MITGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: S. Fourth Street Apartments

PROJECT FILE NUMBER: PDC12-022

PROJECT DESCRIPTION: Planned Development Rezoning from CG - Commercial General to A (PD) Planned Development to demolish an existing office building and construct up to 32 multi-family residences.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 448 S. 4th Street, on the east side of S. 4th Street approximately about 150 feet south of East San Salvador Street (APN 467-47-085).

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Chein and Rayin Lee, 18548 Bucknall Road, Saratoga, CA 95070.

FINDING:

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

I. AESTHETICS. The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.

II. AGRICULTURE AND FOREST RESOURCES. The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.

III. AIR QUALITY. The project will not have a significant impact on air quality, therefore no mitigation is required.

IV. BIOLOGICAL RESOURCES.

Impact BIO-1: Nesting Raptors and Other Migratory Birds: Construction of the project will result in the removal of mature trees that could contain habitat for nesting raptors and other migratory Birds.

Mitigation Measure BIO-1: If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) preconstruction 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), preconstruction surveys 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 raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Planning Department prior to the issuance of any grading or building permit.

V. CULTURAL RESOURCES. The project will not have a significant impact on cultural resources, therefore no mitigation is required.

VI. GEOLOGY AND SOILS.

Impact GEO-1: Without incorporating appropriate engineering into grading and foundation designs, the project would result in significant impacts from undocumented fill and expansive soils.

Mitigation Measure GEO-1: Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils and undocumented fill. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. Site specific recommendations from the design-level geotechnical investigation required under Mitigation Measure MM GEO-1 will be incorporated into the project and will be listed on all approved grading and building permit plans.

VII. GREENHOUSE GAS EMISSIONS. The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS. The project will not have a significant hazards and hazardous materials impact, therefore no mitigation is required.

IX. HYDROLOGY AND WATER QUALITY. The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.

X. LAND USE AND PLANNING. The project will not have a significant land use impact, therefore no mitigation is required.

XI. MINERAL RESOURCES. The project will not have a significant impact on mineral resources, therefore no mitigation is required.

XII. NOISE.

Impact NOISE-1. Interior noise exposure in the most impacted living spaces closest to South 4th Street will be between 48 and 50 dB DNL under existing and future conditions, in excess of the 45 dB DNL limits for interior residential space.

Mitigation Measure NOISE-1: To achieve compliance with the 45 dB DNL residential interior noise standards, the following noise control measures will be required:

1) Maintain closed all windows and glass doors on the north, west, or south façade of the building and the 3rd and 4th floors of the west facing façade into the central common area. Windows shall be installed in an acoustically-effective manner, with sliding window panels forming an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around the entire perimeter with a non-hardening caulking compound to prevent sound infiltration.
2) Install windows and glass doors rated a minimum Sound Transmission Class (STC) of 28.
3) Mechanical ventilation must be provided for all rooms on the north, west, or south façade of the building and the 3rd and 4th floors of the west facing façade into the central common area.
4) An acoustical test report of all sound rated windows and glass doors shall be reviewed by a qualified acoustician to ensure the chosen windows and glass doors will adequately reduce traffic noise to acceptable levels. The results of this report shall be submitted for approval by the Department of Planning, Building, and Code Enforcement prior to the issuance of building permits.

XIII. POPULATION AND HOUSING. The project will not have a significant population and housing impact, therefore no mitigation is required.

XIV. PUBLIC SERVICES. The project will not have a significant impact on public services, therefore no mitigation is required.

XV. RECREATION. The project will not have a significant impact on recreation, therefore no mitigation is required.

XVI. TRANSPORTATION / TRAFFIC. The project will not have a significant traffic impact, therefore no mitigation is required.

XVII. UTILITIES AND SERVICE SYSTEMS. The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. With the implementation of Mitigation Measures BIO-1 and NOISE-1, the project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 19, 2015,** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Harry Freitas, Director
Planning, Building and Code Enforcement

Meenaxi R. P.
Deputy

Circulation period, from **September 29, 2015** to **October 19, 2015**.

FINAL INITIAL STUDY

430, 442 & 448 SOUTH 4TH STREET

430 - 448 S. 4TH STREET CONDOMINIUMS

City File No. PDC12-022

August 12, 2015

Table of Contents

SECTION 1.0 PROJECT INFORMATION

1.1 PROJECT TITLE

430 – 448 S. 4th Street Condominiums.

1.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

City of San Jose Planning, Building and Code Enforcement.
200 East Santa Clara Street, San Jose, CA 95113
Contact: David Keyon, (408) 535-7898, david.keyon@sanjoseca.gov

1.3 PROJECT LOCATION

See Figures 1 through 4. The project site consists of approximately 0.44 acres at 430, 442, and 448 South Fourth Street, San Jose, California, on the northeast side of South 4th Street, 138 feet southeast of East San Salvador Street. Assessor's Parcel Numbers (APN): Book: 467, Page: 47, Parcels: 85 (448 S. 4th St.), 86 (442 S. 4th St.), 87 (430 S. 4th St.). Three contiguous parcels to be converted into one parcel designated as 430 South Fourth Street.

1.4 PROJECT APPLICANT'S NAME AND ADDRESS, CONTACT

LOCK Properties, 430 South Fourth Street, San Jose, CA 95112
Contact: Mr. Chien Lee, (408) 309-0086, ChienLee_CLA@yahoo.com

1.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation: Urban Residential

Zoning District: General Commercial

1.6 SURROUNDING LAND USES

The site is surrounded by two to three story multi-family apartment buildings with the exception of three single-family residences across S. 4th Street. The zoning is CG General Commercial to the north, south, and west of the site and R-M Multi-family Residential to the east. The General Plan Land Use designation is Urban Residential to the north, east, and south of the site, and Downtown on the west side of S. 4th Street.

1.7 PROJECT DESCRIPTION

Demolition of two existing buildings (Figure 7).

- Building A, used for office space, approximately 5,600 square feet on two levels of approximately 2,800 square feet each, a "ground" level several feet above grade and a basement approximately six feet below ground level, and
- Building B, used for storage, approximately 480 square feet at ground level (slab on grade).

Residential Re-development (Figures 8 and 9).

- Excavation and grading, construction of 32 residential multi-unit residential units on four levels above partially submerged parking garage (5.5 feet below ground level). The planned building will have a footprint of ± 11,800 s.f., a total interior of ± 47,200 s.f. (on 4 levels), common open space of ± 3,200 s.f., 55 parking spaces: 48 for residents and 7 for guests (including 2

handicapped), an overall height of ± 50 feet, and grading down to a maximum depth of ± 6.5 feet (cut = ± 3,270 c.y.).

1.8 PROJECT-RELATED APPROVALS AND PERMITS

The project requires the following approvals from the City of San Jose: Rezoning, Planned Development Permit, Demolition Permit, Grading Permit, and Building Permits.

1.9 HABITAT PLAN DESIGNATION

Land Cover Designation: Urban / Suburban

SECTION 2.0 ENVIRONMENTAL DETERMINATION

2.1 Environmental Factors Potentially Affected

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☒ Mineral Resources	☒ Noise
☒ Population/Housing	☒ Public Services	☒ Recreation
☒ Transportation/Traffic	☒ Utilities/Service Systems	☒ Mandatory Findings of Significance

2.2 Environmental Determination

On the basis of this initial evaluation (completed by the Lead Agency):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revision in the project could have been made by or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and/or 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Title Agency

SECTION 3.0 EVALUATION OF ENVIRONMENTAL IMPACTS

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

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as "Standard Permit Conditions."

3.1 AESTHETICS

Aesthetics Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1

Setting

The site is located within an urban area in the downtown area of San Jose proximate to San Jose State University and is bordered by South 4th Street to the southwest and by two-story apartment / multi-unit residential buildings to the northwest, northeast, southeast, and on the southwest side of South 4th Street (Figures 2 and 4). The site is currently occupied by two buildings used for offices and storage respectively, asphalt paved parking areas, and small landscaped areas including a few trees (Figures 5 and 7). Site Photographs are presented in Appendix A.

Impacts Evaluation

a. Would the project have a substantial adverse effect on a scenic vista?

No Impact. The project is located on a developed property in downtown San Jose, is surrounded by developed properties or streets in all directions, and is not located within any scenic vistas as no City or State designated scenic routes exist in the vicinity.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? \

Less Than Significant Impact. The project is not located adjacent to any City or State designated scenic routes. The project would remove a few trees on the site, retain two existing street trees, and add a new (third) street tree in accordance with City requirements.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The project would alter the existing visual character of the site and its surroundings by replacing two existing buildings with 32 residential units above a partially submerged parking garage; Figure 9 presents elevations of the project. The project is surrounded in all directions by two to three-story multi-unit residential apartment buildings. The project is not anticipated to substantially degrade the existing visual character of the area. Visual effects would be minimized by conformance with the City of San Jose's Residential Design Guidelines, and design review to ensure scale and mass are compatible with the surrounding existing and future development.

e. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Exterior lighting will be provided for the multi-unit residential complex typical of multi-family use and in accordance with the City's Outdoor Lighting Policy (4-3). The project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

Setting

The project site has been historically used for residential, institutional, and commercial (offices) uses going back to at least 1915 (Checklist Source: 10). The project area is identified as urban / built-up land on the Santa Clara County Important Farmlands Map (Checklist Source: 3). Based on a Phase I Environmental Site Assessment (ESA) conducted in August 2014, no documentation was found indicating that the project site was ever used for agricultural purposes.

Agricultural and Forestry Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	4
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1
d. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1

Impacts Evaluation

a. - b. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project will not affect agricultural land. The project site is designated as urban land on the 2010 Important Farmlands Map for Santa Clara County. The project site is not zoned for agricultural use and does not contain lands under Williamson Act contract.

c. - d. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Would the project result in a loss of forest land or conversion of forest land to non-forest use?

No Impact. The project will not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. See discussion above for the discussion of checklist items "c-d."

3.3 AIR QUALITY

Air Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	1,5,6,7
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,5,6,7
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,5,6,7
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,5,6,7
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1

Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM_{10}), sulfur dioxide ($S0_2$), and lead (Pb). Secondary criteria pollutants include ozone (0_3), and fine particulate matter.

BAAQMD, along with other regional agencies, develop plans to reduce air pollutant emissions. BAAQMD adopted and implements the Bay Area 2010 Clean Air Plan (CAP). The 2010 CAP is a multi-pollutant air quality plan that addresses four categories of air pollutants, as follows:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and NOx)
- Particulate matter, primarily PM2.5, as well as the precursors to secondary PM2.5
- Toxic air contaminants

• Greenhouse gases

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. The project is located in a multi-unit residential area; the nearest sensitive receptors are occupants of multi-unit residential buildings located directly adjacent / proximate to the site in all directions.

The project, being multi-unit / high density in the downtown area is in accordance with the type of residential development preferred in the 2010 CAP, notably by being more energy efficient and providing opportunities for alternative transportation compared to single-family residential development in suburban areas.

An initial air quality screening was performed in October 2014 using BAAQMD online tools and sources, the Risk and Hazard Screening Analysis Process Flow Chart. One permitted stationary source was found within 1,000 feet of the project site boundaries, the Spartan Gas Station located approximately 175 feet to the south of the site at 498 S. 4th Street.

South 4th Street is a major roadway with about 17,700 Average Annual Daily Traffic (AADT) (Checklist Source 7). Highway 280 is more than 1,000 feet from the project site. Based on a Google Earth™ image (image date 02-23-2014), Highway 280 is approximately 1,350 feet from the project site.

Impacts Evaluation

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed project consists of 32 residential units consistent with the City's General Plan land use designation and would not increase regional population growth or cause changes in vehicle travel that would affect implementation of the Bay Area 2010 Clean Air Plan (CAP). The project will incorporate the following Transportation Control Measures (TCMs) to comply with the CAP:

- The building is designed and located to facilitate transit access: the project is located in the downtown area with many nearby transit stops and main entrance / egress at the front of the site proximate to the sidewalk and street with minimum setbacks,
- Secure, weather-protected bicycle parking will be provided at ground level proximate to the sidewalk and street,
- Direct, safe, attractive pedestrian access is provided from the site to transit stops and proximate downtown development (see first bullet above).

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The BAAQMD's 2012 CEQA Guidelines (May 2012) make recommendations for evaluation resources, including BAAQMD's CEQA Thresholds Options and Justification Report (2009), which are based on substantial evidence. The City of San Jose relies on the thresholds of significance and screening criteria developed by the

BAAQMD. The BAAQMD screening levels are based on project size for air pollutant emissions. The applicable land use category from the BAAQMD's screening criteria tables for the project is "condo/townhouse, general." For operational impacts from criteria pollutants, the screening size is 451 units. For construction impacts, the screening size is 240 units. The project, which consists of 32 multi-unit residential units, is well below the BAAQMD significance thresholds for such uses and, therefore, the project would have a less-than-significant air quality impact.

Construction activities would generate dust and equipment exhaust on a temporary basis. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. The short-term air quality effects during project construction would be avoided with implementation of the measures prescribed by the BAAQMD. As a part of the development permit approval, the project proponent and/or contractor will implement standard permit conditions presented below.

Standard Permit Conditions: The project would be developed in conformance with General Plan policies and the following standard BAAQMD dust control measures during all phases of construction on the project site to reduce dustfall emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. 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 City of San José regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?

Less Than Significant Impact. See above.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. An Air Quality Screening for the project site was conducted using BAAQMD Online Tools & Sources (http://www.baaqmd.gov/). Designated Highways were all more than 1,000 feet from the site. Two sources were identified within 1,000 feet of the site: a roadway, South 4th Street, and a stationary source, the Spartan Gas Station at 498 S. 4th Street. The cumulative impacts for the two identified sources are: Cumulative Cancer Risk: 5.851 in a million; Cumulative PM2.5: 0.174 µg/m3; Cumulative Chronic Hazard Index: 0.002. These are all significantly below the following BAAQMD's Threshold of Significance[1] for Cancer Risk of 100 in a million; PM2.5 of 0.8 µg/m3 and Hazard Index of 10. Therefore there are no significant impacts and no further analysis is needed

Roadway, South 4th Street. BAAQMD, Screening. According to AADT data obtained from the California Environmental Health Tracking Program, http://www.ehib.org/traffic_tool.jsp.: 2014-10-12[2] The AADT for South 4th street was 17,700 in 2012 . 15.5 feet from face of curb to face of planned new building; 12.5 feet from face of curb to property boundary; 8 foot wide parking lane; 23.5 feet (15.5 + 8) from edge of nearest travel lane to face of planned new building; 20.5 feet (12.5 + 8) from edge of nearest travel lane to property boundary; From Table: PM2.5: 0.174 µg/m3[1,3]; Cancer Risk per Million: 4.50[1,3]

Stationary Source, Spartan Gas Station. BAAQMD Screening. BAAQMD Gasoline Dispensing Facility (GDF) Distance Multiplier Tool: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx. 2014-10-12; based on the BAAQMD GDF Distance Multiplier Tool, for the Spartan Gas Station (G11379), the only permitted stationary source within 1,000 feet of the site: the distance adjusted cancer risk per million is: 1.351*, and the distance adjusted chronic hazard index is: 0.002* (*The Spartan Gas Station is ~175 feet from the site, based on Google Earth on 10-12-2014. A distance of 164 feet was used on the GDF Distance Multiplier Tool. The next available distance on the tool is 180 feet).

e. Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The project is a residential project in a residential neighborhood, and is therefore not anticipated to emit objectionable odors. See the Standard Permit Conditions listed under checklist impact "b" for a list of actions required during construction to reduce construction period impacts..

[1]Source: *Recommended Methods for Screening and Modeling Local Risks and Hazards*, BAAQMD, May 2011; from Table 1. Threshold of Significance for Local Community Risk and Hazard Impacts. (Cumulative Impacts, New Receptor).

[2]Source: Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act (CEQA) Guidelines, Risk and Hazard Screening Analysis Process Flow Chart (http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/updated-screening-approach-flow-chart_may-2012.pdf?la=en)

[3]Source: From Table 1, based on 20,000 AADT, actual is 17,700, table has 10,000 and next column is 20,000. Based on distance of 10 feet from edge of nearest travel lane to property boundary from table, actual is 20 feet, next column on table after 10 feet is 50 feet).

3.4 BIOLOGICAL RESOURCES

Biological Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐	1,8
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,8
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,8
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1,8
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,8
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,8

Setting

The project site is located within an urbanized area of downtown San Jose. The existing property contains two buildings and is otherwise mostly covered with asphalt paving; landscaped areas are few and relatively small and mostly limited to an area between Building A and the 4th Street sidewalk (Figures 5 and 7). The project site is considered to have a relatively low value for wildlife, due to the disturbed nature of the property.

The project site contains 16 trees. The City of San Jose's Tree Removal Controls (San Jose City Code Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk measuring 56 inches or more in circumference (i.e., 18 inches in diameter) at the height of 24 inches above natural grade. This ordinance applies to native and non-native species. The site contains 16 trees as summarized in Table 1. None of these trees are ordinance sized.

Santa Clara Valley Habitat Plan / Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan / Natural Community Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San Jose, Morgan Hill and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated Urban Development.

Impacts Evaluation

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Less Than Significant With Mitigation Incorporated. There are 16 trees on the project site and all trees that are removed shall be replaced at the following ratios: each tree less than 12 inches in diameter will be replaced with one 15 gallon tree; each tree 12 to 18 inches in diameter will be replaced with two 24-inch box trees; and each tree greater than 18 inches in diameter will not be removed unless a Tree Removal Permit has been approved. Details of planned new plantings of trees, shrubs, and groundcovers are presented in Appendix C, Conceptual Landscape Architectural Plan (Sheet 6). The removal of the trees has potential to disturb nesting raptors and other migratory birds.

Impact BIO-1 Nesting Raptors and Other Migratory Birds: Construction of the project will result in the removal of mature trees that could contain habitat for nesting raptors and other migratory Birds.

Mitigation BIO-1: If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-

construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) preconstruction 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), preconstruction surveys 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 raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Planning Department prior to the issuance of any grading or building permit.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Less Than Significant Impact. The project is located within an urbanized area surrounded by existing development. The project will not result in a substantial adverse effect on any riparian habitat or other mapped sensitive natural community, since none are present onsite or adjacent to the project site. See also a. above.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The project site is highly disturbed and does not contain any wetland resources; therefore, it will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?

Less Than Significant Impact. The project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. See also a. above.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The project will not conflict with any local policies or ordinances protecting biological resources. The project proposes to remove 16 existing trees on the project site, as shown in Table 1. All trees to be removed will be replaced in accordance with the City's prescribed ratios and tree ordinance. See also a. above.

Development of the proposed project would result in the loss of 16 trees on the site, none of which are considered ordinance-sized trees under the City's Tree Ordinance.[1] Consistent with the General Plan FEIR, trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

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

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is located within the boundaries of the Santa Clara Valley HCP. Since the proposed project is less than half an acre, Nitrogen Deposition fees required under the HCP will not apply because HCP Nitrogen Deposition fees only apply to properties of two acres or more.

[1] Per Section 13.32.020 of the Municipal Code, a tree is any tree that measures 56 inches or greater in circumference (18 inch diameter) at 24 inches above the ground surface.

3.5 CULTURAL RESOURCES

Cultural Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?	☐	☐	☐	☒	1
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5?	☐	☐	☒	☐	1
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1

Setting

The project site has been disturbed by previous development. The area has been developed mostly with apartments / multi-unit residential since the 1950s - 1960s. The project property contains two buildings (Figures 5 and 7) that were constructed in the early 1950s. However, the previous single-family residences on the project site and most or all surrounding properties, from prior to 1915, have been replaced with apartments / multi-unit residential buildings dating from the 1950s -1960s (Figure 4) which do not appear to be of historic value. A Historic Report (November 25, 2014), prepared by Archives & Architecture, LLC (Franklin Maggi, Architectural Historian), including the city's Historic Evaluation Sheet ("checklist"), is included in Appendix D.

The Historic Report concluded the following: "…the building on this property does not appear to qualify for listing on the California or National Registers"; "…the evaluation performed according to the City of San José historic evaluation-rating system resulted in a point score of 48.59, and therefore would qualify for listing on the City's Historic Resources Inventory. The building however does not appear to meet the eligibility criteria for designation as a San José Historic Landmark."; "There is no potential that the property might contribute to a district comprised of similar resources in the area, as the property is inconsistent with the character of the neighborhood, which is predominately residential."; and "An impacts analysis was not conducted, as the property is not historically significant according to the minimum requirements for listing on the California Register of Historical Resources or as a San José City Landmark."

Per the Historic Report, the following structures on the Historic Resource Inventory are located within 150 feet of the project site:

- 451 South Fourth St. was recorded by Dill Design Group for the City of San Jose in 2000 as a part of the Downtown Survey and was listed on the Historic Resources Inventory as a Structure of Merit. It was built as a residence in the 1860s and relocated to the rear of the site, and is now used for commercial purposes and was not found eligible as a City Landmark or for the California Register of Historical Resources.

- 459 South Fourth St. was recorded by Dill Design Group for the City of San Jose in 2000 as a part of the Downtown Survey and was listed on the Historic Resources Inventory as a Structure of Merit. It was built in the 1880s and continues to serve as a residence. It was not found eligible as a City Landmark or for the California Register of Historical Resources.

- 405-407 S. Fifth Street. 405 South Fifth St. was recorded by Architectural Resources Group in 2002 as a part of the South Campus Frame Survey and was listed on the Historic Resources Inventory as a Structure of Merit. It was recorded as built as a residence in 1910, although likely built about 1904, and serves as a multi-family residence. It was not found eligible as a City Landmark or for the California Register of Historical Resources.

- 409 South Fifth St. was recorded by Architectural Resources Group in 2002 as a part of the South Campus Frame Survey and was listed on the Historic Resources Inventory as a Structure of Merit. It was recorded as built as a residence in 1910, although likely built about 1904, and serves as a single-family residence. It was not found eligible as a City Landmark or for the California Register of Historical Resources.

- 465 S. Fifth Street (Structure of Merit, located in the Reed City Landmark Historic District). 465 South Fifth St. was recorded by Archives & Architecture in 2006 as a part of the Reed Historic District nomination and was designated a contributor to the district by the San Jose City Council. It was designed by Wolfe & McKenzie, and built about 1910 for Maybelle Murphy as a rental, and continues to serve as a multifamily residence.

- 475 S. Fifth Street (Eligible for California Register, Structure of Merit, located in the Reed City Landmark Historic District). 475 South Fifth St. was recorded by Archives & Architecture in 2006 as a part of the Reed Historic District nomination and was designated a contributor to the district by the San Jose City Council. It was designed by Wolfe & McKenzie, and was built about 1910 for Maybelle Murphy and sold to William and Susan Alison. It serves today as a multi-family residence.

Impacts Evaluation

a. Would the project cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?

No Impact. The existing building on the project site appears to have been altered since its construction in the early 1950s, and has not been identified as a historically significant structure in the Historic Report. Although the building is associated with veterans in the post-World War II period, the Historic Report found that "the building in itself does not exemplify this association in a way that demonstrates the City's cultural, economic, social or historic heritage. The building's character does not appear to relate directly to or maintain important associative values that are related to the important contributions that the veterans'

organizations have had in San Jose and Santa Clara County." Therefore, the demolition of the building will not result in a significant impact.

b.,d. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5? Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The project site is not located within a designated archaeological sensitive area on the City's Archaeological Sensitivity Map. Although the property has been highly disturbed, it is possible that cultural resources may be encountered during construction activities. Standard Permit Conditions are identified below to avoid impacts to archaeological resources. Though unlikely, human remains may be encountered during construction activities. As a part of the development permit approval, the project will conform to the standard condition listed below.

Standard Permit Conditions: Consistent with *Envision San José 2040 General Plan* policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the project to reduce or avoid impacts to subsurface cultural resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

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

c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Less Than Significant Impact. The project site is developed and is not known to contain any paleontological resources and is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The following standard permit conditions will be followed.

Standard Permit Conditions: General Plan policy ER-10.3, the following standard permit conditions will be implemented by the project to reduce and avoid impacts to as yet unidentified paleontological resources:

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

3.6 GEOLOGY AND SOILS

Geology and Soils Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	1
2. Strong seismic ground shaking?	☐	☐	☒	☐	1
3. Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐	1
4. Landslides?	☐	☐	☐	☒	1
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1
c. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐	1
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☒	☐	☐	1
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

Setting

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

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

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

Liquefaction

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

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

Lateral Spreading

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

Impacts Evaluation

a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides?

a.i. **No Impact**. The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the subject site is considered low. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone.

a.ii. **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed residential building may be subject to strong seismic ground shaking during its design life in the event of a major earthquake on any of the region 's active faults. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.

a.iii. **Less Than Significant Impact with Mitigation Incorporated**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. The site is located within a mapped liquefaction zone, although it is not designated in a geotechnical hazard zone. See response to c, d below. See below, Impact GEO-1 and Mitigation Measure MM GEO-1.

a.iv. **No Impact**. The project site has virtually no vertical relief and will not be subject to landsliding.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Development of the project will require demolition, pavement removal, and grading that could result in a temporary increase in erosion. This increase in erosion is expected to be minor due to the small size and flatness of the site. The project will implement the standard measures identified in I. Hydrology and Water Quality of this Initial Study to minimize erosion impacts. These include a project specific Conceptual Grading Plan (Appendix G, Sheet No. 4a) and Conceptual Stormwater Control Plan (Appendix E, Sheet No. 4b).

c,d. Would the project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Less Than Significant Impact with Mitigation Incorporated. The project site is located within the State of California Seismic Hazard Zone and as such, a geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117 A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation. The project may be subject to soil hazards such as weak soils, expansive soils, and/or settlement that are not documented for the site. The proposed multi-unit residential complex would be designed and constructed in accordance with a design-level geotechnical investigation as required by the City. As a part of the development permit approval, the project will be subject to Mitigation Measure MM GEO-1 and Standard Permit Conditions.

Impact GEO-1: Without incorporating appropriate engineering into grading and foundation designs, the project would result in significant impacts from undocumented fill and expansive soils. **(Significant Impact).**

Mitigation Measure MM GEO-1: Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement

the recommendations in the investigation to minimize impacts from expansive soils and undocumented fill. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. Site specific recommendations from the design-level geotechnical investigation required under Mitigation Measure MM GEO-1 will be incorporated into the project and will be listed on all approved grading and building permit plans.

Standard Permit Conditions: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance.

- The project shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works.

- The project, with the implementation of standard engineering practices as outlined above, would not result in significant soil impacts.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project does not include any septic systems. The project would tie into the City 's existing sanitary sewer system.

3.7 GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1

Setting

Various gases in the earth 's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (C02), methane (C~), ozone (03), water vapor, nitrous oxide (N20), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter ofGHGs, followed by electricity generation.

The Envision San Jose 2040 General Plan contains a Greenhouse Gas Reduction Strategy (Reduction Strategy). The Reduction Strategy identifies specific General Plan policies and action items intended to reduce GHG emissions. The polices included in the Reduction Strategy are both measures the City is taking to reduce GHG emissions at the municipal level (e.g., Green Vision) as well as actions that can be implemented by private land development through project design features. New development is required to demonstrate conformance with the Reduction Strategy by completing an Implementation Checklist. This checklist illustrates how a project conforms to the General Plan and Reduction Strategy by identifying specific features included in the project that could reduce GHG. Projects that demonstrate conformance to the Reduction Strategy are considered to have a less-than-significant GHG impact. The BAAQMD has established thresholds for operational GHG emissions of proposed development; these operational thresholds are not applicable to the project since it is consistent with the City's GHG Reduction Strategy.

Impacts Evaluation

a. – b. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Less than significant impact.

a. **Less Than Significant Impact.**

The Bay Area Air Quality Management District (BAAQMD) established land use specific GHG screening criteria in their CEQA Guidelines (2011), which were derived from default emission assumptions in the URBEMIS GHG emissions model and using off-model GHG estimates for indirect emissions from electrical generation, solid waste and water conveyance. Projects below the applicable screening criteria would not exceed the 1,100 MT of CO2e/yr GHG threshold of significance.

The project proposes to construct 32 apartment units in a four-story building. BAAQMD's GHG screening criteria for a low-rise apartment building is 78 units. Low-rise apartment projects of less than 78 units are considered to have a less than significant impact to cumulative greenhouse gas emissions. Therefore, the project is considered to not have a significant impact to GHG emissions because it is below the 78 unit threshold.

b. **Less Than Significant Impact**. The project will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

3.8 HAZARDS AND HAZARDOUS MATERIALS

Hazards and Hazardous Materials Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 11
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1, 11
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1, 11
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1, 11
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
f. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

Setting

The site is located in a residential area and surrounded by apartments / multi-family units. A Phase I Environmental Site Assessment (ESA) was performed in August 2014; the Phase I ESA report is presented in Appendix B (Checklist Sources number 10). The following information is from / based on the findings of the Phase I ESA. No recognized environmental conditions (RECs) were identified. The project site is currently occupied by two buildings; one main building used mostly for offices (~5,600 s.f.) and a much smaller building (~480 s.f.) used for storage. By 1915, the project site was used for three single-family residences (first developed use); no information was found indicating agricultural use prior to 1915. The current buildings were constructed in the early 1950s; the main building was built as a meeting hall by the Veterans of Foreign Wars (VFW). Immediately adjoining properties were first developed for single-family residences by 1915; no information was found indicating agricultural use prior to 1915 on immediately adjoining properties. By the 1960s all or most immediately adjoining properties had been redeveloped with apartment buildings / for multi-unit residential use.

One nearby gasoline leaking underground storage tank (LUST) site, potentially adversely impacting the project site, was identified; the Spartan Gas Station at 498 South 4th Street, San Jose, California, located approximately 175 feet south-southeast of the project site. Extensive subsurface investigation (soil and groundwater sampling, including on the project site), monitoring (from a network of 13 groundwater monitoring wells, including 7 offsite wells, one in 4th Street proximate to the project site), and remediation (including soil excavation / source removal, and groundwater and soil-vapor extraction and treatment) has been performed from circa 1989 to present (2014) and is on-going. The subsurface (soil and groundwater) of the project site do not appear to be significantly impacted by subsurface releases from the Spartan Gas Station. Therefore, soil excavation during new construction at the project site to depths of approximately 5.5 feet is not anticipated to encounter contamination originating from the Spartan Gas Station. Additionally, any potential indoor vapor intrusion concern with regards to the planned new development, from a subsurface source, is anticipated to be mitigated by the partially underground parking garage; it is anticipated that the garage would break the potential vapor pathway from the subsurface to the residential living units above.

Impacts Evaluation

a. – b. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

a) **Less Than Significant Impact**. The proposed residential project would not involve the routine transport, use, or disposal of hazardous materials. Construction of the project would require the demolition of two existing buildings. The existing buildings may contain asbestos building materials and/or lead-based paint. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. As a part of the development permit approval, the project will conform to the following as ***Standard Project Conditions***:

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

• All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

• During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

b. **Less Than Significant Impact.** The project is located in a long-standing residential area and is not suspected of containing any hazardous materials. Based on review of the Phase I ESA report (Appendix B), the nearest incident of hazardous materials contamination is the Spartan Gas Station at the corner of South 4th Street and East William Street, which is a leaking underground storage tank (LUST) site and is under on-going investigation, monitoring, and remediation. Releases from the Spartan Gas Station are not anticipated to affect the project site. The Phase I ESA did not find any information indicating historical agricultural use at the project site; therefore no residual pesticides are anticipated in site soils.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The proposed residential uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The project is not located on a site that is included on a list of hazardous materials sites as per Government Code Section 65962.5 (Cortese List).

e. - f. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project is not located within an airport land use plan. The project is not located within the vicinity of a private airstrip.

g. - h. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project will not interfere with any emergency response or evacuation plans. The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

3.9 HYDROLOGY AND WATER QUALITY

Hydrology and Water Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1
f. Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1, 12
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1, 12

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1, 12
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

Setting

There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FlRM) (Map Number 06085C0234H, Effective Date: 05-18-2009), the project site is not located within the 100-year floodplain or any other flood hazard areas. A Conceptual Landscape Architectural Plan (Appendix C, Sheet 6), Conceptual Stormwater Control Plan (Appendix E, Sheet 4a), and Land Use Plan (Appendix F, Sheet 2a) have been developed for this project. The project will replace / create approximately 18,207 square feet of impervious services.

The City of San Jose is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City 's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San Jose . The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates the City of San Jose use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

The City has developed policies that implement Provision C.3 , consistent with the MRP. The City's PostConstruction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The project will replace/create approximately 18,207 square feet of impervious surfaces. Based on its size and land use, the project will be required to comply with the LID storm water management requirements of Provision C.3 of the Municipal Regional Permit. The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project is less than 0.5 acre and located in catchment / subwatershed area that is greater than or equal to 65% impervious as identified in City Council Policy 8-14; therefore, the project is not subject to the hydromodification requirements of Provision C-3.

There are technical site-specific constraints to providing 100% LID treatment onsite for this project, primarily the high density development / limited unpaved ground area. It should be noted that City of San Jose zoning requirements call for urban / high density residential use at this site. The project is located within a Priority Development Area (PDA) and qualifies for credits under Special Category "C", Transit Oriented Development Projects. The project qualifies for 65% credit towards non-Low Impact Development (LID) measures.

Impacts Evaluation

a., f. Would the project violate any water quality standards or waste discharge requirements? Would the project otherwise substantial degrade water quality?

a. **Less Than Significant Impact.** The proposed residential project would not violate any water quality standards or waste discharge requirements.

f. **Less Than Significant Impact.** Surface runoff from proposed development may contain urban pollutants. Runoff from driveways and parking areas could include oil, grease, and trace metals. The project could also generate urban pollutants related to the use of fertilizers, pesticides, and herbicides on landscaped areas. The project will implement a Storm Water Control Plan (Appendix E) to protect water quality.

Construction-Related Water Quality Impacts

Construction of the proposed project, including grading and excavation activities may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would not disturb more than one acre of soil (site is less than 0.5 acre) and, therefore, compliance with the NPDES General Permit for Construction Activities is ***not*** required.

All development projects in San José shall comply with the City's Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment

controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discard of stormwater pollutants during construction.

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

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

The project, with the implementation of the above standard permit conditions, would not result in significant construction-related water quality impacts.

Post-Construction Water Quality Impacts

Under existing conditions, the project site has approximately 1,240 s.f. (approximately 6.6%) pervious area. Upon completion of the proposed residential multi-unit residential development, the project site will have approximately 300 s.f. (approximately 1.6%) pervious area, consisting of the planned bio-retention area at the front southwest corner of the site proximate to South 4th Street. This specific development will comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. The project is located within a Priority Development Area (PDA) and qualifies for credits under Special Category "C", Transit Oriented Development Projects. The project qualifies for 65% credit towards non-Low Impact Development (LID) measures. In order to meet these requirements, 35% of the stormwater runoff from the site will drain into the bio-retention area and the remaining 65% will be directed to the mechanical filter, proximate to the bio-retention area, for treatment prior to release to the municipal storm drainage system. The media filter will be State of Washington, General Use Level Designation (GULD) certified (the FloGard Perk Filter™, by KriStar / Oldcastle). The proposed treatment facilities will be numerically sized and will have sufficient capacity to treat the roof and other runoff entering the storm drainage system consistent with the NPDES requirements.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development will have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project will have a less than significant water quality impact.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge?

Less Than Significant Impact. The project would not deplete or otherwise affect groundwater supplies or recharge, since the project is not located within a groundwater recharge area.

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

- The design of the stormwater features to pump groundwater will require review by the City's Environmental Services Engineering section to determine conformance with the City's Stormwater Permit requirements during the Building Permit stage. In the event, it is not feasible to discharge pumped groundwater to stormwater treatment features, volumes up to 10,000 gallons per day (gpd) may be discharged to the stormwater system if testing determines that the discharge is uncontaminated, as outlined in the City's Stormwater Permit. **(Less Than Significant Impact).** Note: planned new parking garage will be 5.5 feet below ground, groundwater is anticipated to occur at approximately 10 to 15 feet below ground; therefore, groundwater is not anticipated during construction.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?

Less Than Significant Impact. Construction of the project will require demolition, pavement removal, and grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. The project will implement the Conceptual Stormwater Control Plan (Appendix E) and Conceptual Grading Plan (Appendix G, Sheet 4a), and standard measures required by the city to minimize erosion and water quality impacts. As a part of the development permit approval, the project will conform to the city's standard conditions for erosion control.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

Less Than Significant Impact. The project would increase the impervious area and associated storm runoff from the site. The project will implement a storm water control plan to manage storm water runoff. Implementation of the proposed storm water control plan consistent with NPDES Permit and City Policy requirements, will reduce potential drainage/runoff impacts to a less-than-significant level.

e. Would the project create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff.

g. – i. Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Would the project place within a 100-year flood hazard area structures which will impede or redirect flood flows? Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. The project is not located within a floodplain or flood hazard, thus it will not impede or redirect flood flows.

j. Would the project be exposed to inundation by seiche, tsunami, or mudflow?

No impact. The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

3.10 LAND USE

Land Use Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	☐	☐	☐	☒	1
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	1, 2
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1

Setting

The project site is located within the City of San Jose. The property is currently occupied by an existing office building and is surrounded in all directions by existing apartment / multi-unit residential buildings. The project site is designated *Urban Residential / Mixed Use* in the City's 2040 General Plan.

Impacts Evaluation

a. Would the project physically divide an established community?

No impact. The project is proposed on an infill site in an urban area that is currently occupied by a 1950s era institutional building used for offices. Surrounding uses consist almost exclusively of (multi-family) residential development. The proposed project would not divide an established community.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The project is consistent with the City's General Plan land use designation of *Urban Residential.* The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the

general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No impact. The project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan; however, the site is in an urbanized area, is less than two acres in size, and does not contain resources protected by the Plan and will not conflict with any of the Plan requirements (refer to section 3.4. , Biological Resources).

3.11 MINERAL RESOURCES

Mineral Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1

Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San Jose as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San Jose as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San Jose does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts Evaluation

a. – b. Would the project result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state or in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project site is located outside the Communications Hill area, the only area in San Jose containing mineral deposits subject to SMARA; therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

3.12 NOISE

Noise Environmental Checklist

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1
f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

Setting

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. Ground vibration is generally correlated with the velocity of the ground, which is also expressed in decibels. The Envision San Jose 2040 General Plan and the San Jose Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City:

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

Interior Noise Levels

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

Exterior Noise Levels

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

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

- For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San Jose (Envision San Jose 2040 General Plan)

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

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San Jose (Envision San Jose 2040 General Plan)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

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

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

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

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

Policy EC-1.2 of the General Plan considers noise impacts significant if a project would increase noise levels on adjacent sensitive land uses including residences as follows:

- Cause the DNL (Day-Night Sound Level) at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

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

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

In addition to the City's noise standards, Title 24, Part 2, of the California Building Code limits indoor noise from outdoor sources to DNL 45 dBA in habitable rooms of attached housing. Projects exposed to an outdoor DNL greater than 60 dBA require an acoustical analysis during the design phase showing that the proposed design will limit outdoor noise to the prescribed allowable interior level. Additionally, if windows must be closed to meet the interior standard, the design for the structure must also include a ventilation or air-conditioning system to provide a habitable interior environment.

Sensitive noise receptors in the project area consist of adjacent residential uses in all directions and the proposed residential units at the project site.

The primary source of noise at the site is from vehicular traffic on South 4th Street. Traffic volume data for South 4th Street indicates an Average Annual Daily Traffic volume (AADT) of 17,700 vehicles (See Section 3.3, Air Quality). Additional data is available from the *San Jose Downtown Strategy Plan 2000 Final EIR* (Plan) (November 29, 2005). The Plan includes Table V.D-1: Existing Traffic Noise Levels and Table V.D-2: Future (2020) Traffic Noise Levels. The Tables include data for 24 Roadway Segments in the downtown area and Highways 87 and 280. Portions of the Roadway Segment for "4th St., South of Santa Clara Street" (extending south to 280) are immediately proximate to the project site.

For this Roadway Segment the tables indicate existing and future Average Daily Traffic (ADT) volume of 11,300 and 15,200 vehicles, respectively. The tables also provide Community Noise Equivalent Levels (CNELs); the CNEL is approximately equivalent to the DNL. The tables indicate existing and future CNEL of 60 dBA at distances of 143 and 174 feet from the center line of South 4th Street, respectively. In addition, the tables indicate existing and future CNEL, from the outermost edge of the nearest drive lane to a distance of 50 feet, at 65.6 and 66.9 dBA, respectively. The tables also indicate that "Traffic noise within 50 feet of roadway centerline requires site specific analysis". The distance from the center line of South 4th Street, in the vicinity of the project site, to the face of the planned new building, is approximately 45 feet, and the distance from the edge of the outermost (nearest) drive lane to the face of the planned new building is approximately 23.5 feet.

The tables indicate that Highway 280 has an existing and future ADT volume of 176,500 vehicles with existing and future CNEL, from the outermost edge of the nearest drive lane to a distance of 50 feet, of 80.6 dBA. However, Highway 280 is more than 1,000 feet from the project site. Based on a Google Earth™ (image date 02-23-2014), Highway 280 is approximately 1,350 feet from the project site. Therefore, since noise levels diminish with distance, the traffic noise from Highway 280 is expected to be at acceptable levels at the project site.

The San Jose International Airport (SJIA) is approximately 2.25 miles northwest of the project site. The *San Jose Downtown Strategy Plan 2000 Final EIR* (Plan) (November 29, 2005) indicates, in Figure V.D-1, that the project site is approximately 0.40 mile and 0.25 mile east of the Existing and Future 65 dBA CNEL Contour Lines, Respectively. The Reid-Hillview Airport is more than 3.0 miles east of the project site. (in addition to the referenced figure, distances where also estimated using Google Earth™, image date 02-23-2014)

Based on the proximity of South 4th Street to the project site, and outdoor DNL greater than 60 dBA based on generalized published data (summarized above), a site specific noise study at the project site was conducted by Edward L. Pack Associates, Inc (ELPA); ELPA's report, dated March 13, 2015, is provided as Appendix H.

ELPA's noise study found the following. "The analysis of the on-site sound level measurements indicates that the existing noise environment is due primarily to traffic on South 4th Street and aircraft operations at Mineta/San Jose International Airport (SJIA). The site is located at the existing 57 dB CNEL airport noise contour. However, under future conditions, the site will be located at the 58 dB CNEL contour. Thus, the Santa Clara County Airport Land Use Commission standards are not in effect. The results of the study indicate that the noise exposures in the common area will be within the limits of the standards. Noise excesses in interior livings spaces will occur from vehicular traffic

with a secondary contribution from aircraft operations. Noise mitigation measures for interior living spaces will be required."

Impacts Evaluation

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact with Mitigation Incorporated. With implementation of the recommended mitigation in the site specific noise study (Appendix H) at the project site and conformance with the City's Standard Permit Conditions below, the project would not result in exposures or generation of noise levels in excess of applicable City and state standards.

Impact NOI-1: Interior noise exposure in the most impacted living spaces closest to South 4th Street will be between 48 and 50 dB DNL under existing and future conditions, in excess of the 45 dB DNL limits for interior residential space.

Mitigation Measure NOI-1: To achieve compliance with the 45 dB DNL residential interior noise standards, the following noise control measures will be required:

1) Maintain closed all windows and glass doors on the north, west, or south façade of the building and the 3rd and 4th floors of the west facing façade into the central common area. Windows shall be installed in an acoustically-effective manner, with sliding window panels forming an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around the entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

2) Install windows and glass doors rated a minimum Sound Transmission Class (STC) of 28.

3) Mechanical ventilation must be provided for all rooms on the north, west, or south façade of the building and the 3rd and 4th floors of the west facing façade into the central common area.

4) An acoustical test report of all sound rated windows and glass doors shall be reviewed by a qualified acoustician to ensure the chosen windows and glass doors will adequately reduce traffic noise to acceptable levels. The results of this report shall be submitted for approval by the Department of Planning, Building, and Code Enforcement prior to the issuance of building permits.

b. Would the project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The proposed project is not subject to groundborne vibration, nor would it generate any permanent source of ground borne vibration at nearby sensitive receptors. The proposed project, with the implementation of the standard permit

condition below, would ensure that construction activities associated with the project would not damage nearby structures.

Standard Permit Condition: Consistent with General Plan Policy EC-2.3, the project proposes to implement the following standard measures to avoid construction vibration impacts to adjacent buildings:

1) The project shall conduct a pre-project crack survey of the existing residential buildings adjacent to the site to document existing conditions. Ground vibration levels outside these adjacent buildings shall be monitored during construction activities when heavy equipment operates within 50 feet of the buildings to confirm vibration levels are below the allowable level of 0.20 in/sec PPV. If vibration levels exceed the allowable level, a post-construction crack survey shall be completed and any cosmetic damage resulting from the project shall be repaired.

c. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. With conformance with the City's Standard Permit Conditions below, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above existing levels in excess of applicable City and state standards.

Standard Permit Condition: The City's Municipal Code limits noise from mechanical and other stationary equipment to 55 decibels at the closest residential property line. Prior to construction, during the design phase of the building, an acoustical study will be required to demonstrate to the City's building official that noise emissions from stationary equipment on the new building would conform to the City's requirements. Completion of this study would be required prior to issuance of a building permit.

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment. Typical hourly average construction generated noise levels would range from about 77 to 89 dBA during busy construction periods, measured at a distance of 50 feet from the center of the construction site. These noise levels would have significant impact on the nearest sensitive uses (to the north, east and south). Implementation of standard noise abatement measures will reduce the construction impacts to a less-than-significant level. As a part of the development permit approval, the project will conform to the following standard permit conditions:

Construction Noise

Standard Permit Conditions: The City's Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. The

following measures would be implemented as part of the project noise logistics plan to reduce construction noise and vibration levels consistent with the City of San José policy:

- Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Notify all adjacent land uses of the construction schedule in writing.
- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control 'disturbance coordinator' and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

Implementation of these measures, which are required by City policy and would be conditions of project approval, would avoid potentially significant construction-related noise and vibration impacts. Therefore the proposed project would have a less than significant construction noise impact.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project is not located within an airport land use plan.

f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project is not located near any private airstrips

3.13 POPULATION AND HOUSING

Population and Housing Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	

Setting

The population of the City of San Jose is approximately one million (2013-2014). The project proposes an additional 32 residential units.

Impacts Evaluation

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The project consists of construction of 32 residential units and would not result in substantial population growth.

b., c. Would the project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

No impact. The project would result in the demolition of an existing office building. This would not displace existing housing, necessitating the construction of replacement housing. The project itself would provide multiple housing units.

3.14 PUBLIC SERVICES

Public Services Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
1. Fire Protection?	☐	☐	☒	☐	1
2. Police Protection?	☐	☐	☒	☐	1
3. Schools?	☐	☐	☒	☐	1
4. Parks?	☐	☐	☒	☐	1
5. Other Public Facilities?	☐	☐	☒	☐	1

Setting

Fire Protection: Fire protection services are provided to the project site by the San Jose Fire Department (SJFD). There are three fire stations within approximately one mile or less from the project site: Station No. 1, located at 225 North Market Street, is about 0.8 mile northwest of the project site; Station No. 3, at 98 Martha Street, is about 0.5 mile south-southeast of the project site; and Station No. 8, at 802 East Santa Clara Street, is about 0.95 mile northeast of the project site.

Police Protection: Police protection services are provided to the project site by the San Jose Police Department (SJPD).

Schools: The project is located within the San Jose Unified School District. State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San Jose, developers can either negotiate directly with the affected school district or make a payment of $2.97 per square foot of multifamily units (prior to the issuance of a building permit). The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Parks: There is a public park on East William Street and South 6th Street, approximately 500 feet east-southeast of the project site. There is additional green space at San Jose State University

approximately 700 to 1,000 feet north of the project site. The City of San Jose has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), which require residential developers to dedicate public park land and/or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. For projects that propose fewer than 50 residential units, the City can only require the payment of the park dedication in-lieu fees.

Other Public Facilities, Libraries: The San Jose Public Library System consists of one main library and 18 branch libraries. The nearest library to the project site is the main library at 150 East San Fernando Street at the corner of 4th Street on the San Jose State University campus, approximately 0.3 mile northwest of the project site.

Impacts Evaluation

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?

Fire Protection

1. **Less Than Significant Impact**. The project could result in an incremental increase in the demand for fire protection services. The project proponent will consult with the San Jose Fire Department during final project design to assure appropriate fire safety measures are incorporated. The project would not significantly impact fire protection services or require the construction of new or remodeled facilities.

Police Protection

2. Less Than Significant Impact. The project could result in an incremental increase in the demand for police protection services. The project proponent will consult with the San Jose Police Department during final project design to assure appropriate security measures are incorporated. The project would not significantly impact police protection services or require the construction of new or remodeled facilities.

Schools

3. Less Than Significant Impact. The project will be subject to developer fees to accommodate the incremental demand on school services, including the state-mandated school district impact fee.

Standard Permit Conditions: The project will be required to pay school impact fees pursuant to Government Code Section 65996.

Parks

4. Less Than Significant Impact. The project will be subject to developer fees to accommodate the incremental demand on park services, including the City-required park dedication in-lieu fees.

Standard Permit Condition: To further offset demand for parkland, community centers, and other recreational facilities, the project will be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (PDO/PIO). The PDO/PIO fees generated by new residential development will be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (GP Policies PR-2.4 and PR-2.5).

Other Public Facilities / Libraries

5. Less Than Significant Impact. The project will not result in a significant impact to other public services, including library services, as the amount of additional residents is within the range of growth anticipated in the Envision San Jose 2040 General Plan.

3.15 RECREATION

Recreation Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1

Setting

There is a public park on East William Street and South 6th Street, approximately 500 feet east-southeast of the project site. There is additional open / green space at San Jose State University approximately 700 to 1,000 feet north of the project site. The City of San Jose has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

Impacts Evaluation

a., b. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. The development of 32 residential units on the project site could increase the number of residents in the project area by about 74 people (assuming 2.3 persons / household per new unit). This would incrementally increase the demands on recreational facilities. The City of San Jose has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities by paying park dedication in lieu fees. For projects fewer than 50 residential units, the City can only require the payment of the park dedication in-lieu fees.

3.16 TRANSPORTATION

Transportation Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1
e. Result in inadequate emergency access?	☐	☐	☒	☐	1
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1

Setting

The project site is located at 430, 442, 448 South 4th Street, a major downtown roadway in the downtown area of the City of San Jose. The project would not require a traffic analysis due to the minor number of new vehicle trips generated by the project (estimated to be 15 peak hour trips) and the extensive alternative transportation options and opportunities immediately proximate to the

project site / Downtown San Jose / San Jose State University (SJSU) within walking distance of the project site. These include bus, light rail, and (often free) shuttle services provided by the Santa Clara Valley Transportation Authority (VTA); commuter train services provided by Caltrain, Altamont Commuter Express (ACE), and Amtrack (Capitol Corridor Inner-City Rail); additional intercity bus service provided by Greyhound Bus Lines; bicycle facilities including bicycle lanes, paths, and corridors; and pedestrian facilities consisting of extensive and ubiquitous sidewalks and a few pedestrian thoroughfares (absent of vehicles).

Regarding vehicular operations at the project site, such as moving vans, garbage collection, and deliveries, there are several options. For operations such as garbage collection, multi-unit residential buildings typically have a designated property manager that will arrange for wheeled garbage dumpsters to be placed curbside on the weekly scheduled day of garbage collection. For operations such as moving vans (assuming several hours or more), the property manager should arrange to reserve curbside parking proximate to the site. In addition, for large trucks and or vehicular operations more than a few minutes in duration, the property manager should arrange to reserve curbside parking proximate to the site. For operations such as deliveries (assuming only a few minutes and the delivery vehicle is not too large), if curbside parking proximate to the site is not available, then the delivery vehicle can park on the sloped driveway entrance to the subsurface parking garage (24 feet in width), thus temporally blocking one lane of the driveway entrance. For all vehicular operations, if / when needed, the property manager should arrange for traffic / safety controls.

Santa Clara Valley Transportation Authority (VTA)

The local Congestion Management Agency (CMA) for Santa Clara County, including the City of San Jose, is the Santa Clara Valley Transportation Authority (VTA). The project is in conformance with VTA's Congestion Management Program (CMP) (Congestion Management Program, Santa Clara Valley Transportation Authority, October 2013). Chapter 6, Community Form And Land Use Impact Analysis Element, of the CMP, requires that local land use decisions not degrade Traffic Level-of-Service (LOS) below the adopted standard for VTA's CMP Roadway Network (LOS E). The project will not degrade Traffic LOS due to the minor number of new vehicle trips generated by the project (estimated to be 15 peak hour trips). In addition, the VTA CMP promotes the increased use of alternative transportation modes, such as mass transit, bicycling, and walking; encourages focused / high density growth and infill housing within walking distance of mass transit facilities and downtowns; and supports transit-oriented development in core areas and around major transit facilities. The project conforms with these goals.

City of San Jose, Level of Service

The Traffic Impact Analysis (TIA) Handbook (*Traffic Impact Analysis Handbook, Volume I, Methodologies & Requirements,* 2009, City of San Jose), states the following: The San José City Council adopted the City Transportation Impact Policy on June 21, 2005 (Resolution 72765.1). This policy repeals and replaces previously adopted Council Policies 5-3, "Transportation Level of Service" and 5-4, "Alternate Traffic Mitigation Measures." Level of Service (LOS) is a measure of traffic congestion at signalized intersections; the city uses LOS Standards A through F with A being the most desirable LOS and "The City's goal is to achieve an overall Level of Service of "D" at

signalized intersections unless governed by an Area Development Policy or protected intersection designation.

The City conducted an in-house traffic analysis to evaluate the project's transportation impacts. The analysis resulted in 15 net new peak hour trips, which would cause no significant level-of-service impact to the nearby roadway network. The City concluded that the project will be in conformance with the City of San Jose Transportation Level-of-Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.

City of San Jose, General Plan

General Plan transportation goals include promotion of infill and downtown development. General Plan transportation policies include the following:

- encourage pedestrian travel between high-density residential and commercial areas throughout the City,
- encourage a safe, direct and well-maintained bicycle network that links residences with employment centers, schools, parks, and transit facilities,
- bicycle lanes are considered appropriate on arterials and major collectors,
- new development should create a pedestrian-friendly environment that is safe, convenient, pleasant, and accessible to people with disabilities,
- connections should be made between new developments and adjoining neighborhoods, transit access points, community facilities, and nearby commercial areas,
- the Greenprint Parks Master Plan encourages alternative transportation modes such as bicycle paths, and
- San Jose's Green Vision encourages bike lanes to facilitate bicycle commuting.

The project conforms with these goals and policies. There is a dedicated (southbound) bicycle lane on the southwest side of south 4th Street (approximately 50 feet southwest of the site's southwest property boundary). There is another dedicated (northbound) bicycle lane on South 3rd Street (approximately 400 feet southwest of the site's southwest property boundary) accessed from San Salvador Street (which crosses South 4th Street approximately 150 feet northwest of the project site). These connect with other major on-street and off-street bikeways in Downtown San Jose and beyond via East San Salvador Street (approximately 0.4 mile north-northwest of the project site). The project will have 12.5 foot wide sidewalks to facilitate pedestrian travel. There are extensive commercial zones, in Downtown San Jose, west and northwest of the project site, containing restaurants, supermarkets, retail shops, entertainment, and offices within easy walking and bicycling distance of the project site. The nearest of these commercial zones begin on East San Salvador Street between South 3rd and South 4th Streets (approximately 300 feet from the project site), and East San Carlos Street between South 3rd and South 4th Streets (approximately 900 feet from the project site).

Impacts Evaluation

a. – b. Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and

freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact. An in-house traffic analysis was performed to evaluate this project 's transportation impacts. The analysis found that the project would result in 15 net new peak hour trips, which would cause no significant level-of service impact to the nearby roadway network. We conclude that the project will be in conformance with the City of San Jose Transportation Level-of-Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project will not result in any changes to air traffic patterns.

d. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

No Impact. The proposed project will not substantially increase hazards due to a design feature or incompatible uses.

e. Would the project result in inadequate emergency access?

Less Than Significant Impact. The proposed project will not result in inadequate emergency access as the entire project site is located within 150 feet of S. 4th Street.

f. Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

3.17 UTILITIES AND SERVICE SYSTEMS

Utilities and Service Systems Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1
g. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1

Setting

Utilities and services are furnished to the project site by the following providers:

Wastewater Treatment: treatment and disposal provided by the San Jose / Santa Clara Regional Wastewater Facility (RWF), formerly known as the San Jose/Santa Clara Water Pollution Control Plant (WPCP); sanitary sewer lines maintained by the City of San Jose.
Water Service: San Jose Water Company.

Storm Drainage: City of San Jose.
Solid Waste: Various.
Natural Gas & Electricity: PG&E.

Impacts Evaluation

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. The proposed project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board. Please see Section 3.9 for a discussion of hydrology and water quality.

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The development of 32 residential units may incrementally increase water demands and wastewater generation; however, this minor increase would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.

The following information was obtained from the City of San Jose, Memorandum, *Sanitary Sewer Flow Study Update*, dated October 29, 2014. For multi-family residential in San Jose (2012), number of persons per unit is 2.53, multiplied by 59 gallons per day (GPD) per person is 149.3 GPD per multi-family residential unit (per household) (compared to 200 GPD per single-family residence).

The following assumptions were made in order to obtain a rough comparison between estimated existing generation of wastewater and estimated future discharge of wastewater after completion of the project. Current use of the site is commercial (offices), existing building(s) total approximately 6,000 s.f. with 32 existing designated parking spaces, or a capacity of 32 office workers. For purposes of comparison, it is assumed that the above City of San Jose residential data is based on occupancy of 365 days per year (100%). For existing offices, occupancy is based on an assumption of 253 days per year (69%), based on a 5-day work week minus federal holidays, and 41 GPD per person (69% of the residential rate of 59 GPD per person cited above) (for this rough comparison, hours of occupation per day were not considered).

Therefore, existing (potential) wastewater generation is estimated at 41 GPD per person X 32 office workers; 1,312 GPD. Future wastewater generation after completion of the project is estimated at 149.3 GPD per unit X 32 units = 4,778 GPD. This is an increase of 3,466 GPD. The wastewater for this site is treated by the San Jose / Santa Clara Water Regional Wastewater Facility, with a total wastewater treatment capacity of approximately 167 million gallons per day (MGD); the estimated increase in wastewater discharge is insignificant.

c. Would the project require or result in the construction of new stormwater drainage facilities facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A storm water control plan has been developed and will be implemented as part of the proposed project.

The total area of the site is approximately 0.434 acres or 18,906 s.f. Under existing conditions, the project site has approximately 17,729 s.f. (approximately 93.8%) impervious area. Upon completion of the project, the proposed multi-unit residential development, the project site will have approximately 18,606 s.f. (approximately 98.4%) impervious area; an increase of approximately 877 s.f. impervious area (approximately 4.6%), resulting in a small incremental increase in stormwater discharge. However, post development, 35% of the stormwater runoff from the site will drain into the planned bio-retention area and the remaining 65% will be directed to the planned mechanical filter, proximate to the bio-retention area, at the front southwest corner of the site proximate to South 4th Street, for treatment prior to release to the municipal storm drainage system. The proposed treatment facilities will be numerically sized and will have sufficient capacity to treat the roof and other runoff entering the storm drainage system.

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The project will result in an incremental increase in water use. However, the scale of development is consistent with that anticipated in the Envision San Joe 2040 General Plan, for which a Water Supply Assessment was prepared. This Water Supply Assessment found that sufficient water supplies are available to serve the project from existing entitlements and resources.

e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. See items a) and b) above. The project will not impact wastewater treatment services, since adequate capacity is available to serve the project demand.

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. The project will not generate substantial solid waste compared to existing conditions that would adversely affect any landfills.

g. Would the project comply with federal, state and local statues and regulations related to solid waste?

No Impact. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1
c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1

a. Project Impacts

Less Than Significant Impact with Mitigation. Based on the analysis provided in this Initial Study, the proposed project will not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with the standard measures and mitigation identified within the body of this Initial Study.

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

Less Than Significant Impact. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to achieving short-term environmental goals to the disadvantage of long-term environmental goals.

b. Cumulative Impacts

Less Than Significant Impact. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts.

c. Direct or Indirect Adverse Effects on Human Beings

Less Than Significant Impact. Based on the analysis provided in this Initial Study, the proposed project will not cause substantial adverse effects on humans.

Checklist Sources

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan.* http://www.sanjoseca.gov/DocumentCenter/Home/View/474. November 2011.

3. City of San José. *Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* http://www.sanjoseca.gov/index.aspx?nid=2435. November 2011.

4. California Department of Conservation. *Santa Clara County Important Farmland 2010 Map*. 2011.

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

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

7. Bay Area Air Quality Management District. *Recommended Methods for Screening and Modeling Local Risks and Hazards.* May 2011.

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

9. City of San Jose, *Revised Guidelines for Historic Reports*, February 26, 2010.

10. *Evaluation of Project Conformance with the City of San Jose Greenhouse Gas Reduction Strategy.*

11. *Phase I Environmental Site Assessment, September 16, 2014*

12. *Flood Insurance Rate Map. June 18, 2009 (FEMA)*

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

14. California Department of Forestry and Fire Protection. *Santa Clara County FHSZ Map.* November 6, 2007. Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php. Accessed August 2015.

15. Santa Clara Valley Transportation Authority. *Congestion Management Program Transportation Impact Analysis Guidelines*. Updated March 29, 2004.

16. City of San José. *San José Bike Plan 2020.* November 17, 2009.

17. Santa Clara Valley Transportation Authority. *Congestion Management Program.* October 2013.

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City of San Jose, San Jose Downtown Strategy Plan, Final Environmental Impact Report, November 29, 2005. Accessed online: http://www.sanjoseca.gov/DocumentCenter/View/2219

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Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act, Air Quality Guidelines, Updated May 2012.

Bay Area Air Quality Management District (BAAQMD), Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011.

City of San Jose, Revised Guidelines for Historic Reports. February 26, 2010. Including Historical Evaluation Criteria, Historical Evaluation Sheet ("checklist"). Accessed online: http://www.sanjoseca.gov/DocumentCenter/Home/View/668

California Department of Conservation. *Santa Clara County Important Farmland 2010 Map*, published June 2011. Accessed online (on 09-26-14): ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/scl10.pdf

SECTION 5.0 AUTHORS AND CONSULTANTS

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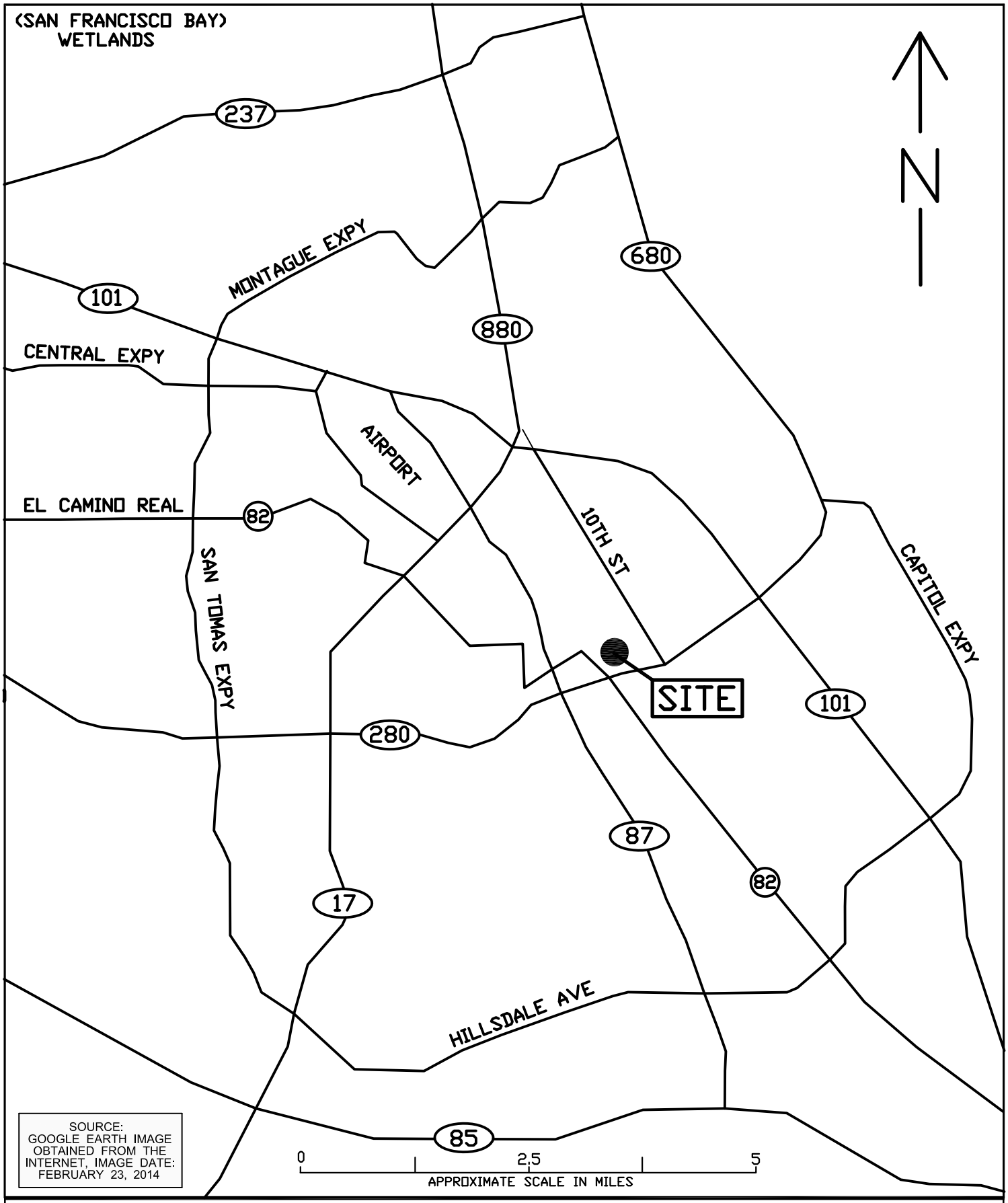
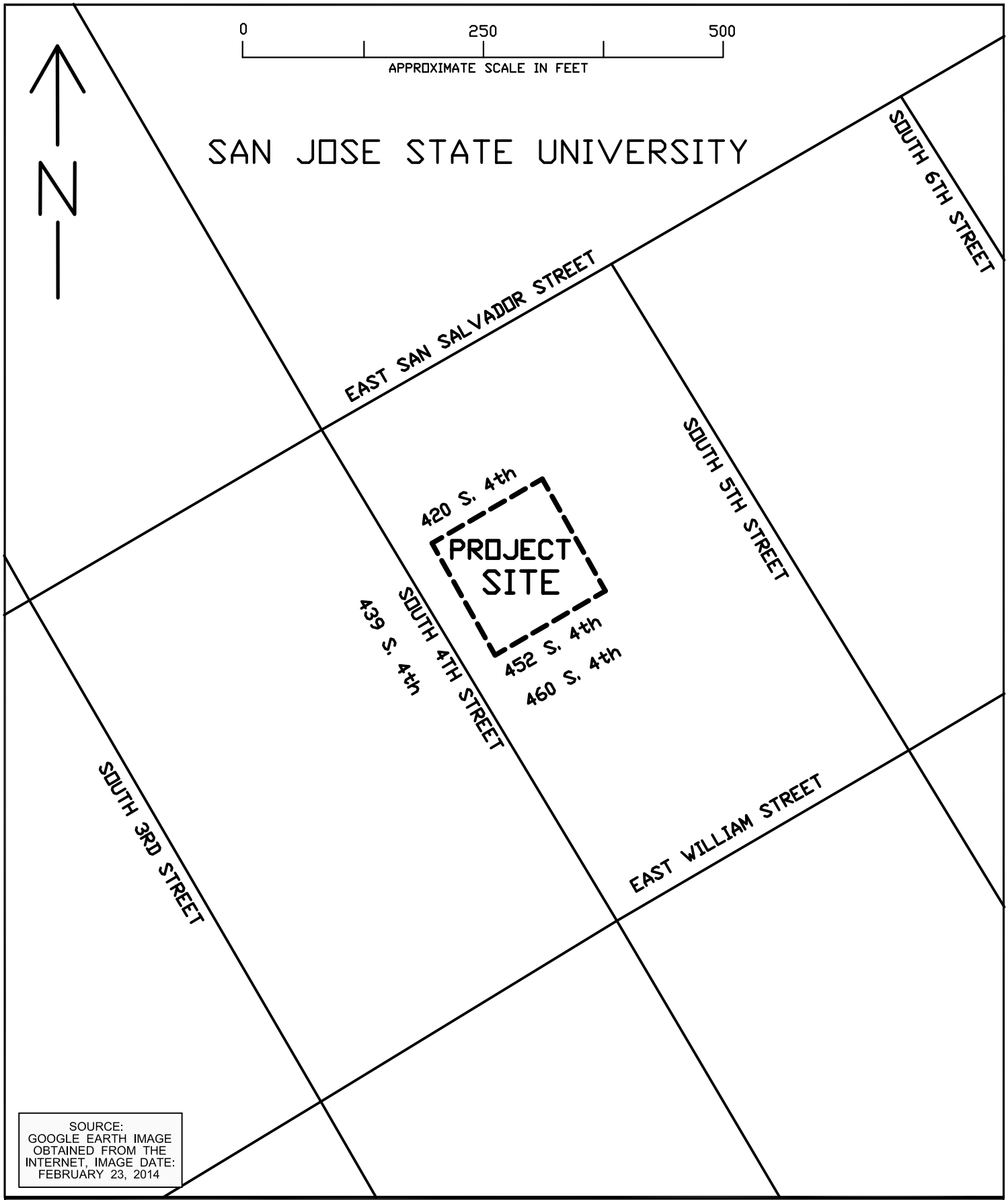
FIGURES



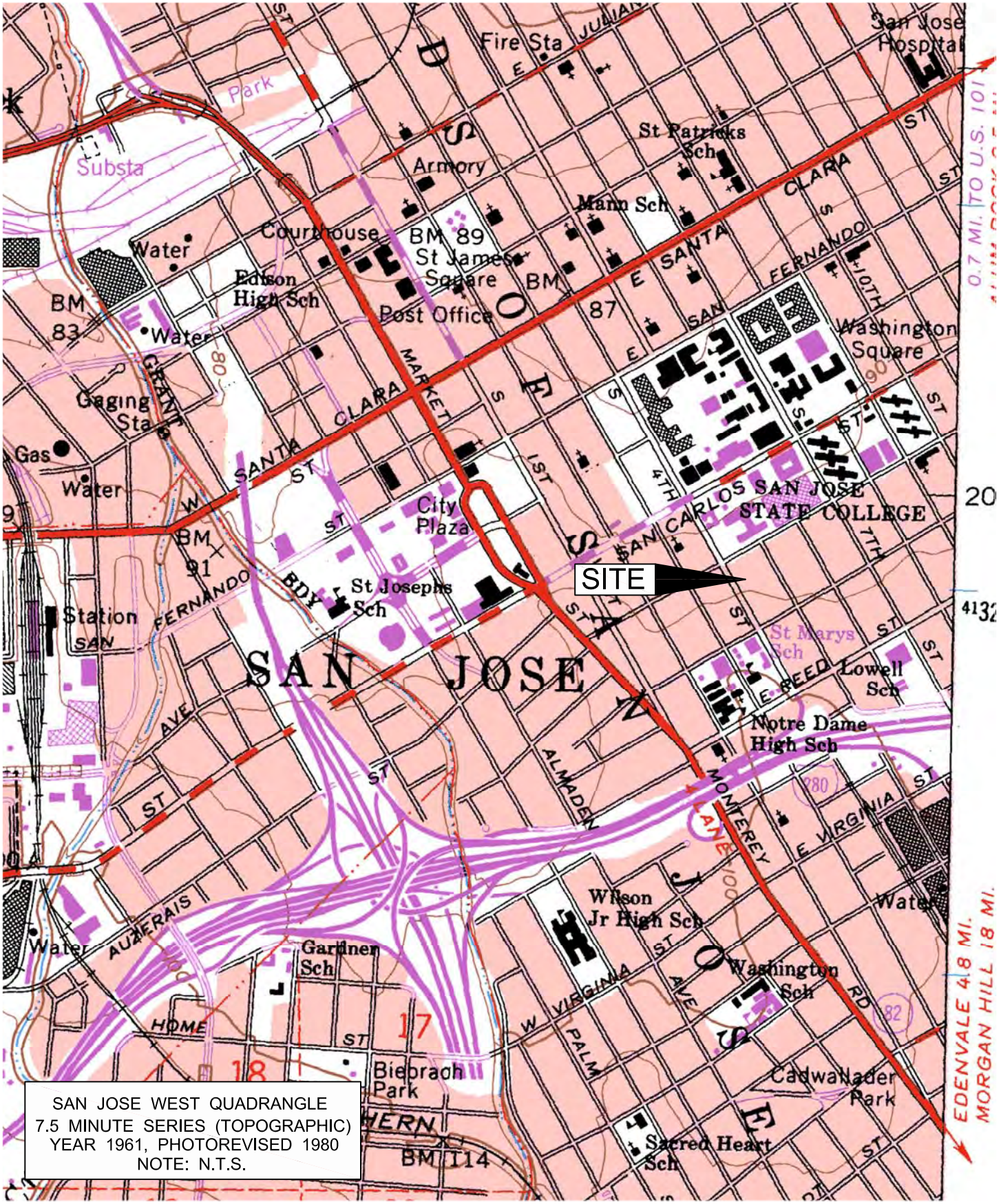
REGIONAL MAP

IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 1



VICINITY MAP

IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 2



SAN JOSE WEST QUADRANGLE
7.5 MINUTE SERIES (TOPOGRAPHIC)
YEAR 1961, PHOTOREVISED 1980
NOTE: N.T.S.

VICINITY MAP, TOPOGRAPHIC BASE

IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 3

AERIAL MAP, SITE & VICINITY

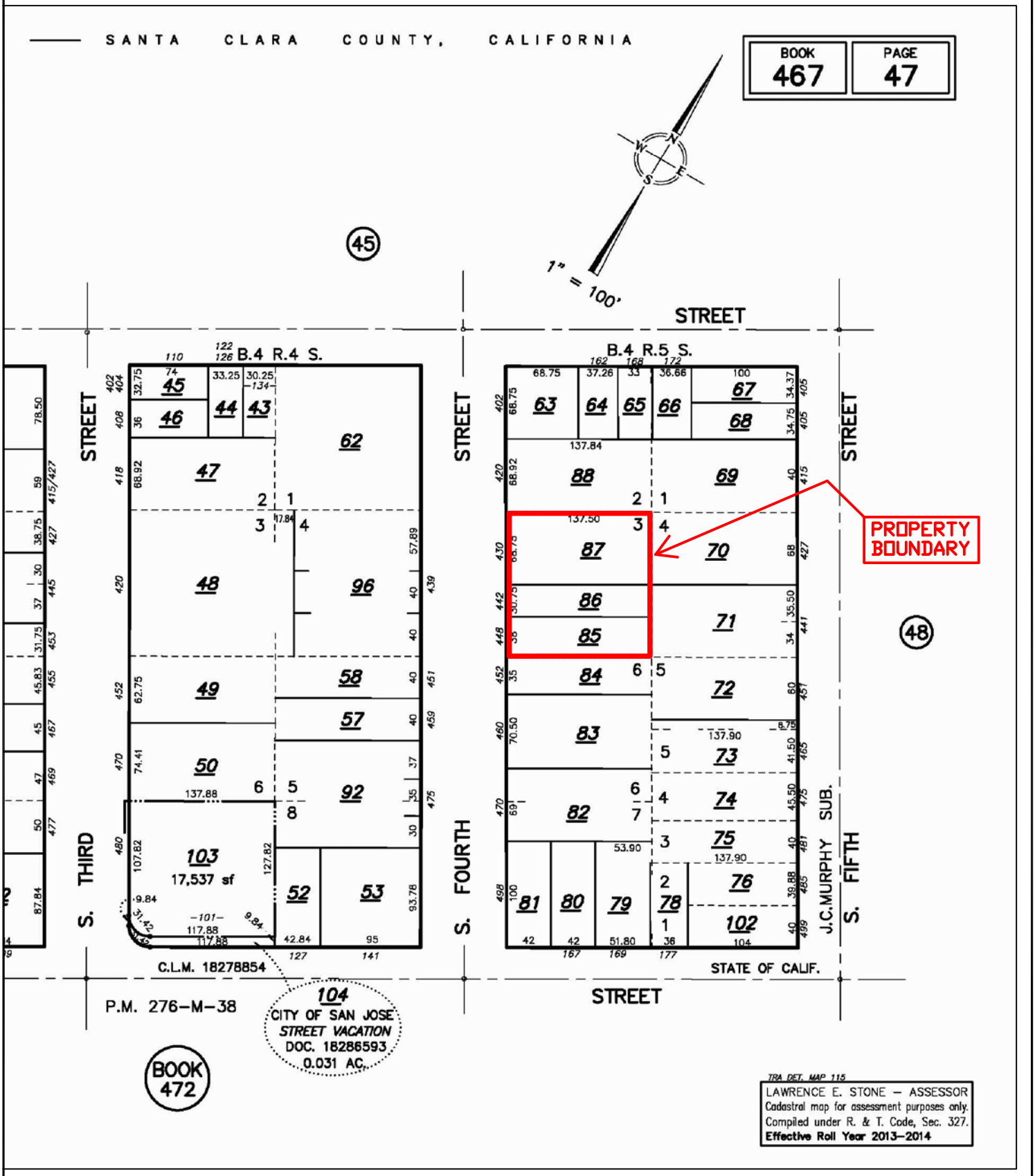
IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 4

SOURCE:
GOOGLE EARTH IMAGE
OBTAINED FROM THE
INTERNET, IMAGE DATE:
FEBRUARY 23, 2014

NOTE: NOT TO SCALE
NORTH ARROW APPROXIMATE

AERIAL MAP, SITE

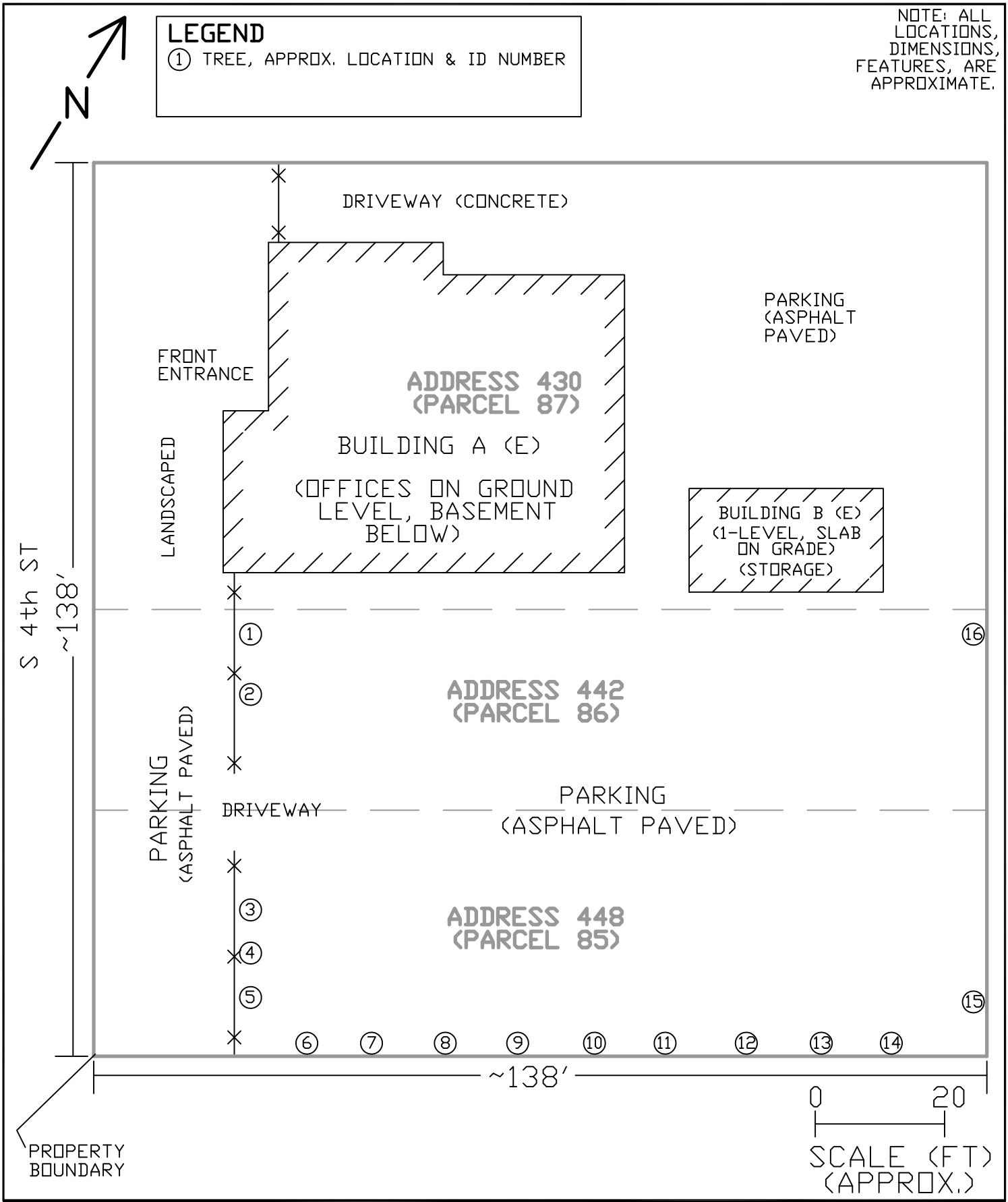
IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 5



NOTE: LEFT SIDE OF APN MAP NOT SHOWN

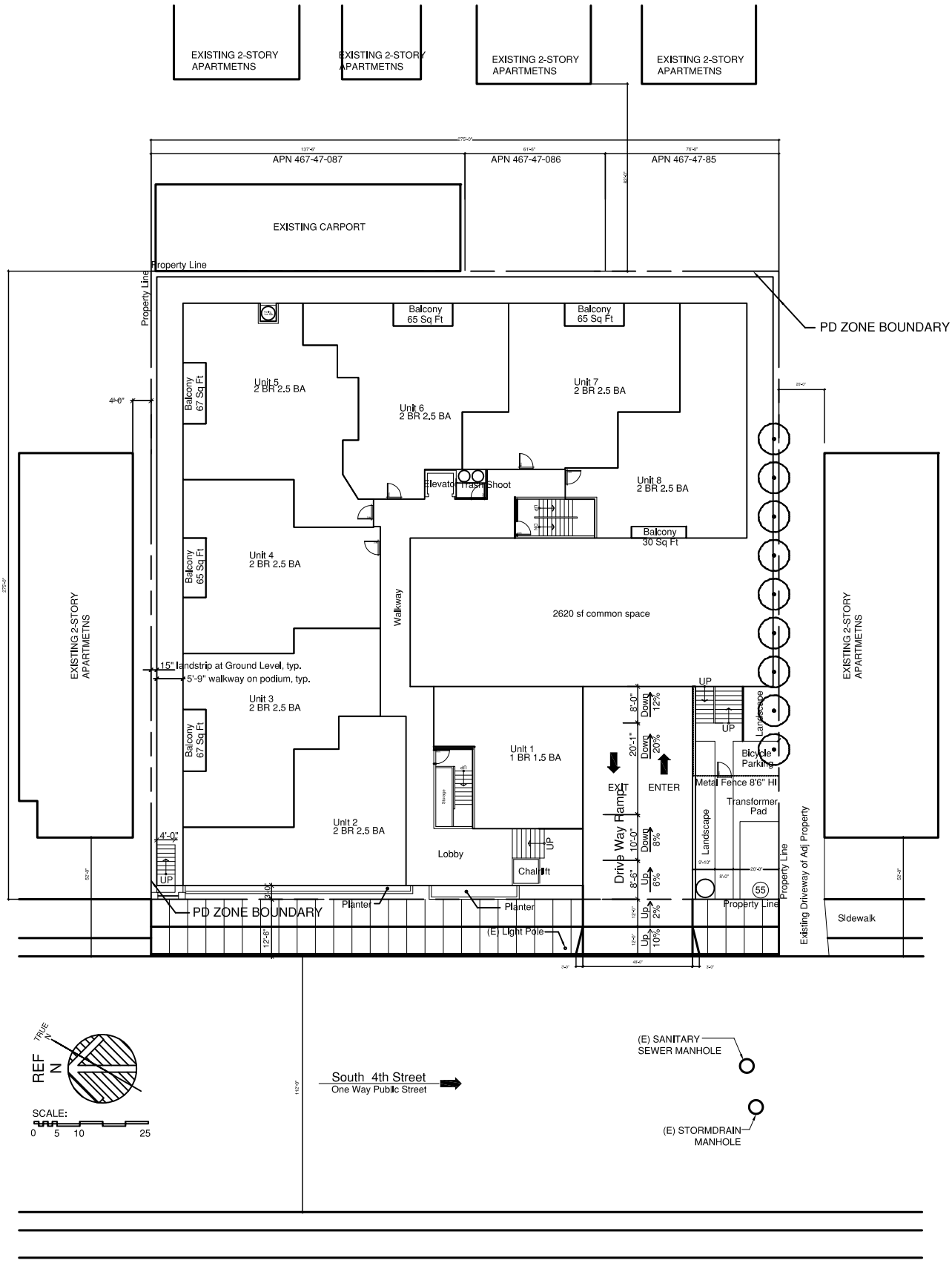
APN MAP

IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 6



SITE PLAN, EXISTING BUILDINGS, TREES

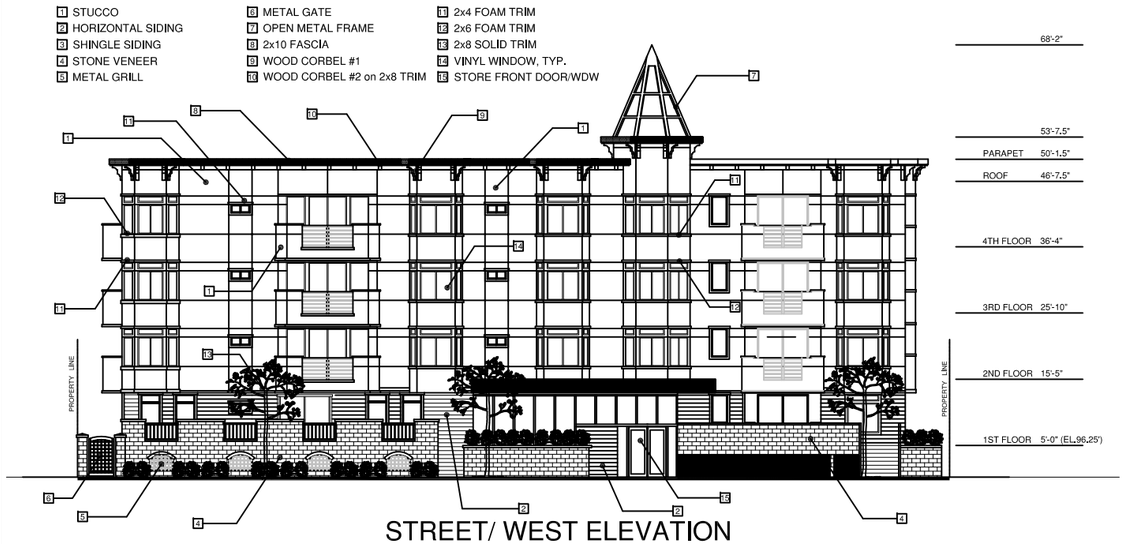
IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 7



SOURCE: SHEET 3, REV. 02-18-2014, LOCK PROPERTIES, LLC

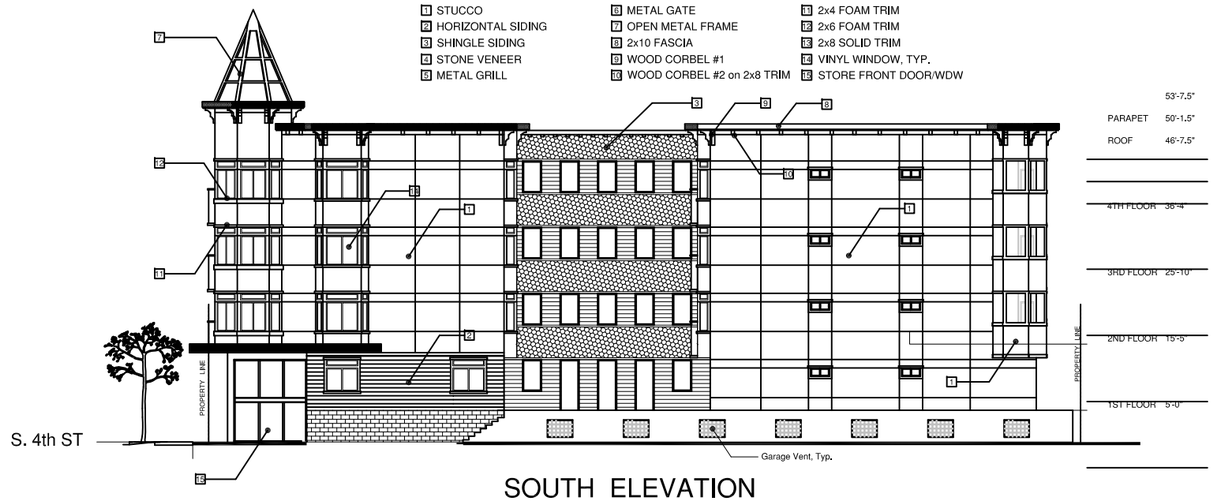
CONCEPTUAL SITE PLAN

IRC ENVIRONMENTAL CONSULTING 430 SOUTH 4th STREET SAN JOSE, CA 95112 (408) 313 - 9376	INITIAL STUDY 430, 442, 448 SOUTH 4th STREET SAN JOSE, CALIFORNIA	FILENAME: 3219 DATE: rev 08-2015 CHECK BY: BB DRAWN: BB	FIGURE: 8



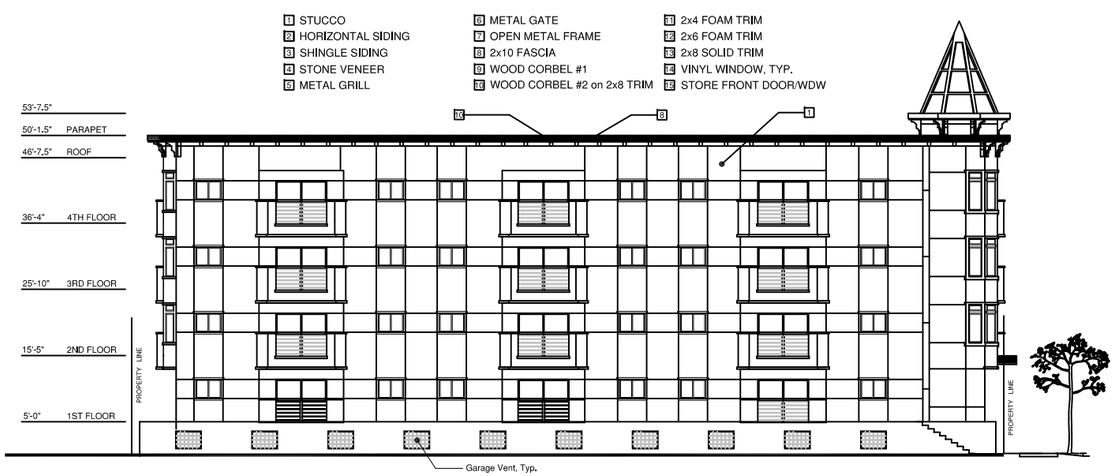
STREET/ WEST ELEVATION

SOURCE: SHEET 5c, REV. 02-18-2014, LOCK PROPERTIES, LLC



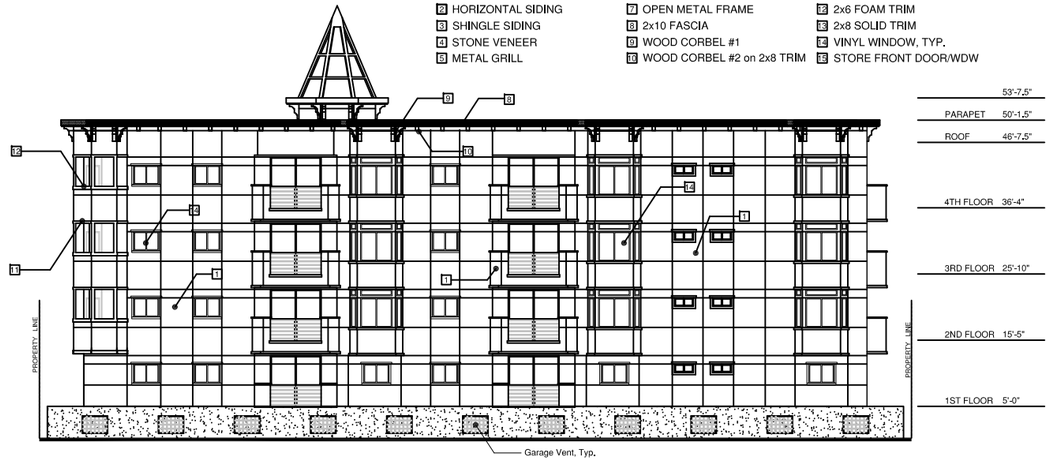
SOUTH ELEVATION

SOURCE: SHEET 5d, REV. 02-18-2014, LOCK PROPERTIES, LLC



NORTH ELEVATION

SOURCE: SHEET 5e, REV. 02-18-2014, LOCK PROPERTIES, LLC



EAST ELEVATION

SOURCE: SHEET 5f, REV. 02-18-2014, LOCK PROPERTIES, LLC

ELEVATIONS

IRC ENVIRONMENTAL CONSULTING
430 SOUTH 4th STREET
SAN JOSE, CA 95112
(408) 313 - 9376

INITIAL STUDY

430, 442, 448 SOUTH 4th STREET
SAN JOSE, CALIFORNIA

FILENAME:	3219
DATE:	rev 08-2015
CHECK BY:	BB
DRAWN:	BB

FIGURE:
9

TABLES

Table 1

Summary of Existing Trees
City of San Jose File No. PDC12-022
Project Site: 430, 442, 448 South 4th Street, San Jose, California

Tree ID No.[1]	Scientific Name	Common Name	Size[2]	Condition[3]	Status[4]
1	Lagerstroemia Muskogee		5	Fair	Remove
2	"		4	Fair	Remove
3	"		3	Fair	Remove
4	"		3	Fair	Remove
5			4	Fair	Remove
6	Cupressus Sempervirens	Italian Cypress	11	Good	Remove
7	"	"	4	Good	Remove
8	"	"	12	Good	Remove
9	"	"	12	Good	Remove
10	"	"	12	Good	Remove
11	"	"	12	Good	Remove
12	"	"	13	Good	Remove
13	"	"	13	Good	Remove
14	"	"	13	Good	Remove
15			4	Poor	Remove
16			15	Poor	Remove

Numeric Notes:

1. Tree ID Number is the approximate location of the tree on the project site and corresponds to Figure 7.
2. Diameter of Trunk in Inches, Measured from 24 inches above natural grade.
3. Condition: Good, Fair, or Poor.
4. Status: Remove or Retain.

APPENDICIES

APPENDIX A

Photograph No. 1, Project Site, South 4th Street in foreground, 420 S. 4th on left.

Photograph No. 2, Project Site, 420 S. 4th on left.

Photograph No. 3, Project Site, Front Entrance to main building (Bldg. A).

Photograph No. 4, Project Site, South 4th Street in foreground, 420 S. 4th on left.

Photograph No. 5. 420 South 4th Street, Project Site on right.

Photograph No. 6, 452 South 4th Street, Project Site on left, 460 S. 4th on right.

Photograph No. 7, 460 South 4th Street.

Photograph No. 8, 439 South 4th Street, opposite side of street from Project Site.

APPENDIX B

NOTE:

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA) REPORT, CONVEYEYED SEPARATELY

APPENDIX C

STREET TREES

* PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX
* PLATANUS ACERIFOLIA YARWOOD	LONDON PLANE TREE	24" BOX
* PRUNUS SERRULATA KWANZAN	FLOWERING CHERRY	24" BOX

ACCENT TREES

ARBUTUS MARINA	STRAWBERRY TREE	24 BOX
LAGERSTROEMIA I. MUSKOGEE	PURPLE CRAPE MYRTLE	24 BOX
LAGERSTROEMIA INDICA	CRAPE MYRTLE	24 BOX
PRUNUS CERASIFERA KRAUTER VESUVIUS	PURPLE LEAF PLUM	24 BOX

SCREEN TREES

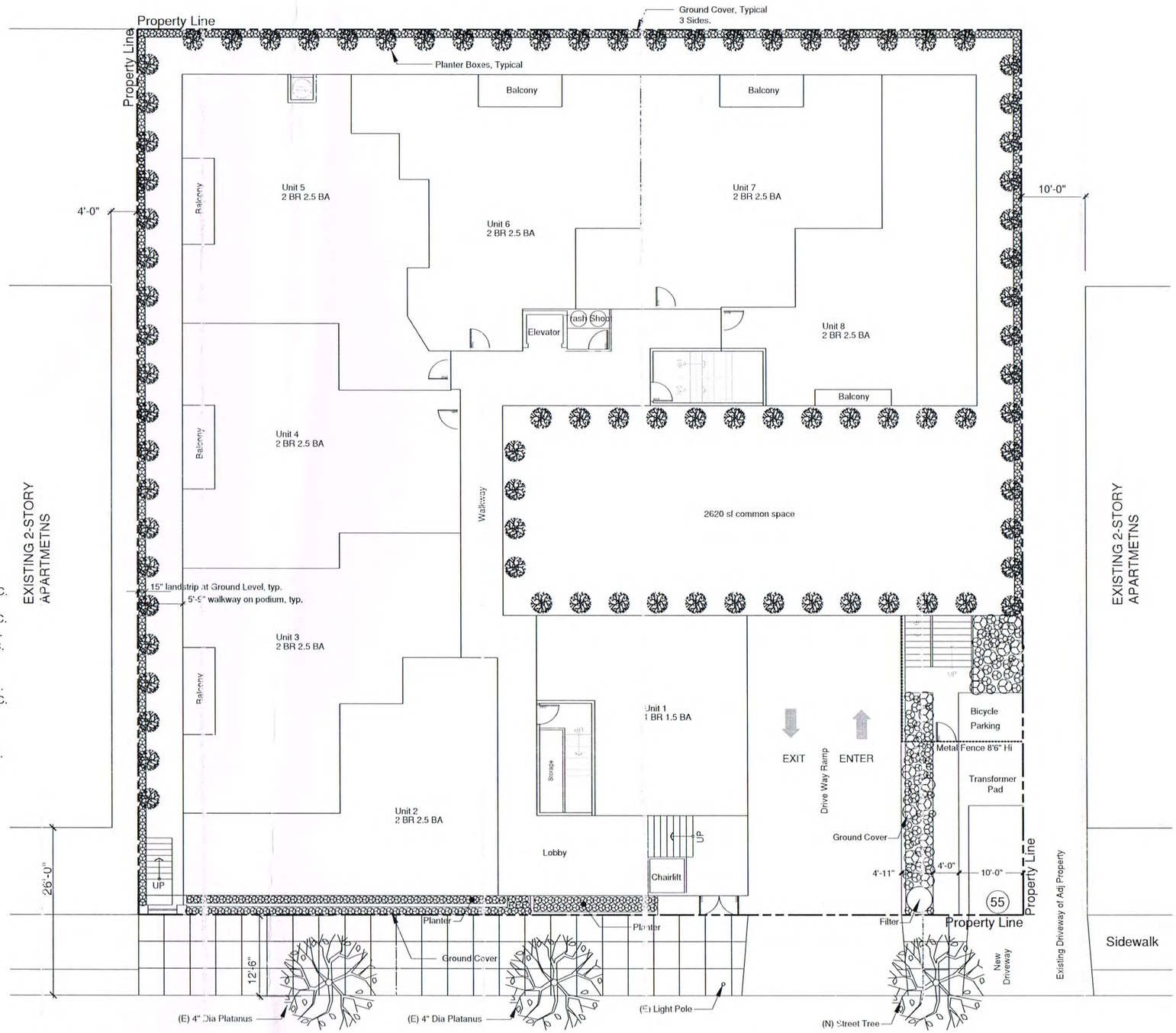
LOPHOSTEMON CONFERTUS	BRISBANE BOX	15GAL/24" BOX
METROSIDEROS EXCELSUS	NEW ZEALAND CHRISTMAS TREE	15GAL/24" BOX

PODIUM TREES

LAGERSTROEMIA I. MUSKOGEE	PURPLE CRAPE MYRTLE	24 BOX
LAURUS NOBILIS	SWEET BAY	24 BOX

SHRUBS/ GROUNDCOVERS

RHAPHIOLEPIS INDIA	INDIAN HAWTHORN	
COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	5 GALLON 4 OC.
DIETES VEGETA	FORTNIGHT LILY	
DUCHESNEA INDICA	INDIAN MOCK STRAWBERRY	FLAT
ESCALLONIA NEWPORT DWARF		
FESTUCA GLAUCA	COMMON BLUE FESCUE	
PHORMIUM TENAX	FLAX	
GARDENIA SP.	GARDENIA	5 GALLON 3 O.C.
GREVILLEA SP.	GREVILLEA	5 GALLON 4 OC.
HEMEROCALLIS HYBRIDS	EVERGREEN DAYLILLY	5 GALLON 2 0G.
AGAPANTHUS AFRICAN		
HEUCHERA SPP.		
CAREX TESTACEA		
MAHONIA A. COMPACTA	DWARF OREGON GRAPE	5 GALLON 3 O.C.
CORREA DUSTY BELLS		
NANDINA D. HARBOR DWARF	HARBOR DWARF NANDINA	5 GALLON 2 O.C.
NANDINA D. GULF STREAM	GULF STREAM NANDINA	5 GALLON 2 0G.
NEPETA SIX HILLS GIANT	CAT MINT	5 GALLON 2 O.C.
TRACHELOSPERMUM ASIATICUM	ASIAN STAR JASMINE	
PHOTINIA FRASERII	PHOTINIA	5 GALLON 5 OC.
PITTOSPORUM T. VARIEGATA	VARIEGATED PITTOSPORUM	5 GALLON 5 0.C.
PITTOSPORUM T. WHEELERS DWARF	DWARF PITTOSPORUM	5 GALLON 3 D.C.
PODOCARPUS M. MAKI	YEW PINE	15 GALLON 6 0G.
POLYSTICHUM MUNITUM	SWORD FERN	
RUMOHRA ADIANTIFORMIS	LEATHERLEAF FERN	5 GALLON 3 0G.
SCAVEOLA MAUVE CLUSTERS	SCAVEOLA	1 GALLON 3 D.C.
SPIRAEA JAPONICA	SPIRAEA	5 GALLON 4 O.C.



LOCK Properties, LLC
430 South 4th Street
San Jose, CA 95112

PDC12-022
General Development Plan - Exhibit C

430 SOUTH FOURTH
SAN JOSE, CALIFORNIA

APN 467-47-085,086 and 087

Date: 08-08-2012

Revisions:
1 11/2/2012 Revised to 22 units Cluster
2 5/6/2013 Revised to 31 units over Underground Parking
3 2/18/2014 Revised to 32-unit Condos Over Podium 5' above Ground.

Drawing Title
CONCEPTUAL LANDSCAPE ARCHITECTUAL PLAN

Sheet No.
6

APPENDIX D

HISTORIC REPORT

Prepared according to the City of San José Revised Guidelines for Historic Reports (2/26/10)

For the property located at

430 South Fourth St., San José, Santa Clara County, California

APN 467-47-087

Prepared for

Chien Lee
430 South Fourth St.
San Jose, CA 95112

Prepared by

ARCHIVES & ARCHITECTURE, LLC
PO Box 1332
San José, CA 95109
(408) 297-2684
Franklin Maggi, Architectural Historian

November 25, 2014

DOCUMENT TYPE: Summary Cover Letter

To: Chien Lee
430 South Fourth St., San Jose, CA 95112

Re: 430 South Fourth St.
San José, Santa Clara County, California
Chien Lee, Project Applicant

From: Franklin Maggi, Architectural Historian
Archives & Architecture, LLC
PO Box 1332, San José, CA 95109

Date: November 25, 2014

Dear Mr. Lee:

Please find attached documents comprising a historic report, prepared for the property located at 430 South Fourth St. in San José. This report was prepared for your use in a submittal for development entitlements associated with the subject property. According to the tentative project proposal submitted to the City of San José, the proposed development of the site, consisting of three parcels, will allow for the construction of a residential building of up to 31 units on 0.434 gross acres (PDC12-022). The project includes the demolition of the existing office building and related storage structure on the most northerly parcel of the site. The property is located on the east side of South Fourth Street south of East San Salvador in San José's East Downtown Frame. The site is located within an area designated as Urban Residential in the San José General Plan 2040. The building has been the subject of permit applications and entitlements with the City of San José since its construction in 1950.

A historic report is a survey and evaluation that is used to determine the significance of historic buildings, structures, sites, or objects. The survey contains a description of the historic property as well as information about its historical background and the surrounding area. The evaluation within this report is based on specific historic evaluation criteria that have been developed for the City of San José, as well as that of the California Register of Historical Resources, and the National Register of Historic Places.

A historic report may be deemed necessary by the City of San José to determine the potential significance of a historic property, and how a proposed project will affect its significance if applicable. The Department of Planning, Building and Code Enforcement (PBCE) sometimes requires an applicant to hire a qualified historical consultant to prepare a historic report when a project has the potential to affect a historic resource which is (1) either listed, or eligible for listing, on the National Register of Historic Places or the California Register, or (2) designated or eligible for designation as a City Landmark.

The Department of PBCE also uses a historic report to determine whether a property is eligible for listing on the City of San José Historic Resources Inventory, and also if the property is potentially eligible for designation as a City Landmark. Attached to this report are DPR523 series forms, which outline the history, record the property characteristics, and evaluate the property's potential for historical significance. Also attached is a completed Historic Evaluation Rating Sheet prepared according to the Historic Report Guidelines that are used to determine if the property is eligible for listing on the Historic Resources Inventory. The bibliography, which meets the City's requirement for a checklist of sources consulted, is embedded in the DPR523 series forms, as well as photos that visually define the character-defining features of the property.

The documents within this Historic Report are used a reference by the Department of PBCE of the City of San José to determine whether a project will result in a significant impact to historic resources. A project will have a significant effect on historic resources if it would demolish, or substantially alter, a historic resource which is (1) either listed, or eligible for listing, on the National Register of Historic Places or the California Register of Historical Resources or (2) designated or eligible as a City Landmark. It is the responsibility of the Department of PBCE to make a determination as to whether a project will have a significant impact on a potential resource under the California Environmental Quality Act (CEQA).

If a project will not have a significant effect on the environment, the Department of PBCE will issue a Negative Declaration or other determination. Conversely, the Department of PBCE will require the preparation of an Environmental Impact Report (EIR) if it determines that the project will have significant effect on the environment.

Below is a summary of our investigation and findings:

The attached DPR523 forms dated November 25, 2014, which we prepared, documents the historical and architectural aspects of the property and associated buildings known historically in San Jose as the Veterans of Foreign Wars Hall and Memorial Building. The site is presently used for offices. The parcel is located within the original limits of the City of San José in Santa Clara County, in an area that is now called the East Downtown Frame. Prior to 1950, when the extant Hall building was constructed, the site had been occupied by residential buildings. The Hall building was constructed at that time on the northerly parcel, and later the two residential buildings on the two southerly parcels were removed and the area paved for parking. The Hall, owned previously by the Veterans of Foreign Wars Halls Association, was occupied over the years by various veteran's groups, trade organizations, and social organizations.

The Veterans of Foreign Wars Hall site was surveyed as part of the East Downtown Frame Historic Resources Survey conducted by Architectural Resources Group (ARG) for the City of San Jose in 2002, although it was not identified or recorded as a historic resource at that time. The VFW Hall building has not been previously evaluated as a part of any other local, state, or national survey of historic resources.

The attached DPR523 series forms constitute a new (first time) recording for the property. The parcel that makes up the project area has not been previously recorded on, any local, state, or

national registers. **We indicated in the DPR523 series forms that the building on this property does not appear to qualify for listing on the California or National Registers; and that the evaluation performed according to the City of San José historic evaluation-rating system resulted in a point score of 48.59, and therefore would qualify for listing on the City's Historic Resources Inventory. The building however does not appear to meet the eligibility criteria for designation as a San José Historic Landmark.**

While the building does retain some important associations with an important social group of veterans in the post-World War II period, the building in itself does not exemplify this association in a way that demonstrates the City's cultural, economic, social or historic heritage. The building's character does not appear to relate directly to or maintain important associative values that are related to the important contributions that the veterans' organizations have had in San Jose and Santa Clara County. These organizations, of which there are many locally, continue to contribute to the community into the present, but their physical locations are diverse, and the locations appear to be unrelated to the important role that these organizations play in modern society.

The interiors of the buildings were not viewed or evaluated as a part of this investigation. Interiors have not been a part of the City's evaluation rating system since the revised Guidelines were published in early 2010.

The DPR523 forms that are attached to this Summary Cover Letter contain a historical background of the property, historical context of the study area, and facts regarding ownership, construction dates, occupants, and uses of the property. The forms also include a description of the property, including style, defining features, condition, and exterior photographs. An evaluation for significance is also included in the forms. There is no potential that the property might contribute to a district comprised of similar resources in the area, as the property is inconsistent with the character of the neighborhood, which is predominately residential.

An impacts analysis was not conducted, as the property is not historically significant according to the minimum requirements for listing on the California Register of Historical Resources or as San José City Landmark. As previously noted, the score according to the City's Evaluation Rating System indicate that the property would qualify for listing on the City of San José Historic Resources Inventory.

Sincerely,

Franklin Maggi, Architectural Historian*

*Franklin Maggi meets the Secretary of the Interior's qualifications to perform identification, evaluation, registration, and treatment activities within the field of architectural history in compliance with state and federal environmental laws, as outlined in the criteria under 36 CFR Part 61.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code Reviewer Date

 ***Resource Name or #:** (Assigned by recorder) Veterans of Foreign Wars Hall

P1. Other Identifier: Veterans of Foreign Wars Memorial Building

***P2. Location:** ☐ **Not for Publication** ☒ **Unrestricted** ***a. County** Santa Clara
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** San Jose East **Date** 1980 photorevised **T**7s; **R**1e; Mount Diablo **B.M.**
c. Address 430 South Fourth St. City San Jose Zip 95112
d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 599030mE/ 4132200mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
Assessor's Parcel Number: 467-47-087
east side of South Fourth Street south of East San Salvador Street.

***P3a Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Veterans of Foreign Wars Hall (VFW) building, now under private ownership and converted to an office building, is a one-story over basement, Mid-century Modern design associated with infill development in San Jose's East Downtown Frame during the post-World War II period. Located in a residential area of mixed density housing south of San Jose State University, the building is a modest representation of the Modern design type, and is characterized by materials common to local commercial design during the emerging urbanization of San Jose. The building is minimally embellished, and clad in typical materials of the period such as stucco, masonry block and brick wainscot, and metal framed windows. Modern designs by local architects in San Jose during this period can be recognized by their horizontal compositions, flat roofs, corner windows, and interplay of simple volumes.

(Continued on page 2, DPR523L)

***P3b. Resource Attributes:** (List attributes and codes) HP13. Community center/social hall

***P4 Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5b. Description of Photo: (View, date, accession #)
Front façade viewed facing east, November 2014.

***P6. Date Constructed/Age & Sources:**
☒ Historic ☐ Prehistoric ☐ Both
1950, 64 years old, building permit.

***P7. Owner and Address:**
Chien Lee
430 South Fourth St.
San Jose, CA 95112

***P8. Recorded by:** (Name, affiliation, and address)
Franklin Maggi
Archives & Architecture
PO Box 1332
San Jose CA 95109-1332

***P9. Date Recorded:** Nov. 26, 2014

***P10. Survey Type:** (Describe)
Intensive

***P11. Report Citation:** (Cite survey report and other sources, or enter "none".)
None.

***Attachments:** ☐ NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling State Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (List)

(Continued from page 1, DPR523a, P3a Description)

The subject property is a large half-acre site containing the subject hall building and small ancillary storage building to its rear next to a small original parking area, and a larger parking area added during the 1960s to the south of the hall building. The surrounding area encompasses a variety of residential buildings, including large apartment complexes located across South Fourth Street and further along the block to the south of the subject property. The larger buildings are of the same vintage as the hall building, and reflect an expansion period of the South Campus area when many older houses were removed and replaced with larger rental housing structures. During this mid-century period, social halls were allowed by right under San Jose's zoning code in multi-family designated areas such as the South Campus area.

The building is generally square in shape with a small setback at the entry where a set of wide concrete steps lead to the raised floor level of the main hall area. To the rear of the entry is a small office area, and entry into a large room that served as the general assembly area. A rear door is located along a jog in the north elevation providing exiting from the office area, and a secondary access to the assembly area is located at the northeast corner of the building, where a narrow set of steps lead to a single rear door. The rear doors are of simple slab design. At the rear elevation, the entry is accessed by a steel framed base and steps which is framed by metal tube railings. At the opposite side of the rear elevation is a similarly detailed access to the basement rooms.

The main hall building has a low-slope hipped roof and is stucco-clad. Use of masonry block foundation walls is evident in the basement area. The brick wainscot at the front is a common brick facing found on Minimal Tradition designs of the period. A brick volume bumps out at the southwest corner to create a wrap at the corner. The windows that punctuate the walls are metal framed and appear all to be original. They vary in size, although most are operable casement with some fix panes on the larger units. Security meshes have been added to most of these windows at the main hall level. The front entryway doors have been replaced.

The plane of the roof appears to extend out flat into the eaves, creating the horizontal profile of the building. The outer edges of these eaves have slanted fascias of wood and stucco soffits underneath. The exception to this pattern is the entry canopy that thinly projects out from the porch. This canopy has vertical wood fascias and is supported by think metal tube posts.

The rear ancillary building is a simple rectangle and is more vernacular in design. It has a hipped roof, stucco walls, metal windows, and two simple slab doors.

Site paving for parking and circulation fills much of the open site, although the front setback is landscaped with lawn and foundation shrubbery. The remaining portions of the site lack landscaping features except for some bushes along the front metal fence. A metal entry gate and fencing protects the site from access after-hours. The site has a small pole monument sign near the entry that once provided identification of the use.

The site is in fair condition, with few exterior renovations to the original design.

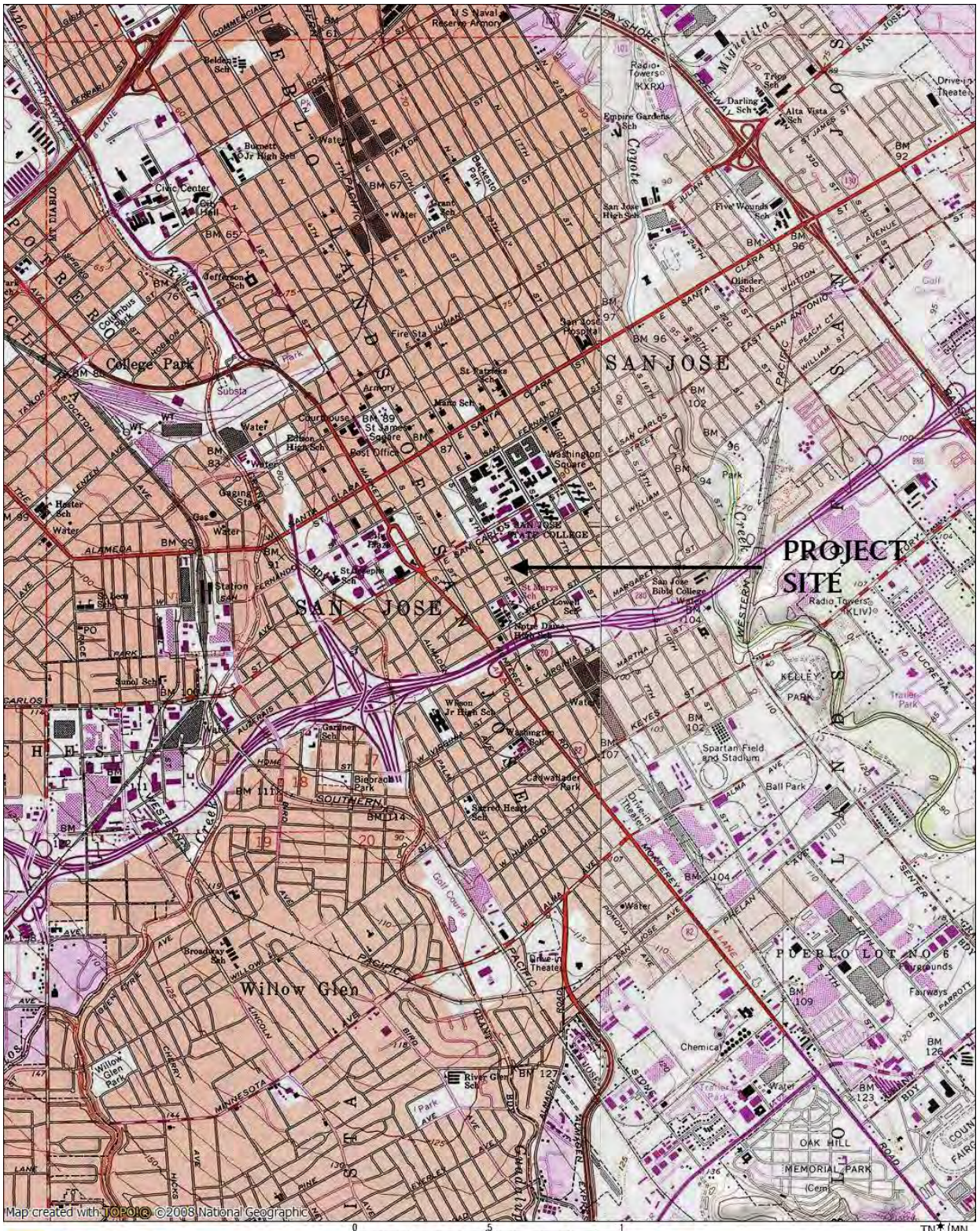
Integrity and character-defining features:
The VFW Hall building has integrity to its original design and character per the National Register's seven aspects of historical integrity. It maintains its original location in a residential area – many of the surrounding properties were redeveloped in the same time period as the hall building. The building has integrity to its modest mid-century design, including its horizontal style, simple building volumes, and stucco cladding. The building includes original brick veneer against stucco walls that represents mid-century workmanship, but the remainder of the building is comprised of repetitive materials, so the workmanship is unremarkable in general. The windows are mostly original, but the front entryway has been replaced. The building maintains it original scale, and feeling associated with a social hall from the post-World War II period.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI #
Trinomial

 ***Resource Name or #** (Assigned by recorder) Veterans of Foreign Wars Hall

***Map Name:** USGS 7.5' San Jose West and East composite ***Scale:** n.t.s. ***Date of Map:** 1980 photorevised



* Required information

BUILDING, STRUCTURE, AND OBJECT RECORD

 ***NRHP Status Code** 6z

***Resource Name or #** (Assigned by recorder) Veterans of Foreign Wars Hall

B1. Historic Name: Veterans of Foreign Wars Hall
B2. Common Name: None
B3. Original use: Social hall B4. Present Use: Offices
***B5. Architectural Style:** Modern
***B6. Construction History:** (Construction date, alterations, and date of alterations)

Constructed 1950 (San Jose Building Permit #10067). Modified for offices in 1992 (San Jose Building Permit 83697) by JND Electronics for subsequent owner James R. Castellanos.

***B7. Moved?** ☒ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:**

Detached related storage building.

B9a Architect: Unknown b. Builder: M. L. Blanchfield
***B10. Significance:** **Theme** Social, Arts & Recreation **Area** East Downtown Frame (University SNI)
Period of Significance 1950-1990 **Property Type** Social Hall **Applicable Criteria** none
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The Veterans of Foreign Wars Hall Association, a non-profit organization of local Veterans of Foreign Wars (VFW) Posts 344 and 4236, was formed in 1946 to construct a Memorial Building and Post home. In 1947, the group acquired the most northerly parcel of the subject property for $7,000, now known as 430 South Fourth Street. They demolished an existing single family residence, then addressed as 432 South Fourth St., and constructed the existing building at 430 South Fourth St. in 1950, at a cost of about $20,000 with funds raised by their building committee headed by Commanders Edward Harris and Edwin Wetterstrom.

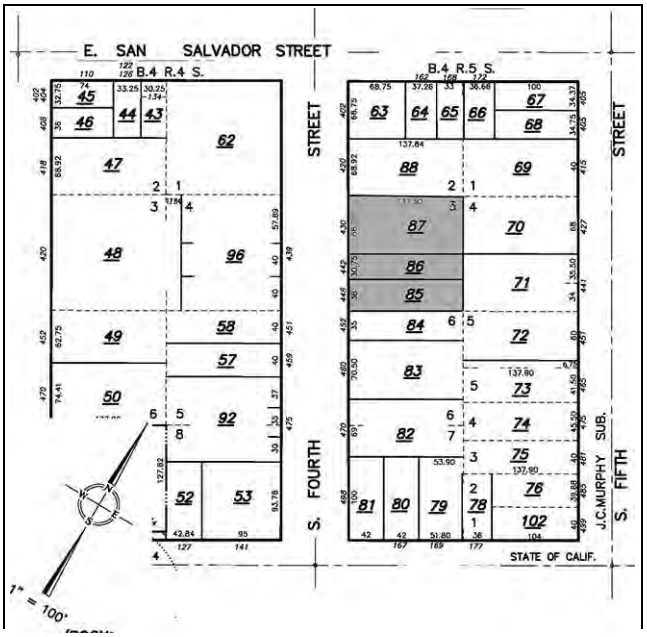
Sometime in the 1960s the site was expanded with the demolition of two residences to the south of the hall building, and a parking lot was constructed on these two lots to serve the use.

Today, the property continues to exist as three separate parcels. The building is used for offices. It was initially acquired from the VFW Hall Association in 1989, by Kenneth and Linda Orvick, and James R. Castellanos (SCC Official Records Book K973 Page 1726 and 1728, recorded June 2, 1989). Castellanos was responsible for converting the building to office uses in 1992. He sold the property to the current owner in 1995.

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) HP6. 1-3 story commercial building

Polk Company, San Jose City Directories, 1941-1978.
San Jose, City of, building permits.
San Jose Evening News, 10/16/1947.
Sanborn Fire Insurance Maps, 1939, 1950, 1962.
Santa Clara, County of, Official Records.
www.foursquare.org/about/history, accessed 11/18/2014.
www.vfw.org, accessed 11/18/2014.
Architectural Resources Group, *City of San Jose East Downtown Frame Historic Resources Survey*, 2002.



***B12. References:**

B13. Remarks: Proposed demolition

***B14. Evaluator:** Franklin Maggi

***Date of Evaluation:** 11/26/2014

(This space reserved for official comments.)

(Continued from previous page, DPR523b, B10 Significance)

The site of the building originally housed a single family residence. In the 1940s, the property was acquired by the Reverend Floyd J. Brock of the Four Square Gospel Church, a Pentecostal denomination founded in 1923, by Aimee Semple McPhereson in Los Angeles. Floyd and his wife had come to San Jose in the summer of 1940, and held their first tent meeting with the assistance of Dr. Myron Sackett, Foursquare Field Supervisor, and the Rev. Raymond Boatright. By the fall of 1940, services had been moved to the San Jose Women's Club building on South Eleventh Street, with prayer services held in the house on the subject property at 432 South Fourth St. By the end of World War II, the property had been acquired by Clarence E. and Helen Sheppard. Clarence was with the United States Marine Corps, and likely helped facilitate the purchase of the property by the VFW Hall Association. At that time, the VFW was being housed at 85 West San Carlos St. The VFW Posts were first organized in San Jose early on during the twentieth century.

America's first veterans' organizations formed after the Civil War, with the VFW following after the Spanish-American War of 1898. The American Legion was formed in 1919, which served the World War I Allied Expeditionary Forces, Disabled American Veterans in 1921, and Military Order of the Purple Heart in 1958. At the time of the acquisition of the property by the Veterans of Foreign War Hall Association, Veteran organizations in San Jose were served by various American Legion Posts and the two VFW Posts. In Santa Clara County, numerous veterans' organizations are served today under the Office of Veterans Services, including seven posts of the Veterans of Foreign Wars.

By the early fifties, the VFW hall served a number of veterans' organizations, including: The American Legion San Jose Post No. 89 and Auxiliary, Disabled American Veterans James O'Malley Chapter No. 148, VFW Hugh and Thomas Johnson Post No. 4236 and Auxiliary, Unknown Soldier Chapter No. 42 Military Order of the Purple Heart, VFW Hall Association, The VFW Randolph T Zane Post No. 344 and Auxiliary, and Veterans of Foreign Wars San Jose Nisei Memorial Post No. 9970. The latter two are still active in San Jose on Minnesota Avenue and at 565 North Sixth St., respectively.

Other non-military oriented social organizations were also located at the building, including Daughters of Scotts Bonnie Doon Lodge No. 209, Independent Order of Foresters Court Observatory No. 1128, Sons of Norway Nordahl Grieg Lodge No. 52, and Tricario Club men's Italian social club. Additionally some trade organizations also were headquartered in the building, including Typographical Union Auxiliary No. 145, and United Commercial Travelers of America San Jose Council No. 623. By the 1960s, a number of local Union organizations also located at the building at 430 South Fourth St.

The Veterans of Foreign Wars of the United States, Inc., the national affiliate organization of the local VFW posts, was formed in 1899 in Columbus, Ohio, by Spanish-American War veterans of the 17th regiment of Infantry, Ohio National Guard. The membership evolved to active or honorably discharged officers and enlisted citizens of the United States who have served in its military service "in any foreign war, insurrection or expedition, which service shall be recognized by the authorization or the issuance of a campaign medal." The national organization, now centered in Washington D.C., established a mission that aimed to ensure national security through maximum military strength, to speed the rehabilitation of disabled and needy veterans, to assist veterans' widows and orphans and the dependents of needy or disabled veterans, and to promote Americanism through education in patriotism and community service. During the twentieth century, the nationwide program was expanded to serve disabled veterans of all wars, members and nonmembers alike, in matters of government compensation and pension claims, hospitalization, civil-service employment preferences, etc.

The VFW has more than 10,000 local units, called "posts" of which Santa Clara County currently has seven. Of the primary VFW posts (344) and (4236) at the time of construction of the subject building, 344 still exists and is now located with the American Legion Post at 1054 Minnesota Ave. in San Jose's Willow Glen district.

(Continued on next page)

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Evaluation

The Veterans of Foreign Wars Hall was surveyed as part of the East Downtown Frame Historic Resources Survey conducted by Architectural Resources Group (ARG) for the City of San Jose in 2002, although it was not identified or recorded as a historic resource at that time. The VFW Hall building has not been previously evaluated as a part of any other local, state, or national survey of historic resources.

The subject property is not currently designated or listed on any local, state, or national registers, nor has it been previously identified as a part of any City of San Jose or County of Santa Clara historic property surveys.

There are no noteworthy historic personages or events connected with the property that would cause it to be historically significant based on such associations. The VFW Hall Association was an affiliate property holding organization of the local Posts of the Veterans of Foreign Wars, and is not a significant entity in itself. The Veterans of Foreign Wars however is a significant national organization, chartered to provide services for veterans and with a long history of social service in America since 1899. They appear to have first established at least one post in San Jose by the 1920s. While the organization continues to serve residents of Santa Clara County, they decommissioned this site over a quarter a century ago. No information was found that identifies this building itself as an important aspect to the organization's history of service locally.

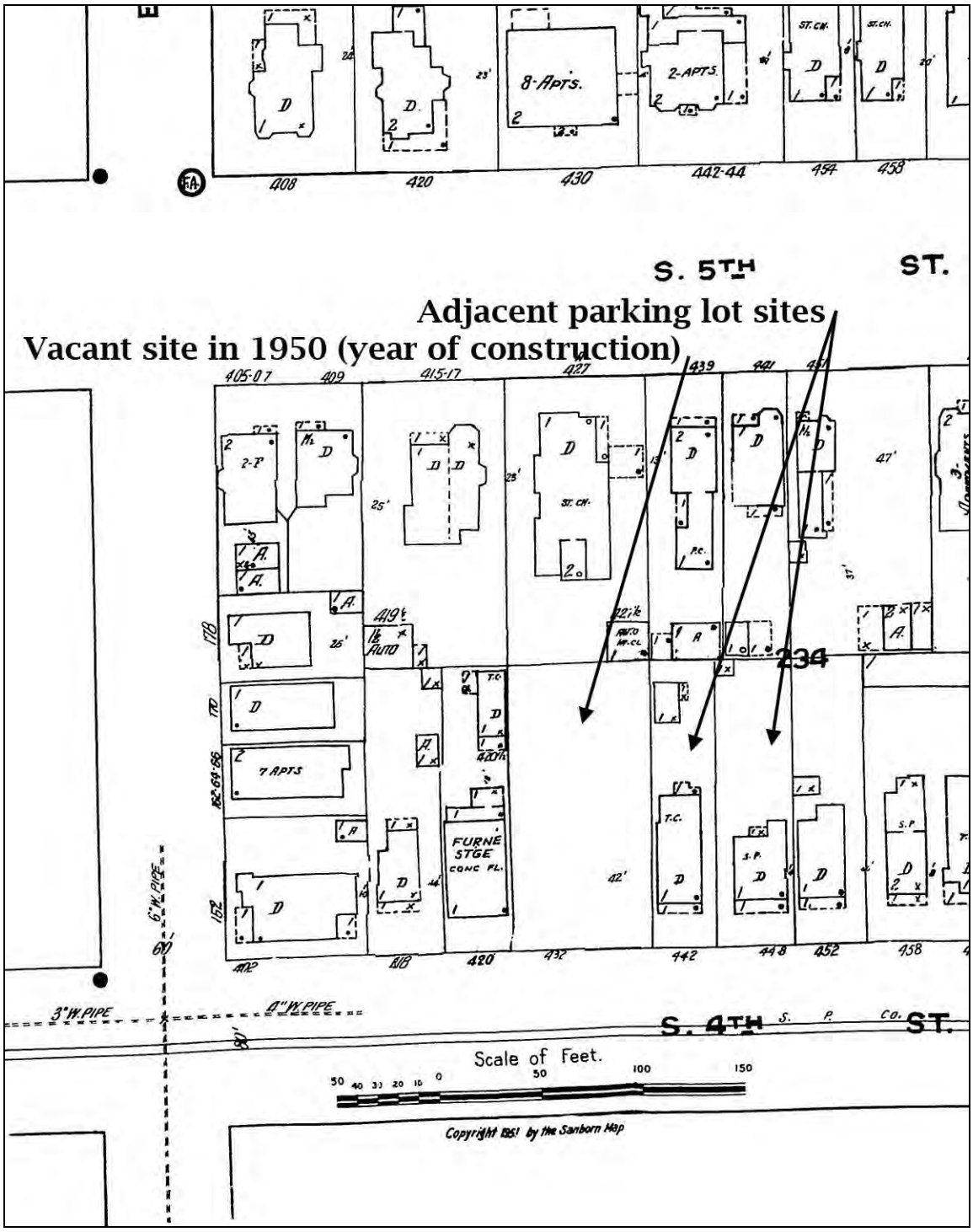
The architect of the hall building is not known, and could not be located in local building journals from the period of construction. The building is clearly architect designed, and is consistent with the work of local architects during the first decade after World War II.

Although there is a mix of residential uses in the immediate area, the neighborhood is characterized by a variety of ages, styles, and types of buildings. Development patterns indicate a period of growth in the South Campus area during the construction of this building. A preliminary visual assessment does not indicate an identifiable district of historic properties in the vicinity related to this pattern of development.

The hall building is not architecturally significant within the larger context of local post-World War II Mid-century Modern architecture. Although the original design indicates a regional adaption to the popular International Style in its use of expressed form and simple decoration, it is not a distinctive representation of this style. The character of the original design of the Veterans of Foreign Wars Hall building has been maintained, although the loss of the original front entry unit and doors has reduced the integrity somewhat.

Because the building and site today is not a distinctive example of its early design type, is not associated with important personages, is not the site of important events, nor does it continue to be representative of patterns important to the history of San Jose, the property does not appear eligible for the National Register of Historic Places under any of the applicable Criteria (A), (B), or (C) or the California Register of Historical Resources under (1), (2), or (3).

The property was also evaluated under the City of San Jose Historic Preservation Ordinance to determine if it would be eligible for local historic landmark designation under current City policies and ordinances. While the building does retain some important associations with an important social group of veterans in the post-World War II period, the building in itself does not exemplify this association in a way that demonstrates the City's cultural, economic, social or historic heritage. The building's character does not appear to relate directly to or maintain important associative values that are related to the important contributions that the veterans' organizations have had in San Jose and Santa Clara County. These organizations, of which there are many locally, continue to contribute to the community into the present, but their physical locations are diverse, and the locations appear to be unrelated to the important role that these organizations play in modern society. Consequently, it would not appear that the property would be eligible for City Historic Landmark designation.



Sanborn Fire Insurance map, 1950 (subsequent to demolish of house at 432 South Fourth St. and prior to construction of hall at 430 South Fourth St.

Front façade and entry, viewed facing east.

Front façade from driveway, viewed facing southeast.

Front entry steps and main entry, viewed facing east.

North elevation along driveway, viewed facing southeast.

Southwest corner of building at street, viewed facing north.

South elevation, viewed facing northwest.

Rear elevation and parking area, viewed facing southwest.

Northeast corner of building at rear, viewed facing southwest.

Ancillary storage building at rear of hall, viewed facing south

Ancillary storage building at rear of hall, viewed facing north.

HISTORIC EVALUATION SHEET

Historic Resource Name: Veterans of Foreign Wars Building

A. VISUAL QUALITY / DESIGN	**Justification**	**E**	**VG**	**G**	**FP**
1. EXTERIOR	Identifiable visual value			x	
2. STYLE	Good example of Mid-century Modern			x	
3. DESIGNER	Unknown, but architect designed			x	
4. CONSTRUCTION	Of no particular interest				x
5. SUPPORTIVE ELEMENTS	Tenant (see #6 below)		x		

B. HISTORY / ASSOCIATION		**E**	**VG**	**G**	**FP**
6. PERSON / ORGANIZATION	VFW primary importance intimately conntd	x			
7. EVENT	None associated				x
8. PATTERNS	Primary patterns loosely conntected		x		
9. AGE	1950				x

C. ENVIRONMENTAL / CONTEXT		**E**	**VG**	**G**	**FP**
10. CONTINUITY	Not located in area of importance				x
11. SETTING	Incompatible with character of area				x
12. FAMILIARITY	Not particularly conspicous or familiar				x

D. INTEGRITY		**E**	**VG**	**G**	**FP**
13. CONDITION	Minor surface wear		x		
14. EXTERIOR ALTERATIONS	No or minor changes	x			
15. STRUCTURAL REMOVALS	None	x			
16. SITE	Not moved	x			

E. REVERSIBILITY		**E**	**VG**	**G**	**FP**
17. EXTERIOR	2/3s or more original exists.	x			

REVIEWED BY: Franklin Maggi **DATE:** Nov. 26, 2014

EVALUATION TALLY SHEET

Historic Resource Name: Veterans of Foreign Wars Building

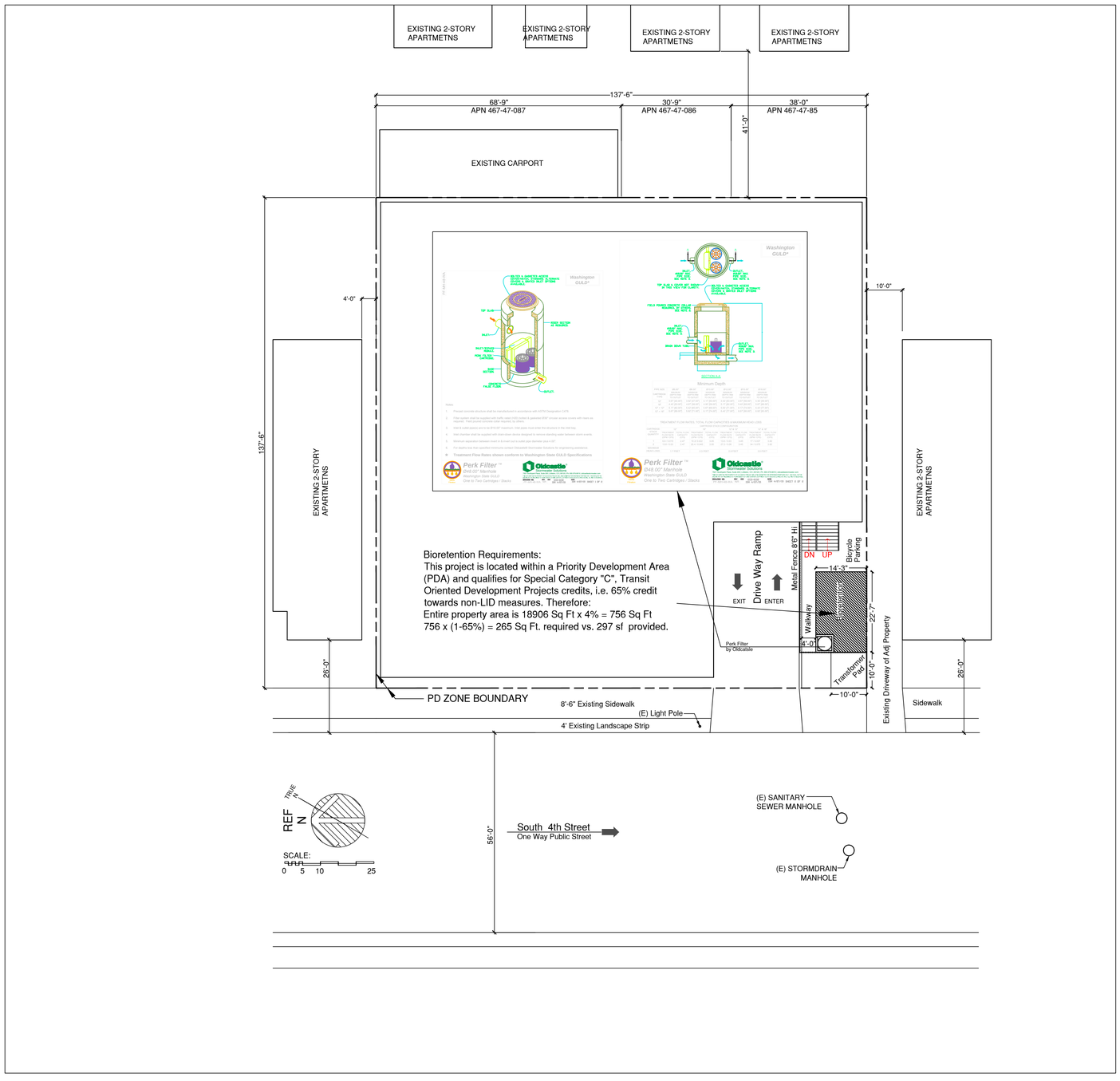
	E	VG	G	FP	Value		Value	Sub-total	Cumulative sub-total
A. VISUAL QUALITY / DESIGN									
1. EXTERIOR	16	12	6	0	6				
2. STYLE	10	8	4	0	4				
3. DESIGNER	6	4	2	0	2				
4. CONSTRUCTION	10	8	4	0	0				
5. SUPPORTIVE ELEMENTS	8	6	3	0	6			18	
B. HISTORY / ASSOCIATION	**E**	**VG**	**G**	**FP**					
6. PERSON / ORGANIZATION	20	15	7	0	20				
7. EVENT	20	15	7	0	0				
8. PATTERNS	12	9	5	0	9				
9. AGE	8	6	3	0	0			29	
C. ENVIRONMENTAL / CONTEXT	**E**	**VG**	**G**	**FP**					
10. CONTINUITY	8	6	3	0	0				
11. SETTING	6	4	2	0	0				
12. FAMILIARITY	10	8	4	0	0			0	47
			(SUM OF A+C) =		18				
D. INTEGRITY	**E**	**VG**	**G**	**FP**					
13. CONDITION	.00	.03	.05	.10	0.03	x	47	1.4	
14. EXTERIOR ALTERATIONS	.00	.05	.10	.20	0	x	18	0.0	
	.00	.03	.05	.10	0	x	29	0.0	
15. STRUCTURAL REMOVALS	.00	.20	.30	.40	0	x	18	0.0	
	.00	.10	.20	.40	0	x	29	0.0	
16. SITE	.00	.10	.20	.40	0	x	29	0.0	
								1.4	
ADJUSTED SUB-TOTAL: (Preliminary total minus Integrity Deductions)									45.59
E. REVERSIBILITY	**E**	**VG**	**G**	**FP**					
17. EXTERIOR	3	3	2	2	3				48.59

EVALUATION TOTAL: (Adjusted subtotal) 48.59

APPENDIX E

PERVIOUS AND IMPERVIOUS SURFACES COMPARISION TABLE			
Project Phase Numbers: (N/A, 1, 2, 3, etc.)			N/A
Total Site (acres):	0.434	Total Area Of Site Disturbed (acres)	0.434
Impervious Surfaces	Existing Condition Of Site Area Disturbed (Square Feet)	Proposed Condition Of Site Area Disturbed (Square Feet)	
		Replaced	New
Roof Area(s)	3,351		12,491
Parking	14,378		
Sidewalks, Patios, Paths, ect.			5,716
Streets (public)			
Streets (private)			
Total Impervious Surfaces:	17,729		18,207
Pervious Surfaces			
Landscaped Areas	1,177		699
Pervious Paving			
Other Pervious Surfaces (green roof, etc.)			
Total Pervious Surfaces:	1,177		699
Total Proposed Replaced + New Impervious Surfaces:			18,207
Total Proposed Replaced + New Pervious Surfaces:			699

SOIL TYPE: SILTY SAND
DEPTH TO GROUND WATER: 10 TO 15 FT.
100-YEAR FLOOD ELEVATION: UNKNOWN



LOCK Properties, LLC
430 South 4th Street
San Jose, CA 95112

PDC12-022
General Development Plan - Exhibit C

430 SOUTH FOURTH
SAN JOSE, CALIFORNIA

APN 467-47-085,086 and 087

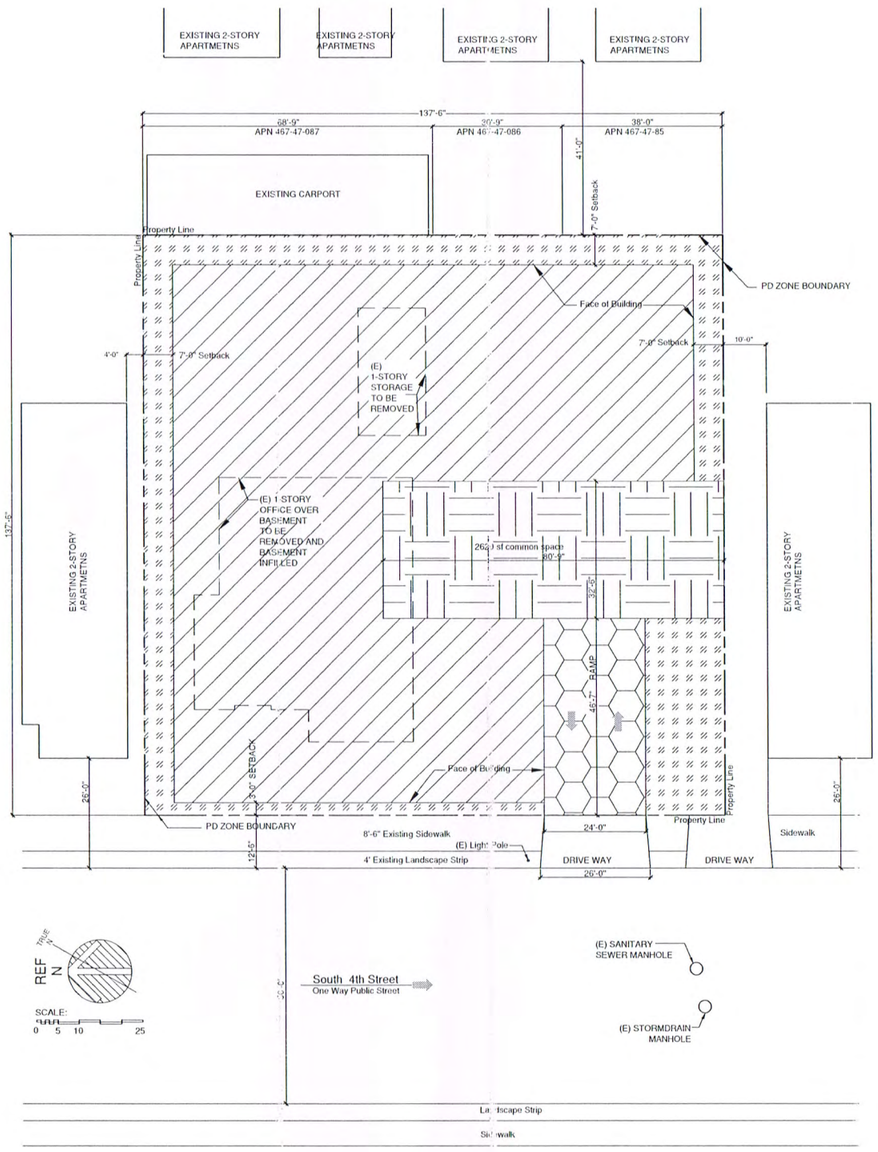
Date: 08-08-2012 **(REVISED 08-12-2015)**

Revisions:
1 11/2/2012 Revised to 22 units Cluster
2 5/6/2013 Revised to 31 units over Underground Parking
3 2/18/2014 Revised to 32-unit Condos Over Podium 5' above Ground.

Drawing Title
CONCEPTUAL STORMWATER CONTROL PLAN

Sheet No.
4b

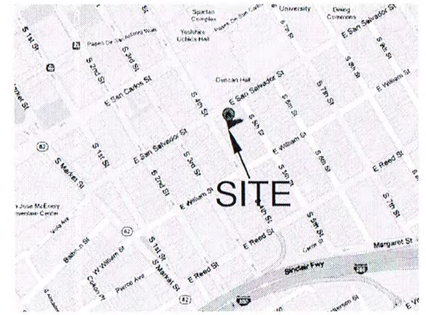
APPENDIX F



PROPOSED LAND USE:

SYMBOL	USE	ACRE	%USE	UNITS
	LANDSCAPING	0.077	17.8%	---
	COMMON OPEN SPACE	0.060	13.8%	---
	DRIVEWAY	0.026	6.0%	
	CONDOMINIUMS	0.271	62.4%	32

VICINITY MAP



LOCK Properties, LLC
430 South 4th Street
San Jose, CA 95112

PDC12-022
General Development Plan - Exhibit C

430 SOUTH FOURTH
SAN JOSE, CALIFORNIA

APN 467-47-085,086 and 087

Date: 08-08-2012

Revisions:
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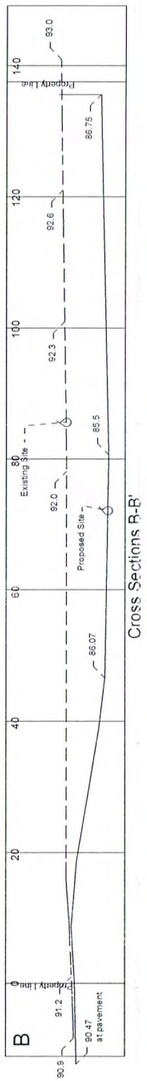
Drawing Title

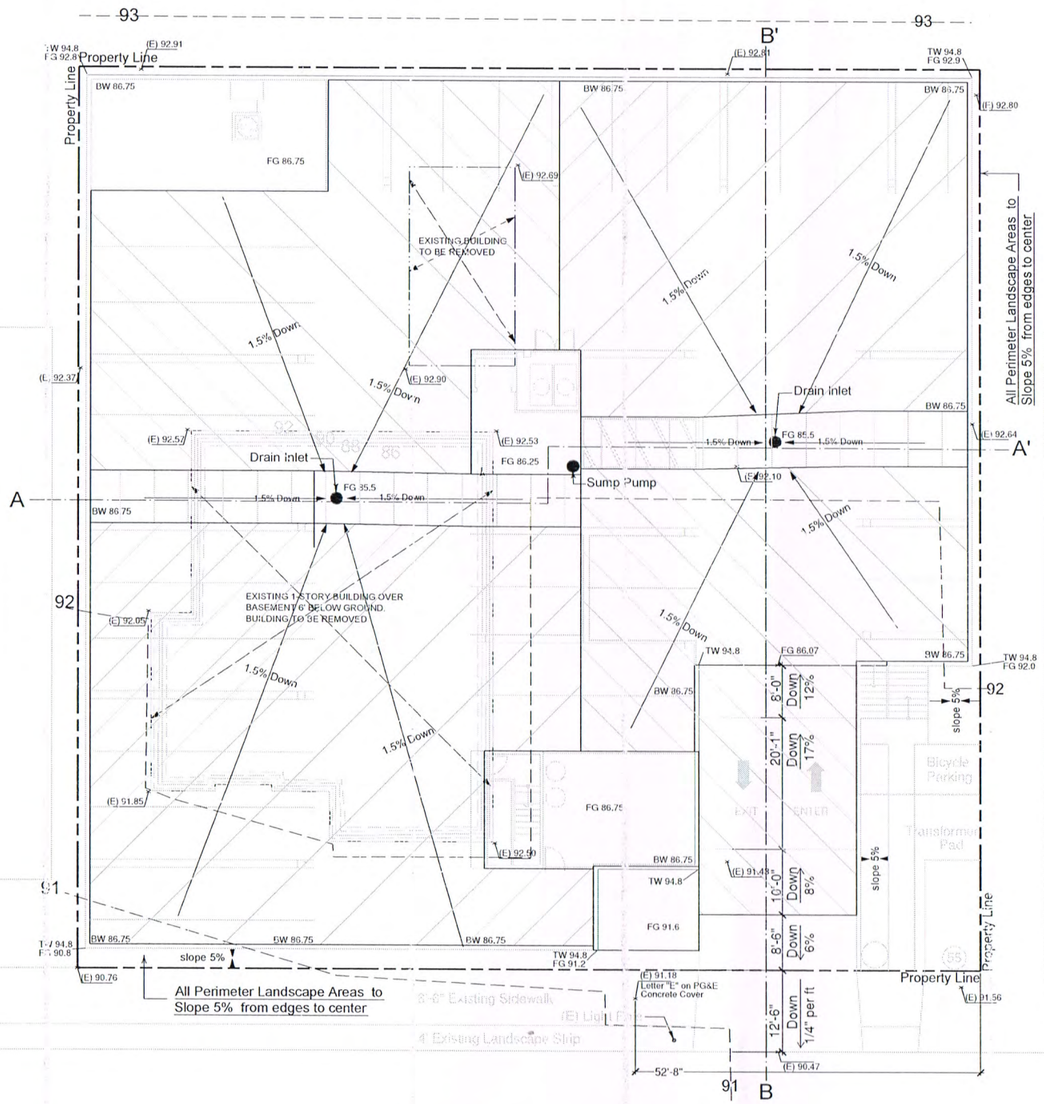
LAND USE PLAN

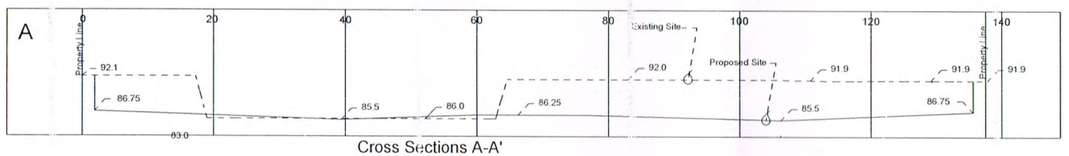
Sheet No.

2a

APPENDIX G







Cross Sections A-A'

Legend

TW 93.4 Top of Wall
BW 89.0 Bottom of Wall
FG 92.9 Finish Grade
92 Existing Grade
(E) 92.80 Existing Grade
Existing Basement to be Backfilled

Cut = 3269 cu. yd.
Fill = 0 cu.yd

PDC12-022
General Development Plan - Exhibit C

430 SOUTH FOURTH
SAN JOSE, CALIFORNIA

APN 467-47-085,086 and 087

LOCK Properties, LLC
430 South 4th Street
San Jose, CA 95112

Date: 08-08-2012

Revisions:
1 11/2/2012 Revised to 22 units Cluster
2 5/6/2013 Revised to 31 units over Underground Parking
3 2/18/2014 Revised to 32-unit Condos Over Podium 5' above Ground.

Drawing Title
CONCEPTUAL GRADING PLAN

Sheet No.
4a

APPENDIX H

EDWARD L. PACK ASSOCIATES. INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95125

Acoustical Consultants

TEL: 408-371-1195
FAX: 408-371-1196
www.packassociates.com

March 13, 2015
Project No. 47-019

Mr. Chien Lee
Lock Properties
430 South 4th Street
San Jose, CA 95112

Subject: Noise Assessment Study for the Planned Multi-Family Development, 430 South 4th Street, San Jose

Dear Mr. Lee:

This report presents the results of a noise assessment study for the planned multi-family development at 430 South 4th Street in San Jose, as shown on the Conceptual Site Plan, Ref. (a). The noise exposures at the site were evaluated against the standards of the City of San Jose Noise Element, Ref. (b), the State of California Code of Regulations, Title 24, Ref. (c).

The analysis of the on-site sound level measurements indicates that the existing noise environment is due primarily to traffic on South 4th Street and aircraft operations at Mineta/San Jose International Airport (SJIA). The site is located at the existing 57 dB CNEL airport noise contour. However, under future conditions, the site will be located at the 58 dB CNEL contour. Thus, the Santa Clara County Airport Land Use Commission standards are not in effect. The results of the study indicate that the noise exposures in the common area will be within the limits of the standards. Noise excesses in interior livings spaces will occur from vehicular traffic with a secondary contribution from aircraft operations. Noise mitigation measures for interior living spaces will be required.

Sections I and II of this report contain a summary of our findings and recommendations, respectively. Subsequent sections contain the site, traffic, aircraft and project descriptions, analyses, and evaluations. Attached hereto are Appendices A, B, and C, which include the list of references, descriptions of the applicable standards, definitions of terminology, descriptions of the acoustical instrumentation used for the field survey, general building shell controls and the on-site noise measurement data and calculation tables.

I. Summary of Findings

San Jose Noise Element of the General Plan

The noise assessment results presented in the findings were evaluated against the standards of the City of San Jose Noise Element, which utilizes the Day-Night Level (DNL) descriptor. The Noise Element land use compatibility standards specify a Normally Acceptable noise exposure limit of 60 decibels (dB) DNL for multi-family residences. The exterior noise exposure design guidelines are applied to exterior living spaces (rear yards, multi-family common areas, etc.) and are not applied to limited use balconies or to aircraft flyovers or noise from elevated roadways.

The project common space is the exterior open space for the project.

The Noise Element also contains noise limits for multi-family residential interiors. The interior noise exposure limit is specified to be 45 dB DNL. Short-term noise limits for bedrooms and other living spaces are also imposed for intermittent noise sources such as railroads and aircraft. The short-term noise limits are 50 dBA maximum for bedrooms and 55 dBA maximum for other living spaces.

State of California Code of Regulations, Title 24

The Title 24 standards also use the DNL descriptor and specify a limit of 45 dB DNL or lower for interior living spaces. This standard corresponds to the City of San Jose standard.

The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from common spaces. These standards are outlined in greater detail in Appendix B. As design details for the interior partitions of the project were not available at the time of this study, an evaluation of the interior partitions has not been made.

The noise levels shown below are without the application of mitigation measures and represent the noise environment for existing and project site conditions.

A. Exterior Noise Exposures and Noise Levels

Table I, below, provides the exterior noise exposures and aircraft maximum noise levels at the most impacted planned building façade along South 4th Street and in the common area under existing and future conditions. The maximum noise levels are shown as they are used to calculate the interior noise levels. They are not applicable to the common area.

TABLE I

Exterior Noise Exposures and Maximum Noise Levels

Location	Distance to Centerline	S. 4th St. Exist/Future	Aircraft Exist/Future	Combined Exist/Future	Aircraft Lmax
Setback	33 ft.	62-64 dB DNL	57/58 dB DNL/CNEL	63/65 dB DNL	Up to 78 dBA
Common Area	80 ft.	36-50/38-52 dB DNL	49/50 dB DNL/CNEL	49-52/50-54 dB DNL	NA

As shown in the Table, the exterior noise exposures in the common area will be up to 52 and 54 dB DNL under existing and future traffic conditions, respectively. Thus, the noise exposures will be within the 60 dB DNL limit of the City of San Jose Noise Element standards. Noise mitigation for the common area will not be required.

The noise exposures at the most impacted planned building setback will be up to 63 and 65 dB DNL under existing and future traffic conditions, respectively.

The maximum noise levels from aircraft flyovers are a function of each individual aircraft and not a function of the volume of flyovers. Therefore, the maximum noise levels will not increase with the increasing number of aircraft utilizing Mineta/San Jose International Airport under future conditions.

B. Interior Noise Exposures and Noise Levels

- The interior noise exposures in the most impacted living spaces closest to South 4th Street were calculated to be 48 and 50 dB DNL under existing and future conditions, respectively. Thus, the interior noise exposures will be up to 5 dB in excess of the 45 dB DNL limits of the City of San Jose Noise Element and Title 24 standards.

- The interior maximum noise levels from aircraft flyovers will be up to 68 dBA L_{max}. Thus, the interior noise levels will be up to 18 dB in excess of the 50 dBA L_{max} limit for bedrooms and up to 13 dB in excess of the 55 dBA L_{max} limit for other living spaces.

Noise mitigation measures will be required for interior living spaces. The recommended mitigation measures are provided in Section II of this report.

II. Recommendations

A. Interior Noise Controls

To achieve compliance with the 45 dB DNL standards of the City of San Jose Noise Element and Title 24 and with the 50 dBA L_{max} standard for bedrooms and the 55 dB DNL L_{max} standard for other living spaces, the following noise control measures will be required:

- Maintain closed at all times all windows and glass doors on the north, west or south façade of the building, including the 3rd and 4th floors of the west facing façade viewing into the common area. Install windows and glass doors rated minimum Sound Transmission Class (STC 28).

When windows and doors are specified to be maintained closed for noise control some type of mechanical ventilation must be provided, as per the Mechanical Code. Windows specified to be kept closed for noise control are to be operable as the requirement does not imply a fixed (unopenable) condition. All other windows of the development may be kept open as desired.

In addition to the required STC ratings, the windows shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window construction, the sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

Please be aware that many dual-pane window and glass door assemblies have inherent noise reduction problems in the traffic noise frequency spectrum due to resonance that occurs within the air space between the glass lites, and the noise reduction capabilities vary from manufacturer to manufacturer. Therefore, the acoustical test report of all sound rated windows and glass doors should be reviewed be a qualified acoustician to ensure that the chosen windows and glass doors will adequately reduce traffic noise to acceptable levels.

The implementation of the above recommended measures will reduce excess noise exposures to achieve compliance with the interior standards of the City of San Jose Noise Element and Title 24.

III. Site, Traffic, Aircraft and Project Descriptions

The proposed development site is located at 430 South 4th Street between East San Salvador Street and East William Street in San Jose. The site is flat and at-grade with the surrounding roadway and land uses, and currently contains a commercial building and an out building formerly used by the VFW. Surrounding land uses include 2-story apartments adjacent to the north, east and south and 3-story apartments across South 4th Street to the west.

The primary sources of noise at the site are traffic on South 4th Street and aircraft operations at Mineta/San Jose International Airport (SJIA).

Traffic volume data for South 4th Street were not available from the City of San Jose at the time of this report preparation. We estimate that the traffic volume on South 4th Street is approximately 3,500 vehicles Average Daily Traffic (ADT).

The south ends of the runways at Mineta/San Jose International Airport are located approximately 2.5 miles to the northwest of the site and operates from approximately 5:00 AM. to 2:00 AM. Aircraft approaches the airport from the south, passing by the development site, 85 % of the year. The remaining 15% of the year, during winter storms, aircraft take off to the south.

The planned development includes the construction of 32 condominium units in a four story multi-family building with a ground level entry off of South 4th Street. A common area will be located on the first floor near the center of the building with an opening facing south. Parking will be below the building with the podium approximately 5 ft. above grade. Ingress and egress to the project will be by way of an access driveway off of South 4th Street.

IV. Analysis of the Noise Levels

A. Existing Noise Levels

To determine the existing noise environment at the site, continuous recordings of the sound levels were made at a location 57 ft. from the centerline of South 4th Street. This location was chosen for security of the sound measuring equipment. The measurements were made on March 9-10, 2015 for a continuous period of 24 hours. The measurement location is shown on Figure 1 on page 7.

The noise levels were recorded and processed using a Larson-Davis Model 812 Precision Integrating Sound Level Meter. The meter yields, by direct readout, a series of descriptors of the sound levels versus time, which are commonly used to describe community noise, as described in Appendix B. The measured descriptors include the L_1, L_{10}, L_{50}, and L_{90}, i.e., those levels exceeded 1%, 10%, 50% and 90% of the time. Also measured were the maximum and minimum levels and the equivalent-energy levels (L_{eq}), which are used to calculate the DNL. The results of the measurements are shown in the data tables in Appendix C.

FIGURE 1 – Noise Measurement Location

The results of the field survey reveal that the L_{eq}'s at the measurement location, 57 ft. from the centerline, ranged from 57.4 to 65.7 dBA during the daytime and from 45.5 to 57.3 dBA at night.

Traffic noise dissipates at the rate of 3 to 6 dB for each doubling of the distance from the source. Thus, locations on the site at greater distances or indirect orientations from South 4th Street or the SJIA flight paths will have lower noise levels.

Vehicular and aircraft noise contain wide spectra of frequency components (from 50 to 10,000 Hertz), which are associated with engine, tire, drive train, exhaust and other sources. The frequency components are centered primarily in the 125, 250 and 500 Hz octave bands and were used in determining the noise control measures recommended for this project.

The existing aircraft noise exposures were determined from the 3rd Quarter 2014 Mineta/San Jose International Airport Aircraft Noise Contour Map, Ref. (d). The noise contour map indicates that the development site is located at the 57 dB CNEL noise contour.

B. Future Noise Levels

Future traffic volume information for South 4th Street is not available from the City of San Jose. Therefore, for the purposes of this study, we are estimating an annual average growth rate of 2% per year for South 4th Street traffic volumes. Over a 20 year horizon, a 2% per year growth is equivalent to a 49% overall increase in the traffic volume. A 49% increase in traffic volume yields a 2 decibel increase in the overall noise levels.

The future traffic volume for South 4th Street is expected to increase from the existing estimated 3,500 vehicles ADT to 5,200 vehicles ADT.

The future noise environment created by aircraft operations at SJIA are shown on the 2027 airport noise contour map, Ref. (e), on Figure 2 on page 11. The contour map reveals that the site will be located at the 58 dB CNEL noise contour. Aircraft noise is expected to increase by 1 dB for year 2027.

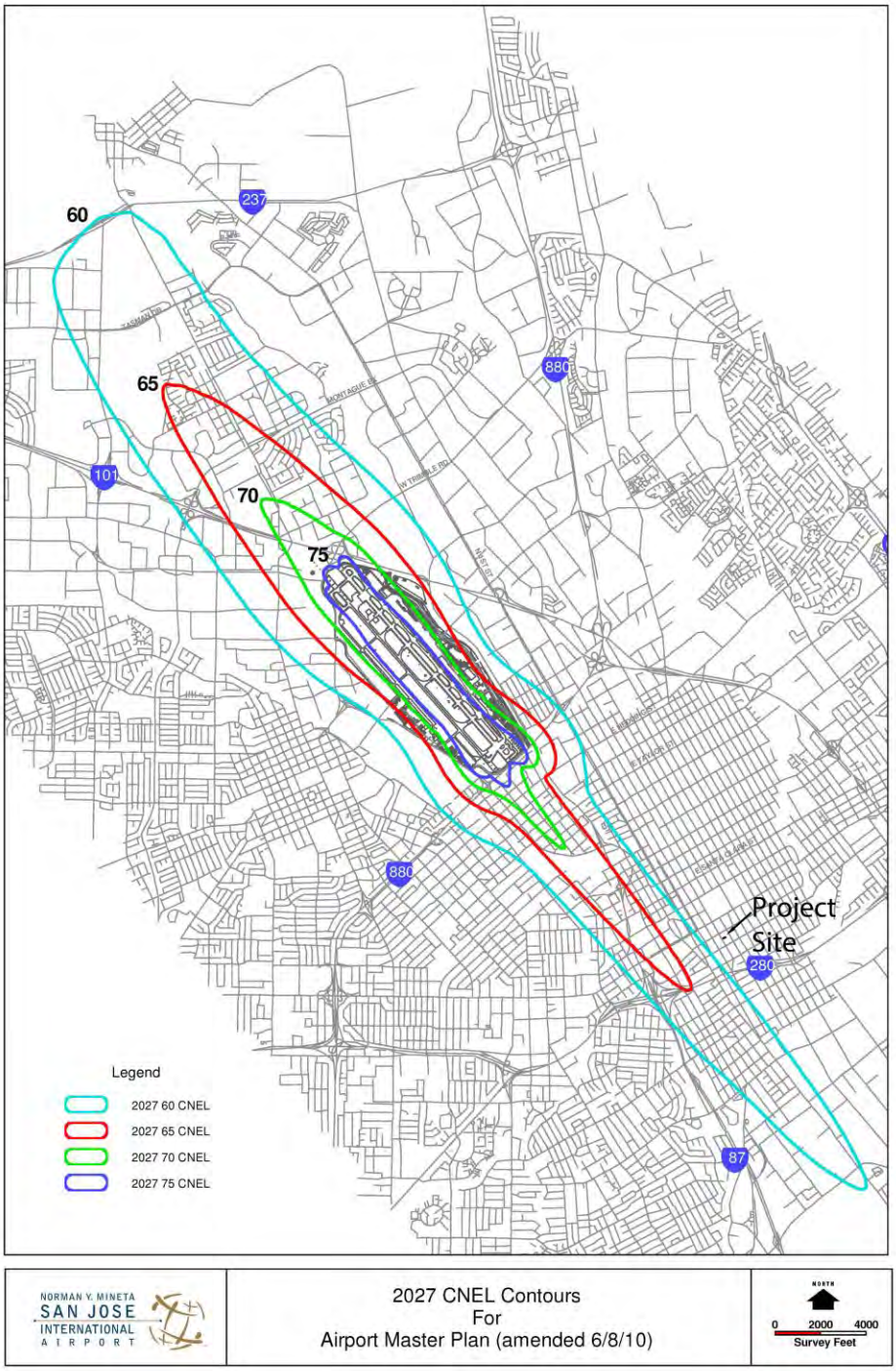


FIGURE 2 – 2027 Aircraft Noise Contours

V. Evaluation of the Noise Exposures

A. Exterior Noise Exposures

To evaluate the on-site noise levels against the City of San Jose standards and the Title 24 criterion, the DNL's for the survey locations were calculated by decibel averaging of the L_{eq}'s as they apply to the daily time periods of the DNL index. The DNL is a 24-hour noise descriptor that uses the measured L_{eq} values to calculate a 24-hour time-weighted average noise exposure. Adjustments were made to the measured traffic noise levels to account for the various setback distances from South 4th Street using methods established by the Highway Research Board, Ref. (f). The formula used to calculate the DNL is described in Appendix B.

The results of the calculations indicate that the exterior noise exposure at the measurement location, 57 ft. from the centerline of South 4th Street, is 62 dB DNL. Of this 62 dB, 57 dB is due to aircraft and 60 dB is due to South 4th Street traffic.

At the planned minimum setback of the project building from South 4th Street, 33 ft. from the centerline, the noise exposures under existing conditions were calculated to be 57 dB DNL from aircraft and 62 dB DNL from traffic. The total existing noise exposure was calculated to be 63 dB DNL. Under future conditions, the noise exposures were calculated to be 58 dB DNL from aircraft and 64 dB DNL from traffic. The total future noise exposure was calculated to be 65 dB DNL.

The common area will be at least 80 ft. from the centerline of South 4th Street and surrounded on three sides by the four-story building. The common area will be open on the south side. Therefore, a minor amount of traffic noise will transmit into the common area from the south. In addition, aircraft flyovers are to the west such that there is no view to flyovers from the common area. The building will provide 6 to 20 dB of traffic noise reductions and 8 dB of aircraft noise reduction. The noise exposures in the common area will range from 36-50 dB DNL under existing conditions and 38-52 dB DNL under future conditions. Thus, the noise exposures will be within the 60 dB DNL limit of the City of San Jose Noise Element standards. Noise mitigation for the common area will not be required.

B. Interior Noise Exposures

To evaluate the interior noise exposures in project living spaces, a 15 dB reduction was applied to the exterior noise exposures to represent the attenuation provided by the building shell under an *annual-average* condition. The annual-average condition assumes that windows have dual-pane, thermal insulating windows that are kept open 50% of the time for natural ventilation and closed 50% of the time.

The interior noise exposures in the most impacted living spaces of the project closest to South 4th Street along the west façade of the building will be up to 48 dB DNL under existing conditions and up to 50 dB DNL under future conditions. Thus, the noise exposures will be up to 5 dB in excess of the City of San Jose Noise Element and Title 24 standards.

To evaluate the interior maximum noise levels in bedrooms and other living spaces against the 50 dBA L_{max} and 55 dBA L_{max} standards of the City of San Jose Noise Element for bedrooms and other living spaces, respectively, a 25 dB reduction was applied to the exterior aircraft maximum noise levels to represent the attenuation provided by the building shell under a closed window condition.

The interior maximum noise levels will be up to 53 dBA L_{max} in the bedrooms and other livings spaces. Thus, the interior maximum noise levels will be up to 3 dB in excess of the 50 dBA L_{max} limit for bedrooms but within the 55 dBA L_{max} limit for other living spaces.

As shown by the above evaluations, interior noise exposure and maximum noise level excesses will occur. Mitigation measures for the interior living spaces will be required. The recommended mitigation measures are in described in Section II of this report.

This report presents the results of a noise assessment study for the planned multi-family development at 430 South 4th Street in San Jose. The study findings and recommendations for present conditions are based on field measurements and other data and are correct to the best of our knowledge. Future noise level predictions were based upon estimates made by Edward L. Pack Associates, Inc. and information provided by Mineta/San Jose International Airport. Significant changes in South 4th Street traffic volumes, aircraft operations or changes in speed limits, motor vehicle or aircraft technology, noise regulations, or other future changes beyond our control may produce long range noise results different from our estimates.

If you have any questions or would like an elaboration on this report, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

Jeffrey K. Pack
President

Attachments: Appendices A, B, and C

APPENDIX A

References

(a) Conceptual Site Plan, 430 South Fourth, by LOCK Properties, February 18, 2014

(b) San Jose General Plan Envision 2040, City of San Jose, Department of City Planning and Building, November 1, 2011

(c) California Code of Regulations, Title 24, Chapter 2, Section 1207.4 "Sound Transmission", Revised 2013

(d) 65 CNEL Contour, Third Quarter Noise Monitoring Report, Mineta/San Jose International Airport, December 22, 2014

(e) Mineta/San Jose International Airport, 2027 CNEL Contours for Airport Master Plan (Amended 6/8/10) , http://www.sjc.org/community/maps/2010_Contours.pdf

(f) Highway Research Board, "Highway Noise - A Design Guide for Highway Engineers", Report 117, 1971

APPENDIX B

Noise Standards, Terminology, Instrumentation

1. Noise Standards

A. City of San Jose Noise Element Standards

The City of San Jose General Plan "Envision San Jose 2040", adopted November 1, 2011, Chapter 3 "Environmental Leadership" contains noise environment goals and policies. The acceptable exterior noise level objective is 60 decibels (dB) Day-Night Level (DNL) or lower for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the San Jose International Airport and the Downtown.

Table EC-1: Land Use Compatibility Guidelines for Community Noise Level in San Jose

	EXTERIOR NOISE EXPOSURE (dB DNL)					
Land Use Category	55	60	65	70	75	80
Residential, Hotels and Motels, Hospitals and Residential Care						
Outdoor Sports and Recreation, Neighborhood Parks, Playgrounds						
Schools, Libraries, Museums, Meeting Halls, Churches						
Office Buildings, Business, Commercial and Professional						
Sports Arenas, Outdoor Spectator Sports						
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						

	Normally Acceptable
	Conditionally Acceptable
	Unacceptable

City of San Jose Noise Element (cont'd)

- For new multi-family residential projects and for the residential component of mixed-use development, the 60 dB DNL standard is applied to usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common areas available to all residents shall meet the 60 dB DNL standard. The 60 dB DNL standard is not applicable to aircraft overflight noise or traffic noise from elevated roadways.

- For single-family residential uses, the 60 dB DNL standard is applied to private outdoor activity areas, such as backyards.

- CEQA increases allowed are: less than 5 dB where the noise exposure remains Normally Acceptable; less than 3 dB where the noise exposure equals or exceeds the Normally Acceptable level.

- New non-residential land use project-generated noise exposures are limited to 55 dB DNL at the property line when adjacent to noise sensitive residential or public land uses.

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities and hospitals is 45 dB DNL.

B. Title 24 Noise Standards

The California Code of Regulations, Title 24, Chapter 2, Section 1207, "Sound Transmission", applies to all new multi-family dwellings including condominiums, apartments, hotels, motels and dormitories. The standards, which utilize either the Day-Night Level (DNL) descriptor or the Community Noise Equivalent Level (CNEL), whichever is consistent with the local jurisdictional standards, specify that interior noise exposures from exterior sources shall not exceed 45 dB DNL/CNEL in any habitable room.

The Title 24 standards also establish minimum sound insulation requirements for interior partitions separating different dwelling units from each other and dwelling units from common spaces such as garages, corridors, equipment rooms, etc. The common interior walls and floor/ceiling assemblies regulated by the California Building Code (apartments, condominiums, hotels, etc.) must achieve a minimum Sound Transmission Class (STC) rating of 50 for airborne noise. Common floor/ceiling assemblies must achieve an Impact Insulation Class (IIC) rating of 50 for impact noise. These ratings are based on laboratory tested partitions. Field tested partitions must achieve ratings of NIC and FIIC 45. Attached dwellings regulated by the California Residential Code (townhouses under 3 stories in height) must achieve minimum STC 45 for the common partition.

2. Terminology

A. Statistical Noise Levels

Due to the fluctuating character of urban traffic noise, statistical procedures are needed to provide an adequate description of the environment. A series of statistical descriptors have been developed which represent the noise levels exceeded a given percentage of the time. These descriptors are obtained by direct readout of the Community Noise Analyzer. Some of the statistical levels used to describe community noise are defined as follows:

L_1 - A noise level exceeded for 1% of the time.

L_{10} - A noise level exceeded for 10% of the time, considered to be an "intrusive" level.

L_{50} - The noise level exceeded 50% of the time representing an "average" sound level.

L_{90} - The noise level exceeded 90 % of the time, designated as a "background" noise level.

L_{eq} - The continuous equivalent-energy level is that level of a steady-state noise having the same sound energy as a given time-varying noise. The L_{eq} represents the decibel level of the time-averaged value of sound energy or sound pressure squared and is used to calculate the DNL and CNEL.

B. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dBA weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured L_{eq} in accordance with the following mathematical formula:

$$DNL = [(L_d+10\log_{10}15) \,\&\, (L_n+10+10\log_{10}9)] - 10\log_{10}24$$

Where:

L_d = L_{eq} for the daytime (7:00 a.m. to 10:00 p.m.)
L_n = L_{eq} for the nighttime (10:00 p.m. to 7:00 a.m.)
24 indicates the 24-hour period
& denotes decibel addition.

C. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the precision acoustical instruments shown below. The acoustical instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (L_{eq}). Input to the meters was provided by a microphone extended to a height of 5 ft. above the ground. The meter conforms to ANSI S1.4 for Type 1 instruments. The "A" weighting network and the "Fast" response setting of the meter were used in conformance with the applicable ISO and IEC standards. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter
Larson Davis LDL 812 Precision Integrating Sound Level Meter
Larson Davis 2900 Real Time Analyzer

4. Building Shell Controls

The following additional precautionary measures are required to assure the greatest potential for exterior-to-interior noise attenuation by the recommended mitigation measures. These measures apply at those units where closed windows are required:

- Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction with effective weather seals around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them.

- If any penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations can be controlled by sealing all cracks and clearance spaces with a non-hardening caulking compound.

- Ventilation devices shall not compromise the acoustical integrity of the building shell.

APPENDIX C

Noise Measurement Data and Calculation Tables

DNL CALCULATIONS

CLIENT: LOCK PROPERTIES
FILE: 47-019
PROJECT: 430 S. 4TH ST. MULTI-FAMILY
DATE: 3/9-10/2015
SOURCE: S. 4TH ST.

LOCATION 1	South 4th Street			
Dist to Source	57 ft.			
TIME		10^Leq/10		
7:00 AM	61.0	1258925.4		
8:00 AM	61.1	1288249.6		
9:00 AM	62.0	1584893.2		
10:00 AM	57.5	562341.3		
11:00 AM	57.4	549540.9		
12:00 PM	59.1	812830.5		
1:00 PM	60.1	1023293.0		
2:00 PM	59.7	933254.3		
3:00 PM	61.1	1288249.6		
4:00 PM	62.3	1698243.7		
5:00 PM	60.4	1096478.2		
6:00 PM	64.9	3090295.4		
7:00 PM	65.7	3715352.3		
8:00 PM	62.4	1737800.8		
9:00 PM	57.6	575439.9	SUM=	21215188
10:00 PM	53.8	239883.3	Ld=	73.3
11:00 PM	53.1	204173.8		
12:00 AM	51.6	144544.0		
1:00 AM	47.1	51286.1		
2:00 AM	45.5	35481.3		
3:00 AM	48.5	70794.6		
4:00 AM	50.0	100000.0		
5:00 AM	55.0	316227.8		
6:00 AM	57.3	537031.8	SUM=	1699423
			Ln=	62.3
	Daytime Level=	73.3		
	Nighttime Level=	72.3		
	DNL=	**62**		
	24-Hour Leq=	59.8		