mile radius of the project site that generates the funds.
>
> ***Policy PR-2.5:*** Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-2.6: Locate all new residential developments over 200 units in size within 0.3-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 Checklist and Discussion of Impacts

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

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

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

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

In addition, the project includes on-site common recreation and open space areas for tenants on the fifth floor and the rooftops of the towers to offset some of the project's demand on existing recreational facilities in the area. The environmental impacts associated with the construction of these common open space areas are discussed throughout this IS and have been found to have a less than significant impact.

Because the project would comply with PDO and PIO policies contained within the General Plan and open space amenities would be provided on-site, the project would not result in a new or more

significant impact to recreational facilities than disclosed in the Downtown Strategy 2000 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15.3 Conclusion

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

4.16 TRANSPORTATION

The following discussion is based upon the information contained within the traffic operations study, prepared by Hexagon Transportation Consultants, Inc. in February 2017. This study is included with this report as Appendix G.

The traffic operations study looked at 298 condominiums and 312 apartments. Since that report was prepared, the proposed project is now proposing a total of 610 residential units which may be used for condominiums or apartments. The Institute of Transportation Engineers (ITE) trip generation estimates as well as the City's trip generation estimates for apartments and condominiums are similar enough that the conclusions of the traffic operations study would not change with the proposed change in use. Further, the trip generation for apartments in the Downtown area are typically much lower than was analyzed in the traffic operations study. Therefore, the more conservative analysis in the traffic operations study was used to analyze the transportation impacts of the proposed project.

4.16.1 Environmental Setting

The City certified the Downtown Strategy 2000 EIR in June 2005 which included a comprehensive traffic analysis that addressed planned growth within the Downtown core. There have not been any substantial modifications to the area transportation facilities since certification of the Downtown Strategy 2000 EIR. While a comprehensive Transportation Impact Analysis is not required, a Traffic Operations Study has been prepared to identify potential operational issues associated with the proposed project.

4.16.1.1 *Existing Roadway Network*

The project site is located on East Santa Clara Street, between North Fourth Street and North Fifth Street in Downtown San José. Regional access to the project site is provided by SR 87, Interstate 280 (I-280) and United States Highway 101 (US 101) as described below.

Regional Access

US 101 is a north-south freeway that extends northward through San Francisco and southward through Gilroy. Within the study area, US 101 is an eight-lane freeway that includes two high-occupancy vehicle (HOV) lanes. US 101 provides access to the project site via a full interchange at East Santa Clara Street/Alum Rock Avenue.

SR 87 is a six-lane, north-south freeway (four mixed-flow lanes and two HOV lanes) that begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site from SR 87 is provided via a northbound off-ramp at Santa Clara Street and a full interchange at Julian Street.

I-280 extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of Downtown San José. The section of I-280 just north of the Bascom Avenue over-crossing has six mixed-flow lanes and two HOV lanes. Access to the project site to and from I-280 is provided by an interchange at Seventh Street.

Local Access

Local site access is provided via Santa Clara Street, Fourth Street and Fifth Street. These facilities are described below.

Santa Clara Street is an east-west four-lane Grand Boulevard[28] that runs through Downtown San José. West of Montgomery/Autumn Street, Santa Clara Street becomes The Alameda and extends into the City of Santa Clara. East of US 101 it becomes Alum Rock Avenue. Santa Clara Street provides direct access to the project site via Fourth and Fifth Streets.

Fourth Street is a one-way local connector with two southbound lanes and a buffered bike lane south of St. James Street. North of St. James Street, Fourth Street is a two-way two-lane street that widens to a four-lane two-way street north of Jackson Street. Fourth Street begins at Old Bayshore Highway and extends southward, terminating at the I-280 northbound on-ramp. Fourth Street provides direct access to the site.

Fifth Street is a north-south two-lane residential street that extends from Santa Clara Street northward to I-880. Fifth Street provides direct access to the site.

St. John Street is an east-west two-lane street just north of the project site. St. John Street is a designated bike route and provides access to the Guadalupe River trail.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian facilities in the project area consist of sidewalks and crosswalks. All roadways in the project area have sidewalks and crosswalks with designated pedestrian signals are located at the nearby signalized intersections. Overall the existing sidewalks have good connectivity and provide pedestrians with safe routes to transit and the surrounding land uses.

The Guadalupe River Trail, located approximately 0.75 mile west of the project site, is an 11- mile continuous Class I bikeway extending from Curtner Avenue in the south to Alviso in the north. This trail can be accessed via either Santa Clara Street or St. John Street.

Third and Fourth Streets have buffered bike lanes, Seventh Street has standard bike lanes, and St. John Street is a designated bike route. The site is also located within a short walking distance (across Santa Clara Street, at City Hall) of one of the 16 Bay Area Bike Share stations located in downtown.

4.16.1.3 *Existing Transit Service*

The project site is located within walking distance of several bus lines and light rail, and is approximately 0.92 mile east of the San José Diridon Station. Services at the Diridon Station include Caltrain, Amtrak, Altamont Commuter Express (ACE), light rail, and VTA buses. Stand-alone light rail stations for Routes 901 (Santa Teresa-Alum Rock) and 902 (Mountain View-Winchester) are

[28] Grand Boulevards are identified to serve as major transportation corridors and are primary routes for VTA light-rail, bus rapid transit, standard or community busses, and other public transit vehicles.

located within one-quarter mile of the project site. Bus lines that operate within one-quarter mile of the project site are listed in Table 4.16-1.

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

Bus Route	Route Description	Headway (Peak Hour)
Local 17	Gilroy Transit Center to Monterey & Tomkins	45 min
Local 22	Palo Alto Transit Center to Eastridge Transit Center	10-15 min
Local 23	De Anza College to Alum Rock Transit Center	10-15 min
Local 55	De Anza College to Great America	15-20 min
Local 63	Almaden Expressway/Camden Ave. to Diridon Station	30 min
Local 64	Almaden LRT Station to McKee Rd/White Rd	15 min
Local 65	Kooser/Blossom Hill to 13th/Hedding	45 min
Local 72	Senter Rd/Monterey Rd to Downtown San José	15 min
Local 73	Snell Avenue/Capitol Expressway to Downtown San José	15 min
Local 81	San José State University to Vallco Mall	23-35 min
Local 82	Westgate Mall to Downtown San José	30 min
Express 181	Fremont BART Station to Diridon Station	15 min
Limited 304	South San José to De Anza College	25-45 min
Limited 323	Downtown San José to De Anza College	15 min
Rapid 522	Palo Alto Transit Center to Eastridge Transit Center	15 min

4.16.1.4 *Applicable Transportation Regulations and Policies*

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

> ***Policy TR-1.1:*** Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
>
> ***Policy TR-1.2:*** Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
>
> ***Policy TR-1.4:*** Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

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

4.16.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1-3
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1-3,14
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒	1-3
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1-3,14
e. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1-3,14
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1-3,14

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

4.16.2.1 *Trip Generation Estimates (Questions a and b)*

Traffic trips generated by the proposed project were estimated using the rates recommended by the City of San José. These rates allow for traffic reductions due to the project's proximity to transit and its mixed use component. Trips from the existing car wash are subtracted from the trip generation estimates to calculate the net new trips generated by the project. A summary of the proposed project's trip generation estimates is shown in Table 4.16-2.

Table 4.16-2: Project Trip Generation Estimates

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing Car Wash	<115>	<4>	<0>	<4>	<8>	<11>	<19>
Proposed Project – Residential							
298 Condominium Units	2,235	78	146	224	146	78	224
312 Apartments	1,872	65	122	187	122	65	187
20% Transit/Bike/Walk Reduction	<821>	<29>	<53>	<82>	<53>	<29>	<82>
Mixed-Use Internal Reduction	<86>	<1>	<2>	<3>	<4>	<4>	<8>
Proposed Project – Retail and Office							
14,381 Square Feet Retail	575	12	5	17	26	26	52
Residential & Retail Internal Reduction	<86>	<2>	<1>	<3>	<4>	<4>	<8>
25% Retail PM Pass-by Reduction					<6>	<5>	<11>
24,693 Square Feet Office	272	33	5	38	6	32	38
20% Transit/Bike/Walk Reduction	<54>	<7>	<1>	<8>	<2>	<6>	<8>
Net Project Trips	**3,792**	**145**	**221**	**366**	**223**	**142**	**365**

4.16.2.2 *Site Access and Circulation (Question a)*

As proposed, the project would have three levels of below-grade and three levels of above-grade parking with left-turn only access from Fourth Street and full access from Fifth Street.

Fourth Street Driveway

The Fourth Street driveway is estimated to have 61 inbound and 115 outbound trips in the AM Peak Hour and 114 inbound and 59 outbound trips in the PM Peak Hour. These volumes are comparable to the City parking structure adjacent to the site.

The current design will provide approximately 60 feet of inbound vehicle storage (equivalent to two vehicles) between the gate and the sidewalk. The project would have adequate vehicle storage for inbound vehicles using the Fourth Street driveway.

The Fourth Street driveway would be located approximately 30 feet south of the City parking structure driveway and 65 feet north of the start of the left-turn only lane onto Santa Clara Street. During the PM Peak Hour, traffic currently backs up in the left-turn lane, oftentimes past the City

parking structure driveway. For vehicles exiting the site but not entering the left-turn lane, there could be substantial delays in existing the project site. This could create excessive queues within the parking structure and result in conflicting movements between southbound vehicles entering the left-turn lane and vehicles entering and exiting the project site. As there would be little space between the two parking garage driveways, vehicles entering the project site would have minimal distance to merge left prior to entering the project driveway, due to the exiting vehicle lane for the City parking structure.

Fifth Street Driveway

The Fifth Street driveway is estimated to have 69 inbound and 105 outbound trips in the AM Peak Hour and 131 inbound and 85 outbound in the PM Peak Hour. Fifth Street currently has low peak hour traffic volumes and, as such, no significant queuing issues are expected.

On-site queuing within the parking structure is expected, but would not impact roadway operations. [**Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.3 *Emergency Vehicle Access (Question e)*

Fire code requires driveways to provide 32 feet of clearance for fire access. The Fourth Street driveway is proposed to be 24.25 feet wide and the Fifth Street driveway is proposed to be 23.5 feet wide. As a result, the project would be required to paint red fire lanes on the adjacent curb faces. Under existing conditions, the entire curb between the City parking structure and Santa Clara Street along Fourth Street is painted red to prohibit parking within the southbound left-turn lane. The Fourth Street curb would remain a red zone and six feet of red curb would be required at the Fifth Street driveway.

The City of San José Fire Department requires all portions of buildings be within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the building. [**Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.4 *Pedestrian Access, Circulation, and Intersection Operations (Questions d and f)*

Existing sidewalks along Fourth Street, Fifth Street, and Santa Clara Street would provide pedestrian access to and from the project site. The network of sidewalks and crosswalks in the study area has good connectivity and would provide residents with safe routes to bus stops and other destinations in the area.

Pedestrian access to the retail uses on-site would be provided from all street frontages. The project would be required to replace the sidewalk on the Fourth Street frontage to provide a 12-foot wide attached sidewalk.

Schools

Horace Mann Elementary School is located approximately 450 feet east of the project site. Based on field observations, the number of students from this school that walk through the study intersections is minimal. The increase in traffic in the AM Peak Hour from the project would not create unsafe

conditions for pedestrians accessing the school. [**Same Impact as Approved Project (Less Than Significant Impact)]**

Intersection Operations

Operations at nearby intersections (Fourth Street/Santa Clara Street and Fifth Street/Santa Clara Street) were evaluated under project conditions to assess whether the project would create a safety impact. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold (Question d) which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue does not, in itself, create a safety impact.

The following discussion evaluates projected queuing as the aforementioned intersections and identifies measures that could be employed to accommodate existing and projected queues. Queues are based on the 95th percentile. Based upon the discussion below, the project would not substantially increase hazards at these locations. Please refer to Table 3 of Appendix G for project data.

Fourth Street/Santa Clara Street – Westbound

The westbound left-turn queue at the Fourth Street/Santa Clara Street intersection is approximately 200 feet (equivalent to eight vehicles). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the westbound left-turn lane is seven vehicles (175 feet) in the AM Peak Hour and do not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would remain at 175 feet in the AM Peak Hour.

Under background conditions, the AM Peak Hour queue would be 200 feet. Under background plus project conditions, the queue length would remain at 200 feet in the AM Peak Hour.

The queuing analysis determined that under existing conditions, the maximum vehicle queues for the westbound left-turn lane is eight vehicles in the PM Peak Hour and do not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would remain at 200 feet in the PM Peak Hour.

Under background conditions, the PM Peak Hour queue would be 275 feet (11 vehicles). Under background plus project conditions, the queue length would extend to 300 feet (12 vehicles) in the PM Peak Hour.

The intersection does not exceed the existing vehicle storage capacity during the AM Peak Hour under any scenario, but would exceed the storage capacity in the PM Peak Hour under background and background plus project conditions.

The proposed project would exacerbate the queuing conditions anticipated to occur under background conditions. The addition of one or more vehicles to the westbound left-turn lane in the PM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. The increased queue length would not, however, result in a new hazard or

substantially worsen safety conditions. For this reason, the additional queuing caused by the proposed project is considered an operational issue rather than an environmental issue. Therefore, the increased left-turn queues resulting from project traffic would have a less than significant impact on the safety of intersection operations at this location.

Fifth Street/Santa Clara Street – Eastbound

The eastbound left-turn queue at the Fifth Street/Santa Clara Street intersection is approximately 75 feet (equivalent to three vehicles). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the eastbound left-turn lane is three vehicles in the AM Peak Hour and do not exceed the existing vehicle storage capacity. Field observations of this turning movement during AM Peak Hour, however, indicate that the storage capacity is presently exceeded due to the high number of pedestrian crossings at this intersection, which were not accounted for in the queuing calculations. Under existing plus project conditions, the queue length would extend to 100 feet in the AM Peak Hour.

Under background conditions, the AM Peak Hour queue would be 100 feet. Under background plus project conditions, the queue length would extend to 125 feet in the AM Peak Hour.

The queuing analysis determined that under existing conditions, the maximum vehicle queues for the eastbound left-turn lane is two vehicles in the PM Peak Hour and do not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 100 feet (four vehicles) in the PM Peak Hour.

Under background conditions, the PM Peak Hour queue would be 75 feet. Under background plus project conditions, the queue length would extend to 125 feet in the PM Peak Hour.

The intersection does not exceed the existing vehicle storage capacity during the AM or PM Peak Hours under existing conditions or in the PM Peak Hour under background conditions. The intersection would exceed the existing vehicle storage capacity in the AM Peak Hour under background conditions and the project would cause queues in excess of available storage capacity under all project scenarios.

The addition of one or more vehicles to the eastbound left-turn lane in either the AM or PM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. The increased queue length would not, however, result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing caused by the proposed project and is considered an operational issue rather than an environmental issue. Therefore, the increased left-turn queues would have a less than significant impact on the safety of intersection operations at this location.

Fifth Street/Santa Clara Street – Southbound

The southbound left-turn queue at the Fifth Street/Santa Clara Street intersection is approximately 200 feet (equivalent to eight vehicles). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane is three vehicles in the AM Peak Hour, which does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would extend to 125 feet in the AM Peak Hour.

Under background conditions, the AM Peak Hour queue would be 75 feet. Under background plus project conditions, the queue length would extend to 150 feet in the AM Peak Hour.

The queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane is six vehicles in the PM Peak Hour, which does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 200 feet (eight vehicles) in the PM Peak Hour.

Under background conditions, the PM Peak Hour queue would be 200 feet. Under background plus project conditions, the queue length would extend to 250 feet in the PM Peak Hour.

The intersection does not exceed the existing vehicle storage capacity during the AM or PM Peak Hours under existing or background conditions. In addition, the intersection would not exceed the existing vehicle storage capacity in the AM or PM Peak Hour under existing plus project or the AM Peak Hour under background plus project condition. The project would cause queues in excess of available storage capacity in the PM Peak Hour under background plus project conditions.

The addition of two or more vehicles to the southbound left-turn queue in the PM Peak Hour 95th percentile queue would not result in the turning vehicles blocking any other lanes as there is no through lane in the southbound direction. The increased queue length would not result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing caused by the proposed project is considered an operational issue rather than an environmental issue. Therefore, the increased left-turn queues would have a less than significant impact on the safety of intersection operations at this location. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.5 *Other Transportation Issues (Questions c and f)*

Airport Operations

The proposed project is located approximately 1.75 miles southeast of the Norman Y. Mineta San José International Airport. The proposed project will not result in a change in air traffic patterns or obstruct airport operations. See Section 4.8 Hazards and Hazardous Materials for discussion of project compliance with FAA regulations and General Plan policies regarding proposed building height. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Transit, Pedestrian, and Bicycle Facilities

The project would not affect or preclude any existing or adopted policies, plans, or programs for pedestrian, bicycle, or transit facilities. Increased transit usage resulting from the proposed project would not exceed capacity of the transit system. Similarly, increased bicycle traffic resulting from the proposed project would not exceed capacity of existing bike facilities or preclude construction of planned improvements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Bicycle Parking

The project, as proposed, would include ground level secure bicycle parking for at least 165 and up to 169 bicycles, which would be accessed from inside the parking garage. The project would meet

the City's bicycle parking requirement and support the use of existing and future bicycle facilities in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.6 *Operational Transportation Issues Not Covered Under CEQA*

Parking

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. Because there are conflicting decision's from two appellate courts and no final determination from the California Supreme Court, the City of San José has made a determination that a lack of parking, in and of itself, is not a significant impact on the environment.

There is no threshold under CEQA or operational policy within the City of San José that qualifies as an applicable threshold to determine the potential physical environmental effect of cars parked on City streets. In addition, street parking is open to the public and, in San José, is only regulated where parking restrictions are posted. Lastly, the potential need for overflow parking would vary by day and time of day (particularly with rental units). Unlike tangible, quantifiable changes to the environment, overflow parking needs are not consistent and long-term effects cannot be quantified. Therefore, the City does not consider the lack of parking in and of itself as an environmental impact and has concluded that the findings of the 1st District Court in *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App. 4th 656 is the most applicable under CEQA.

Parking deficits may be associated with secondary physical environmental impacts, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a parking space. These secondary effects are, however, a temporary condition. Therefore, any secondary environmental impacts that might result from a shortfall in parking in the vicinity of the proposed project are considered less than significant.

While a lack of parking would not have a significant environmental impact under CEQA, it could result in an operational impact to on-site and off-site circulation. For this reason, as assessment of the parking plan for the proposed project is provided below.

According to the City of San José Municipal Code (Chapter 20.70, Table 20-140), the required parking for downtown development is one off-street space per residential unit. There is no requirement for retail parking.

The project proposes a total of 708 parking spaces. Of the 708 parking spaces, 179 would be tandem spaces. The residential requirement for the project is 610 spaces (one parking space/unit). Therefore, the project is well over parked by 98 spaces.

If the 24,693 square feet of flex/office space is constructed as office, approximately 73 spaces will be eliminated because of changes to the building. The parking requirement for office use is 2.5 parking spaces/1,000 square feet which equates to 62 spaces. Taking into account the additional 98 spaces provided by the proposed project and subtracting the loss of 73 spaces would result in a total of 25

parking spaces available for office use. That would result in a shortfall of 37 spaces (62 required spaces minus the additional parking spaces that would be available for the office uses).

The project is located within 2,000 feet of the St. James Park VTA light rail station, and it provides more than the required bicycle parking spaces of 162 (153 bicycle parking spaces for the 610 units, 3 bicycle parking spaces for the retail component, and 6 bicycle parking spaces for the office component). Therefore, the project would conform to San José's Zoning Ordinance 20.90.220, Reduction in required off-street parking spaces, which would allow the project to have fewer parking spaces than would otherwise be required.

As a result, the project would provide a sufficient number of parking spaces for the proposed development. **[Same Impact as Approved Project (Significant Impact)]**

Intersection Operations - Queuing

While intersections in the downtown area are exempt from the City's LOS policy, operations at nearby intersections (Santa Clara Street/Fourth Street and Santa Clara Street/Fifth Street) were evaluated under project conditions to assess whether the project would create a safety impact. Queuing analysis for the above intersections were conducted to evaluate the size of the existing pockets and the number of vehicles a proposed project would generate at the existing pocket. If project traffic exceeds an existing pocket length and traffic spills out of the pocket, typically traffic will be more congested, resulting in more delay but not result in any safety concern, especially in a downtown setting. From a CEQA standpoint, there are no quantitative thresholds specific to queuing. There is, however, a qualitative threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue into the adjacent through lane does not in itself create a safety impact.

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

4.16.3 Conclusion

Implementation of the proposed project would result in the same significant impacts to the transportation system as was previously identified in the Downtown Strategy 2000 EIR and the General Plan EIR. Further, because the proposed project is located within the Downtown area, no traffic mitigation is required.

4.17 UTILITIES AND SERVICE SYSTEMS

The following analysis is based, in part, on a Water Supply Assessment prepared by San José Water Company in January, 2017. A copy of this report is provided in Appendix H.

4.17.1 Environmental Setting

4.17.1.1 *Domestic Water*

Water service to the site would be supplied by the San José Water Company, which gets its water from a variety of groundwater and surface water sources. It is estimated that the existing car wash at the project site uses approximately 2,880 gallons of water per day.

4.17.1.2 Sanitary Sewers and Wastewater Treatment

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (Facility) which is administered and operated by the City Department of Environmental Services. The Facility has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd), but is limited to a 120 mgp dry weather effluent flow by the State and Regional Water Quality Control Board. Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan EIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). The existing use is a car wash and it is estimated that 95 percent of the water utilized at the site is discharged to the sewer system. It is estimated that the existing car wash use generates 8,075 gallons of wastewater per day.

4.17.1.3 Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.75 mile from Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

Currently, 67 percent of the project site is impervious. There are existing storm drain lines along North Fourth Street and North Fifth Street that serve the site.

4.17.1.4 Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. According to the IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by

2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. It is estimated that the existing use generates approximately 30 pounds of solid waste per day[29].

4.17.2 Applicable Goals and Policies

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

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

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

4.17.3 Checklist and Discussion of Impacts

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

[29] CalRecycle. Estimated Commercial Solid Waste Amounts. http://www.calrecycle.ca.gov/WasteChar/WasteGenRates/Commercial.htm. Site visited March 23, 2016.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-3, 19
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1-3
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-3
g. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1-3

Consistent with the Downtown Strategy 2000 EIR and General Plan EIR, the project would result in less than significant utility and service systems impacts.

4.17.3.1 *Exceedance of Sanitary Sewer Capacity or Treatment Requirements (Questions a and b)*

The proposed project would generate approximately 256,750 gallons of wastewater per day which represents an increase in wastewater from the site requiring treatment by approximately 248,675 gallons per day[30]. As stated previously, however, the City currently has approximately 38.8 mgd of excess treatment capacity at the San José Santa Clara Regional Wastewater Facility. Based on a sanitary sewer hydraulic analysis prepared for the General Plan EIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan (including the proposed project) would not exceed the City's allocated capacity nor would it necessitate the construction of new water or wastewater treatment facilities or any expansion of existing facilities. The proposed project is consistent with the development assumptions in the General Plan; therefore, implementation of the proposed project would have a less than significant impact on the facility or exceed wastewater treatment requirements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[30] Oberg, John. City of San José. San José Water Usage Rates. E-mail to David J. Powers and Associates, Inc., February 4, 2004.

4.17.3.2 *Drainage Facility Expansion (Question c)*

The amount of impervious coverage with implementation of the proposed project would increase by 33 percent, or 20,395 square feet. The project would discharge surface drainage to an existing 60-inch storm drain in North Fourth Street. The storm drainage system has sufficient capacity to convey runoff from the site and it is not anticipated that the project would exceed the capacity of existing or planned storm water drainage systems. Therefore, no additional drainage facilities are required and significant impacts as a result of the expansion would not occur.

Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area. Therefore, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Management Policy 6-29 and the RWQCB Municipal Regional NPDES permit. In order to meet these requirements, the proposed development would include stormwater treatment vault and within the interior of the podium structure, as well as planted areas on the fifth level of the podium and on the rooftops of the towers. Stormwater runoff from the structure would drain into the stormwater treatment vault areas prior to entering the storm drainage system. The proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the roof and parking area runoff entering the storm drainage system consistent with the NPDES requirements. While stormwater treatment vaults are typically not acceptable as the only means of treatment, the project is an infill, transit-oriented development which qualifies as a Category C Special Project. Projects in this category are permitted to treat a minimum of 10 percent of runoff by bioretention and a maximum of 90 percent by mechanical filtration.

The Downtown Strategy 2000 EIR, and General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan that would be consistent with RWQCB requirements and in compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3.3 *Water Supply (Question d)*

Based on the Water Supply Assessment (WSA) prepared by the San José Water Company, the proposed project would have a water demand of approximately 255,800 gallons per day, which is an increase in water demand of approximately 252,920 gallons per day as compared to the existing car wash use. This represents a 0.19 percent increase in overall citywide demand.

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

In addition to normal water years, the WSA and UWMP assessed the ability of San José Water Company to meet forecasted water demands (including the proposed project) during multiple dry

weather (drought) years. San José Water Company concluded that with projected supply totals and implementation of conservation measures consistent with its Water Shortage Contingency Plan, the retailer would be able to meet projected demand during multiple dry water years.

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

The proposed project is consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan EIR. Therefore, implementation of the proposed project would have a less than significant impact on existing and future water supplies. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3.4 *Wastewater Capacity (Question e)*

As stated previously, the City currently has approximately 38.8 mgd of excess wastewater treatment capacity. Development allowed under the General Plan (including the proposed project) would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3.5 *Landfill Capacity and Waste Regulations (Question f and g)*

The proposed project would generate approximately 3,636 pounds of solid waste per day, which is a net increase of 3,606 pounds as compared to the existing use[31]. The General Plan EIR concluded that the increase in waste generated by full build out under the General Plan, including in Downtown San José, would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from developments allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

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

[31] CalRecycle. Estimated Residential and Commercial Solid Waste Amounts. http://www.calrecycle.ca.gov/WasteChar/WasteGenRates.htm. Site visited March 30, 2016. Multi-family units generate 5.31 pounds per dwelling unit per day and general commercial uses generate 13 pounds per 1000 square feet per day.

4.17.4 Conclusion

Implementation of the proposed project would have the same less than significant utilities and service system impacts as previously identified in the Downtown Strategy 2000 EIR and the General Plan EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-19
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-19
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-19
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-19

4.18.1 Findings

4.18.1.1 ***Project Impacts*** *(Question a)*

The proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources,* the project would not impact sensitive habitat or species. While there are historic and potentially historic structures in the immediate project vicinity and a potential for buried archaeological resources on-site, implementation of the identified mitigation measures in *Section 4.5 Cultural Resources*, would avoid or reduce impacts to cultural resources to a less than significant level. Identified mitigation measures in *Section 4.8 Hazardous Materials* would avoid or reduce possible effects of previous and current automobile-related businesses in the vicinity a less than significant level. Construction-related noise impacts would also be mitigated as described in *Section 4.12 Noise*. The project would not result in new or more significant impacts than identified in the certified Downtown Strategy 2000 EIR and General Plan EIR.

4.18.1.2 ***Cumulative Impacts*** *(Question b)*

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

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

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

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

The project's contribution to a cumulative impact on aesthetics, biological resources, land use, population and housing, public services, recreation, and transportation were analyzed in the certified Downtown Strategy 2000 EIR and General Plan EIR. The proposed project would not result in a more significant cumulative impact related to these issues than disclosed within these documents. It should be noted, however, that in the short-term students generated by the proposed project, in combination with other proposed residential development in the Downtown area, could increase the student population of Peter Burnett Middle School beyond its current capacity.

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

Other developments in the area when analyzed together with the proposed project could potentially result a cumulative impact. For example, the Diridon Station Area Plan, which incorporates planned job and housing capacity identified in the General Plan for the downtown, Midtown Specific Plan, and VT4 – the Alameda (East) Urban Village, were adopted by the City of San José in 2014. The City also approved development of 2,200 residential units on Communications Hill, which is

consistent with the General Plan. Urban Village planning is also underway for approximately nine Urban Villages, to determine the exact location of the jobs and housing capacity assumed for the villages in the General Plan. There are no other recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by the General Plan EIR or Downtown Strategy 2000 EIR.

4.18.1.3 *Short-term Environmental Goals vs. Long-term Environmental Goals (Question c)*

The project site is currently developed with a construction yard, surface parking lots, and a car wash. The project proposes to redevelop the site with retail and residential uses. Urban development, including those proposed uses, are consistent with the long-term goals for the site as outlined in the General Plan and the Downtown Strategy 2000. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to redevelop an infill location in Downtown San José and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency and increased transit ridership) for this Downtown site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy. The project would incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water.

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

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

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

SECTION 5.0 CHECKLIST SOURCES

1) CEQA Guidelines - Environmental Thresholds (professional judgment and expertise, as well as review of project plans)

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

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

4) California Natural Resources Agency. Santa Clara County Important Farmlands 2012 Map.

5) Bay Area Air Quality Management District. *Air Quality Guidelines*. June 2011.

6) Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries.

7) Santa Clara Valley Habitat Plan. 2013.

8) Santa Clara County. Geologic Hazard Zones Maps. 2002.

9) Archives and Architecture. *Historic Report East Santa Clara Street Towers*. February 26, 2016.

10) Holman & Associates Archaeological Consultants. *Archaeological Records Search for the SJSC Towers Mixed-Use Project, 167-193 East Santa Clara Street, San José, Santa Clara County, California*. December 15, 2015.

11) Illingworth & Rodkin, Inc. *SJSC Towers Project Noise and Vibration Assessment.* February 16, 2016.

12) Illingworth & Rodkin, Inc. *SJSC Towers Community Health Risk Assessment*. February 12, 2016.

13) Langan Treadwell Rollo. *Phase 1 Environmental Site Assessment SJSC Towers*. February 10, 2016.

14) Hexagon Transportation Consultants, Inc. *Traffic Operations Study*. *SJSC Towers Mixed-Use Project, San José, California*. February 2017

15) Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel #06085C0234H. 2009.

16) Santa Clara Valley Water District. Anderson Dam EAP 2009 Flood Inundation Maps. 2009.

17) ABAG. Tsunami Inundation Map for Emergency Planning. San Francisco Bay Region. 2009.

18) Institute of Transportation Engineers. *Trip Generation, 9th Edition*. Trip Generation Rates.

19) San José Water Company. *SJSC Towers Mixed-Use Project Water Supply Assessment.* 2016

SECTION 6.0 REFERENCES

Archives and Architecture. *Historic Report East Santa Clara Street Towers*. February 26, 2016.

ABAG. Tsunami Inundation Map for Emergency Planning. San Francisco Bay Region. 2009.

Bay Area Air Quality Management District. Air Quality Guidelines. June 2011. http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx. Accessed March 14, 2016.

Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx. March 17, 2016.

Cal Recycle. Waste Generation Rates. http://www.calrecycle.ca.gov/wastechar/wastegenrates/Commercial.htm Accessed February 24, 2016.

California Department of Conservation. Earthquake Maps. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps. Accessed February 24, 2016.

California Department of Conservation. Liquefaction Zone Map. http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSÉ_WEST/maps/ozn_sjosw.pdf. Accessed March 23, 2016.

California Department of Conservation. Regulatory Maps. http://www.quake.ca.gov/gmaps/ap/ap_maps.htm. Accessed February 17 2016.

Caltrans. Officially Designated Scenic Routes. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Site accessed March 16, 2016.

California Natural Resources Agency. Santa Clara County Important Farmlands 2012 Map. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf. Accessed February 22, 2016.

City of San José. Downtown Commercial National Register Historic District map. https://www.sanJoséca.gov/DocumentCenter/View/1022. Site accessed March 16, 2016.

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

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

City of San José. *Green Vision Annual Report: 2013.* http://www.sanJosé ca.gov/documentcenter/view/27914. Accessed March 18, 2016.

City of San José. Historic Resources Inventory. https://www.sanjoseca.gov/DocumentCenter/View/35475. Site accessed March 16, 2016.

Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel #06085C0234H. 2009.

Google Earth Version 7.1.5.1557. Maps of the Project Area. Program utilized March 2016.

Hexagon Transportation Consultants, Inc. *Traffic Operations Study*. *SJSC Towers Mixed-Use Project, San José, California*. August 2016.

Holman & Associates Archaeological Consultants. *Archaeological Records Search for the SJSC Towers Mixed-Use Project, 167-193 East Santa Clara Street, San José, Santa Clara County, California*. December 15, 2015

Illingworth & Rodkin, Inc. *SJSC Towers Community Health Risk Assessment*. February 12, 2016.

Illingworth & Rodkin, Inc. *SJSC Towers Project Noise and Vibration Assessment.* February 16, 2016.

Institute of Transportation Engineers. *Trip Generation, 9th Edition*. Trip Generation Rates.

Langan Treadwell Rollo. *Phase 1 Environmental Site Assessment SJSC Towers*. February 10, 2016.

Metropolitan Transportation Commission. *Plan Bay Area 2040*. http://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2040. Accessed February 26, 2016.

One Bay Area. *One Bay Area Fact Sheet*. http://www.onebayarea.org/pdf/SB375_OneBayArea-Fact_Sheet2.pdf. Accessed February 6, 2016.

Pacific Institute. Water Usage by Land Use Type. http://pacinst.org/wp-content/uploads/2013/02/appendix_e3.pdf. Accessed February 10, 2016.

San José Unified School District. http://www.schfinder.com/sjusd. Accessed February 4, 2016.

San José Unified School District. Development Fee Justification Study. April 2014. http://www.sjusd.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf. Accessed March 1, 2016.

San José Water Company. Water Source Information. https://www.sjwater.com/for_your_information/education_safety/water_supply. Accessed February 10, 2016.

San José Water Company. *SJSC Towers Mixed-Use Project Water Supply Assessment.* December 2016

Santa Clara County. Geologic Hazard Zones Maps. 2002.

Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. http://scv-habitatagency.org. Accessed February 26, 2016.

Santa Clara Valley Urban Runoff Pollution Prevention Program. Classification of Subwatersheds and Catchment Areas for Determining Applicability of Hydromodification Plan Requirements. http://www.scvurppp-w2k.com/HMP_app_maps/San_José_HMP_Map.pdf. Accessed February 4, 2016.

Santa Clara Valley Water District. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912. Accessed February 5, 2016.

Santa Clara Valley Water District. *Groundwater Management Plan.* 2012.

State of California Department of Finance. Census Demographic Profiles *2010.* http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1. Accessed February 6, 2016.

State of California Department of Finance. Census Community Profiles 2*010.* http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml. Accessed February 2, 2016.

U.S. EPA. *California 303(d) Listed Waters.* http://ofmpub.epa.gov/waters10/attains_state.control?p_state=CA&p_cycle=2010. Accessed February 5, 2016.

United States Geologic Service. Liquefaction Zone Maps. http://pubs.usgs.gov/of/2008/1270/of2008-1270_San_Andreas_scenario.pdf. Accessed February 4, 2016.

Valley Transportation Authority. Bus Route Map. http://www.vta.org/sfc/servlet.shepherd/document/download/069A0000001cwcWIAQ. Accessed February 5, 2016.

Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_20110525_SJC_CLUP.pdf Accessed February 5, 2016.

SECTION 7.0 LEAD AGENCY AND CONSULTANTS

Lead Agency

City of San José
Department of Planning, Building and Code Enforcement
Harry Freitas, Director of Planning, Building and Code Enforcement
Meenaxi R. Panakkal, Supervising Environmental Planner
David Keyon, Planner IV
Reema Mahamood, Planner

Consultants

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
San José, CA
Judy Shanley, Principal
Shannon George, Senior Project Manager
Amie Ashton, Project Manager
Zach Dill, Graphic Artist

Archives and Architecture
Historic Report
San José, CA

Holman & Associates Archaeological Consultants
Archaeological Records Search Street
San Francisco, CA

Illingworth & Rodkin, Inc.
Community Health Risk Assessment, Noise and Vibration Assessment
Petaluma, CA

Hexagon Transportation Consultants, Inc.
Traffic Operations Study
San José, CA