

PUBLIC DRAFT

Environmental Assessment

For HUD-Funded Proposals

(Recommended format per 24 CFR 58.36,)



Project Identification: NORTH SAN PEDRO STUDIOS PROJECT, SAN JOSE, CALIFORNIA
Preparer: DAVID J. POWERS & ASSOCIATES, INC. FOR THE CITY OF SAN JOSÉ
Responsible Entity: CITY OF SAN JOSÉ
Month/Year: JUNE 2016

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FIGURES

FIGURES

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APPENDICES

- Appendix A:** Evaluation of Historic Resources in Compliance with the National Historic Preservation Act of 1976 (as amended) 36 CFR Part 800 Section 106 to Consider the Potential for Historic Resources to be Affected by the Undertaking of the North San Pedro Studios Project Located at 211 Bassett Street, San Jose, Santa Clara County, CA 95112, Archaeological Resource Management, May 4, 2016.
- Appendix B:** Archaeological Survey Report for the North San Pedro Studios Project at 210 Bassett Street, San José, Santa Clara County, California, Archaeological Resources Management, May 2012.
- Appendix C:** North San Pedro Studios HUD Noise Analysis. J.C. Brennan & Associates, April 2016.
- Appendix D:** HUD Explosive and Fire Hazards Review North San Pedro Studios 201 Bassett Street, San Jose, CA 95112. Belinda P. Blackie, P.E., R.E.A., April 2016.



U.S. Department of Housing and Urban Development

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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: North San Pedro Studios

Responsible Entity: City of San José

Grant Recipient (if different than Responsible Entity): First Community Housing

State/Local Identifier: CA056

Preparer: David J. Powers and Associates, Inc. for the City of San Jose

Certifying Officer Name and Title: Harry Freitas, Director of Planning, Building & Code Enforcement

Consultant (if applicable): David J. Powers and Associates, Inc.

Direct Comments to: Malia Durand, Planner III
Planning Division
Department of Planning, Building, and Code Enforcement
City of San Jose

Project Location:

The site is located at 210 Bassett Street in Downtown San José. The Santa Clara County Assessor's Parcel Numbers are 259-23-027, 259-23-016, and part of 259-51-006. The 0.73-acre project site is at the southeast corner of Bassett Street and Terraine Street. (See Figures 1 to 3) The property is designated *Downtown* under the City of San José's adopted General Plan. The parcel is zoned *DC-Downtown Commercial* under the City of San José's Zoning Ordinance.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The project site is currently vacant, and is located within the Brandenburg Mixed-Use Project area, for which the Brandenburg Environmental Impact Report (EIR) was certified in June 2004. First Community Housing, an affordable housing developer, proposes to use Section 8 project-based vouchers (PBVs) and Veterans Affairs Supportive Housing (VASH) assistance to provide rental assistance to lower income tenants at a newly-constructed apartment project with 135 affordable for-rent residential units in a 75,626 square foot, six-story building (See Figures 4 and 5). The proposed building would be approximately 67 feet tall, plus approximately 12 additional feet for the building's three stair cores (Figure 6). The building generally extends to the edge of the property line, with a three-foot setback along the northern property line and a 10-foot setback along the eastern property line. There is no setback from the western property line.

The proposed project would include 135 rental dwelling units (185 DU/AC), comprised of 118 studio units, 16 one-bedroom apartments, and one two-bedroom apartment for the apartment manager. The second floor of the building would also include a community room, gym, laundry area, computer lounge, a social services office, and a manager's office. The social services office would be used by HomeFirst, the resident services provider for formerly homeless veteran tenants. HomeFirst would use the social services office for two full-time staff to interview resident clients, work on case notes of their interactions, and provide service coordination for all property residents. The residential units would be located on the 2nd – 6th floors.

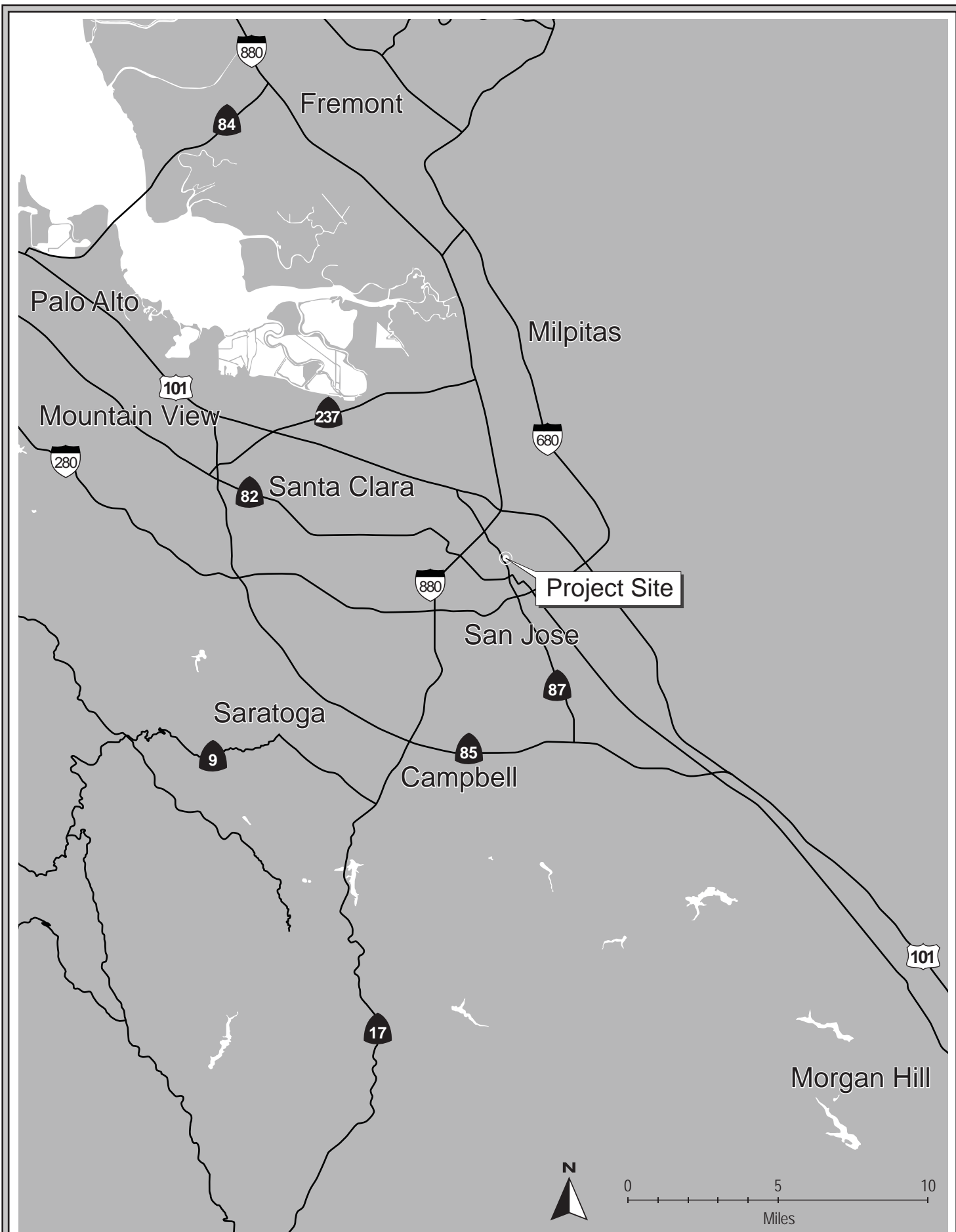
The proposed project would include approximately 14,160 square feet of common open space. The proposed project includes 8,500 square feet of open space in two interior landscaped courtyards between the three wings on the second floor. The proposed project also includes a 5,660 square foot "living" roof area that would partially cover the roof with vegetation and includes a drainage system. Several units have private balconies that front the courtyards. The balconies would provide a total of 660 square feet of private exterior space.

The project site is located in an urban area and although the site is not currently served by existing utility systems, public utilities infrastructure is provided in the immediate vicinity, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The proposed project would connect to these existing facilities, although upgrades for existing infrastructure in the vicinity of the site may be required.

The project would provide a total of 55 vehicle parking spaces in a single-level, at-grade parking garage, three of which are American Disabilities Act (ADA) accessible, and 34 bicycle spaces with secure bike storage. The garage would be accessed by an ingress/egress driveway entering from Bassett Street.

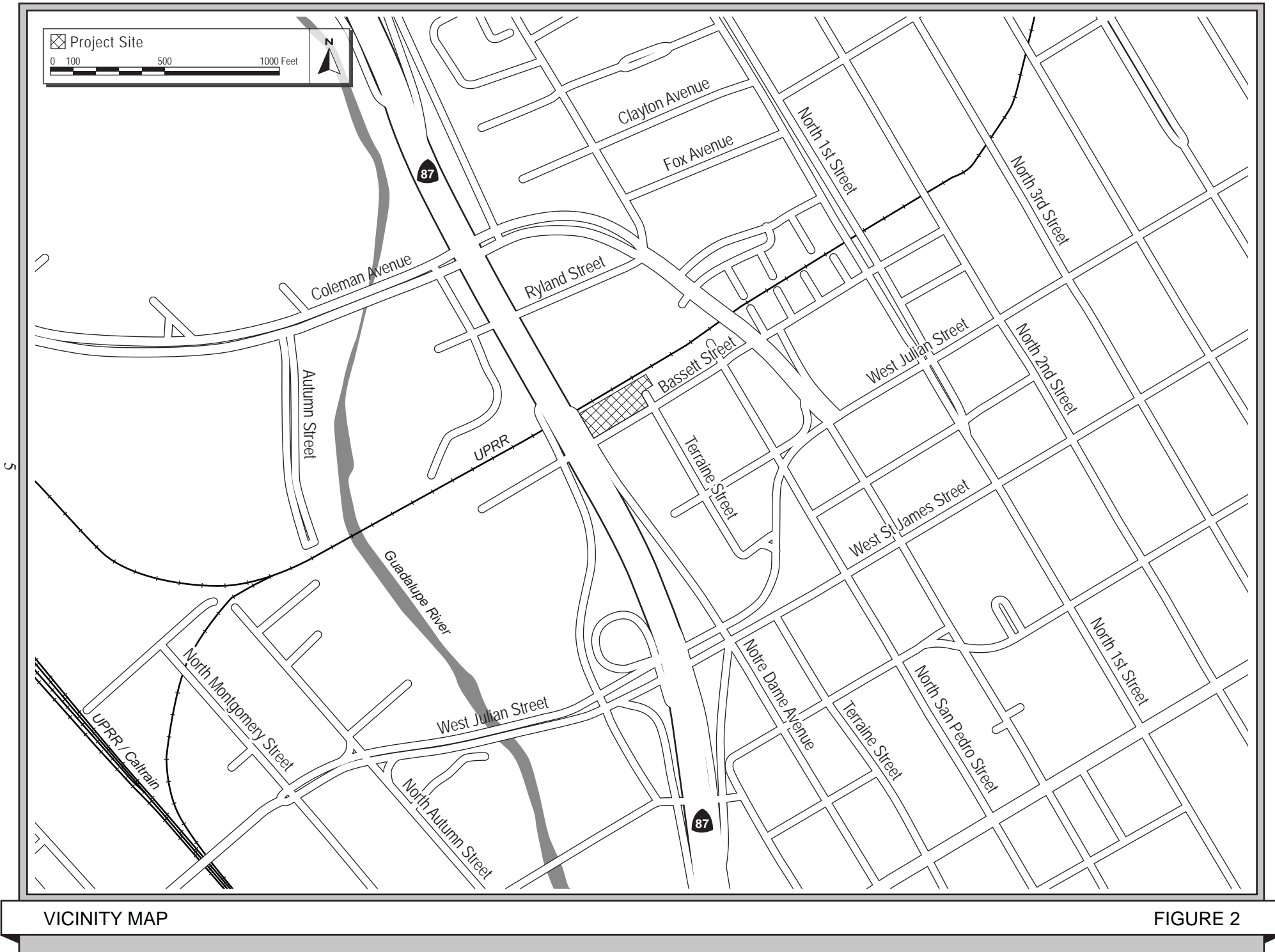
The building will feature LEED Platinum green building design, and include a living green roof and greenhouse, solar thermal HW and Solar PV, energy and water efficient fixtures, VOC-free building materials, and First Community Housing will provide all residents with free, annual VTA Eco Passes providing free bus and light rail throughout Santa Clara County.

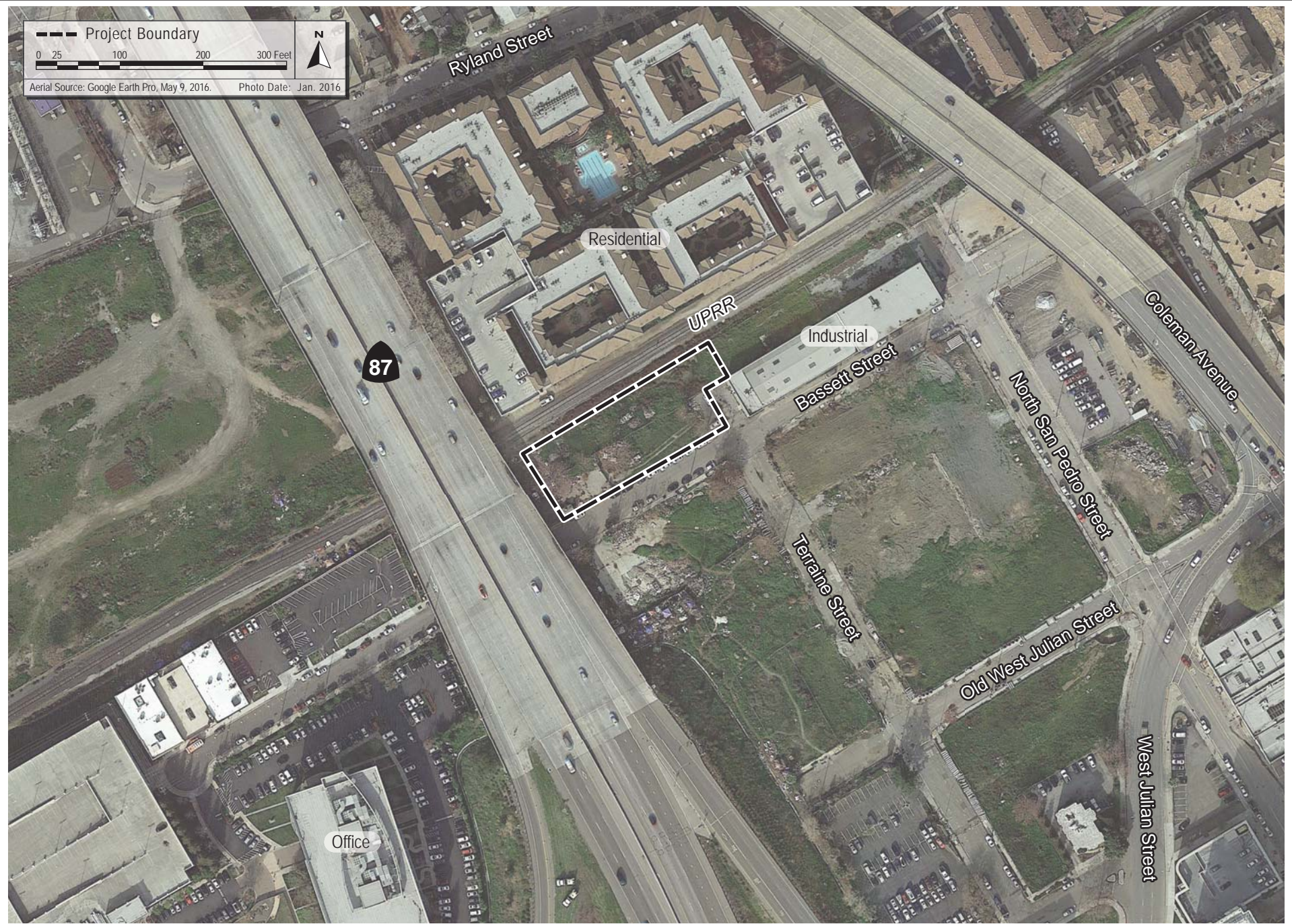
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REGIONAL MAP

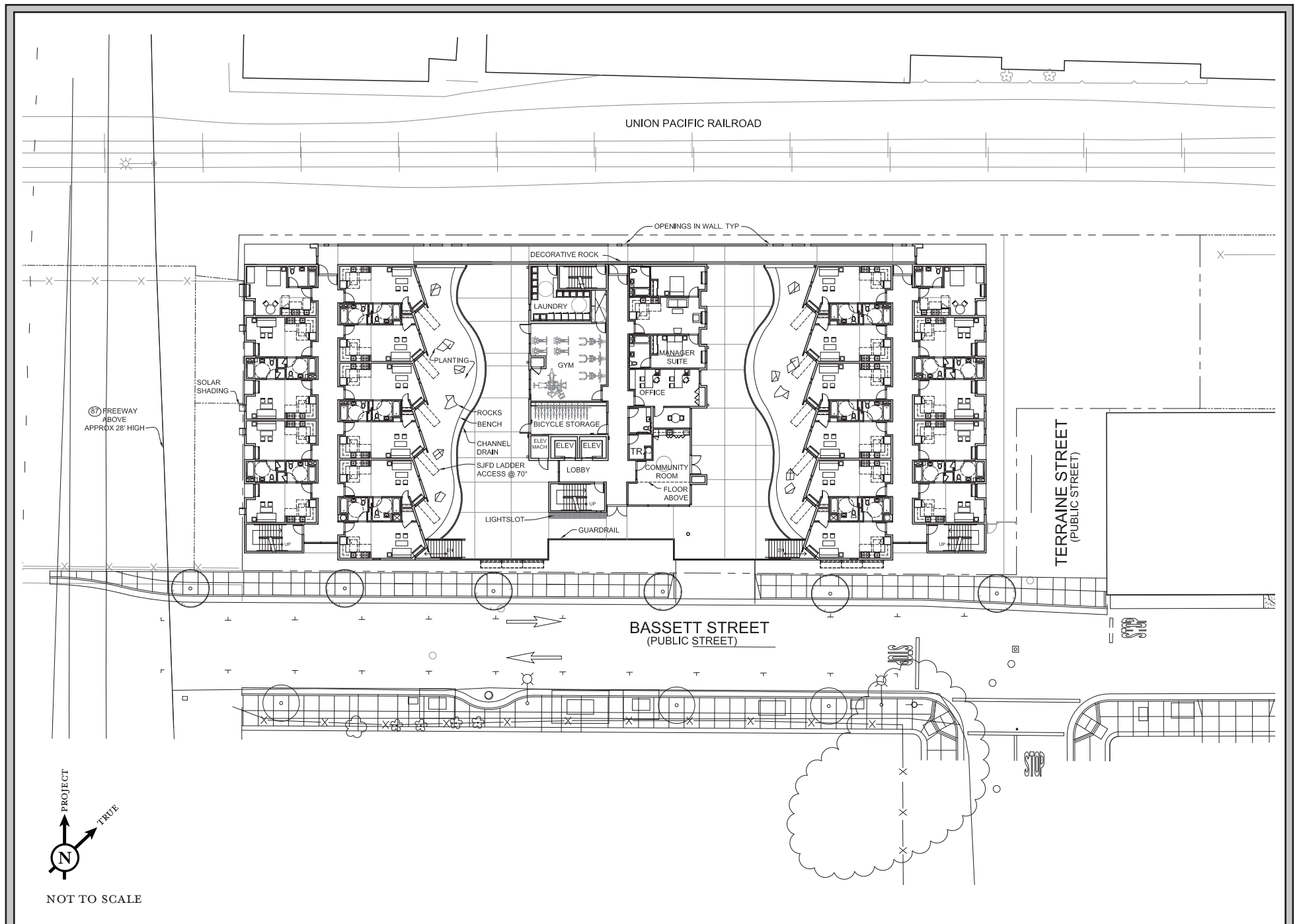
FIGURE 1





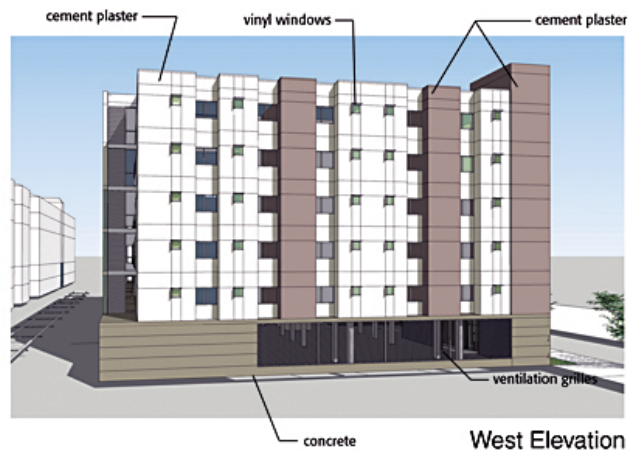
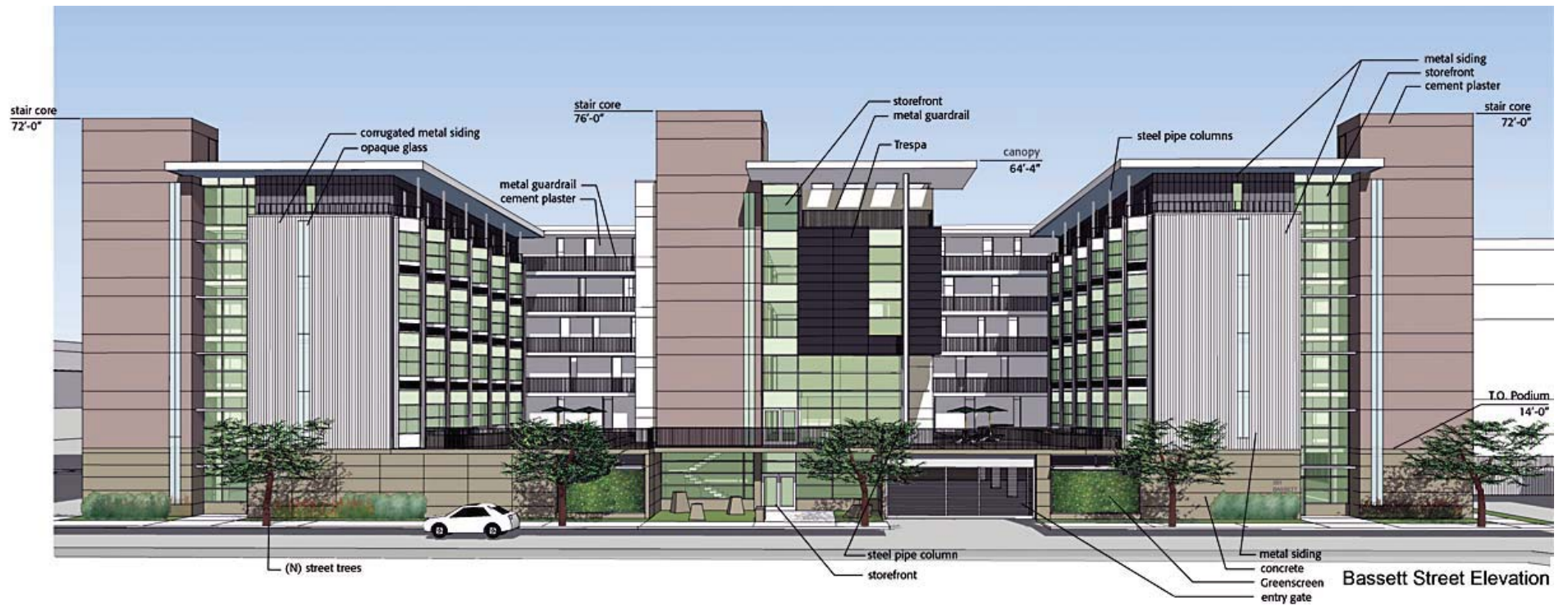
AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



PROPOSED SECOND FLOOR PLAN

FIGURE 5



PROPOSED EXTERIOR ELEVATION

FIGURE 6

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of the North San Pedro Studios Project is to provide affordable housing for low income persons in the City of San José. First Community Housing proposes to use U.S. Department of Housing and Urban Development (HUD) funding, as administered by the Housing Authority of County of Santa Clara (HACSC), to construct a low income housing project. HACSC will be providing Section 8 housing assistance to North San Pedro Apartments in the form of HUD-VASH Project-Based Vouchers (PBVs) for 49 units designated for homeless and chronically veterans and their families, and Section 8 PBVs for 60 units for chronically homeless individuals and families. Housing assistance payments to be made to North San Pedro Apartments on behalf of the residents of the 109 PBV units will be used for operating costs. Housing assistance will be provided for an initial contract term of 15 years with an automatic renewal for an additional 15 years, subject to annual appropriations from the Federal government and HACSC's determination that the owner is in compliance with the Housing Assistance Payment (HAP) contract and other applicable HUD requirements, for a total of thirty (30) years. The estimated amount of total funding for rental subsidy is \$29, 587,680 (\$1,972,512 annually) during the initial 15-year term of the Housing Assistance Payments (HAP) contract, which is contingent upon the availability of Section 8 funds as allocated by the Federal government. The proposed six-story residential project will include 135 low income affordable apartments. Targeted incomes will range from 30 to 50 percent of the County Area Median Income.

The 1988 Mayor's Task Force on Housing developed the initial policies that governed the City's affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated into the City's Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council on for Fiscal Year 2015/16-2016/27.

These policies contribute to the creation of a comprehensive Citywide housing vision and ensure that affordable housing resources are distributed equitably and serve those most in need. Faced with competing priorities and limited resources, the City must develop policies that balance these concerns while continuing to provide the greatest good to the largest number of residents.

The North San Pedro Studios Project will make a positive impact in addressing the need for affordable housing in San José while enhancing the overall look and feel of the neighborhood.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Regional Outlook

The Bay Area continues to be one of the most expensive real estate markets in the country. Most Bay Area homes continue to be unaffordable for families with average household incomes. As detailed in the San Jose Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) show a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately \$86,000 to \$144,000 per year, nearly half of all jobs pay low-income wages between \$19,000 and \$52,000 annually. Further, projections from EDD anticipate that more than half of the new jobs created in the County over the next few years will pay \$11.00 per hour or

less. These working class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30% of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. Further, the market has not produced housing that is naturally affordable to low-income households, and public resources for affordable housing have been significantly diminished in recent years. As such, both the existing and future need for affordable housing in San José is considerable and far exceeds available supply.

The mix of available housing types also contributes to higher home prices. In many Bay Area communities, mostly large single-family homes are planned for and built. This offers consumers limited choice in housing types, especially relatively more affordable smaller homes, condominiums, townhomes, or apartments.

Multi-family housing can provide affordable options for individuals and families. Multi-family housing comes in a range of prices, but it can often include more affordable options than single-family homes. The proportion of multi-family housing built in the Bay Area has increased in the last few years. About one third of the region's total housing stock is in multi-family structures.

Local Perspective

According to the Santa Clara County Housing Needs Allocation, 2014 to 2022 (see Table 1) prepared by the Association of Bay Area Governments (ABAG), the City of San José should add 35,080 new units by 2022 (of which 9,233 would be very low, 5,428 would be low, and 6,188 would be moderate) in order to meet the needs for affordable housing.

Jurisdiction	Very Low <50 Percent	Low < 80 Percent	Moderate <120 Percent	Above Moderate	Total
Campbell	253	138	151	391	933
Cupertino	356	207	231	270	1,064
Gilroy	236	160	217	475	1,088
Los Altos	169	99	112	97	477
Los Altos Hills	46	28	32	15	121
Los Gatos	201	112	132	174	619
Milpitas	1,004	570	565	1,151	3,290
Monte Sereno	23	13	13	12	61
Morgan Hill	273	154	185	316	928
Mountain View	814	492	527	1,093	2,926
Palo Alto	691	432	278	587	1,988
San José	9,233	5,428	6,188	14,231	35,080
Santa Clara	1,050	695	755	1,593	4,093
Saratoga	147	95	104	93	439
Sunnyvale	1,640	906	932	1,974	5,452
Unincorporated	22	13	214	28	277
Santa Clara Total	16,158	9,542	10,636	22,500	58,836

Physical Setting/ Existing Conditions

The 0.73-acre project site consists of two parcels and a portion of a third at the southeast corner of Bassett and Terraine Streets located within the downtown urban area of San Jose. The project site is bounded by the Union Pacific Railroad line followed by Fountain Plaza Apartments to the north, a segment of Terraine Street to the east, Bassett Street followed by undeveloped land to the south, and State Route (SR) 87 to the west. The southern portion of the project site is currently undeveloped and consists of an unpaved lot surrounded by chain link fencing. The northern and easternmost portions of the site along the Union Pacific Railroad line consist of an unpaved dirt lot with an asphalt road that intersects with the end of Terraine Street. Vehicular access to the site is currently available on Terraine Street. There is a public sidewalk along Bassett Street along the southern edge of the project site. A total of seven trees are located on the project site.

The immediate neighborhood surrounding the project site is a mix of mid-20th century commercial buildings, early 21st century multi-family residences, and undeveloped parcels. The project site is currently vacant, and is located within the Brandenburg Mixed-Use Project area, for which the Brandenburg EIR was certified in June 2004.

The City of San José, California, is centrally located in Santa Clara County. The County is located at the southern end of San Francisco Bay. The City covers an area of approximately 180 square miles and is bounded by the Cities of Santa Clara, Cupertino, Milpitas, Saratoga, Campbell, and Los Gatos. The City has a population of approximately 1,015,785 people, making it the largest City in the County, the third largest City in California, and the 10th largest City in the United States.

The site was originally used for agricultural purposes until the San Francisco and San José Railroad line opened in 1864. The project site was first developed as a railroad yard by the Southern Pacific Railroad Company in the 1890s, and portions of the site area were subsequently developed for additional commercial and industrial activities. Between 1864 and 1910, businesses such as a livery stable, box companies, fruit packing companies, and a hotel were developed in the vicinity of the project site on West Bassett and North Market Streets. During the 1950s, storage and other commercial uses were prevalent in the area. The rail yard operations on the site diminished between the 1950s and the late 1980s, and the project site has been relatively vacant since the late 1980s.

The existing project entitlement from 2011, and amended in 2014, received California Environmental Quality Act (CEQA) clearance but was not evaluated under the National Environmental Policy Act (NEPA).

The General Plan land use designation for the project site is *Downtown*. The maximum residential density provided in this category is 800 dwelling units per acre (du/ac). At this density, the 0.73-acre project site could support a maximum of 584 units. The 135-unit project would be 185 du/ac, which is under the maximum allowable density by 449 units. The 0.73-acre project site has a maximum allowed Floor Area Ratio (FAR) of 15.0 while the project proposes an FAR of 2.37.

The project site is zoned *DC-Downtown Commercial*. The DC zoning district allows for a mix of land uses including retail, commercial, residential, and public use that supports the development goals of downtown. Per Table 20-140 of the zoning code, multi-family residential is a permitted use under this zoning designation. Building heights are only subject to the height limitations required for the safe operation of the Norman Y. Mineta San José International Airport. There are no minimum

setback requirements. Parking requirements under the zoning designation include one space per unit for automobiles and one space per four units for bicycles.

The project proposes to construct a 75,626 square-foot, six-story podium building that will include 135 affordable for-rent residential units, of which 35% of the units will be dedicated to the residential service facility. The project includes a unit mix of 16 one-bedroom units, 118 studios, and one two-bedroom unit for the building manager, and the residential service facility will have up to three employees on site at any one time. The Zoning Ordinance requires a residential service facility to have 0.75 parking spaces per employee, and one parking space per multi-family unit, not occupied by a client of the residential service facility. The Zoning Ordinance allows for reduction in off-street parking spaces up to 50% with a Transportation Demand Management (TDM) Plan and fulfilling specific Zoning Ordinance provisions. The 50% reduction would allow the number of parking spaces for the project to be reduced to 47 spaces (44 for tenants and three for employees) for the residential service facility. The proposed project meets the following provisions:

- Resides within 2,000 feet of an existing light rail station
- Provides sufficient bicycle parking spaces in conformance with the Zoning Ordinance requirements (35 spaces)

In addition to meeting the minimum provisions for the 50% reduction, the proposed project will implement a TDM Plan that includes VTA Eco Passes for the residents and employees, provide preferential parking with charging facilities for electric or alternatively-fueled vehicles, and implement public information elements and education of employees and residents of alternative transportation options.

Therefore, the project is consistent with the applicable general plan designation and all applicable general plan policies. The proposed project is consistent with the permitted land uses under the zoning designation and would be consistent with building height, setbacks, and parking.

Transit in the immediate project area includes Santa Clara Valley Transportation Authority (VTA) bus and light rail service. The project area is served by local, community, express, and limited stop bus routes. Local bus routes include Lines 66, 72, 73, and 82. Line 65 serves as a community bus route, and Lines 181 and 304 serve as express and limited stop bus routes, respectively. The St. James Light Rail Transit (LRT) station, located on First Street just south of St. James Street and 0.6 mile southeast of the project site, is the nearest VTA LRT station within the project vicinity. The project site is within a quarter-mile from a major regional employment center in the Downtown central business district.

Estimated Total HUD Funded Amount:

\$29,587,680 (\$1,972,512 annually as rental assistance)

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$43,500,000 (construction)

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The nearest airport to the project site is the Norman Y. Mineta San José International Airport located approximately 2 miles to the northwest. The height of the proposed project is well below the 120-foot building height restrictions for the site established by the FAA. The FAA issued a Determination of No Hazard for the project site on March 2, 2011. The site is not within the Runway Clear Zone (RCZ) for the San José International Airport. Therefore, the proposed project would not result in a significant airport-related safety hazard.</p> <p>Source List: (10), (11)</p>
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Coastal Barrier Resources Act of the United States (CBRA, Public Law 97-348), enacted October 18, 1982, designated various undeveloped coastal barriers, depicted by a set of maps adopted by law, for inclusion in the John H. Chafee Coastal Barrier Resources System (CBRS). Coastal barriers are defined to include barrier islands, bars, spits, and tombolos, along with associated aquatic habitats, such as adjacent estuaries and wetlands.</p> <p>The subject site is an infill parcel within urbanized Downtown San José and would not affect any designated coastal barrier resource.</p>

		Source List: (3)
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project does not involve property acquisition, land management, construction or improvement within a 100-year floodplain year floodplain identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM Map Number 06085C0234H, dated 5/18/09). The project site is designated Zone X which are areas of moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of one-percent-annual-chance flooding where average depths are less than one foot, areas of one-percent-annual-chance flooding where the contributing drainage area is less than one square mile, and areas protected from the one-percent-annual-chance flood by a levee. Flood Insurance compliance is not invoked. Source List: (4)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	The proposed project will conform to the Federal Clean Air Plan. The project is infill development within an urban area that is served by transit and within walking distance of jobs and services. The project is consistent with the goals and policies of the City of San Jose Climate Action Plan. Based on the location, service area, and objectives of the project, the project will not substantially increase traffic in the project area. <p style="text-align: center;"><i>Construction Emissions</i></p> <p>Construction-related emissions could cause temporary adverse nuisance impacts. Fine particulate matter associated with fugitive dust is the construction pollutant of greatest concern. Construction equipment would also produce exhaust emissions. The Bay Area Air Quality Management District and the City of San José's standard dust control practices would be required, per mitigation measure MM AQ-1: Dust Control Measures AQ-1a: Construction Equipment Emissions. With implementation of these measures, the</p>

		<p>potential for construction period dust (particulate matter) impacts would not be significant.</p> <p style="text-align: center;"><i>Operational Emissions</i></p> <p>The proposed project is designed as a transit-oriented development (TOD) and is located within a quarter-mile of bus and light rail services, a half a mile of a commuter rail line and a quarter-mile of an employment center in a central business district. The project area is served by local, community, express, and limited stop bus routes. Local bus routes include Lines 66, 72, 73, and 82. Line 65 serves as a community bus route, and Lines 181 and 304 serve as express and limited stop bus routes, respectively. The St. James Light Rail Transit (LRT) station, located 0.6 miles southeast of the project site, is the VTA LRT station within the project vicinity.</p> <p>First Community Housing will provide all residents with free, annual VTA Eco Passes providing free bus and light rail throughout Santa Clara County. As a result, a substantial share of project trips will occur using non-auto travel modes, thereby reducing vehicle emissions, making the project consistent with regional clean air planning strategies.</p> <p style="text-align: center;"><i>Exposure of New Residences to Toxic Air Contaminants</i></p> <p>Since identifying diesel particulate matter as a toxic air contaminant, the California Air Resources Board (CARB) has conducted studies to identify existing health effects from exposure to diesel particulate matter. CARB has identified the average year 2000 statewide potential cancer risks at 540 excess cases per million people. The potential risk near high volume freeways was found to be much higher. The risk is predicted to decrease in the future due to efforts to reduce diesel particulate matter emissions from a variety of sources.</p>
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		<p>According to the results of an emissions model, the maximum cancer risk for future residents of the project site would be 9.35 in one million due to traffic from SR 87 which is below BAAQMD's significance criterion of an estimated 10 in one million cancer cases. The cumulative health risk level would be 15.45 in one million which is also well below the threshold of 100 in one million cases. The acute and chronic hazard index levels are negligible, resulting in levels that are also well below the criteria. Therefore, impacts associated with local community and health risk impacts would be less than significant.</p> <p><i>Greenhouse Gas Emissions</i></p> <p>The central location, density and sustainable development practices of the proposed project would incrementally reduce the generation of greenhouse gas emissions. If the development were to occur elsewhere in San José or beyond, not as urban infill, with fewer units per acre, and with less access to transit, there would more likely be a higher level of greenhouse gas emissions due to the increased amount and length of trips that would be completed by single-occupancy vehicles. The building will feature LEED Platinum green building design, and include a living green roof and greenhouse, solar thermal HW and Solar PV, energy and water efficient fixtures, VOC-free building materials, and First Community Housing will provide all residents with free, annual VTA Eco Passes providing free bus and light rail throughout Santa Clara County. Therefore, based on the scope and location of the project, together with the size of the project in comparison to the global scope of climate change, implementation of the proposed project would result in a less-than-significant cumulative impact.</p> <p>Source: (10), (18)</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project is not located within a coastal barrier designated on a current FEMA flood map, or within a coastal zone</p>

		management (CZM) area designated by the State CZM agency.
		Source List: (3)
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>A Phase I environmental site assessment update was previously prepared as part of the California Environmental Quality Act project evaluation to determine the potential presence of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances which could adversely impact future site occupants or otherwise impact the intended development of the site in general accordance with 24 CFR 58.5 (i)(2).</p> <p>The project site was historically developed as a railroad yard by the Southern Pacific Railroad Company in the 1890s, and portions of the site were subsequently developed for additional commercial and industrial activities. The rail yard operations on the site diminished between the late 1950s and the late 1980s. The site has been vacant since the late 1980s.</p> <p>Based on the Phase I site assessment, concentrations of arsenic, lead, chromium, nickel, hydrocarbons, and other chemicals were reported in shallow soil at the project site. As a result, further investigation and a risk assessment of the project site were prepared. The Regional Water Quality Control Board (RWQCB) approved the risk assessment and concluded the concentrations of the chemicals found on the project site were unlikely to pose a threat to human health, and a risk-based cleanup action was not necessary for the project site. However, an adequate health and safety plan for the project site was recommended during construction time. Therefore, the applicant will implement Mitigation Measure MM HAZMAT-1a: Contaminated Soil and Groundwater to ensure implementation of a health and safety plan.</p> <p>The project site is located within the downtown area of San José which has been developed for well over 100 years with a</p>

		<p>variety of commercial, residential, and industrial land uses. The State Leaking Underground Storage Tanks (LUST) List identified 6 confirmed LUST sites in the project vicinity. None of the identified LUST sites are expected to affect the project site because of their substantial distances from the project site, their current “case closed” regulatory status, and/or the direction of groundwater flow from the LUST sites relative to the project site. Therefore, the 6 identified LUST sites would have no effect on the project.</p> <p>The property located approximately 500 feet south of the project site was previously developed as a gas station. This site is not identified on the LUST inventory as current or former LUST sites. The SCVWD Case Closure Summary indicated the removal of the gas station UST in 1991. The Villa Torino housing development (approximately 350 feet south of the project site) was formerly comprised of 21 parcels bounded by Bassett, North 1st, West Julian and North Market streets.</p> <p>Historical uses of the property included auto repair shops, gasoline stations, and a sheet metal business. Five USTs were removed from the property in 1986 and 1987. Two of the parcels were identified to contain a LUST case, and corrective actions were taken to clean up the sites in 1993 and 1994. The LUST case is now considered closed.</p> <p>Source List: (10) (21)</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>As documented in the 2004 Brandenburg EIR and the 2011 Addendum prepared for the subject site, the project will not affect Federally-listed or proposed threatened and endangered species (plants, animals, fish, invertebrates), nor designated or proposed critical habitat as it is located within an urbanized area and the site has been previously developed and provides no habitat value to wildlife.</p>

		<p>Conformance with Santa Clara Valley Habitat Plan. The project site is located within the Santa Clara Valley Habitat Plan. According to Santa Clara Valley Habitat Agency Geobrowser, the project site is designated <i>Urban-Suburban</i> and is not located in any Land Cover Fee Zones, and the project, due to its size less than two acres, is not a Covered Activity.</p> <p>Impact on Nesting Habitat. In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement mitigation measure MM BIO-1 Pre-construction Nesting Surveys to reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season. Source List: (6), (22)</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no explosive or flammable operations on the project site. A survey conducted for businesses within approximately 2,000 feet of the project site concluded that all identified above-ground storage containers exceeded the “acceptable separation distance” for the quantities of the chemicals present.</p> <p>Source: (Appendix D)</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is within an urbanized area, is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use.</p> <p>Source List: (8)</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Based on the FEMA flood insurance maps for the City of San José, the project site is not located within a 100-year floodplain and would therefore not expose people to flood hazards. The project site is designated Zone X which are areas of moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of one-percent-annual-chance flooding where average depths are less than one foot, areas of one-percent-annual-chance flooding where the contributing drainage area is less</p>

		<p>than one square mile, and areas protected from the one-percent-annual-chance flood by a levee.</p> <p>Source List: (4)</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The firm <i>Archaeological Resource Management</i> completed an historic property evaluation for the project site.</p> <p>The proposed Area of Potential Effect (APE) is defined as one parcel beyond the project site in each direction (see Figure 3 in Appendix A). The project site is comprised of three parcels that are currently vacant. The northern boundary of the proposed project site is the Southern Pacific Railway Line. A portion of the segment is a historic railway alignment that was constructed circa 1864 and modified several times since that period. The proposed project does not appear to pose an impact on this property. A temporary construction fence will be installed by the project to protect construction personnel from the active rail line and to prevent construction equipment from being staged within the railroad right-of-way.</p> <p>None of the properties within the APE appear to meet the criteria to be listed on the National Register of Historic Places (NRHP). Therefore, the proposed undertaking will not have an adverse effect upon any identified historic properties.</p> <p>The firm <i>Archaeological Resource Management</i> completed an archaeological survey of the area of potential effect on April 22, 2016.</p> <p>Prior to surface reconnaissance of the subject area, a study of maps and records at the Northwest Information Center of the California Historical Resources Information System was conducted. Although no sites were located within the boundaries of the proposed project area, an archaeological site</p>

		<p>described as a prehistoric cemetery with burn pits and minimal habitation debris was identified directly adjacent to the proposed project area.</p> <p>Two additional archaeological sites were identified within a one-quarter mile radius of the proposed project site. The sites contained prehistoric and historic remnants of artifacts including Native American burials, historic privies, and dump sites.</p> <p>The entire project area was surveyed on foot along transects spaced 10 meters apart. No traces of prehistoric or historic cultural artifacts were noted, however, poor surface visibility limited the observation. The project area's proximity to the Guadalupe River, and the historically-documented seasonal flooding that has occurred nearby, suggest that the project area has a moderate to high sensitivity for the presence of prehistoric archaeological deposits beneath flood-deposited soils. Therefore, an archaeological testing program, as described in MM CUL-1, consisting of auger borings throughout the areas of proposed earthmoving activities, will be implemented prior to grading permit for the proposed project area.</p> <p>The applicant shall also implement measure MM CUL-2 in the event archaeological materials are encountered and measure MM CUL-3 in the event human remains are encountered during construction.</p> <p>Native American consultation consisted of contacting the Native American Heritage Commission. Their response included a list of individuals/groups that were also contacted. Consultation with these individuals/groups did not identify any Native American concerns regarding the proposed project.</p> <p>Based on the Historic Property Evaluation and the Archaeological Survey, the proposed project will have no effect on any adjoining historic properties. Referral to SHPO occurred</p>
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		<p>on May 6, 2016. Concurrence of Findings letter received from SHPO June 8, 2016.</p> <p>Source: (Appendix A, B), (20)</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>HUD environmental noise regulations are set forth in 24 CFR Part 51B (Code of Federal Regulations). The following noise standards for new housing construction would be applicable to this project:</p> <p><u>Acceptable</u> – 65 DNL or less.</p> <p><u>Normally unacceptable</u> –exceeding 65 DNL but not exceeding 75 DNL.</p> <p><u>Unacceptable</u>– Exceeding 75 DNL.</p> <p>The project is bounded by Union Pacific Railroad line to the north, Bassett Street to the south, and State Route (SR) 87 to the west. Noise in the project area results primarily from traffic on SR 87. Secondary contributors include aircraft flyovers and the UPRR rail line.</p> <p>An acoustical analysis completed by <i>J.C. Brennan and Associates, Inc.</i> found that average existing noise levels on the project site were ranging from as high as 73 dBA at the project boundary next to SR 87, to 70 dBA at the east- and south-facing facades. These noise levels are in excess of the normally acceptable noise standards for new residential land use development. The cumulative exterior noise level at the project site due to SR 87 traffic, UPRR operations, and San Jose Airport operations is 73.5 dBA DNL.</p> <p>The project site is within the future 60 CNEL noise contour for the Norman Y. Mineta San José International Airport, but outside the 2027 future 65 CNEL contour. These noise contours account for the approximately 15% of the year when planes depart to the south and generate higher noise than on arrivals.</p> <p>The project site is located immediately south of existing UPRR rail line. The track has no</p>

		<p>more than two to three slow moving trains per day. Train operations are confined to the daytime hours, and do not sound horns in this area. Based upon noise measurement data collected for the UPRR track adjacent to the project site, the hourly Leq due to a train passby is 61 dBA. Assuming three train operations occur during a 24-hour period, the DNL is calculated to be 52 dBA.</p> <p>Noise levels at the front facades of the proposed residential building would range from 70 dB to 73 dB, indicating the site is classified as ‘normally unacceptable.’ Therefore, it will be necessary for the outer building facades to be sound-rated to meet the noise level guidelines established by HUD. The Building Code requires that where windows need to be closed to achieve an indoor DNL of 45 dB, an alternative method of supplying fresh air (e.g., mechanical ventilation) must be provided. The proposed project will provide mechanical ventilation. It will also conform to the door and window sound transmission class ratings outlined in the acoustical analysis, and the project will implement measures MM NOI-1: Exterior and Interior Noise, and MM NOI-2: City of San Jose Requirements.</p> <p>Since the project design includes a forced air system and will include appropriately rated doors and windows from STC 30 to STC 35, interior noise levels would be maintained according to HUD and City of San José’s guidelines.</p> <p>The proposed interior courtyard/common area for residents of the site would be shielded from traffic noise by the proposed buildings. Future noise levels in the courtyard areas are estimated to range between 71 dBA DNL at the center of the nearest common area to Highway 87, and 67 dBA DNL at the center of the furthest common area to Highway 87, assuming no shielding from the proposed buildings. With the buildings in place, ambient noise levels in these areas would be</p>
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		<p>reduced by approximately 7 dBA, which is below the acceptable noise level of 65 dBA DNL.</p> <p>Source: (Appendix C)</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located near any EPA identified Sole Source Aquifers, as there are no such aquifers in the City of San José.</p> <p>Source List: (5)</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is within an urbanized area, and is not on or adjacent to any wetlands identified by or delineated on maps issued by the U.S. Department of Interior, Fish and Wildlife Service.</p> <p>Source List: (2)</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located within one mile of a designated Wild and Scenic River, as there are no such rivers in the City of San José.</p> <p>Source List: (7)</p>
ENVIRONMENTAL JUSTICE		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project includes affordable housing and will not have any disproportionately high health or other negative effects on minority or low-income populations, but will improve the quality of life of these persons by providing quality affordable housing.</p> <p>Source List: (9)</p>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>The project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning district regulations.</p> <p style="text-align: center;"><i>Land Use and Transportation Element</i></p> <p>The General Plan designation for the project site is <i>Downtown</i>. The maximum residential density provided in this category is 800 dwelling units per acre (du/ac). At this density, the 0.73-acre project site could support a maximum of 584 units. The 135-unit project would be 185 du/ac, which is under the maximum allowable density by 216 units. The 0.73-acre project site has a maximum allowed Floor Area Ratio (FAR) of 15.0 while the project proposes an FAR of 2.37.</p> <p>The General Plan states that the <i>Downtown</i> designation includes office, retail, service, residential, and entertainment uses and is intended to enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership. The General Plan states that residential projects within the <i>Downtown</i> designation should generally incorporate ground floor commercial uses and should be developed within the identified FAR range of up to 15.0. Based on the proposed use and density, the project would be consistent with the <i>Downtown</i> land use designation.</p> <p>The proposed project is consistent with the permitted land uses under the zoning designation and would be consistent with building height, setbacks, and parking requirements.</p> <p>The proposed project site is located in Downtown San José and is surrounded by mid-rise offices, one- to two-story commercial buildings, multi-family residential uses, and a series of vacant lots.</p>

		<p>The project site is located within the North San Pedro Overlay with the City's Downtown Design Guidelines. The goal within this area is to encourage variety in development rather than uniformity and to provide opportunities for livability through the form and materials of the buildings, including a minimum standard of quality for materials in the development's exterior finishes.</p> <p>The proposed project will be woven into a downtown urban fabric that includes the surrounding structures listed above as well as new development that will occur on other vacant lots and as underutilized parcels are redeveloped.</p> <p>Source List: (9), (10), (12)</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	<p><i>Soil Suitability/Slope/Erosion</i></p> <p>The site is nearly flat. The site is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The San José West 7.5-minute topographic map shows the site at an elevation of approximately 80 feet above mean sea level, with the topography in the vicinity of the site sloping gently towards the north.</p> <p>The soils on-site consist of interbedded layers of silty clay, clayey silt, and clay, with a few layers consisting of silty sand, sand, and gravelly sand overlain by undocumented fill. Below the existing surface fills, medium stiff to very stiff lean clay to silty clay, soft to stiff silt, and medium stiff fat clay to depths of approximately 20 feet below ground surface (bgs) was encountered. Loose to medium dense silty sand and medium dense to dense poorly graded sand was encountered in depths of approximately 30 feet bgs. Soft to very stiff fat clay was encountered in depths of approximately 40 feet bgs. Below 50 feet, finer grained clays and silts were generally encountered to 75 feet bgs. Based on the Seismic Stability Map of Santa Clara County, groundwater in this area is found at 10 to 20 feet bgs. On-site borings found groundwater between 17 and 20.5 feet.</p> <p>The fill material on-site is moderately expansive and the native soils have a moderate shrink/swell potential. The site has a low potential for lateral spreading as there are no unsupported slopes within close proximity to the project site.</p> <p>All construction activities shall comply with the recommendations contained in the soils and geotechnical</p>

		<p>report that will be prepared for the project and in accordance with the design standards established by the City of City of San José. The project will also be constructed in conformance with the California Building Code. The applicant shall implement mitigation measure MM GEO-1: Geotechnical Investigation.</p> <p>Source List: (10), (17)</p> <p><i>Drainage/Storm Water Runoff</i></p> <p>The Project site is located in a densely populated urban area within the City's downtown. Stormwater runoff is conveyed to the storm drain system, which discharges to Guadalupe River and, eventually, San Francisco Bay.</p> <p>The project site is currently vacant, undeveloped, and unpaved. The site is topographically flat, and is completely surrounded by urban development; therefore, there are no creeks, streams or rivers in the immediate vicinity into which drainage from the site would directly flow. The project site is, however, located approximately a half-mile east of the Guadalupe River.</p> <p>Construction activities on the project site would involve grading activities that could result in exposed soil. This could result in erosion and water quality issues. The City of San José will, however, require the applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities. Full and complete compliance with these conditions of approval will ensure that there is no new impact to stormwater runoff in terms of quality or volume as a result of project-related construction activities. The applicant shall implement the following mitigation measures: HYDRO-1: Construction and Post-Construction Stormwater Pollution Management Plan and HYDRO-1a: Stormwater Runoff.</p> <p>Post-construction, the proposed project would not alter the existing drainage pattern of the site or area, or increase the amount of runoff in a manner that could potentially exceed the capacity of existing stormwater system, or result in erosion or siltation on- or off-site, because while the project would create 10,000 square feet or more of impervious surfaces, the City of San José requires that post-construction measures are undertaken that comply with the requirements of</p>
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		<p>the NPDES Municipal Regional Stormwater permit as well as the City's Policy 6-29. The applicant shall implement the project condition HYDRO-1: Construction and Post-Construction Stormwater Pollution Management Plan.</p> <p>Source List: (10), (16)</p>
Hazards and Nuisances including Site Safety and Noise	3	<p>The project will not create a risk of explosion, release of hazardous substances or other dangers to public health. The project provides a safe place for residents.</p> <p style="text-align: center;"><i>Seismicity</i></p> <p>The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. Significant earthquakes have occurred in the San Francisco Bay Area and are believed to be associated with crustal movements along a system of sub-parallel fault zones that generally trend in a northwesterly direction.</p> <p>The project site is not located within an Alquist-Priolo Earthquake Fault Zone, a Santa Clara County Earthquake Zone for fault rupture, nor a City of San Jose Fault Hazard Zone. The approximate distance of the site from the four closest known mapped faults is: Hayward Fault located six miles to the northeast, Calaveras Fault located eight miles northeast, and the San Andreas (Peninsula) located 12 miles to the west. Earthquakes occurring along these faults are capable of generating strong ground shaking at the project site.</p> <p>The overall probability of a magnitude 6.7 or greater earthquake in the Greater Bay Area over the next 30 years is 63 percent, about two out of three. The earthquake probability is highest for the Hayward-Rodgers Creek Fault system, 31 percent, or nearly one out of three. The last damaging earthquake on the Hayward Fault was in 1868. The 140 years since 1868 is the same length of time as the average interval between the past five large earthquakes on the southern Hayward Fault.</p> <p>The probability of a large earthquake on the San Andreas Fault in the next 30 years is about 21 percent, or about one out of five. This fault was responsible for the magnitude 7.8 1906 San Francisco earthquake and the magnitude 6.9 1989 Loma Prieta earthquake.</p> <p>Earthquakes on these or other smaller, more distant or unmapped faults could cause strong ground shaking at the</p>

site. Earthquake intensities vary throughout the Bay Area depending upon the magnitude of the earthquake, the distance of the site from the causative fault, the type of materials underlying the site, and other factors.

Seismic Ground Shaking Effects

The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. Required project compliance with the latest California Building Code requirements for new construction would reduce the associated risk of property loss and hazards to occupants to a less-than significant level.

The extent of hazards from seismic shaking depends on the specifics of the earthquake and the resistance of individual structures. Newly constructed structures should be designed to resist lateral and uplift forces generated by earthquake shaking, in accordance with local design practice. During seismic ground shaking, settlement can occur due to liquefaction or densification of the subsurface soils. In both liquefaction and densification, ground shaking causes predominantly granular soils to compact, resulting in the soils occupying less volume. The ground surface manifestation of this decrease in volume is termed settlement. Soils most susceptible to liquefaction and densification are loose, clean, poorly graded, fine-grained sands. Liquefaction can occur where these soils are saturated (submerged). As the soils undergo liquefaction, the soils exhibit a temporary loss of strength (i.e., the soil “liquefies”). Densification can occur where the soils are not saturated. Other geologic hazards such as lurching or fault ruptures are considered to be unlikely at this site due to the distance from a known active fault. The project site has a high liquefaction potential consistent with soils throughout the Downtown area.

All construction activities shall comply with the recommendations contained in the soils and geotechnical report that will be prepared for the project and in accordance with the design standards established by the City of City of San José. The project will also be constructed in conformance with the California Building Code. The applicant shall implement mitigation measure **MM GEO-1: Geotechnical Investigation.**

Source List: (10), (17)

		<p style="text-align: center;"><i>Community Noise</i></p> <p>Community noise levels will not be significantly affected by the development in the long term. The only permanent, on-going noise anticipated is from normal automobile traffic generated by the project.</p> <p>The project may result in temporary noise from construction. Construction operations shall, however, comply with the City of San José's standard mitigation for construction to avoid impacting the more sensitive evening, nighttime and weekend hours.</p> <p>The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, pursuant to City Code restrictions. No construction shall be allowed on Sundays or holidays.</p> <p>All construction equipment shall be in proper operating condition and fitted with standard factory silencing features. Mufflers shall be used on all heavy construction equipment. The applicant shall implement mitigation measure MM NOI-3: Construction-Period Impacts</p> <p>Source List: (Appendix C)</p>
Energy Consumption	2	<p>The new development would not represent a wasteful use of energy. The project will be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project will comply with the California Green Building Standards Code (CALGreen) that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The building will feature LEED Platinum green building design, and include a living green roof and greenhouse, solar thermal HW and Solar PV, and energy and water efficient fixtures.</p> <p>Source List: (14)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	<p>According to the 2010 Census, approximately 11.4 percent of San José's households are extremely low income (earning 30% of median income or less), 11.6 percent are very low income (incomes between 31% and 50% of the area median), 15 percent are low income (between 51% and 80% of area median) and 62 % are moderate income (above 80% of area median). The census tract in which the project site is located has a median income that is only 89 percent of the Citywide median. Within this census tract, there are 2,130 total households, of which 360 households are low-income and below, and 730 moderate income households. The project will increase the availability of affordable housing for the residents of San José, including the census tract in which the project site is located. No significant change to the demographic character of the neighborhood is expected because of the project.</p> <p>Source List: (1)</p>
Demographic Character Changes, Displacement	1	<p>The project will provide affordable housing designed to accommodate the unmet needs of the census tract population. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing population.</p> <p>Source List: (9)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>The project site is located within the San José Unified School District (SJUSD) which consists of 27 elementary schools, eight middle schools, and eight high schools.</p> <p>A student generation rate, or average number of students living in each dwelling unit, of 0.238 students per household has been determined by the SJUSD. The development of 135 residential units at the project site could add a total of approximately 32 students to local enrollment in public schools across all grade levels.</p> <p>Prior to issuance of building permits, the project applicant would be required to pay all applicable school impact fees pursuant to Government Code Section 65996 to offset any impacts to school facilities associated with the project. The payment of all applicable school impact fees would be deemed</p>

		<p>full and complete mitigation of any project-related school impacts, reducing these impacts to a less than significant level.</p> <p>The project would not displace existing cultural facilities nor will it affect cultural facilities by its operation. The downtown area has numerous cultural facilities which will be available to project residents (many within walking distance) including the Tech Museum, Children's Discovery Museum, Center of Performing Arts, Opera San José, and the San José Museum of Art.</p> <p>Source List: (10)</p>
Commercial Facilities	2	<p>The project is located within close proximity to shopping and other commercial opportunities in the downtown area as well as two regional shopping malls making it relatively convenient for the residents.</p> <p>Source List: (9)</p>
Health Care and Social Services	2	<p>The project is located within several miles of four major hospitals; Regional Medical Center located 5.9 miles from the site, O'Connor Hospital located 3.2 miles from the site, Santa Clara Valley Medical Center located 4.1 miles from the site, Good Samaritan Hospital located 10.3 miles from the site, and Kaiser Medical Center located 8.6 miles from the site. There are numerous smaller clinics, medical facilities and convalescent hospitals located nearby. There are no significant impacts to healthcare facilities or delivery systems.</p> <p>Within this census tract, there are 2,130 total households, of which 360 households are low-income and below, and 730 moderate income households. The project will provide affordable housing designed to accommodate the unmet needs of the census tract population. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing population.</p> <p>Source List: (9)</p>
Solid Waste Disposal / Recycling	2	<p>The project-generated increase in residential activity at the project site and associated incremental job creation and minor increases in business activity in the surrounding commercial area would result in a corresponding incremental increase in demand for other municipal services (waste collection, etc.). These incremental service demand increases would, however, not exceed the capacity of or reduce the capabilities of services in San José and would not require additional solid waste management facilities. Solid waste removal services are already available to the neighborhood. The project would not</p>

		<p>significantly increase the demand for solid waste removal service beyond what is already provided for in this area.</p> <p>Source List: (9), (10), (15)</p>
Waste Water / Sanitary Sewers	2	<p>The San José/Santa Clara Regional Wastewater Facility (RWF) is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater per day (mgd) average dry weather influent flow (ADWIF). ADWIF is defined in the current NPDES permit as the maximum of the average daily flow over any five-weekday period between the months of June and October. The design peak hour wet weather flow (PHWWF), according to the NPDES permit, is 271 mgd.</p> <p>The RWF is currently operating under a 120 mgd dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges from the RWF on the saltwater marsh habitat, and pollutant loading to the Bay from the RWF. Approximately ten percent of the plant's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay.</p> <p>The average daily dry weather sewage flow treated by the RWF from sources in the City of San José is approximately 69.8 mgd. The City's share of the RWF's treatment capacity is approximately 108.6 mgd which, based on current sewage flows, leaves the City with approximately 38.8 mgd of excess treatment capacity.</p> <p>The City of San José estimates that multi-family residences use approximately 150 gallons of water per day per unit. Based on 135 residential units, the potable water demand for the project would be 20,250 gpd. Assuming wastewater is 85 percent of total potable water demand, wastewater generation from the project would be approximately 17,213 gpd, which would remain within the available wastewater treatment capacity.</p> <p>Source List: (10), (15)</p>
Water Supply	2	<p>The project site is served by the San José Water Company (SJWC). The privately owned SJWC's service area is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno,</p>

		<p>Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. The majority of connections to SJWC's distribution system are either residential or business; however, SJWC also provides water to private fire services, fire hydrants and agricultural connections. SJWC relies on groundwater, imported treated water and local surface water for its potable water supply. On average SJWC purchases approximately 55 percent of its water supply from the SCVWD, pumps 37 percent of its supply from the groundwater aquifer, and draws eight percent from local surface water sources.</p> <p>While there is currently no water usage on-site, the net increase in water use within SJWC's service area in San José that would result from the project is minimal. The site has been designated as <i>Downtown</i> in the San Jose Envision 2040 General Plan which allows for significant intensification of land uses. Based on the Envision 2040 General Plan EIR, the total water supply required from SJWC is below the supply estimates in the 2010 Urban Water Management Plan. The General Plan EIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there will be adequate water supply to serve the project.</p> <p>Source List: (10), (15)</p>
Public Safety - Police, Fire and Emergency Medical	2	<p><i>Police</i></p> <p>The San José Police Department (SJPD) provides police protection services in the City of San José. The SJPD is administered by a command staff including the Chief, Assistant Chief and four Deputy Chiefs, presiding over an Operations Command divided into four Bureaus: the Bureaus of Administration, Field Operations, Investigations, and Technical Services. The Bureaus are comprised of 11 divisions with over 50 specialized units and assignments. The SJPD employs over 1,400 personnel.</p> <p>Implementation of the proposed project would result in up to 135 units for low income persons. These newly occupied units could result in a slight increase in calls for police protection services, but would not result in the need for new or expanded police facilities in order to maintain adequate service ratios, response times, and other objective standards. Therefore, there would be a less-than-significant impact on police services.</p> <p>Source List: (10), (15)</p>

Fire

Fire protection services in San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD senior command structure consists of a Fire Chief, an Assistant Fire Chief, three Deputy Chiefs, and three Deputy Directors. The SJFD itself consists of six Bureaus: Field Operations; Fire Prevention; Administrative Services; Support Services; Emergency Medical Services (EMS) & Training; and the Office of Emergency Services. Emergency response is provided by 30 engine companies, nine (9) truck companies, one (1) urban search and rescue (USAR) company, one (1) hazardous incident team (HIT) company, and numerous specialty teams and vehicles.

The SJFD protects 206 square miles (178 square miles incorporated) and approximately 1.2 million residents (City and county areas). The SJFD includes approximately 665 authorized sworn personnel, 44 non-sworn uniformed Fire Communication Dispatchers, and 61 civilian personnel. There are currently 31 active fire stations in the City.

Fire Station No.1, located approximately 0.3 miles southeast of the project site at 225 Market Street, would be the first station to respond to an emergency at the site.

The new residential population would result in a corresponding incremental increase in demand for fire protection and emergency medical services. The proposed structure is a multi-level high occupancy residential building similar to other development in the downtown area. Special tactical expertise or training should not be required. Adequate water pressure to the project site would be required by the City sufficient to meet minimum fire protection needs. The final project design would be subject to review and approval by the San José Fire Department staff.

The project will be designed and operated in accordance with the provisions of the Uniform Fire Code, including Amendments. Because no fire stations are located on-site or immediately surrounding the project site, project construction would not impact fire stations. The project will not require significant new fire protection service in the area. The project will not create a burden on existing services and will not require significant new fire protection services in the area.

Source List: (10), (15), (19)

		<p><i>Emergency Medical</i></p> <p>The project, by its nature, will not require a significant change in emergency medical services already provided in the area.</p> <p>Source List: (9)</p>
Parks, Open Space and Recreation	2	<p>The development, with 135 new residences (118 studio, 16 one-bedroom, and one two-bedroom), does not represent a significant new demand for open space and would be well-served by St. James Park and Ryland Park which are located within 0.5 miles of the project site.</p> <p>The project does not represent a significant new demand for recreational facilities. As stated above, the project would be well-served by St. James Park and Ryland Park which are both located within 0.5 miles of the project site. In addition, the project site is within walking distance of other recreational areas within the downtown area including Guadalupe River Park and Gardens, Cesar Chavez Park, and various museums.</p> <p>The project will be required to pay fees consistent with the Parkland Dedication Ordinance. These fees are used to improve existing parkland and recreational facilities.</p> <p>Source List: (10), (15)</p>
Transportation and Accessibility	2	<p>Based on the City of San Jose <i>Interim Guidelines for Traffic Impact Analysis for Land Development</i>, the proposed residential development will result in approximately 21 inbound trips and 40 outbound trips during the AM peak hour and 40 inbound and 21 outbound trips during the PM peak hour. The project will not exceed the 100 trip CMP threshold and, as a result, will not impact the LOS of any local intersections. The project would provide a total of 55 vehicle parking spaces in a single-level, at-grade parking garage, three of which are American Disabilities Act (ADA) accessible, and 34 bicycle spaces with secure bike storage. The garage would be accessed by an ingress/egress driveway entering from Bassett Street. First Community Housing will provide all residents with free, annual VTA Eco Passes providing free bus and light rail throughout Santa Clara County. Furthermore, these trips have been accounted for in the Brandenburg Mixed-Use 2004 Program Environmental Impact Report. Trips generated by the project will have a less than significant impact on local and regional roadways.</p> <p>Source List: (10)</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	<p>No unique features are located on the site. There are no active agricultural lands on or near the project site. There are no surface waters on or near the project site. Guadalupe River is approximately 0.24 miles to the west, separated by several city blocks, and would be unaffected by the project.</p> <p>Source List: (9) (10)</p> <p><i>Water Resources</i></p> <p>There will be no significant change to water resources used because of this project. The project site is served by the San José Water Company. The privately owned San Jose Water Company's service area is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. The majority of connections to SJWC's distribution system are either residential or business; however, SJWC also provides water to private fire services, fire hydrants and agricultural connections. SJWC relies on groundwater, imported treated water and local surface water for its potable water supply. On average SJWC purchases approximately 55 percent of its water supply from the SCVWD, pumps 37 percent of its supply from the groundwater aquifer, and draws the remaining eight percent from local surface water sources.</p> <p>Development of the proposed project would not significantly increase water demand beyond what was considered in the Brandenburg Mixed-Use 2004 Program EIR. Fully occupied, the Brandenburg EIR identified that the Brandenburg Mixed-Use project would increase the demand for potable water by approximately 225,000 gallons per day (gpd). The proposed project would increase the demand for potable water by approximately 20,250 gpd. The estimated water usage generated from the proposed project represents 9 percent of the Brandenburg Mixed-Use project site's total estimated water demand. Therefore, the San José Water Company will not need to procure additional sources of water to adequately support the project site.</p> <p>Source List: (10), (15)</p>
Vegetation, Wildlife	3	<p>The project activity will not affect any natural habitats containing endangered species, or any designated or proposed critical habitat. In compliance with the MBTA and the</p>

		California Fish and Game Code, the proposed project shall implement mitigation measure MM BIO-1 Pre-construction Nesting Surveys to reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season. Source List: (9) (10)
Other Factors	1	New construction of the apartment building will provide safe living conditions for low income residents by meeting fire, life safety, and Americans with Disabilities Act (ADA) codes. Source List: (9)

Additional Studies Performed and Field Inspection (Date and completed by):

Appendix A: Archaeological Resource Management, Evaluation of Historic Resources in Compliance with the National Historic Preservation Act of 1976 (as amended) 36 CFR Part 800 Section 106 to Consider the Potential for Historic Resources to be Affected by the Undertaking of the North San Pedro Studios Project Located at 211 Bassett Street, San Jose, Santa Clara County, CA 95112, May 4, 2016.

Appendix B: Archaeological Resources Management, Archaeological Survey Report for the North San Pedro Studios Project at 210 Bassett Street, San José, Santa Clara County, California, May 2012.

Appendix C: J.C. Brennan & Associates. North San Pedro Studios HUD Noise Analysis. April 2016.

Appendix D: Belinda P. Blackie, P.E., R.E.A. HUD Explosive and Fire Hazards Review North San Pedro Studios 201 Bassett Street, San Jose, CA 95112. April 2016.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

1. United States Census Bureau.

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_5YR_DP03

2. US Fish and Wildlife Service website, <http://wetlandsfws.er.usgs.gov/wtlnds/viewer.htm>.

3. San Francisco Bay Conservation and Development Commission. *The San Francisco Bay Plan*. State of California. San Francisco, CA, 1969. BCDC is the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. This designation empowers the Commission to use the authority of the federal Coastal Zone Management Act.

4. **Federal Emergency Management Agency.** FIRM Map Number 06085C0234H, dated 5/18/09.
5. **Environmental Protection Agency website.**
<http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=whereyoulive&view=result&datatype=state&CRSearch=California#contact2>.
6. **US Fish and Wildlife Service website.**
http://ecos.fws.gov/tess_public/reports/species-listed-by-state-report?state=CA&status=listed
7. **US Forest Service website.** <https://www.rivers.gov/california.php>
8. **California Department of Conservation website,**
<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>, *Santa Clara County Important Farmland Map*, 2010.
9. **Danielsen, Akoni.** Principal. *Site visit and personal knowledge.* David J. Powers and Associates, April 20, 2016. Report Preparer/Site Visits.
10. **LSA Associates, Inc.** North San Pedro Apartments Project Initial Study (CP11-054)/ Addendum to the Final Environmental Impact Report for the Brandenburg Mixed-Use Project/North San Pedro Housing Sites. November 2011.
11. **Santa Clara County Airport Land Use Commission.** Mineta San José International Airport Comprehensive Land Use Plan. Adopted by the Santa Clara County Airport Use Commission on May 25, 2011. Available at <http://www.sccgov.org/sites/planning/Plans%20-%20Programs/Airport%20Land-Use%20Commission/Pages/Airport-Land-Use-Commission.aspx>
12. **City of San Jose, PBCE.** *Conditional Use Permit, File No. CP11-034*, dated December 16, 2011.
13. **City of San José.** *City of San José Zoning Ordinance.* Available at <http://www.sanjoseca.gov/planning/zoning/zoning.asp>
14. **State of California, Building Standards Commission.** *2010 Draft California Green Building Standards Code* (Effective January 1, 2011), available at <http://www.bsc.ca.gov/CALGreen/default.htm>.
15. **City of San José.** *City of San José Envision 2040 General Plan.* Available at http://www.sanjoseca.gov/planning/gp_update/default.asp
16. **San Francisco Regional Water Quality Control Board.** Available at <http://www.waterboards.ca.gov/sanfranciscobay/>
17. **TRC, Inc.** *Geotechnical Investigation North San Pedro Apartments San Jose, CA*, dated June 22, 2011.

18. **Bay Area Air Quality Management District.** *CEQA Guidelines and Thresholds of Significance*, effective June 2, 2010, available at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>.

19. **California Fire Fighters.** <http://www.cafirefighters.com/sanjose.htm>

20. **Archaeological Resource Management.** *Cultural Resource Evaluation for the North San Pedro Studios Project in the City of San Jose*, dated April 22, 2016.

21. **Krazan & Associates, Inc.** *Phase I Environmental Site Assessment Update College Park Yard Parcels 3 and 4 North First Street and Ryland Street San Jose, CA*, dated November 1, 2000.

22. **Santa Clara Valley Habitat Agency**, 2016. Geobrowser. Website: <http://www.hcpmaps.com/habitat/>.

List of Permits Obtained:

The project has received Design Review Approval (Permit CP11-34 and Permit Amendment CPA11-034-01).

Public Outreach [24 CFR 50.23 & 58.43]:

The Conditional Use Permit CP11-034 and subsequent Amendment for the project were the subject of community meetings and noticed public hearings before the Planning Commission of the City of San Jose.

Cumulative Impact Analysis [24 CFR 58.32]:

The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the affordable apartment building. It is possible that other proposed construction schedules in the project area may overlap with the project, but the overlap is likely to be minimal, and the proposed project includes mitigation measures to limit disturbance to adjacent land uses and would not result in cumulatively considerable impacts. The long-term cumulative impacts from occupancy of the proposed apartments were evaluated in the Brandenburg Mixed-Use EIR, which considered the combined effects of approximately 1,500 housing units and 60,000 sq.ft. of commercial uses.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Alternative A –Build the project in another location

The City of San José has identified other sites within the Brandenburg Mixed-use Project Area for high density residential development. The other parcels are not owned by the project applicant, however, and it is likely that these other Brandenburg Mixed-use Project Area sites would have the same environmental impacts as the proposed project in that they are similarly situated close to State Route 87, are within the 60 dBA CNEL noise contour for Mineta International Airport, and have

been used in the past for industrial uses that have likely resulted in residual soil and/or groundwater contamination requiring remediation. Therefore, these sites were not considered.

Alternative B –Alternative uses of the site

Alternative uses of the site are not within the purview of the applicant as a non-profit affordable housing developer. Further development of the site as a non-residential land use would not afford the City the means to address its stated goal to supply affordable housing in the area.

Alternative C - No Action Alternative [24 CFR 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative).

The No Project Alternative assumes the site would remain in its current vacant, unused state, and an opportunity to help meet the City of San Jose's goal for affordable housing would be missed, and the site would continue to make no contribution to the Brandenburg Mixed-use Project area's revitalization.

Summary of Findings and Conclusions:

- The proposed project will be compatible with existing and future land uses in the vicinity of the project site.
- The proposed project will provide affordable housing in the City of San Jose where affordable housing options are in high demand.
- The proposed project will comply with all statutory regulations pertaining to environmental issues.
- The proposed project could result in adverse long-term environmental impacts with regard to air quality, hazardous materials, and noise. Mitigation measures have been incorporated into the project that will minimize or avoid these long-term impacts.
- The proposed project could result in short-term (i.e. construction-related) environmental impacts with regard to hazardous materials, air quality, noise, and cultural resources. Mitigation Measures have been incorporated into the project that will minimize or avoid these short-term impacts.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Clean Air Measures	<p>MM AQ-1: Dust Control Measures.</p> <p>The following dust control measures will be implemented during all construction phases:</p> <ul style="list-style-type: none">• Water all active construction areas at least twice daily and or as often as need to control dust emissions; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;• Cover all trucks hauling soil, sand, gravel, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard;• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;• Sweep daily or as often as needed with water sweepers all paved access roads, parking areas, and staging areas at construction sites to control dust.• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;• Apply non-toxic soil stabilizers to inactive construction areas;• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);• Limit traffic speeds on unpaved roads to 15 mph;• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;

- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; and
- Suspend excavation and grading activity

MM AQ-1a: Construction Equipment Emissions

Consistent with guidance from the BAAQMD, the following additional measures shall be required of construction contracts and specifications for the project:

- 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 respond and take corrective action within 48 hours.

MMAQ-2: Vehicle Trip Generation and Emissions Reductions

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

- Provide neighborhood-serving shops and services within or adjacent to residential development.

	<ul style="list-style-type: none"> • Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters). • Provide shuttle service to regional transit system or multimodal center. • Provide shuttle service to major destinations such as employment centers, shopping centers and schools. • Provide bicycle lanes and/or paths, connected to community-wide network. • Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network. • Provide satellite telecommunication centers in large residential developments. • Provide secure and conveniently located bicycle and storage for residents. • Wire each housing unit to allow use of emerging electronic communication technology. • Implement feasible TDM measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information. • Provide a subsidized EcoPass for each resident for the proposed project.
Historic Preservation	<p>MM CUL-1: Prior to the issuance of a grading permit, the project applicant or its consultant shall prepare an Archaeological Monitoring and Evaluation Plan (AMEP) to ensure that significant archaeological deposits discovered during construction are identified, evaluated, and appropriately treated through the use of a pre-established research design and field evaluation strategy, consistent with the requirements of CEQA Guidelines §15126.4 (b)(3)(C).</p> <ul style="list-style-type: none"> • The AMEP shall be prepared by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology and prehistoric archaeology (36 CFR Part 61, Appendix A). • The AMEP shall include a construction monitoring component and an evaluation component.

- The monitoring component of the AMEP shall refine the archaeological sensitivity of the project area to: (1) identify areas that will be subject to (2) monitoring; define the frequency of monitoring; and (3) identify those areas with little to no possibility of containing intact deposits. This assessment shall focus on the project area's land use history based on historical maps and photographs, past site improvement/utilities construction plans, historical documents, and soils/geotechnical information.
- The evaluation component of the AMEP shall contain a field study and technical analysis work plan to guide the methods and procedures to be used during the significance evaluation.

The AMEP shall be submitted to and approved by the City of San José Director of the Planning, Building and Code Enforcement prior to the issuance of a grading permit.

MM CUL-2: Grading and construction-related ground disturbance shall be monitored by a qualified archaeologist, as stated in the AMEP (refer to MM CUL-1). If archaeological material is encountered during grading and construction activities, the archaeological monitor and construction contractor shall halt construction activities on site to review the material and to protect the potential resource while the finds are being evaluated. The project applicant and/or qualified archaeologist shall notify the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement if archaeological materials are found during grading and construction. A report with maps of the finds and photo documentation shall be submitted to the Environmental Senior Planner at the Department of Planning, Building and Code Enforcement.

MM CUL-3: If human remains are encountered during construction, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendent to inspect the site and provide

	<p>recommendations for the proper treatment of the remains and associated grave goods.</p> <p>If human remains are encountered during construction, the archaeologist contracted to evaluate the situation should prepare a report documenting the methods and findings of the investigation. This report should be submitted to the NWIC.</p>
Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff	<p>The following mitigation measures will ensure that the risks associated with seismic ground shaking and ground failure would be less than significant.</p> <p>MM GEO-1: Geotechnical Investigation</p> <ul style="list-style-type: none"> • Prior to the 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 confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met: • Analysis presented in the geotechnical report shall conform with the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California." • All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed. • It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices (as provided in the mitigation measure above). However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area and therefore the mitigation measures described above reduces the potential hazards associated with seismic activity to a less-than-significant level.

MM GEO-2: Unstable and Expansive Soils

- In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalk, roads, and utilities) shall consider these conditions. The design-level geotechnical investigation (required by Mitigation Measure GEO-1) shall include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill is minimized. 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 of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

Storm Water Permit Conditions/Mitigation Measures:

Construction

The following standard measures, based on RWQCB Best Management Practices, are included in the project to ensure compliance with NPDES permit requirements to reduce construction-related water quality impacts to less-than-significant levels:

- During construction, burlap bags filled with drain rock will be installed around the storm drains to route sediment and other debris away from the drains.
- During construction, earthmoving or other dust-producing activities will be suspended during periods of high winds.
- During construction, all exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.
- During construction, stockpiles of soil or other materials that can be blown by the wind will be watered or covered.

	<ul style="list-style-type: none"> • During construction, all trucks hauling soil, sand, and other loose materials will be covered and/or all trucks will be required to maintain at least two feet of freeboard. • During construction, all paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites will be swept daily (with water sweepers). • During construction, vegetation in disturbed areas will be replanted as quickly as possible. • Prior to construction activities for the proposed land uses, the applicant will file a “Notice of Intent” (NOI) to comply with the General Permit administered by the Regional Board and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the amendment to minimize and control construction and post-construction runoff. The following measures shall be included in the SWPPP: <ul style="list-style-type: none"> ○ Preclude non-stormwater discharges to the stormwater system. ○ Effective, site-specific Best Management Practices (and other BMPs as described in the <i>Blueprint for a Clean Bay</i>) for erosion and sediment control during the construction and post-construction periods. ○ Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. ○ Perform monitoring of discharges to the stormwater system. • The developer will submit a copy of the draft SWPPP to the City of San José Director of Public Works for review and approval prior to construction of the project. The certified SWPPP will be posted at the site and will be updated to reflect current site conditions. • The developer will comply with the City of San José Grading Ordinance, including erosion and dust control,
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during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Post-Construction

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

MM HYDRO-1: Construction and Post-Construction Stormwater Pollution Management Plan

The following mitigation measures, based on RWQCB Best Management Practices and City of San José requirements, are included in the proposed project to ensure compliance with NPDES permit requirements to reduce construction and post-construction water quality impacts:

- The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the project. The SWPPP shall include:
- Specific and detailed BMPs designed to mitigate construction-related pollutants. These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

	<ul style="list-style-type: none"> • An important component of the storm water quality protection effort will be the education of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. City of San José and RWQCB personnel may make unannounced site inspections and are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. Best Management Practices (BMPs) designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased when grading occurs during the rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Access to and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment (this BMP is particularly important since much of the earthwork will involve loading trucks for off-site transport of soil excavated or the belowground parking structures). Vehicle and equipment wash down facilities shall be designed to be accessible and functional both during dry and wet conditions. • Measures designed to mitigate post construction-related pollutants. The project shall include measures designed to mitigate potential water
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	<p>quality degradation of runoff from all portions of the completed development, including roof and sidewalk runoff. The final design team for the project should review <i>Start at the Source</i>, Design Guidance Manual for Stormwater Quality Protection. The selected permanent stormwater treatment measures may include biofilters and grassy swales; and the selected measure must meet the hydraulic sizing criteria specified in the most current NPDES municipal stormwater permit issued to the City of San José, unless the developer demonstrates that it is impracticable to meet the criteria; and the project includes an alternative method for treating an equivalent pollutant loading or quantity of stormwater runoff, or provides another equivalent water quality benefit.</p> <p>MM HYDRO-1a: Stormwater Runoff</p> <p>In accordance with the MRP, the applicant shall implement the following MRP requirements to control pollutants in post-construction stormwater runoff and non-stormwater discharges, and runoff volumes and rates, which shall be submitted for review to the City of San José Planning Division:</p> <ul style="list-style-type: none"> • Locations of all stormwater treatment BMPs, sized in accordance with the MRP Provision C.3., shall be shown on a site plan. • Roof runoff shall be directed to a rainwater harvest system and/or or vegetated areas. • The project applicant shall submit an Operations and Maintenance (O&M) Plan that details the O&M responsibility mechanism and maintenance requirements for all stormwater treatment systems, for the life of the project.
<p>Contamination and Toxic Substances Measures</p>	<p>MM HAZMAT-1a: Contaminated Soil and Groundwater</p> <ul style="list-style-type: none"> • Prior to issuance of any grading, demolition, or building permits for the project, a Site Safety Plan/Soil and Groundwater Management Plan (Plan) should be prepared. At a minimum, the Plan

	<p>should establish soil and groundwater mitigation and control specifications for grading and construction activities, including health and safety provisions for monitoring exposure to construction workers, procedures to be undertaken in the event that previously unreported contamination is discovered, and emergency procedures and responsible personnel. The Plan should also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations.</p> <p>MM HAZMAT-3: Use, Storage, and Disposal of Hazardous Materials</p> <p>The project will conform to the following mitigation measure to ensure the preparation of a site safety plan/soil and groundwater management plan:</p> <ul style="list-style-type: none"> • A Site Safety Plan/Soil and Groundwater Management Plan shall be prepared, which will address emergency procedures and the management and disposal of contaminated soils and groundwater (see Mitigation Measure HAZMAT-1a above). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations.
<p>Noise Abatement and Control Measures</p>	<p>Project Noise Exposure</p> <p>MM NOI-1: Exterior and Interior Noise</p> <p>The proposed North San Pedro Studios project will comply with the exterior and interior noise level requirements of HUD, provided that the following mitigation measures are included in the project design:</p> <ul style="list-style-type: none"> • STC-35 rated windows are included in the project design for building facades exposed to Highway 87.

	<ul style="list-style-type: none"> • As shown on the project plans, no balconies shall be located on the west facing façade of the nearest building facing Highway 87. <p>MM NOI-2: City of San Jose Requirements</p> <p>The proposed North San Pedro Studios project will comply with the City of San Jose General Plan and Ordinance noise level requirements, provided that the following mitigation measures are included in the project design:</p> <ul style="list-style-type: none"> • STC-35 rated windows are included in the project design for building facades exposed to Highway 87. • All proposed residential units of the project would require air conditioning systems to ensure that windows can remain closed for prolonged periods. • In addition, windows and doors shall be installed in an acoustically effective manner, forming an air-tight seal when in the closed position, with frames caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. <p style="text-align: center;">Construction Noise</p> <p>MM NOI-3: Construction-Period Impacts</p> <p>Implementation of the following mitigation measures would reduce potential construction period noise impact to less-than-significant levels:</p> <ul style="list-style-type: none"> • Construction activities shall be limited to daytime hours (7 a.m. to 7 p.m. weekdays) for any construction within 500 feet of a residence. • All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained. • In the event that pile driving is proposed, nearby residents shall be notified of the schedule for its use while it is in use. Portable acoustical barriers shall be installed around pile driving equipment. • A name, address, and phone number of a contact person shall be posted on the site to handle noise complaints. • Unnecessary idling of internal combustion engines shall be prohibited.
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	<ul style="list-style-type: none"> All stationary noise generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences.
Vegetation, Wildlife Measures	<p>MM BIO-1 Pre-construction Nesting Surveys: If possible, construction should be scheduled between September and January (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.</p>
Educational and Cultural Facilities	<p>Standard Permit Condition: Schools: In accordance with California Government Code Section 65996, the developer shall pay a school impact fee, to the School District, to offset the increased demands on school facilities caused by the proposed project.</p>
Parks, Open Space, and Recreation	<p>Standard Permit Condition: The project shall conform to the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38).</p>

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: Akoni Davidson Date: 6/8/16

Name/Title/Organization: Akoni Davidson, principal
DAVID J. POWERS & ASSOCIATES, INC.

Certifying Officer Signature: _____ Date: _____

Name/Title: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).