ADDENDUM
TO THE SAN JOSE DOWNTOWN STRATEGY 2000 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127), THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND ENVISION SAN JOSE 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096), AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the San Jose Downtown Strategy 2000 Final Environmental Impact Report (Strategy 2000 FEIR) the Envision San Jose 2040 General Plan Final Environmental Impact Report (2040 General Plan FEIR), the Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (2040 General Plan SEIR), and Addenda thereto, because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

HA14-023-02: Post & San Pedro Residential Tower Project. Site Development Permit Amendment to amend previously approved Site Development Permits (File Nos. H14-023 and HA14-023-01) to increase the number of residential units from 205 to 230, to allow alterations to the floor plans, and architectural modifications of a 20-story mixed-use building on an approximately 0.47 gross acre site. **Location:** Northwest corner of Post Street and S. San Pedro Street, on a site currently used as a surface parking lot (APN 259-40-088). **Council District:** 3.

The environmental impacts of this project were addressed by three Final Environmental Impact Reports: "The Downtown Strategy 2000 Final Environmental Impact Report," adopted by City Council Resolution No. 72767 on June 21, 2005; the "Envision San Jose 2040 General Plan Final Impact Report," adopted by City Council Resolution No. 76041 on November 1, 2011; the "Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report," adopted by City Council Resolution No. 77617 on December 15, 2015; and Addenda thereto. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Strategy 2000 FEIR and 2040 General Plan FEIR and 2040 General Plan SEIR:

☒ Traffic and Circulation	☒ Soils and Geology	☒ Noise
☒ Cultural Resources	☒ Hazardous Materials	☒ Land Use
☒ Urban Services	☒ Biotic Resources	☒ Air Quality
☒ Aesthetics	☒ Airport Considerations	☒ Microclimate
☒ Energy	☒ Greenhouse Gas Emissions	☒ Construction Period Impacts
☒ Water Quality	☒ Utilities	☒ Facilities and Services

ANALYSIS

The proposed Site Development Permit Amendment revises the previously approved Site Development Permit (H14-023) approved by the Director of Planning on October 8, 2014, and the subsequent Site Development Permit Amendment (HA14-023-01) approved by the Director of Planning on October 14, 2015. The proposed Site Development Permit Amendment includes an increase in the maximum number of residential units from 205 to 230. The project will also reduce the total amount of outdoor common areas from 8,100 to 6,985 square feet. A comparison of the proposed project with the previously approved Site Development Permit and Site Development Permit Amendment is provided in the following table:

Comparison of Proposed Project with Previously Approved Projects			
	2014 Approved Site Development Permit (H14-023)	**2015 Approved Site Dev. Permit Amendment (HA14-023-01)**	**2018 Proposed Revised Site Dev. Permit Amendment (HA14-023-02)**
Maximum Number of Residential Units	182	205	230*
Maximum Commercial Area (in square feet)	10,000	10,900	10,900
Number of Stories	21	20	20
Maximum Building Height (in feet)	230	225	225
Parking Spaces	230	205	215

* Note: The analysis in the Addendum evaluates an increase from 205 units to 230 units, though the project plans for the Site Development Permit Amendment only propose 228 units.

The proposed increase in residential units is within the amount of development anticipated Downtown in the Strategy 2000 FEIR, 2040 General Plan FEIR and SEIR, and subsequent addenda. The project's consistency with these EIRs is addressed below.

Consistency with the Downtown Strategy 2000 FEIR and General Plan 2040 FEIR

The Strategy 2000 FEIR was a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000:

- 8,000,000 to 10,000,000 square feet of office space;
- 8,000 to 10,000 residential dwelling units;
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects.

The project, as amended, would construct a 20-story building with up to 230 residential units and up to 10,900 square feet of ground floor retail space. The type and intensity of development proposed is consistent with the intent of the Downtown Strategy 2000 and the findings of the Strategy 2000 FEIR.

The General Plan FEIR included the project site in the evaluation for the *Downtown* land use designation. This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities. The project conforms to the Downtown General Plan land use designation in that it proposes to construct a 20-story mixed use residential tower with ground floor commercial consistent with the Envision San Jose 2040 General Plan and the 2040 General Plan FEIR.

This Addendum includes an Initial Study, which evaluates the project-specific environmental impacts that were not addressed in the three previously certified FEIRs, including project greenhouse gas emissions. The Initial Study concluded that the proposed project would not result in any new impacts not previously disclosed in the Strategy 2000 FEIR, the 2040 General Plan FEIR, and the 2040 General Plan SEIR. The project will also not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Strategy 2000 FEIR, the 2040 General Plan FEIR, and the 2040 General Plan SEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the Strategy 2000 FEIR the 2040 General Plan EIR, and the 2040 General Plan SEIR, pursuant to CEQA Guidelines §15164(c). The attached Initial Study (Attachment 1) provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

David Keyon
Environmental Project Manager

5/18/18
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

Attachment: 1) Amendment to the Post Tower Project Initial Study/Addendum, dated April 2018.

Amendment to the Post Tower Project
Initial Study/Addendum

April 2018

SECTION 1.0 INTRODUCTION

A revision to the approved Post Tower project (File No. HA14-023-01) and site development permit is now proposed by the project applicant.

1.1 BACKGROUND INFORMATION

In September 2015, the City Council approved the site development permit for the Post Tower project. The Post Tower project site is approximately 0.47-acres and located at the northwest corner of Post Street and S. San Pedro Street in Downtown San José. The Post Tower project consisted of a 20-story (up to 225 feet tall) high-rise building with up to 205 residential units, up to 10,900 square feet (SF) of ground floor retail space, and a four-story parking garage connected to the existing adjacent parking garage.

The environmental impacts of this project were addressed by three Final Environmental Impact Reports (EIRs), and subsequent addenda:

1. *Downtown Strategy 2000 Final Environmental Impact Report* (Downtown Strategy Final EIR) adopted by City Council Resolution No. 72767 on June 21, 2005 and
2. *Envision San José 2040 General Plan Final Program Environmental Impact Report* (General Plan Final EIR) adopted by City Council Resolution No. 76041 on November 1, 2011.
3. *Envision San José 2040 General Plan Final Supplemental Environmental Impact Report* (General Plan Final SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015.

The 2015 Post Tower project qualified for an addendum pursuant to CEQA Guidelines Section 15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects. The addendum prepared for the project was entitled: *Post Tower Project Initial Study/Addendum to the Envision San José 2040 General Plan (SCH#2009072096) and Downtown Strategy 2000 (SCH#2003042127) Final EIRs* (2015 Initial Study/Addendum) and is included in Appendix A of this amendment.

The General Plan Final SEIR was adopted after the completion of the 2015 Initial Study/Addendum, however, its citywide greenhouse gas emissions analysis of the buildout of the adopted General Plan includes the redevelopment of the project site as proposed in the 2015 Initial Study/Addendum.

1.2 PURPOSE OF THE AMENDMENT

The applicant for the Post Tower project is now proposing a revision to the approved Post Tower project to increase the total number of units from 205 to 230, increase the number of vehicle parking spaces from 205 to 215, and decrease the outdoor common area from 8,100 to 6,985 SF. All other aspects of the project, building envelope, commercial square footage, site access, public right-of-way improvements, utility improvements, green building measures, and construction details remain the same as proposed in 2015 and evaluated in the 2015 Initial Study/Addendum.

Given the proposed project change and the existing environmental conditions, the City has concluded that the proposed revision to the Post Tower project would not result in any new impacts not previously disclosed in the Downtown Strategy Final EIR, General Plan Final EIR, the General Plan Final SEIR, and 2015 Initial Study/Addendum, nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the aforementioned environmental documents. For these reasons, a supplemental or subsequent Final EIR is not required and an amendment to the 2015 Initial Study/Addendum has been prepared.

The purpose of this amendment is to document the change in the project (which is primarily the increase from 205 to 230 dwelling units) and evaluate whether the change would result in a new or more significant environmental impact compared to what was previously disclosed in the 2015 Initial Study/Addendum.

This amendment to the Initial Study/Addendum will not be formally circulated for public review, but will be attached to the Downtown Strategy 2000 Final EIR, General Plan Final EIR, General Plan Final SEIR, and 2015 Initial Study/Addendum, pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this amendment are available for public review in the Department of Planning, Building, and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Post Tower Amendment, File Number HA14-023-02

2.2 LEAD AGENCY CONTACT

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2.3 PROJECT APPLICANT

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2.4 PROJECT LOCATION

The approximately 0.47-acre project site is located at the northwest corner of Post Street and S. San Pedro Street in Downtown San José. The project site is bound by an existing office building and its associated parking structure to the north, S. San Pedro Street to the east, Post Street to the south, and existing commercial development to the west. The project site is currently paved and used as a parking lot.

2.5 ASSESSOR'S PARCEL NUMBER

259-40-088

2.6 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit Amendment
- Tentative Map
- Grading Permit
- Building Permit
- Department of Public Works Permits (i.e., encroachment permits)

SECTION 3.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

3.1 SUMMARY OF THE APPROVED PROJECT

The approved 2015 project proposed to develop up to 205 residential dwelling units and up to 10,900 SF of commercial/retail uses (including square footage that could be used jointly as a lobby and retail space), in a 20-story (up to 225 feet tall) tower, consistent with the intent of the existing General Plan and zoning designations. The existing billboards on-site would be removed as a result of the project. Relocation of the billboards is not proposed.

While the project proposes to develop up to 230 dwelling units and up to 10,900 SF of commercial uses, the project applicant anticipates constructing 205 dwelling units and 8,187 SF of commercial uses on-site. The proposed mixed-use tower would be constructed on a podium with the commercial/retail uses on the ground floor and parking provided in three levels below grade and two levels above grade on the 2nd and 3rd floors. The proposed residential units would be located in the upper 17 floors above the retail and parking. Common outdoor areas are proposed at the podium level on the 4th floor and on the 19th floor.

3.2 PROPOSED CHANGES TO THE APPROVED PROJECT

The revised Post Tower project is the exact same project described and analyzed in the 2015 Initial Study/Addendum, except the:

- Total number of residential units has increased from 205 to 230;
- Total number of vehicle parking spaces has increased from 205 to 215; and
- Total outdoor common areas has decreased from approximately 8,100 to 6,985 SF.

The project applicant proposes to primarily adjust the unit sizes on floors six through 18 in order to accommodate the additional units. All other aspects of the project (including building envelope, commercial square footage, site access, public right-of-way improvements, utility improvements, green building measures, and construction details) are the same as described in the 2015 Initial Study/Addendum. A summary of the previously approved project and the current revised project is provided in the table below.

	Previously Approved Project – File No. HA14-023-01	**Revised Proposed Project – File No. HA14-023-02**
Maximum Number of Residential Units	205	230
Maximum Commercial Square Footage	10,900	Same as approved project
Number of Stories	20	Same as approved project
Maximum Building Height in Feet	225	Same as approved project
Number of Vehicle Parking Spaces	205	215
Total Approximate SF of Common Outdoor Areas	8,100	6,985

SECTION 4.0 SETTING AND ENVIRONMENTAL IMPACT DISCUSSION

The existing environmental setting (including regulatory framework) for the project has not changed substantially since the preparation of the 2015 Initial Study/Addendum, with the following exceptions:

1. The California Supreme Court in a December 2015 opinion (*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project.
2. The City certified the *Envision San José 2040 General Plan Supplemental Program Environmental Impact Report* (SCH#2009072096, Resolution No. 77617) (General Plan Supplemental EIR) and confirmed the validity of its qualified Greenhouse Gas Reduction Strategy.
3. The *2017 Clean Air Plan* was adopted by the Bay Area Air Quality Management District (BAAQMD) in April 2017.
4. The BAAQMD *California Environmental Quality Act Air Quality Guidelines* were updated in May 2017.
5. The California Office of Environmental Health Hazard Assessment (OEHHA) risk guidance was published and subsequently recommended by BAAQMD for use in community health risk assessments.
6. One South Market, a residential development located at the southeast corner of West Santa Clara Street and South San Pedro Street, was under construction at the time the 2015 Initial Study/Addendum was prepared. Construction is now complete and the project is occupied.
7. The City recently approved the Greyhound Residential project (File No. SP16-021 and T16-017) located directly across Post Street from the project site. The Greyhound Residential project would redevelop the existing Greyhound bus station with 781 residential units and approximately 20,000 SF of ground floor retail.

The change in the project and whether it would result in a new or more significant environmental impact compared to what was previously disclosed in the 2015 Initial Study/Addendum is discussed below by resource area.

- **Aesthetics** – The existing visual character and views of the site and surrounding area have not changed since the preparation of the 2015 Initial Study/Addendum. The proposed building envelope and aesthetics of the project is the same as proposed and evaluated in the 2015 Initial Study/Addendum. For these reasons, the revised project would result in the same less than significant aesthetics impacts that were disclosed in the 2015 Initial Study/Addendum.

- **Agricultural and Forest Resources** – The agricultural and forest resources setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed increase in residential units would not change the project's impacts to agricultural and forest resources disclosed in the 2015 Initial Study/Addendum. The revised project would result in no impacts to agricultural and forest resources.

- **Air Quality** – Since the preparation of the 2015 Initial Study/Addendum, the *2017 Clean Air Plan* was been adopted. The proposed project would not conflict with the latest Clean Air planning efforts because the project: 1) would have emissions below the BAAQMD screening thresholds, 2) is an urban infill project, 3) located near employment centers, 4) located near transit, and 5) would implement Transportation Control Measures (TCMs).

  Even with the increase in 25 residential units, the (revised) residential and commercial development amount are both below the construction and operational criteria air pollutant screening thresholds for residential and commercial uses[1] and the combined emissions for both uses are not anticipated to exceed the BAAQMD thresholds of significance. The criteria air pollutant emission impacts of the revised project (including the project's contribution to regional air quality impact with the buildout of the Downtown Strategy and General Plan) are similar to those disclosed in the 2015 Initial Study/Addendum and the revised project would be required to implement TCMs (see MM AIR-2.1 on page 37 of the 2015 Initial Study/Addendum). The revised project would result in the same less than significant regional air quality impact and the same significant unavoidable cumulative regional air quality impacts as disclosed in the 2015 Initial Study/Addendum.

  Since the preparation of the 2015 Initial Study/Addendum, the OEHHA risk guidance has been published and subsequently recommended by BAAQMD for use in community health risk assessments. The proposed residents would be exposed to community health risks from existing sources of Toxic Air Contaminants (TACs), including local roadways. The project's health risks from TAC sources was recalculated using the latest vehicle emissions rates and the new OEHHA guidance. The modeling showed that none of the identified TAC emission sources exceeded the BAAQMD single-source thresholds (refer to Attachment A for more detail). The revised project would result in the same less than significant health risk hazards as disclosed in the 2015 Initial Study/Addendum.

  Construction of the project can result in community health risks to existing sensitive receptors. The revised project construction details, including excavation amount, duration, and equipment type and use, is the same as evaluated in the 2015 Initial Study/Addendum. The project could also contribute to cumulative construction health risk impacts when considered with the 45 N. San Pedro and Greyhound residential projects. Modeling for the construction health risks of the project and cumulative projects (i.e., the revised project, 45 N. San Pedro, and Greyhound) show that project construction activities and cumulative construction activities would result in health risks above BAAQMD thresholds (refer to Attachment A for additional technical details). This same impact was identified in the 2015 Initial Study/Addendum (see Impact AIR-1 on page 35 of the 2015 Initial Study/Addendum). The revised project would result in the same less than significant construction dust and construction health risk impacts with mitigation incorporated as disclosed in the 2015 Initial Study/Addendum and would be required to implement standard BAAQMD measures (see MM AIR-1.1 on pages 35-36 of the 2015 Initial Study/Addendum) with the following refinement to the second to last bullet:

[1] The BAAQMD construction and operation screening thresholds for high-rise residential development is 510 dwelling units and 249 dwelling units, respectively. The BAAQMD construction and operation screening thresholds for commercial/strip mall is 99,000 square feet and 277,000 square feet, respectively.

- All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two day continuously shall meet U.S. EPA particulate matter emissions standard for Tier 4 engines or equivalent. Note that the construction contractor could use other measures to minimize construction period DPM emissions to reduce the estimated cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) could meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.

- **Biological Resources –** The existing biological setting has not changed since the preparation of the 2015 Initial Study/Addendum and the project landscaping is the same as proposed for the 2015 Post Tower project. For these reasons, the revised project would result in the same less than significant impacts to biological resources as disclosed in the 2015 Initial Study/Addendum and the revised project would be required to pay all applicable Habitat Plan fees.

- **Cultural Resources –** The existing cultural resources setting has not changed since the preparation of the 2015 Initial Study/Addendum. In 2017, the City approved the Greyhound Residential project. As discussed previously, the Greyhound Residential project site is located across Post Street from the project site and developed and occupied by the Greyhound Bus Station. The Greyhound Bus Station was identified as candidate City Landmark in the 2015 Initial Study/Addendum and the Greyhound Residential Project EIR (SCH# 1991093009). The approved Greyhound Residential project would demolish the Greyhound Bus Station. The proposed increase in residential units does not change the project's impact on cultural resources. The revised project, therefore, would result in the same less than significant impact with mitigation incorporated to cultural resources as disclosed in the 2015 Initial Study/Addendum and would be required to implement measures to reduce impacts to paleontological and/or archaeological resources (see MM CUL-1.1 through -1.5 on pages 51 and 52 of the 2015 Initial Study/Addendum) and nearby historic resources from project construction activities (see MM CUL-2.1 through -2.4 on pages 54-56 of the 2015 Initial Study/Addendum).

- **Geology and Soils** – The existing geology and soils resources setting has not changed since the preparation of the 2015 Initial Study/Addendum. The proposed increase in residential units does not change the project's impact on geology and soils, or the geologic hazards to the project. The revised project, therefore, would result in the same less than significant impact with mitigation incorporated to geology and soils resources as disclosed in the 2015 Initial Study/Addendum and would be required to implement measures to reduce impacts from undocumented fill and expansive soils (see MM GEO-1.1 on page 62 of the 2015 Initial Study/Addendum), shallow groundwater (see MM GEO-2.1 on page 63 of the 2015 Initial Study/Addendum), and seismic and seismic-related hazards (see MM GEO-3.1 on pages 63-64 of the 2015 Initial Study/Addendum).

- **Greenhouse Gas Emissions –** The existing greenhouse gases (GHG) setting has not substantially changed since the preparation of the 2015 Initial Study/Addendum, with the exception of the adoption of the 2017 Clean Air Plan, the certification of the General Plan Final SEIR, and re-adoption of the City's qualified Greenhouse Gas Reduction Strategy. The proposed additional 25 residential units would result in an increase in operational GHG emissions, primarily coming from additional vehicle trips and residential unit energy usage. However, the increase would not be large enough for the project's GHG emissions to exceed the BAAQMD efficiency significance threshold identified (see page 69 of the 2015 Initial Study/Addendum). Furthermore, the revised project is consistent with the development assumptions in the City's General Plan and, therefore, accounted for in the City's qualified Greenhouse Gas Reduction Strategy. For these reasons, the revised project would result in the same less than significant greenhouse gas impact as disclosed in the 2015 Initial Study/Addendum.

- **Hazards and Hazardous Materials** – The existing hazards and hazardous materials setting has not changed substantially since the preparation of the 2015 Initial Study/Addendum and the proposed construction details (including excavation) are the same as described in the 2015 Initial Study/Addendum. For these reasons, the revised project would result in the same less than significant impact to hazards and hazardous materials as disclosed in the 2015 Initial Study/Addendum.

- **Hydrology and Water Quality** – The existing hydrological setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed amount of impervious surfaces is the same as evaluated in the 2015 Initial Study/Addendum. For these reasons, the revised project would result in the same less than significant impact to hydrology and water quality as disclosed in the 2015 Initial Study/Addendum.

- **Land Use** – The existing land use setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed land uses and building mass and density are the same as evaluated in the 2015 Initial Study/Addendum. For these reasons, the revised project would result in the same less than significant impact with mitigation incorporated as disclosed in the 2015 Initial Study/Addendum and would be required to implement measures to ensure safe operation of the airport (see MM LU-1.1 on page 92 of the 2015 Initial Study/Addendum).

- **Mineral Resources** – The existing minerals setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed increase in residential units would not change the project's impacts to mineral resources as disclosed in the 2015 Initial Study/Addendum. The revised project would not result in impacts to mineral resources.

- **Noise and Vibration** – The existing noise and vibration setting has changed since the preparation of the 2015 Initial Study/Addendum, with the completion of One South Market at the southeast corner of W. Santa Clara Street and S. San Pedro Street and the potential construction of the recently approved Greyhound Residential project.

The proposed project construction schedule/duration, building methods, and post-construction exterior noise emitters are the same as analyzed in the 2015 Initial Study/Addendum. There is a potential for construction activities associated with the Greyhound Residential project to overlap with the project's construction activities. Consistent with the Downtown Strategy and General Plan EIRs, each project's contribution to the cumulative construction noise level would be reduced through the implementation of standard construction noise control measures (see MM NOI-3.1 on pages 106-107 of the 2015 Initial Study/Addendum).

Overall, the revised project would result in the same less than significant noise and vibration impacts with mitigation incorporated as disclosed in the 2015 Initial Study/Addendum and would be required to implement measures to reduce noise and vibration impacts (see MM NOI-1.1 through -1.3, -2.1 through -2.2, -3.1, and -4.1 through -4.4 on pages 102-110 of the 2015 Initial Study/Addendum).

- **Population and Housing** – The existing population and housing setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed number of residential units is consistent with the City's anticipated population growth from the implementation of the General Plan. For these reasons, the revised project would result in the same less than significant impact to population and housing as disclosed in the 2015 Initial Study/Addendum.

- **Public Services** – The existing public services setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed development is consistent with the General Plan and would not exceed the City's anticipated levels of service from the implementation of the General Plan. The additional 25 residential units from the proposed project revisions would increase the number of anticipated school aged children from the project from 56 to 63 students.[2] The project shall mitigate its impact to school through payment of applicable school impact fees pursuant to state law. For these reasons, the revised project would result in the same less than significant impact to public services as disclosed in the 2015 Initial Study/Addendum and would be required to pay all applicable parkland dedication ordinance fees and school impact fees.

- **Recreation –** The existing recreation setting had not changed since the preparation of the 2015 Initial Study/Addendum and the proposed development is consistent with the General Plan and would not exceed the City's anticipated demand on recreational facilities from the implementation of the General Plan. For these reasons, the revised project would result in the same less than significant impact to recreational resources as disclosed in the 2015 Initial Study/Addendum and would be required to pay all applicable parkland dedication ordinance fees.

[2] A student generation rate of 0.272 K-12 students per unit was assumed.

- **Transportation –** The existing transportation setting has not changed substantially since the preparation of the 2015 Initial Study/Addendum and the proposed development is consistent with growth identified in the Downtown Strategy and General Plan. The revised project is proposing the same right-of-way improvements as discussed in the 2015 Initial Study/Addendum and the project, which is located in the Downtown Core, is still exempt from level of service standards and traffic mitigation measures. For these reasons, the revised project would result in the same transportation impact as disclosed in the 2015 Initial Study/Addendum. The project would contribute to the significant intersection and freeway level of service impacts identified in the Downtown Strategy EIR. An updated Transportation Operations Report is included in Attachment B for informational purposes.

- **Utilities and Service Systems** – The existing utilities and service systems setting has not changed since the preparation of the 2015 Initial Study/Addendum and the proposed increase in residential units is nominal (12 percent increase in sewage generation and water demand) and would not exceed any of the City's utility or service system capacity. For these reasons, the revised project would result in the same less than significant impacts to utility and service systems as disclosed in the 2015 Initial Study/Addendum.

SECTION 5.0 REFERENCES

Bay Area Air Quality Management District. *2017 Clean Air Plan*. April 2017.

---. *California Environmental Quality Act Air Quality Guidelines.* May 2017.

City of San José. *Downtown Strategy 2000 Final Environmental Impact Report.* SCH# 2003042127. November 2005.

---. *Envision San José 2040 General Plan Supplemental Program Environmental Impact Report*. SCH#2009072096. 2015.

---. *Greenhouse Gas Reduction Strategy*. Adopted December 2015.

---. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan*. SCH# 2009072096. September 2011.

---. *Post Tower Project Initial Study/Addendum to the Envision San José 2040 General Plan (SCH#2009072096) and Downtown Strategy 2000 (SCH#2003042127) Final EIRs.* September 2015.

Hexagon Transportation Consultants, Inc. *Supplemental Traffic Analysis for the Post & San Pedro Tower Project in San José, CA.* October 25, 2017.

Illingworth & Rodkin, Inc. *Project Revisions.* October 30, 2017.

Appendix A

Post Tower Project

Initial Study/Addendum to the Envision San José 2040 General Plan (SCH#2009072096) and Downtown Stratagy 2000 (SCH#2003042127) Final EIRs

File No. HA14-023-01

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2015

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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

ADDENDUM TO THE SAN JOSE DOWNTOWN STRATEGY 2000 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127) AND THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096)

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the San Jose Downtown Strategy 2000 Final Environmental Impact Report (Strategy 2000 FEIR) and the Envision San Jose 2040 General Plan Final Environmental Impact Report (2040 General Plan FEIR) because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

HA14-023-01 – Post & San Pedro Residential Tower Project. Site Development Permit for a 20-story high rise building with up to 205 residential units, up to 10,900 square feet of ground floor retail space, and a four-story parking garage connected to the existing adjacent parking garage in the DC zoning district on a 0.47 gross acre site. **Location:** Northwest corner of Post Street and S. San Pedro Street, on a site currently used as a surface parking lot (APN 259-40-088).

Council District: 3.

The environmental impacts of this project were addressed by two Final Environmental Impact Reports: "The Downtown Strategy 2000 Final Environmental Impact Report," adopted by City Council Resolution No. 72767 on June 21, 2005; and "Envision San Jose 2040 General Plan Final Impact Report," adopted by City Council Resolution No. 76041 on November 1, 2011. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Strategy 2000 FEIR and 2040 General Plan FEIR:

- ☒ Traffic and Circulation
- ☒ Cultural Resources
- ☒ Urban Services
- ☒ Aesthetics
- ☒ Energy
- ☒ Water Quality
- ☒ Soils and Geology
- ☒ Hazardous Materials
- ☒ Biotic Resources
- ☒ Airport Considerations
- ☒ Greenhouse Gas Emissions
- ☒ Utilities
- ☒ Noise
- ☒ Land Use
- ☒ Air Quality
- ☒ Microclimate
- ☒ Construction Period Impacts
- ☒ Facilities and Services

ANALYSIS

The proposed Site Development Permit Amendment alters a previously approved Site Development Permit (H14-023), which was approved by the Director of Planning on October 8, 2014. Proposed changes include an increase in the maximum number of residential units from 182 to 205, an increase in the maximum area of ground floor retail from 10,000 square feet to 10,900 square feet, and a reduction in the maximum height of the building from 230 feet to 225 feet.

Comparison of Proposed Project with Previously Approved Project		
	Previously Approved Project – Post & San Pedro Tower (File No. H14-023)	**Revised Proposed Project – Post Tower (File No. HA14-023-01)**
Maximum Number of Residential Units	182	205
Maximum Commercial Square Footage	10,000	10,900
Number of Stories	21	20
Maximum Building Height in Feet	230	225

The amount of residential and commercial development proposed for the site was included and analyzed in the Strategy 2000 FEIR and the certified 2040 General Plan FEIR, at a program level.

Consistency with the Downtown Strategy 2000 FEIR and General Plan 2040 FEIR

The Strategy 2000 FEIR was a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000:

- 8,000,000 to 10,000,000 square feet of office space;
- 8,000 to 10,000 residential dwelling units;
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects.

The project, as amended, would construct a 20-story building with up to 205 residential units and up to 10,900 square feet of ground floor retail space. The type and intensity of development proposed is consistent with the intent of the Downtown Strategy 2000 and the findings of the Strategy 2000 FEIR.

The General Plan FEIR included the project site in the evaluation for the *Downtown* land use designation. This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities. The project conforms to the Downtown General Plan land use designation in that it proposes to construct a 20-story mixed use residential tower with ground floor commercial consistent with the Envision San Jose 2040 General Plan and the 2040 General Plan FEIR.

This Addendum includes an Initial Study, which evaluates the project-specific environmental impacts that were not addressed in the two previously certified FEIRs, including project greenhouse gas emissions. The Initial Study concluded that the proposed project would not

result in any new impacts not previously disclosed in the Strategy 2000 FEIR and the 2040 General Plan FEIR, and that operational greenhouse gas emissions would be below Bay Area Air Quality Management District (BAAQMD) thresholds of significance. The project will also not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Strategy 2000 FEIR and the 2040 General Plan FEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to both the Strategy 2000 FEIR and the 2040 General Plan EIR, pursuant to CEQA Guidelines §15164(c). The attached Initial Study (Attachment 1) provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

David Keyon
Environmental Project Manager

9/24/15
Date

Harry Freitas, Director
Planning, Building and Code Enforcement

Meenaxi R. P.
Deputy

Attachment: 1) Draft Initial Study, dated September, 2015.

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SECTION 1.0 INTRODUCTION AND PURPOSE

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

In 2005, the City of San José approved the San José Downtown Strategy 2000 (Downtown Strategy 2000), which is an update of the San José Downtown Strategy Plan 2010 (adopted in 1992) and is a long-range program for the redevelopment and preservation of the central core of San José. The plan includes the following development:

- 8,000,000 to 10,000,000 square feet (SF) of office,
- 900,000 to 1,200,000 SF of retail space,
- 8,000 to 10,000 residential units, and
- 2,000 to 2,500 hotel guest rooms.

While the certified 2005 Downtown Strategy 2000 Final Environmental Impact Report (EIR) (SCH# 2003042127) was primarily a broad range, program-level environmental document, it developed project-level level information whenever possible, such as when a specific site was identified for a specific type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project-specific supplemental environmental review.

In November 2011, the City of San José approved the Envision San José 2040 General Plan, which is a long-range program for the future growth of the City. The certified Envision San José 2040 General Plan Final EIR (SCH# 2009072096) was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the document to be a program-level document from which subsequent development, consistent with the General Plan, could tier. The Envision San José 2040 General Plan Final EIR evaluated additional growth (up to 10,360 dwelling units) in the Downtown compared to existing development. The project site was included in the *Downtown* land use designation (created in place of the *Core Area* designation as part of the Envision San José 2040 General Plan). This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities, unless incompatibility with other major policies within the Envision San José 2040 General Plan (such as Historic Preservation Policies) indicates otherwise. Residential development within the *Downtown* land use designation is intended to support pedestrian/bicycle circulation, increase transit ridership, and incorporate ground floor commercial uses.

In September 2014, the City approved a General Plan Text Amendment (File No. GPT14-006) to increase the maximum density range from 350 to 800 dwelling units per acre (DU/AC) for the *Downtown* land use designation.

Subsequently, an Addendum to the certified 2005 Downtown Strategy 2000 Final EIR was prepared for the development of a 182-unit residential apartment building with up to 10,000 SF of commercial/retail space on the 0.47-acre project site located at northwest corner of Post Street and S. San Pedro Street in Downtown San José (Post & San Pedro Tower Project, File No. H14-023). The Planning Director considered the Addendum and approved the project on October 8, 2014. Modifications to the approved project are now proposed.

Compared to the approved project, the current project proposes to increase the number of residential units from 182 to 205, the amount of commercial/retail square footage from 10,000 to 10,900, and reduce the maximum building height of the building from 230 feet to 225 feet. A table summarizing these primary changes is provided below. The purpose of this Initial Study/Addendum is to evaluate the environmental impacts of a Site Development Permit to construct the currently proposed project (205-unit residential apartment building with up to 10,900 SF of commercial/retail space) on a 0.47-acre site in Downtown San José.

	Previously Approved Project – Post & San Pedro Tower (File No. H14-023)	**Revised Proposed Project – Post Tower (File No. HA14-023-01)**
Maximum Number of Residential Units	182	205
Maximum Commercial Square Footage	10,000	10,900
Number of Stories	21	20
Maximum Building Height in Feet	230	225

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for the preparation of a subsequent EIR have occurred.

The GHG Reduction Strategy in the 2040 General Plan was utilized by the City of San José as a qualified GHG Reduction Strategy under CEQA from its adoption in 2011 through February 2015. The City of San José is currently reevaluating the greenhouse gas analysis contained in the 2011 General Plan Program EIR. In a stipulated settlement of *California Clean Energy Committee (CCEC) v. City of San José* (Case Number: 1-11-CV-212623) dated April 16, 2015, the City of San José agreed to prepare a Supplemental Program EIR to supplement the information included in the 2040 General Plan Final PEIR regarding greenhouse gas emissions and global climate change. Pending completion of this Supplemental PEIR, the City has suspended use of the 2040 General Plan PEIR for tiering related to the Program EIR's analysis of greenhouse gas emissions. Therefore, for this Addendum, a project-level greenhouse gas emissions evaluation has been completed in order to assess the project's contribution to cumulative greenhouse gas emissions.

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and Post & San Pedro Tower Project), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent Final EIR is not required and an addendum to the Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR has been prepared for the proposed project.

This Addendum will not be formally circulated for public review, but will be attached to both the Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR, pursuant to CEQA Guidelines §15164(c).

All documents referenced in this Initial Study/Addendum are available for public review in the Department of Planning, Building and Code Enforcement (PBCE) at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE, FILE NUMBER

Post Tower, File Number HA14-023-01

2.2 PROJECT LOCATION

The 0.47-acre project site is located at the northwest corner of Post Street and S. San Pedro Street in Downtown San José. The project site is bound by an existing office building and its associated parking structure to the north, S. San Pedro Street to the east, Post Street to the south, and existing commercial development to the west. The project site is currently paved and used as a parking lot. Regional and vicinity maps of the project site are shown in Figures 2.2-1 and 2.2-2. An aerial photograph showing surrounding land uses is shown on Figure 2.2-3.

2.3 LEAD AGENCY CONTACT

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City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
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2.4 PROPERTY OWNER/PROJECT APPLICANT

Mike Kim, *Chief Investment Officer*
SIMEON
655 Montgomery Street, Suite 1190
San Francisco, CA 94111
(415) 367-5727
Mkim@simprop.com

2.5 ASSESSOR'S PARCEL NUMBER

259-40-088

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

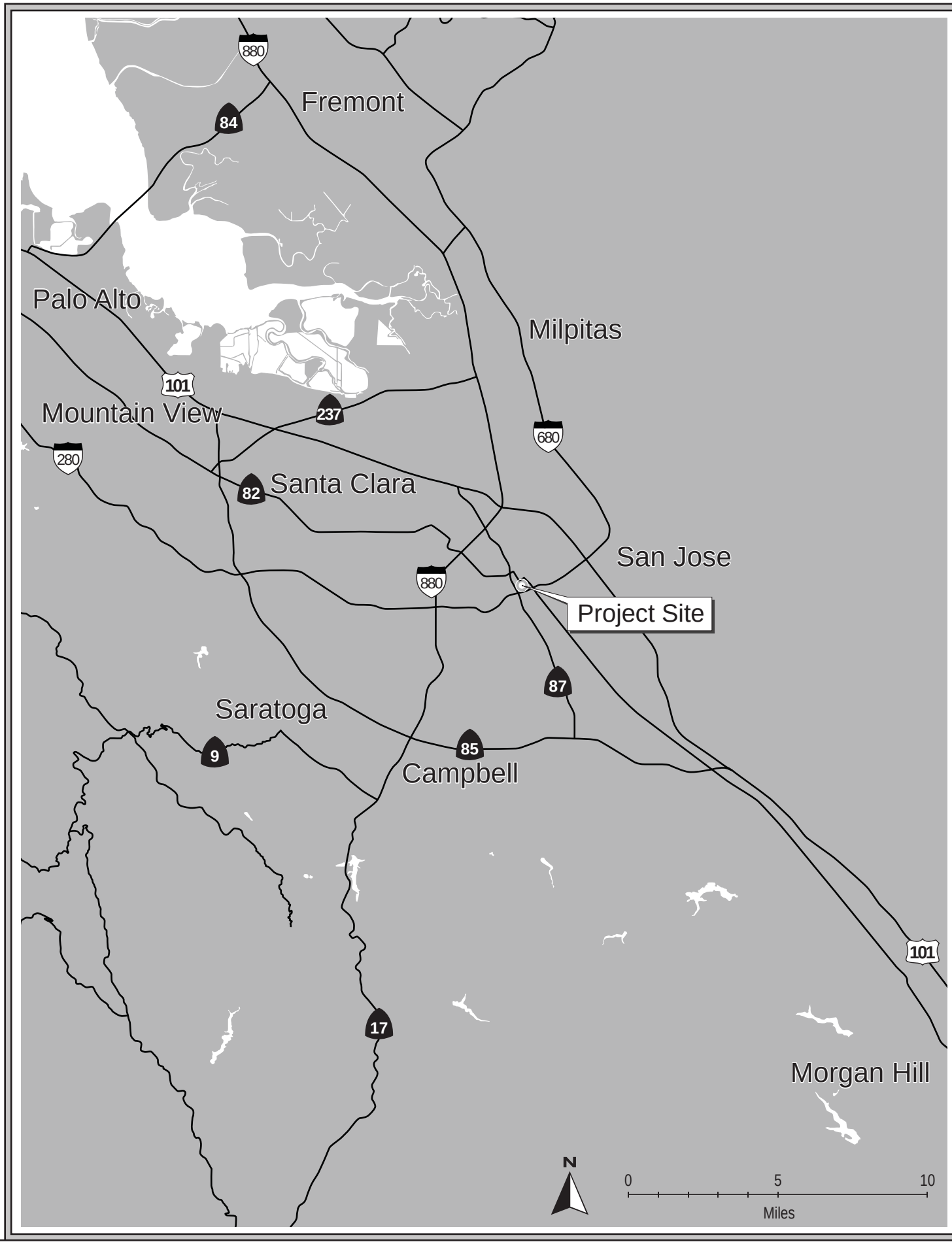
Zoning District: *DC - Downtown Core*
General Plan Designation: *Downtown*

2.7 HABITAT PLAN DESIGNATIONS

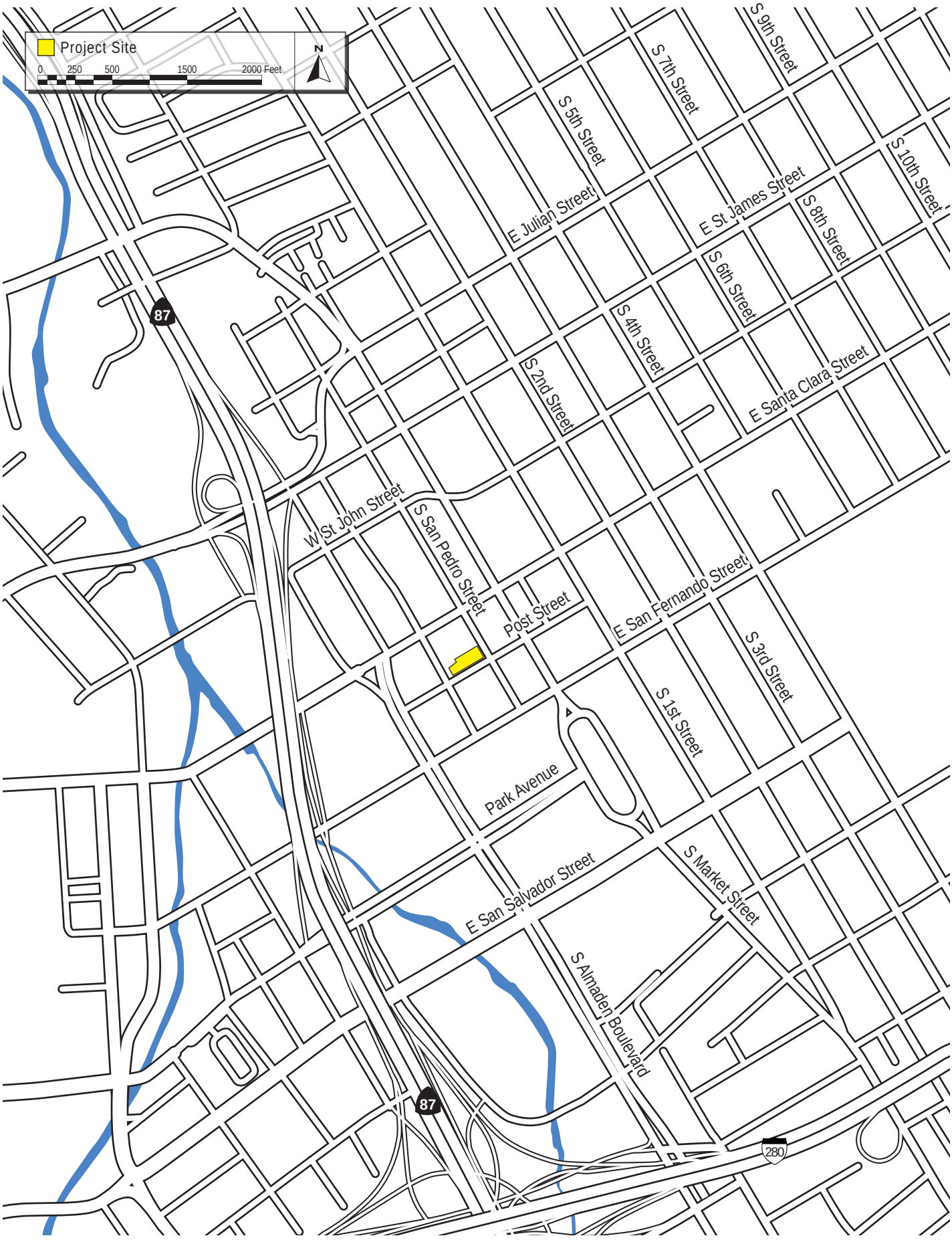
Land Cover Designation: *Urban – Suburban (0.47 acres)*
Development Zone: *A4 – Urban Development greater than two acres covered*
Fee Zone: *Urban Areas*
Owl Conservation Zone: *N/A*

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit
- Tentative Map
- Grading Permit
- Building Permit

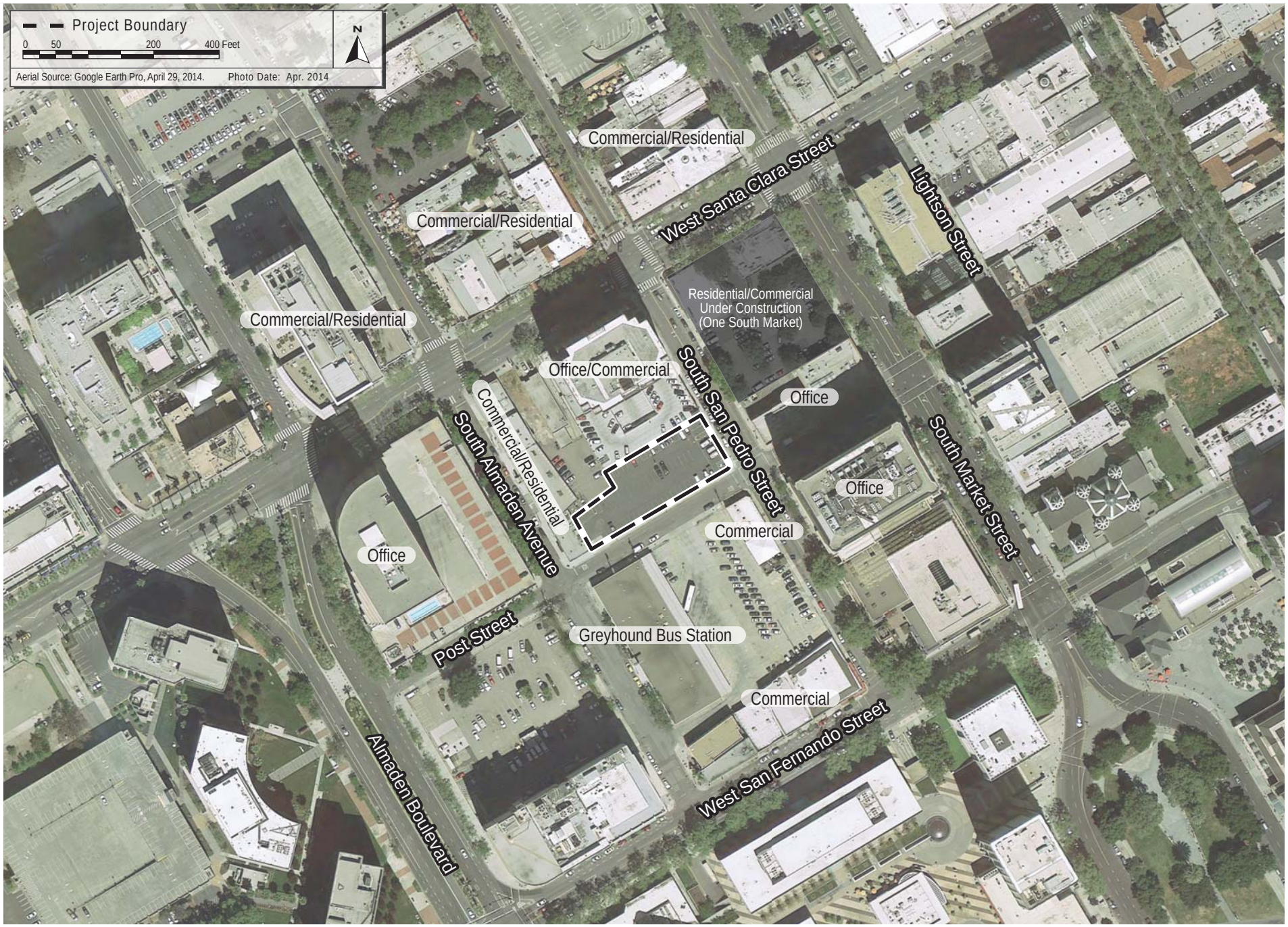


REGIONAL MAP FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

The 0.47-acre project site (APN: 259-40-088) is located in a developed, urban area in Downtown San José and is identified in the Downtown Strategy 2000 and Envision San José 2040 General Plan for intensified development. The project site has a General Plan land use designation of *Downtown* and zoning designation of *Downtown Core*. The *Downtown* land use designation includes office, retail, service, residential, and entertainment uses in the downtown at very high intensities. The *Downtown Core* zoning designation allows for a variety of uses including residential, office, general retail, education and training (e.g., daycare), entertainment and recreation, food services, health and veterinary services, and transportation (e.g., parking).

The project site is currently developed with a surface parking lot and associated infrastructure, including light poles and fencing. There are also two billboards located along the western site boundary of the project site.

3.2 PROJECT OVERVIEW

The project proposes to develop up to 205 residential dwelling units and up to 10,900 square feet (SF) of commercial/retail uses (including square footage that could be used jointly as a lobby and retail space), in a 20-story (up to 225 feet tall) tower, consistent with the intent of the existing General Plan and zoning designations. The existing billboards on-site would be removed as a result of the project. Relocation of the billboards is not proposed.

A conceptual site plan of the proposed project is shown on Figure 3.2-1. While the project proposes to develop up to 205 dwelling units and up to 10,900 SF of commercial uses, the project applicant anticipates constructing 203 dwelling units and 8,187 SF of commercial uses on-site, as reflected in Figure 3.2-1. The proposed mixed-use tower would be constructed on a podium with the commercial/retail uses on the ground floor and parking provided in three levels below grade and two levels above grade on the 2nd and 3rd floors (see Figure 3.2-2). The proposed residential units would be located in the upper 17 floors above the retail and parking. Common outdoor areas are proposed at the podium level on the 4th floor and on the 19th floor (refer to Figure 3.2-2, the conceptual cross-section).

The primary project components, including the proposed residential units, commercial/retail uses, common outdoor areas and landscaping, and site access and parking, are described in the following section.

3.3 PROJECT COMPONENTS

3.3.1 Residential Units

The project proposes to construct up to 205 residential dwelling units. As shown on Figure 3.2-2, the conceptual cross-section, the residential units are proposed above the podium structure, on floors four through 20. The units would include one to three bedroom units, ranging from 528 to 1,021 SF in size. Most units would also include a private balcony.

3.2.2 Commercial/Retail Uses

The project includes the development of up to 10,900 SF of commercial/retail uses (including square footage that could be used jointly as a lobby and retail space) on the ground floor of the building fronting Post Street and S. San Pedro Street (refer to Figure 3.2-1). The proposed commercial/retail uses on-site would be consistent with the *DC – Downtown Core* zoning district and could include office, general retail, education and training (e.g., daycare), entertainment and recreation, food services, and/or health and veterinary services.

3.2.3 Common Areas and Landscaping

Common outdoor areas with landscaping are proposed on the podium level (4th floor) and on the 19th floor (see Figure 3.2-2). The common outdoor area proposed on the podium level would be approximately 5,200 SF in size and could include a deck with a pool, spa, fireplace, pet area, and seating areas. The common outdoor area on the 19th floor would be approximately 2,900 SF in size and could include a deck with landscaping and seating areas. Additional landscaping, including street trees, would be planted on the perimeter of the project site along the Post Street and S. San Pedro Street frontages.

3.2.4 Site Access and Parking

Pedestrian access to the project site would be provided via existing sidewalks along the project site frontage on S. San Pedro Street and Post Street. The lobby entrance for the residences would be located on S. San Pedro Street. An interior loading bay for the commercial uses is located on Post Street.

It is proposed that the parking facilities for the proposed residential and commercial/retail uses on-site and the existing office building to the north be shared. Vehicular access to the proposed residential and commercial/retail development would be provided via the existing driveway on S. San Pedro Street into the existing office building parking garage. The existing office building parking garage includes three levels above grade, one level partially below grade, and two levels below-grade. The parking garage for the proposed residential and commercial/retail uses would be constructed to abut and connect to the existing office parking structure. The residential and commercial/retail parking garage would connect to the office building parking garage at each level and share ramps.

The parking for the residential units would be provided on-site in three levels of below grade and two levels of above grade parking (on basement levels one through three and floors two and three, respectively). Consistent with the City's Downtown parking requirements, the project would provide at least one parking space per unit. The project also proposes to provide one bicycle parking space per unit and additional bicycle parking spaces for the commercial/retail uses, in accordance with the Municipal Code.

The project would not impact the existing on-street parking on S. San Pedro Street. No on-street parking along the project's Post Street frontage is proposed.

3.2.5 Public Right-of-Way Improvements

The project proposes the following sidewalk improvements:

- A 12-foot wide attached sidewalk with tree wells and street lighting along S. San Pedro Street from W. Santa Clara Street to Post Street, which will be accomplished through adjusting the curb line and narrowing the southbound travel lane of S. San Pedro Street to 11 feet; and
- A 12-foot wide attached sidewalk with tree wells and street lighting along Post Street from S. San Pedro Street to S. Almaden Avenue, which will be accomplished through adjusting the curb line.

No dedication of right-of-way (ROW) is required for the above described sidewalk improvements. Street furnishing, such as bike racks and trash receptacles, would be incorporated in the design of the sidewalk improvements. Bike racks and trash receptacles would be coordinated with the Downtown Association and the City's Department of Transportation prior to placement in the public right-of-way to ensure that they are approved models.

The project also proposes to remove and replace the handicap ramp located at the northwest corner of S. San Pedro Street and Post Street with a new ADA compliant ramp. The existing curb ramps at the corners of Santa Clara Street/S. San Pedro Street and Post Street/S. Almaden Avenue would be modified as a result of the curb line adjustments.

Based on the City's review of the existing roadway pavement conditions during the permit phase of the project, the project may be required to rehabilitate the asphalt pavement on the adjacent street sections either through an overlay or structural section replacement.

No other modifications within the street ROW are proposed.

3.2.6 Utility Improvements

The project requires connections to existing utilities in the area to serve the proposed residential and commercial/retail uses. The project includes new on-site water, sewer, and storm drain pipes which would connect to existing water, sewer, and storm drain mains/lines in the project area. The project also includes on-site features to treat stormwater runoff prior to discharge to the City's stormwater

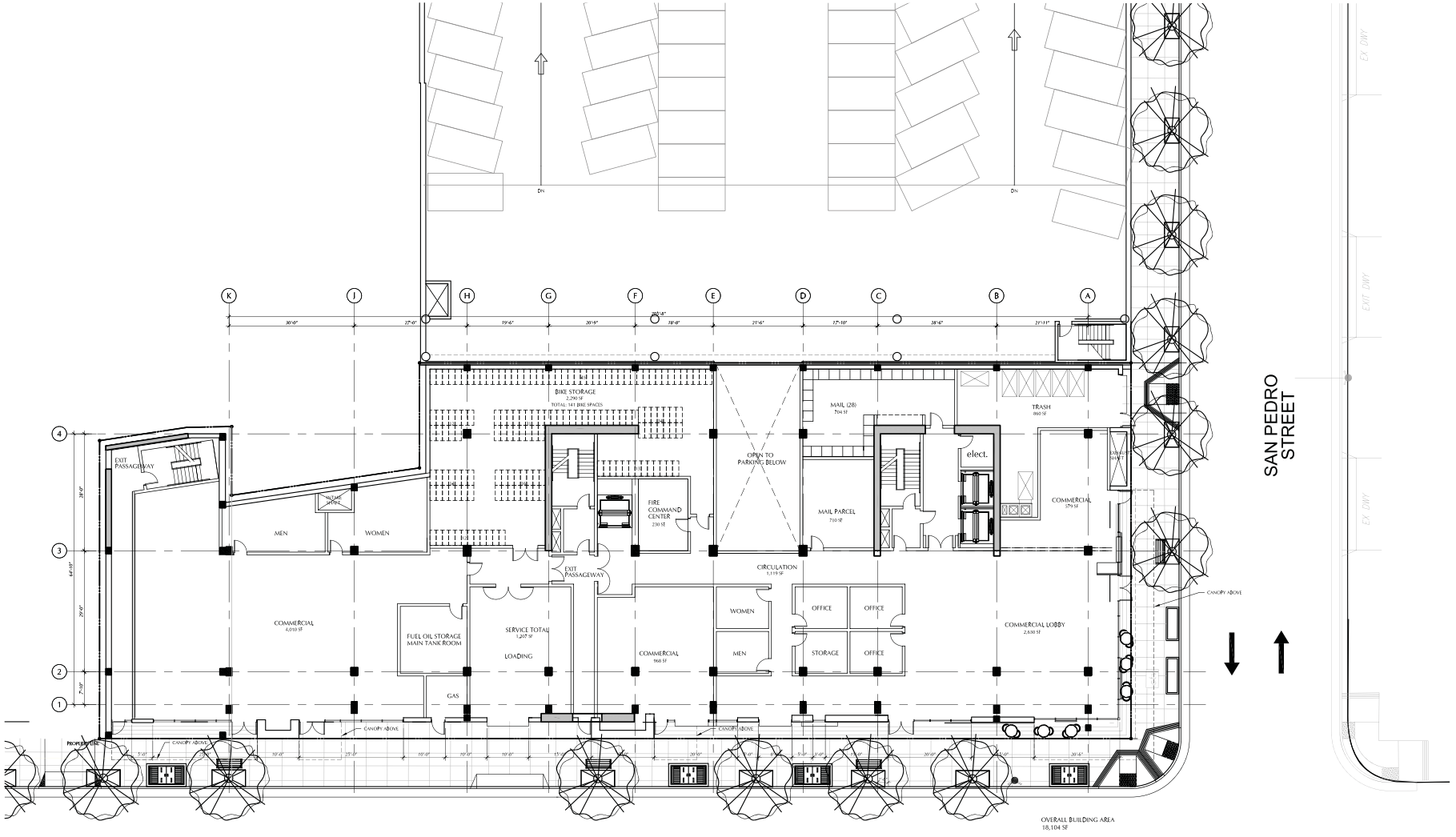
system. In addition, the existing overhead utility lines would be placed in an underground joint trench as part of the project property frontage improvements.

3.2.7 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at minimum, LEED Certification by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

3.2.8 Construction

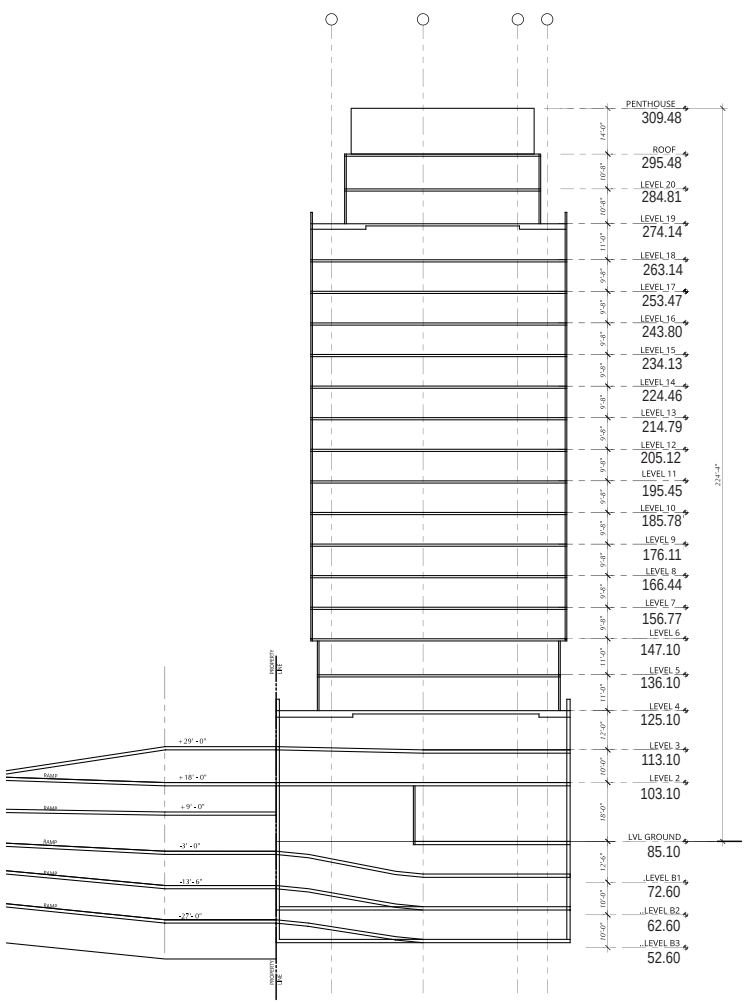
It is anticipated that the project would be constructed over an approximate 24-month period, beginning in early 2016. It is estimated that construction of the project would require the excavation and export of approximately 26,000 cubic yards of soil (primarily for the construction of below ground parking). The maximum depth for excavation is estimated to be 30 feet below grade**.** Construction equipment would be staged on the project site and on nearby private property upon mutual agreement.



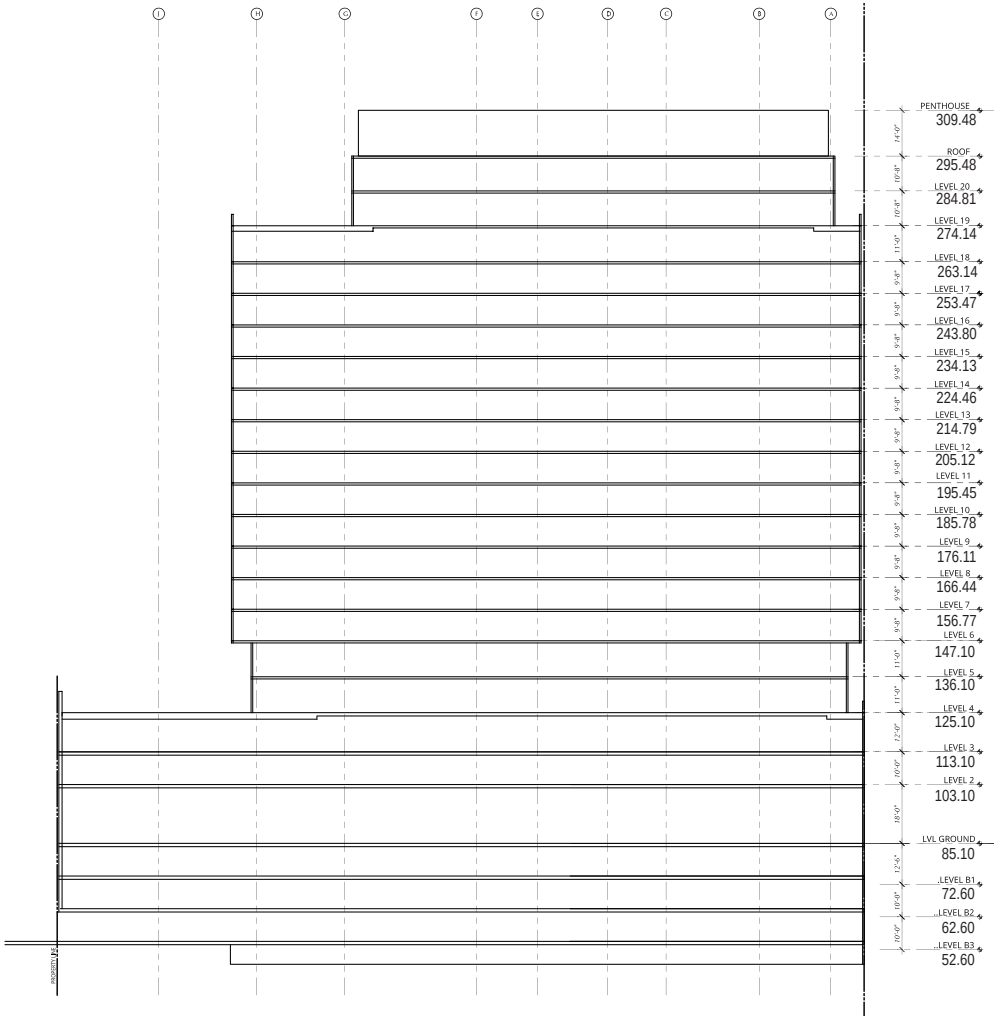
Source: Ankrom Moisan Architects, 9/14/15.

CONCEPTUAL SITE PLAN – GROUND LEVEL

FIGURE 3.2-1



EAST-WEST SECTION



NORTH-SOUTH SECTION

Source: Ankrom Moisan Architects, 9/14/15.

CONCEPTUAL CROSS SECTION

FIGURE 3.2-2

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND 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 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 law or are City standard conditions of approval are categorized as "Standard Permit Conditions."

4.1 AESTHETICS

4.1.1 Setting

The 0.47-acre project site is generally rectangular shaped and located at the northwest corner of the Post Street and S. San Pedro Street intersection in Downtown San José. The project site is bounded by S. San Pedro Street to the east, Post Street to the south, and existing development to the west and to the north.

The project site is currently flat and developed with a parking paved lot and light poles. There are also two billboards along the western boundary of the project site, approximately 20 feet above ground. The site is surrounded by an approximately six-foot chain-link fence with an opening at the driveway on Post Street.

There is currently no landscaping on-site or within the public right-of-way (ROW) on Post Street and S. San Pedro Street. Overhead utility poles and light poles are located on the sidewalks along Post and S. San Pedro Streets.

4.1.1.2 *Surrounding Visual Character*

The project area contains a variety of structures ranging from modern high rises with concrete and glass facades to an older, single-story development constructed with brick. Post Street and S. San Pedro Street, which form the eastern and southern project site boundaries respectively, are two-lane roadways (one lane in each direction), and have sidewalks on both sides of the streets.

The development directly north of the site consists of a typical 15-story office building (with ground floor commercial/retail uses) and an attached multi-level parking structure (160 W. Santa Clara Street). This building features large windows and is clad in stone. Development east of the site (across S. San Pedro Street) consists of a two-story, Romanesque style, brick structure (Sunol Building) with a flat parapet roof and a newly constructed 23-story residential tower (One South Market project, File No. H12-022).

To the south of the site, at the southwest corner of Post Street and S. San Pedro Street, is a single-story stucco clad brick building. At the street corner, this building (currently occupied by Myth Taverna) has an angled wall with a door. A single-story cinder block building clad with glazed terracotta tile and a large surface parking lot (Greyhound Bus Station) are also located south of the site on the south side of Post Street. Vertical aluminum members divide the building into bays and aluminum storefront configurations face S. Almaden Avenue. A large electric sign identifies the building and features the figure of a greyhound and the word "BUS."

A single-story, Art Deco style, reinforced formed-concrete structure with a flat room (Berger Building, currently occupied by the Blank Club) and a single-story gable roof brick structure (Tony's Muffler) are located west of the site. Tony's Muffler is clad in stucco and features three large rollup doors and two aluminum storefront windows. Views of the project site and area are shown in Photos 1-4 on the following pages. Additional information about the surrounding historic and potentially buildings are provided in Appendix C.

4.1.1.3 *Scenic Views and Resources*

The City has many scenic resources including the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is flat and located in Downtown San José, surrounded by development. Views of the Diablo foothills east of the site and the Santa Cruz Mountains west of the site are obscured by existing, surrounding development. The project site is not adjacent to or visible from a City designated rural scenic corridor.

The project area has been developed for over 100 years and no natural scenic resources, such as trees or rock outcroppings, are present on the site or in the project area. There are no historic buildings located on-site; however, there are designated historic and potentially historic buildings located to east, southeast, south, and west of the project site. Historic and potentially historic buildings are further discussed in *Section 4.5 Cultural Resources.*

4.1.1.4 *Applicable Plans, Policies, and Regulations*

State Scenic Highway Program

The State Scenic Highways Program was created by the California State Legislature in 1963 and is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The closest designated state scenic highway is Interstate 280 (I-280). The project site is not visible from I-280.

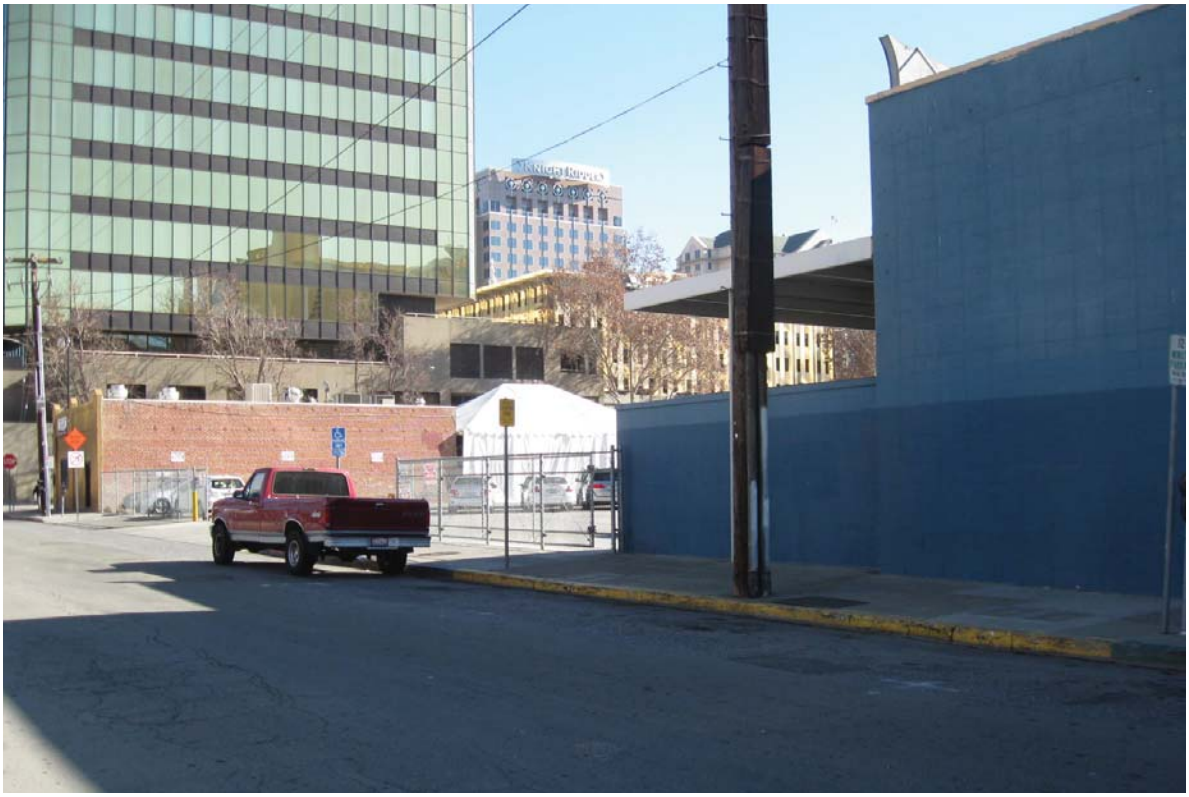


PHOTO 1: View of Post Street from the north corner of Almaden Avenue and Post Street, looking east.

PHOTO 2: View of the project site from Post Street, looking northeast. Multi-story office buildings and the parking structure adjacent to the project site are shown in the background.

PHOTO 3: View of the project site from mid-block Post Street, looking north. The multi-story building under construction (on the right side of the photograph) is One South Market, a mixed-use project located north-east of the project site.

PHOTO 4: View of Post Street and the project site from the intersection of Post Street and S. San Pedro Street, looking northwest. The two billboards along the western site boundary are visible, as well as the surrounding low-to-high rise developments.

PHOTOS 3 AND 4

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.
Policy CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead

Envision San José 2040 Relevant Aesthetic Policies

Policies	Description
	distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy CD-6.8	Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.

Downtown Strategy 2000

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

Downtown Strategy 2000 Urban Design Policies

Policies	Description
Transportation and Access 1	Incorporate a pedestrian orientation in new development, including appropriate site planning, human-scale street frontages, ground floor uses, and integration with adjacent transit stops, to ensure walkability and integration with the existing downtown. Incorporate bicycle amenities into transportation and streetscape planning.
Transportation and Access 4	Make streetscape improvements such as landscaping, adding shade trees, lighting, public art, street furniture, markers, banners and water features to enhance and increase pedestrian and transit use, consistent with the Streetscape Master Plan (or its successor plan).
Historic Assets 1	Encourage the preservation, restoration or rehabilitation of identified historic resources. Conduct surveys of those areas of the city not yet surveyed, in order to identify potential historical and architectural resources, and assess impacts of development on those resources.
Historic Assets 2	It is the policy of the City of San José to strongly encourage preservation and adaptive reuse of designated landmark structures. Proposals to alter such structures much includes thorough and comprehensive evaluation of the historic and architectural significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporating existing landmark structures into the future plans for their site and the surrounding area.
Lighting	Existing light levels should be maintained, and adequate lighting should be provided to ensure visitor safety.

Downtown Design Guidelines

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

Downtown Design Guidelines

Guidelines	Description
Skyline Design and Height	The tops of tall buildings should be designed to provide visual interest to the form of the downtown skyline…Relative to the rest of development on a block, taller buildings should be built at the short ends and corners to emphasize intersections, to maintain sun exposure at mid-block, and to frame views of the surrounding mountain ranges…The gradual subtraction of mass towards the top floors reduces the appearance of the overall bulk and generally produces a more interesting building form.
Massing and Scale	Buildings should be compatible with the scale of development anticipated by the Downtown Strategy Plan and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones.
Materials	Use the materials consistent and exceed the design and quality existing in the Downtown on facades and exterior walls of buildings to give a perception of permanence and civic pride. Use the most durable (i.e. low maintenance) materials at the public level.
Lighting	Lighting should be coordinated with the Federal Aviation Administration (FAA) and the Lick Observatory. Illuminating building features should create a sense of safe and intimate space around the precinct of the building. Provide appropriate levels of building mounted lighting on façade, in private landscaped areas, in merchandising display windows, and on signage.

Residential Design Guidelines

The Residential Design Guidelines establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The *Residential Design Guidelines* address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design, that ultimately influence how developers and residents view and interact with one another in the City of San José.

Downtown Streetscape Master Plan

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

4.1.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1,2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1,2
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1,2
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,2

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan, the Envision San José 2040 General Plan Final EIR, and Downtown Strategy 2000 Final EIR.

4.1.2.1 *Impacts to Scenic Views or Scenic Resources*

As discussed above, the site is not located along or visible from a designated state scenic highway or City scenic rural corridor. Views of the foothills and mountains from the project area are obscured by existing development and there are no scenic resources (such as trees, rock outcroppings, or historic buildings) on-site. There are, however, historic buildings in the site vicinity (refer to *Section 4.5 Cultural Resources*). As discussed in *Section 4.5,* the development of the proposed project would not substantially impact the historic significance of nearby historic buildings.

The urban skyline, including the high-rise development in Downtown, is a scenic resource. Construction of the proposed project, a 20-story (up to 225 foot tall) high-rise building is compatible with the height and massing of surrounding development, and would contribute to the visual presence of the Downtown area.

Based on the above discussion, redevelopment of the site with the proposed project would not have a significant adverse effect on a scenic vista or damage scenic resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Change in Visual Character*

The project proposes to redevelop an existing parking lot with a 20-story, up to 225-foot tall, building. The Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR concluded that, although new development and redevelopment under the General Plan and Downtown Strategy 2000 would alter the appearance of the City, implementation of adopted General Plan policies and applicable design guidelines would avoid substantial degradation of the visual character or quality of the City.

Construction of the proposed project would result in a visual change compared to existing conditions; however, the proposed project is consistent with the scale and type of development envisioned for the Downtown in the City's Envision San José 2040 General Plan and Downtown Strategy 2000, and is consistent with the Downtown and Residential Design Guidelines and the Downtown Streetscape Master Plan. The building frontage would be established at the sidewalk and trees and landscaping would be planted on Post Street and S. San Pedro Street to help create an attractive pedestrian walking environment. In combination with the proposed sidewalk extension and sidewalk amenities, the proposed ground-level retail/commercial uses could bring in more pedestrian traffic and activate the immediate project vicinity.

The proposed project would be similar in height to surrounding development, but would also include a stepped-back podium and building top to create a more gradual transition towards surrounding development, as recommended in the Downtown Design Guidelines. Currently, a 15-story building and multi-level parking structure are located north of the project site, a 15-story building is located directly southeast of the project site, a 14-story building is located west of the project site, and a 23-story building is located northeast of the site (refer to Figure 3.1-1). In addition, smaller single-story and two-story buildings are located in the project vicinity (Photos 1-4). The proposed project would be similar in mass and scale to the existing multi-story buildings, and would have a modern exterior facade constructed mainly of steel, glass, and concrete, consistent with the exterior design of many high rises in Downtown San José. The proposed parking garage on the 2nd and 3rd floors would also be screened on street-facing exposures in accordance with Envision San José 2040 General Plan policies CD-1.9 and CD-6.8.

For these reasons, construction of the proposed project would not have a substantial adverse impact on the visual character of the surrounding area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.3 *Light and Glare Impacts*

The Downtown Strategy 2000 Final EIR concluded that new development, with the implementation of the urban design concepts and guidelines identified in the Downtown Strategy 2000, would not result in substantial light and glare impacts. Consistent with the lighting policies of the Downtown Strategy 2000 Final EIR, the project proposes to maintain adequate lighting at the street level to ensure pedestrian safety in the project vicinity. The final lighting plans will be reviewed subsequent to approval of the site development permit for consistency with the Downtown Strategy 2000 urban design concepts and guidelines identified to avoid significant light and glare impacts. The final lighting plan will be approved through a permit amendment or adjustment. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.3 Conclusion

The proposed project would not result in a new or more significant aesthetics impact than identified in the Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is currently developed with a surface parking lot. The site is located in Downtown San José and surrounded by urban development including roadways, office, commercial, and residential uses. The project site is zoned *Downtown Core* (DC), which allows for a variety of urban uses.

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as *Prime Farmland*. The project site is not designated as *Prime Farmland* or other farmland, and is not subject of a Williamson Act contract.[1] The site is designated as *Urban and Built-Up Land*, which is defined as land occupied with a building density of at one unit to 1.5 acres or approximately six structures per 10-acre parcel. Common examples of *Urban and Built-Up Land* are residential, industrial, commercial purposes, golf courses, landfills, airports, and other utility uses.[2]

4.2.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1,5
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	6

[1] Agricultural lands in California can be protected from development and reserved for agricultural purposes or open-space conservation under the California Land Conservation Act, commonly known as the Williamson Act.
[2] California Department of Conservation. *Santa Clara County Important Farmland 2010 Map*. 2011.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. 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))?	☐	☐	☐	☒	☐	3
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1
5. 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

As discussed above, the project site is designated, developed, and zoned for urban uses. The site is not designated, used, or zoned for agricultural, forest, or timberland purposes. The project site is not part of a Williamson Act contract. The project site is surrounded by urban development and, therefore, its development would not result in the conversion of agricultural land to non-agricultural uses or forest land to non-forest uses. For these reasons, the proposed project would not impact agricultural and forestry resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

Implementation of the proposed project would have no impacts on agricultural or forestry resources, consistent with the findings of the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based in part on an Air Quality Community Risk Assessment prepared by *Illingworth & Rodkin, Inc.* in August 2015. A copy of this report is provided in Appendix A.

4.3.1 Setting

4.3.1.1 *Climate and Topography*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and $PM_{2.5}$ and state standards for PM_{10}. The area is considered attainment or unclassified for all other pollutants.

4.3.1.3 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common source is motor vehicles on roadways and freeways.

4.3.1.4 *Sensitive Receptors*

The San Francisco Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics.

Nearby sensitive receptors to the project site include residences on the second story of the building northwest of the site on S. Almaden Avenue and upper level residences on the north side of W. Santa Clara Street. Sensitive receptors are also be located at the Plaza Hotel, south of the project site on S. Almaden Avenue.

4.3.1.5 *Applicable Plans, Policies and Regulations*

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments. CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The City of San José is within the San Francisco BAAQMD. BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

Regional Air Quality Management Districts such as BAAQMD must prepare air quality plans specifying how state air quality standards would be met. The BAAQMD's most recent adopted plan is the Bay Area 2010 Clean Air Plan (CAP).

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Air Quality Policies

Policies	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-11.2	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

In addition, goals and policies throughout the Envision San Jose 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian and bicycle improvements, and parking strategies that reduce automobile travel through parking supply and pricing management.

4.3.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	3,7,8
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,7

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. 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?	☐	☐	☐	☒	☐	7,8
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	7,8
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1

4.3.2.1 *Project-Level Significance Thresholds*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

Thresholds prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association[3] and a subsequent appeal by BAAQMD.[4] The Appellate Court decision on August 13, 2013 upheld the threshold adoption process as valid. Subsequently, the Appellate Court's decision was appealed to the California Supreme Court, which granted limited review and before whom the matter is still pending as of July 2014.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be

[3] *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693)

[4] *California Building Industry Association v. Bay Area Air Quality Management District*, Cal. Ct. App. 1st, Case No. A135335, August 13, 2013. The Appellate Court ruled that the BAAQMD CEQA thresholds were adopted using a valid public review process and were supported by substantial evidence.

based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

The analysis in this Initial Study is based upon the general methodologies in the most recent BAAQMD *CEQA Air Quality Guidelines* (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 *BAAQMD CEQA Air Quality Guidelines*, as shown in Table 4.3-1.

Table 4.3-1: Project-Level Significance Thresholds

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Maximum Annual Emissions** (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	

Note: μ/m^3 = micrograms per cubic meter.

The BAAQMD *CEQA Air Quality Guidelines* recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

4.3.2.2 *Clean Air Plan Consistency*

Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below.

The project supports the primary goals of the CAP in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with access to existing transit and services which could reduce vehicle trips. As summarized in Table 4.3-2, the proposed project includes transportation and energy control measures and is generally consistent with the CAP's control measures. The project would not hinder the implementation of the CAP control measures and would not conflict with or obstruct implementation of the 2010 CAP. The project by itself, therefore, would not result in a significant impact related to consistency with the 2010 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	Existing bicycle facilities in the site vicinity include the Guadalupe River Trail west of the project site and Class II bike lanes on West San Fernando Street (south of the project site) and S. Almaden Boulevard (west of the project site). The project proposes bicycle parking facilities on-site for residents, guests, and retail customers.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site is located in Downtown San José, near jobs and services and is served by existing pedestrian, bicycle, and transit facilities. The project proposes to widen the sidewalks along the project site frontage and incorporate improvements including street trees, benches, and public art. The sidewalk along project frontages would also be repaved.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The project is consistent with the existing General Plan land use designation and proposes infill residential uses on underutilized land. The project is also mixed-use with commercial/retail uses on the ground floor. The project area is served by existing transit and bicycle and pedestrian facilities and the project encourages bicycle and pedestrian models of travel by providing bicycle parking and improving the sidewalks.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be constructed in conformance with the City's Private Sector Green Building Policy, which requires that the project achieve LEED Certification. The project proposes a high-density residential tower with ground floor retail in Downtown San Jose. The project's infill location near existing jobs, services, and transit provides opportunity for reduced vehicle miles and trips.
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project does not propose the use of cool roofing or paving. However, the project includes landscape trees on the sidewalk and outdoor common areas with green landscaping on floors four and 21, which would reduce the "urban heat island" effect. The proposed development would replace a paved parking lot and would not remove any existing trees on-site.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	As discussed above, the project proposes to plant trees and other landscaping throughout the project site.

4.3.2.3 *Short-Term Construction-Related Impacts*

Criteria Air Pollutants and Precursors

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The BAAQMD *CEQA Air Quality Guidelines* (2011) contain a screening table that lists a minimum number of residential units and commercial square footage whose construction would result in emissions over the construction criteria pollutant thresholds of 54 pounds per day for ROG, NO_x, or $PM_{2.5}$ and 82 pounds per day of PM_{10}. The screening criteria provide lead agencies with a conservative indication of whether a project could result in significant air quality impacts by exceeding the emissions thresholds. Projects that do not exceed the associated screening threshold are not required to perform a detailed air quality assessment on its impact on air pollutant emissions. For high-rise apartments, the construction criteria air pollutant screening threshold is 249 units and for commercial uses, the screening threshold is 277,000 SF. The project proposes 205 residential units (82 percent of the number of units identified for the screening threshold) and 10,900 SF of commercial uses (four percent of the amount of square footage identified for the screening threshold). The amount of residential units and commercial square footage proposed are well below both screening thresholds and the combined emissions for both uses are not anticipated to exceed the BAAQMD thresholds of significance. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction and Health Risk Emissions

Construction Dust Emissions

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. Construction activities would be increase dustfall and local levels of particulate matter downwind. Nearby land uses, particularly sensitive receptors to the north and northwest of the project site, could be affected by dust generated during construction activities.

Construction TAC and $PM_{2.5}$ Health Risks

A health risk assessment of the project construction activities prepared by *Illingworth & Rodkin, Inc.* in August 2015 evaluated potential health effects at nearby sensitive receptors from construction emissions of diesel particulate matter (DPM). The closest existing sensitive receptors to the project site are residences on the second floor on S. Almaden Avenue, approximately 120 feet north of the project site. A dispersion model was used to predict the off-site concentrations resulting from project

construction to identify lifetime cancer risks. The models, assumptions, and result are described in detail in Appendix A.

Results of this assessment indicate that the maximum residential child increased cancer risk at the nearest receptor is 16.0 in one million, which is above the BAAQMD's threshold of 10 in one million excess cases per million; the maximum residential adult increased cancer risk of 0.8 in one million, which is below the BAAQMD significance threshold of 10 excess cancer cases per million (refer to Table 4.3-1). The modeled maximum annual $PM_{2.5}$ concentration was 0.48 μ/m^3, which is above the BAAQMD threshold of 0.3 μ/m^3. The potential non-cancer health effects due to DPM exposure were also evaluated. The maximum predicted inhalation reference exposure level (REL) is 0.13 μ/m^3, which is below the five μ/m^3 threshold. The Hazard Index, which is the ratio of annual DPM concentration to the REL, is 0.03, which is below the BAAQMD significance threshold of a Hazard Index greater than 1.0.

Cumulative Construction Risk Assessment

In addition to construction on the project site, there could be other active construction sites within the immediate vicinity of the project site which could contribute to a cumulative construction TAC and $PM_{2.5}$ health risk. The only site within 1,000 feet of the project site with the potential to have concurrent construction activities is 45 N. San Pedro Street (File No. H15-007), an eight-story residential building northwest of the site. The maximum combined cumulative increase in cancer risk from both projects (the proposed project and 45 N. San Pedro Street) is 81 excess cases in one million, which is below the BAAQMD cumulative threshold of 100 excess cases in one million. The maximum combined cumulative $PM_{2.5}$ concentration from both construction projects is 0.87 μ/m^3, which is above the BAAQMD cumulative threshold of 0.8 μ/m^3. The maximum combined cumulative Hazard Index from both construction project is 0.01, which is below the BAAQMD cumulative Hazard Index threshold of 10.

Impact AIR-1: The project would generate dust during construction activities that would affect nearby sensitive receptors. In addition, project construction activities and cumulative construction activities would result in health risks above BAAQMD thresholds. **(Significant Impact)**

Mitigation Measure: Consistent with the certified Downtown Strategy Final EIR, Envision San Jose 2040 General Plan Final EIR, and City policies, the project shall implement the following mitigation measure during all phases of construction on the project site to reduce dustfall and particulate matter emissions to a less than significant level:

MM AIR-1.1: The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site:

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

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

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

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

- A publicly visible sign shall be posted with the telephone number and person to contact at the City of San Jose regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and

- Forklifts used for interior building construction shall be non-diesel powered (e.g., use propane or CNG fuel).

Implementation of mitigation measure MM AIR-1.1 would reduce fugitive dust emissions by over 70 percent and construction equipment diesel exhaust emissions by over 55 percent. This would correspondingly reduce child cancer risks to 7.2 chances per million and annual $PM_{2.5}$ exposure to less than 0.2 $\mu g/m^3$. The cumulative annual $PM_{2.5}$ concentration would be reduced to 0.6$\mu g/m^3$. This cancer risk and annual $PM_{2.5}$ exposure would be below the BAAQMD thresholds of greater than 10.0 per one million for cancer risk and greater than 0.3$\mu g/m^3$for $PM_{2.5}$ exposures. Therefore, with the implementation of MM AIR-1.1, the project would have a less than significant impact with respect to dustfall and community risk caused by construction activities.

4.3.2.4 *Operational-Related Impacts from the Project*

Regional Air Quality

For high-rise apartments, the BAAQMD screening threshold for operational criteria air pollutants is 510 units and for commercial uses, the screening threshold is 99,000 SF. The project proposes 205 high-rise apartments (40 percent of the number of units identified for the screening threshold) and 10,900 SF of commercial uses (11 percent of the square footage identified for the screening threshold). The amount of residential units and commercial square footage proposed are well below both screening thresholds and the combined emissions for both uses are not anticipated to exceed the BAAQMD thresholds of significance. The project would, however, contribute to cumulative regional air quality impacts identified in the certified Downtown Strategy 2000 Final EIR and the Envision San Jose 2040 General Plan Final EIR.

Impact AIR-2: While the project by itself would not result in significant regional air quality impacts, the project would contribute to the significant regional air quality impacts associated with the buildout of the Downtown Strategy 2000 and Envision San Jose 2040 General Plan. **(Significant Impact)**

Mitigation Measure: Consistent with the certified Downtown Strategy 2000 Final EIR, the project shall implement the following measures to reduce regional air quality impacts associated with buildout of the Downtown Strategy 2000 and Envision San José 2040 General Plan, but not to a less than significant level.

MM AIR-2.1: The project shall implement the following applicable Transportation Control Measures (TCMs):

- Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.);
- Provide secure, weather-protected bicycle parking;
- Provide secure short-term bicycle parking for retail customers or non-commute trips; and
- Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.

4.3.2.5 *Local Community Risks and Hazard Impacts to the Project*

Toxic Air Contaminants

As described above in *Section 4.3.2.1*, the BAAQMD *CEQA Air Quality Guidelines* (2011) recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. A Community Risk Assessment was completed for the project site to identify TAC emission sources within 1,000 feet of the site and their impacts on the proposed project.

TAC emission sources within 1,000 feet of the project site are State Route 87 (SR 87), W. Santa Clara Street, and several stationary sources on South Market Street, South 1st Street, West San Fernando Street, Park Center Plaza, and Almaden Boulevard (refer to Appendix A for a complete list of stationary sources and their location).

None of the identified TAC emission sources were found to exceed the BAAQMD single-source threshold of 10 in one million for cancer risk or 0.3 μ/m^3 for $PM_{2.5}$ concentration at the proposed residences. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.5 *Odors*

No new stationary odor sources are proposed as part of the project and there are no odor sources in the vicinity of the site that would emit substantial odors with the potential to impact the proposed project. The project, therefore, would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3 Conclusion

The certified Downtown Strategy 2000 Final EIR included mitigation measures to minimize cumulative regional air quality impacts, but not to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000. The project proposes to implement applicable and feasible measures to minimize regional air quality impacts and would not result in any new or more significant impacts than were previously identified in the certified Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Significant and Unavoidable)]**

The proposed project, with the implementation of the mitigation measure MM AIR-1.1, identified above, would not result in new or more significant air quality impacts regarding consistency with the CAP, construction-related air pollutants, and health risks than previously identified in the certified Envision San José 2040 General Plan Final EIR or Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

4.4.1.1 *Existing Conditions*

The project site is located in a developed, urban area of Downtown San José. There are no sensitive habitats or wetlands on or adjacent to the project site. The project site is entirely paved and used as a parking lot. Due to the developed nature of the site, there is no native vegetation or trees on-site. Habitats in developed urban areas are relatively low in species diversity. Species that use this habitat are urban adapted birds, such as rock dove, mourning dove, house sparrow, scrub jay, and starling.

Due to the lack of sensitive habitats and the human disturbance of the project site, special-status plant and animal species are not expected to occur on the project site.

4.4.1.2 *Santa Clara Valley Habitat Plan/Natural Community Conservation Plan*

Since the certification of the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Habitat Plan is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

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

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban*. *Urban-Suburban* land comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. The project site is not identified as important habitat for endangered and threatened species in the Habitat Plan. The Habitat Plan designations pertinent to this project are listed in *Section 2.7*.

4.4.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	1,2,10
2. 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?	☐	☐	☐	☒	☐	1,2,10
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,2
4. 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?	☐	☐	☐	☒	☐	1,2,10

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,2,5
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	1,10

As part of the project, new landscaping would be planted. The new landscaping would include street trees along Post Street and S. San Pedro Street and trees, shrubs, and groundcover within the common outdoor areas.

4.4.2.1 *Impacts to Sensitive Species and Habitats*

Given the developed nature of the site and surrounding area, development of the project site would not directly result in significant impacts to special-status species, sensitive habitat (including riparian habitat and wetlands), fish, wildlife corridors, or trees. The project would not result in new or more significant impacts to sensitive species and habitats than identified in the certified Downtown Strategy 2000 and Envision San José 2040 General Plan Final EIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.2.2 *Consistency with the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan*

The project site is located within the Habitat Plan study area and would be subject to all applicable Habitat Plan fees. The project site is designated as *Urban – Suburban* in the Habitat Plan and is not identified as important habitat for endangered and threatened species. Therefore, the development of the project site would not result in impacts to any of the Habitat Plan's covered species.

Nitrogen Deposition Impacts on Serpentine Habitat

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan study area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen

deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips will be used to purchase conservation land for the Bay checkerspot butterfly.

At the time the Envision San José 2040 General Plan Final EIR was certified, the Habitat Plan was not yet adopted and there was no mechanism in place to offset the damaging effects of nitrogen deposition on serpentine plant populations and the City-wide impact of future development was identified as significant and unavoidable. With the adoption of the Habitat Plan, the cumulative impacts of nitrogen deposition from development on the Bay checkerspot butterfly would be offset through conservation and management of land for the Bay checkerspot butterfly.

The project is subject to the Habitat Plan and, therefore, required to pay all applicable Habitat Plan fees including the nitrogen deposition fee, which would reduce the project's nitrogen deposition impact to a less than significant impact. **(New Less Than Significant Impact)**

4.4.3 Conclusion

The proposed project, with the payment of the Habitat Plan nitrogen deposition fee, would not result in new or more significant impacts to biological resources than identified in the certified Downtown Strategy 2000 and Envision San José 2040 General Plan Final EIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 CULTURAL RESOURCES

The following discussion of cultural resources is based in part on an Archaeological Literature Search, conducted by *Holman & Associates* in April 2014, and on a Historic Resources Report, prepared by *Carey & Co. Inc.* in May 2014. Copies of both reports are available in Appendices B and C, respectively.

4.5.1 Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, architecture of cultural of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

4.5.1.1 *Paleontological Resources*

The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface, but may contain resources at depth.[5] Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. The sediments under the project site have a low potential to yield fossil resources or contain significant nonrenewable paleontological resources; however, mammoth remains were found along the Guadalupe River in San José in 2005.

4.5.1.2 *Prehistoric and Historic Resources*

Prehistoric resources are resources that have significance in prehistory, which is defined as events of the past occurring prior to advent of written records. Historic resources are generally 50 years or older in age and include, but are not limited to, buildings, districts, structures, sites, objects, and areas. Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources.

[5] C. Bruce Hanson. 2010. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. Accessed May 26, 2013. Available at: <http://www.sanjoseca.gov/index.aspx?NID=2435>

Prehistoric Context

Before European settlement, Native Americans resided in the Santa Clara Valley, where the project site is located, over 5,000 years ago. The South Bay Area's favorable environment during the prehistoric period consisted of alluvial plains, foothills, many water courses and bay margins that provided an abundance of wild food and other resources.

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Coastanoan," or Ohlone, who broadly occupied the central California coast from the northern tip of the San Francisco Peninsula to Big Sur in the south and as far east as the Diablo Range. The Coastanoan/Ohlone people engaged in a hunting, fishing and foraging economy that focused on the collection of seasonal plants and animal resources. However, their traditional lifestyle disappeared by about 1810 when it was disrupted by diseases, a declining birth rate, and the growing California mission system established by the Spanish in the San José/Santa Clara area in 1777.

According to the Envision San José 2040 General Plan Final EIR, the project site is located in an archaeologically sensitive area. According to the Literature Search conducted by *Holman & Associates* completed for the project, the closest recorded archaeological site is located approximately one-quarter mile west of the project site and contains both prehistoric and historic and prehistoric-period materials, including a Native American village site with burial grounds dating from 1,000 to 1,500 years ago. In addition, over 20 investigations have been conducted in a 100-meter radius of the project area. A recent archaeological investigation in the One South Market project area (located in the northern two-thirds of the block east of the project site) identified 44 archaeological features including several brick, adobe and stone walls or foundations, privies, pits, and sheet scatters. Eight of these appear potentially eligible to the California Register of Historic Places (CRHR). The subsurface investigations at One South Market suggest that nearby blocks have a high potential for intact historic-period sealed deposits.

Historical Context

The City of San José developed around the pueblo of San José in the 1790s between First Street and the *acequia*, a waterway connecting to the Guadalupe River. Many of the structures associated with the pueblo are located around what is today Market Street, S. San Pedro Street, and Santa Clara Street, with pueblo lands extending to St. James Street to the north and Williams Street to the south. By the 1850s, the commercial district of the growing community centered at the intersection of Market and Santa Clara Streets. Surrounding this hub of commerce were agricultural lands to the north and east with residential development extending out from the commercial district.

The project area was first settled by French and Irish immigrants in the 1860s and later by Chinese immigrants in the 1880s. By 1884, the project area was intensively developed with eight buildings facing Post Street, and two or three more facing S. San Pedro Street. During the 1880s until the late 1930s, uses on-site included laundry operations (dry cleaning), dwellings, sheds, a blacksmith shop, a corral, and stables; surrounding uses included steam/dye facilities, stables, a feed mill, and dwelling units. From approximately 1940 until present day, the project site has been developed with a parking lot. Other uses in the surrounding area have included commercial and retail uses, dry cleaning operations, an auto repair facility, and restaurants.

The following buildings in the project site vicinity are listed in the City's Historic Resources Inventory (HRI): the Sunol Building, Market-Post Tower, Hatman & Normandin Block, and Berger Building. In addition, the Greyhound Bus Station, located south of the project site across Post Street, is eligible for listing in the City's HRI as a City Landmark (refer to Appendix C). The existing office building north of the project site was constructed in 1988 (26 years ago) and is not listed in the City's HRI. Photos of the nearby historic (or potentially historic) buildings are provided in Figure 4.5-1 on following page, along with a map showing where the building are located relative to the project site. Refer to Appendix C for detailed descriptions of these buildings and their significance.

4.5.1.3 *Applicable Plans, Policies, and Regulations*

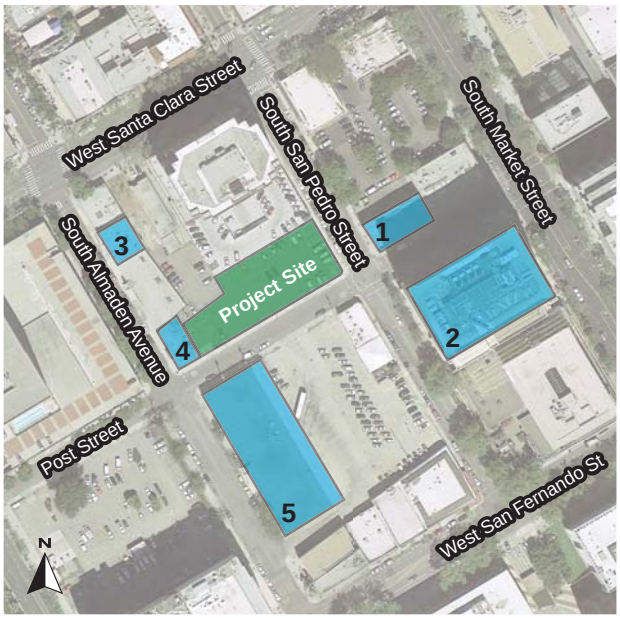
Please refer to Appendix C for additional details regarding the federal, state, and local regulatory framework summarized below.

National Register of Historic Places

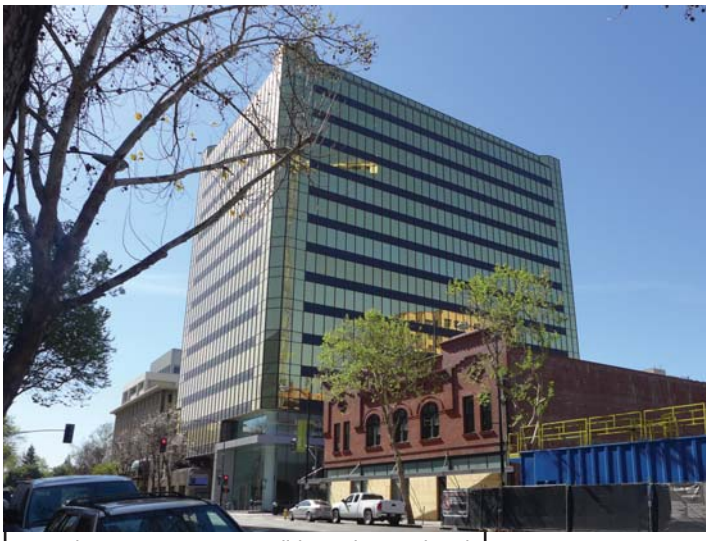
The National Register of Historic Places (National Register) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, state, and national level. National Register Bulletin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

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

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



1. Sunol Building - City Landmark Structure



2. Market-Post Tower - Candidate City Landmark

3. Hatman & Normandin Block - Structure of Merit

4. Berger Building - Structure of Merit

5. Greyhound Bus Station - Candidate City Landmark

NEARBY HISTORIC AND POTENTIALLY HISTORIC BUILDINGS FIGURE 4.5-1

Second, for a property to qualify under the National Register's Criteria for Evaluation, it must also retain historic integrity of those features necessary to convey its significance. While a property's significance relates to its role within a specific historic context, its integrity refers to a property's physical features and how they relate to its significance. To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

1. Location – the place where the historic property was constructed or the place where the historic event occurred;
2. Design – the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting – the physical environment of a historic property;
4. Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling – a property's expression of the aesthetic or historic sense of a particular period of time; and
7. Association – the direct link between an important historic event or person and a historic property.

There are no National Register listed or eligible resources on or in the vicinity of the project site.

California Register of Historic Resources

The CRHR establishes a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register are very similar, with emphasis on local and state significance. They are:

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

No California Register listed or eligible resources are present on or in the vicinity of the project site.

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Cultural Resources Policies

Policies	Description
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The HRI is an inventory of San José's historically and architecturally significant buildings. According to the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

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

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important

way;

2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into two categories:

- Potential Historic Resource (evaluate for possible status as a City Landmark/California Register resource)
- Non-significant structure

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

Draft San José Downtown Historic Design Guidelines

The Draft Downtown San José Historic Resources Design Guidelines (2004) apply to the Downtown Core, which is roughly bounded by Julian Street to the north, Fourth Street to the east, Interstate 280 to the south, and State Route 87 to the west. These Guidelines address development project that include rehabilitation of historic resources and infill projects located within the immediate vicinity of City Landmarks. The Guidelines state that the success of new construction adjacent to historic resources in the Downtown Core does not depend on direct duplication of existing building forms, features, materials, and details. Rather, it relies on understanding the distinctive architecture character of the surrounding historic structures. The Guidelines identify eight context elements for new construction adjacent to historic resources:

1. Lot Patterns – Retain and respect historic lot patterns;
2. Massing – Retain and respect the massing of historic buildings. Add significantly higher new buildings, where appropriate, that are carefully sited in relationship to historic structures and predominant street "walls." New building masses adjacent to lower historic resources should step down in height and street facades should turn the corner to provide articulated visible side facades in order to reduce the impact on historic buildings;
3. Facades – Retain and respect the historic patterns and proportions of historic facades on a street. Add new facades that include features that are compatible in scale, material, detail, and massing with other facades on the street;
4. Corner Elements – Retain historic scale and relationships of Corner buildings on the block and in the urban Downtown Core;
5. Rear Facades – Retain and respect features of existing historic rear facades and sites;
6. Entries – Retain and respect the scale of Historic entries that connect the buildings to the street;
7. Exterior Materials – Add new building materials that match the historic materials of masonry, terra cotta, limestone, stucco, glass mosaic, cast stone, concrete, metal, glass, and wood where possible; and
8. Vehicular and Pedestrian Access – Retain significant historic vehicular pedestrian access patterns of historic buildings, sites, and streets.

4.5.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,3,4,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,3,4,11
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,2

4.5.2.1 *Impacts to Paleontological and Archaeological Resources*

The project site is located in an area with a high sensitivity to paleontological resources at depth. The project would require excavation to depths of approximately 30 feet, which may encounter native soils. While geologic units of Holocene age on-site are generally not considered sensitive for paleontological resources, mammoth remains were found along the Guadalupe River in San José in 2005. For these reasons, there is a potential for the proposed project to encounter paleontological resources during construction.

In addition, the project site is located in an archaeologically sensitive area. A Native American village site and other archaeological resources were recorded approximately one-quarter mile west of the project site, and the archaeological features (including several brick, adobe and stone walls, foundations, privies, and pits) discovered at One South Market northeast of the project site suggest that nearby blocks (including the project site) have a high potential for intact historic-period sealed deposits. Therefore, while no archaeological resource have been identified on the project site, there is a potential for buried archaeological or paleontological resources on the project site.

Impact CUL-1: Construction of proposed development could impact unknown paleontological and/or archaeological resources, if present on-site. **(Significant Impact)**

Mitigation Measures: Consistent with mitigation measures identified in the certified Downtown Strategy 2000 Final EIR and applicable General Plan policies, the project shall implement the following mitigation measures to reduce and/or avoid impacts to unknown buried paleontological and archaeological resources (if present on-site) to a less than significant level:

MM CUL-1.1: An archaeologist qualified in local historical and prehistory archaeology shall complete a subsurface presence/absence program to determine whether any intact

archaeological deposits are present on-site. Preparation of that work shall include aligning pertinent historic-period maps to the project area to identify specific sensitive areas that could be impacted by the proposed development. Should any archaeological features or deposits be identified, a focused research design and treatment plan shall be prepared to address any potential resources exposed during construction activities followed by archaeological excavation of these features.

MM CUL-1.2: In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

MM CUL-1.3: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM CUL-1.4: A final report summarizing the discovery of cultural materials shall be submitted to the City's Environmental Senior Planner prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Senior Planner.

MM CUL-1.5: All personnel involved with site clearing, grading, or trenching will undergo a training session to aid them in the identification of significant historic and prehistoric cultural resources. Training by a qualified archaeologist will also establish the protocol necessary in the event cultural resources and/or human remains are found on the site.

4.5.2.2 *Impacts to Historic Resources*

A project would have a significant impact on a historic resource if it would cause a substantial adverse change in the historic significance of that resource. A "substantial adverse change" is defined as the physical demolition, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resources would be materially impaired.

The project proposes to redevelop an existing surface parking lot with a residential mixed-use tower. Therefore, the development of the proposed project would not directly impact any buildings, including historic buildings. The project's impact on nearby historic resources are discussed below.

Impacts to the Integrity of Historic Resources

Over the years, modern buildings have been constructed throughout the Greater Downtown area. In the context of these modern developments, Downtown San José has generally become a modern area, albeit with small historic districts spread throughout the City. The project area is not a historic district and the historic resources within the project area are not part of a historic district.

The *Secretary of the Interior's Standards for Rehabilitation* are applied to determine whether new construction (such as the proposed project) would result in adverse impacts to nearby historic resources. Specifically the Standards call for "new additions, exterior alterations, or related new construction [to] be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the [historic] property and its environment." In addition, the Downtown San José Historic Resources Design Guidelines provides direction for addressing historic landmarks and historic districts and augments the *Secretary of the Interior's Standards for Rehabilitation* by providing additional details for consideration. The Downtown Historic Resources Design Guidelines has several context elements for new construction adjacent to historic resources. The two most relevant to the project are regarding massing and exterior material, which are described in *Section 4.5.1.3* above.

The height, massing, and scale of the proposed development are greater than the surrounding historic properties and the Greyhound Bus Station (a potentially historic resource). In addition, it is anticipated that the project would use materials (e.g., glass and metal) that are different than the textured stucco, brick, and concrete of the surrounding historic buildings.

The original setting in the immediate project site area and the historic resources, however, has been altered over time. The project area has increased in density, particularly in regards to commercial high-rise buildings, and pedestrian and automobile traffic. The Market-Post Tower, 160 W. Santa Clara Street (the office building to the north of the project site), One South Market (newly constructed residential tower to the northeast of the site), and other development within one to two blocks of the project site, have greatly urbanized and changed the character of this part of Downtown San José. Although the construction of the proposed development would contribute to the loss of setting and feeling of the surrounding historic and potentially historic properties, this loss has already occurred and the project's contribution to this loss is not considered substantial.

Setting and feeling are two of the seven aspects of historic integrity, as identified in *Section 4.5.1.3*. The nearby historic resources and the Greyhound Bus Station would continue to retain the other five aspects of integrity (location, design, materials, workmanship, and association) since the project would not result in the demolition or material alteration in the physical characteristics of these properties. Through retention of these five aspects of integrity that convey their historic significance, the nearby historic and potentially historic properties would retain these five aspects of historic integrity, they would continue to be listed in the City's HRI.

Therefore, while the proposed building is different in height, massing, and materials than the surrounding historic and potentially historic resources, the setting and feeling of these resources have already been compromised and construction of the proposed project would not affect the integrity of their location, design, materials, workmanship, and association. The proposed project would have a less than significant impact on historic resources in the area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction-Related Impacts on Historic Resources

The proposed project would require below-grade excavation and foundation work, new building framing, and possibly pile driving. Project-related construction activities may produce groundborne vibrations that could result in significant adverse impacts to several historic or potentially historic resources in the immediate vicinity of the project site including the Berger Building, Sunol Building, Hatman & Normandin Block, and Greyhound Bus Station, all of which are within 200 feet of the project site.

Impact CUL-2: Construction of the proposed project could damage the Berger Building, Sunol Building, Hatman & Normandin Block, and Greyhound Bus Station, all of which are historic or potentially historic resources within 200 feet of the construction site. **(Significant Impact)**

Mitigation Measures: The project shall implement the following mitigation measures to reduce impacts related to construction activities to a less than significant level:

MM CUL-2.1: A registered structural engineer, with a minimum of five years of experience in the rehabilitation and restoration of historic buildings, shall review excavation and shoring plans prepared for the proposed development. The structural engineer shall prepare a report of findings, recommendations and any related design modifications necessary to retain the structural integrity of the Berger Building. The structural engineer shall consult with a historical architect.

The historical architect must have a minimum of five years of experience in the rehabilitation and restoration of historic buildings, as well as meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The historical architect shall review designs and specifications for protective barriers required to protect the exposed Berger Building walls from potential damage caused by construction activities.

In addition, the structural engineer (with geotechnical consultation as necessary) shall determine whether, due to the nature of the excavations, soils, method of soil removal, and the existing foundation of the Berger Building, the potential for settlement would require underpinning and/or shoring. If underpinning and/or shoring is determined to be necessary, appropriate designs shall be prepared. All documents prepared in accordance with this measure shall be reviewed and approved by the City of San José's Historic Preservation Officer, or equivalent.

MM CUL-2.2: Prior to the start of the project, a historical architect and a structural engineer shall undertake an existing condition study of the Berger Building. If pile-driving will be used, the Sunol Building, Hatman & Normandin Block, and Greyhound Bus Station shall also be surveyed for existing conditions. The purpose of the study is to establish the baseline condition of the building(s) prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of written descriptions and photographs, and include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer, or equivalent.

The historical architect and structural engineer shall monitor the Berger Building during construction. If pile-driving will be used, the Sunol Building, Hatman & Normandin Block, and Greyhound Bus Station will also be monitored during construction and any changes to existing conditions shall be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City's Historic Preservation Officer, or equivalent on a periodic basis. The structural engineer shall consult with the historical architect, especially if any problems with character defining features of a historic resource are discovered. If, in the opinion of the structural engineer in consultation with the historical architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the monitoring team shall so inform the project sponsor, or sponsor's designated representative responsible for construction activities, as well as the City's Historic Preservation Officer, or equivalent. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The Historic Preservation Officer, or equivalent, shall establish the frequency of monitoring and reporting.

Site visit reports and documents associated with claims processing shall be provided to the City of San Jose's Historic Preservation Officer, or equivalent.

MM CUL-2.3: A qualified geologist, or other professional with expertise in ground vibration and its effect on existing structures, shall prepare a study of the potential of vibrations caused by excavation and construction activities associated with the proposed project. Based on the results of the study, specifications regarding the restriction and monitoring of

pile-driving (if required) shall be incorporated into the contract. Initial pile-driving shall be monitored and if vibrations are above threshold levels, modifications shall be made to reduce vibrations to below established levels. A copy of the study, contract specifications, and monitoring reports shall be provided to the City of San José's Historic Preservation Officer, or equivalent.

MM CUL-2.4: The historical architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from construction, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the City of San José's Historic Preservation Officer, or equivalent.

4.5.3 Conclusion

Construction of the proposed project with the implementation of the identified mitigation measures above would not result in any new or more significant impacts to cultural resources than previously identified in the certified Envision San José 2040 General Plan Final EIR and the Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.6 GEOLOGY AND SOILS

The following discussion is based in part on a geotechnical feasibility study prepared by *Cornerstone Earth Group* in March 2014. A copy of the study can be found in Appendix D.

4.6.1 Setting

4.6.1.1 *Regional Geology*

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

4.6.1.2 *On-Site Geologic Conditions*

Topography and Soils

The project site is relatively flat and generally slopes in a northwesterly direction. The site is located on a Holocene flood plain deposit and is underlain by sandy to silty clay with interbedded silt, sand, and fine gravel; the granular materials, including sandy soils, are generally medium dense to dense in consistency. The upper 20 to 60 feet may consist of soft to medium stiff silts and clays that are potentially compressible. Surface soils on the site have a low to moderate expansion potential.[6] There may be areas of localized undocumented fill and loose surficial soils on the project site.

Groundwater

Maps published by the California Geological Survey estimate historical groundwater depth at approximately 10 to 15 feet below ground surface (bgs). Groundwater depth in the project area was reported at 12 to 24 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismicity and Seismic-Related Hazards

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

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone, Santa Clara County Fault Hazard Zone, or City of San José Fault Hazard Zone. 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.

[6] Tran, Danh. Personal communications with Cornerstone Earth Group project engineer. April 29, 2014.

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

Table 4.6-1: Active Faults Near the Project Site

Fault	Approximate Distance and Direction from Site
Hayward (Southeast Extension)	9.2 miles NE
Hayward (total length)	9.3 miles NE
Monte Vista – Shannon	12 miles SW
Calaveras	14 miles NE
San Andreas	19 miles NE

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 site for lateral spreading to occur and, therefore, the potential for lateral spreading to affect the site is low.

Landslides

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

4.6.1.3 *Applicable Plans, Policies and Regulations*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. As discussed previously, the project site is not located in an Alquist-Priolo Earthquake Fault Zone.

California Building Code

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2014 Building Standards Code.

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Geology and Soil Policies

Policies	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to

Envision San José 2040 Relevant Geology and Soil Policies

Policies	Description
	drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.6.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. 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.)	☐	☐	☐	☒	☐	2
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	2

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,14
d. Landslides?	☐	☐	☐	☒	☐	1,14
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	14
3. 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?	☐	☐	☐	☒	☐	14
4. 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?	☐	☐	☐	☒	☐	2
5. 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

The project does not propose the use of septic tanks or alternative wastewater disposal systems and, therefore, the last threshold is not discussed further.

4.6.2.1 *Soil Impacts*

Undocumented Fill and Expansive Soils

The primary soil concerns on the project site are the presence of undocumented fill and the low to moderate expansion potential of the surficial soil, which could damage future buildings and improvements on the project site. As discussed in the certified Downtown Strategy 2000 Final EIR, differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of the undocumented fill and expansive soils are not considered during project design and construction.

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: In conformance with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and current standard practices in the City of San José, the project proposes to implement the following, previously approved mitigation measure to reduce significant soil impacts to a less than significant level:

MM GEO-1.1: 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.

Soil Erosion

The project site is flat and developed, and no soil is currently exposed on the site. Ground disturbance would be required for removal of the existing pavement and excavation, grading, and construction of the proposed project. It is anticipated that approximately 26,000 cubic yards of soil would be excavated and exported from the project site. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in *Section 4.9 Hydrology and Water Quality*) are the primary means of enforcing erosion control measures through the grading and building permit process. The Envision San José 2040 General Plan Final EIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. In addition, according to the certified Downtown Strategy 2000 Final EIR, the project would not contribute to long-term erosion hazards.

Because the project would comply with the regulations identified in the Envision San José General Plan Final EIR, implementation of the proposed project would have a less than significant soil erosion impact.

4.6.2.2 *Groundwater Impacts*

The project requires excavation to a depth of approximately 30 feet below ground for construction of a subterranean garage. Historically high groundwater in the project area has been reported to be approximately 10 to 15 feet bgs and, therefore, it is anticipated that construction of the project would encounter groundwater. Potential impacts associated with construction activities near or below the ground water table could include wet and unstable subgrade pavement, difficulty achieving compaction, and difficult underground utility installation. According to the geotechnical feasibility

study for the project (refer to Appendix D), dewatering, shoring of utility trenches, waterproofing, and a hydrostatic pressure (uplift) design are anticipated to be required for the project to avoid significant impacts from shallow groundwater on-site.

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

Impact GEO-2: Construction of the project (including a below grade parking garage) could be impacted by shallow groundwater. **(Significant Impact)**

Mitigation Measure: As identified in the certified Downtown Strategy 2000 Final EIR, the project proposes to implement the following mitigation measure to reduce impacts from shallow groundwater to a less than significant level:

MM GEO-2.1: The design-level geotechnical investigation to be prepared for the project (and reviewed and approved by the Department of Public Works) shall evaluate the consolidation properties of the underlying sediments to determine the potential for settlements associated with dewatering and other potential earth movements. If it is determined that unacceptable settlements may occur with either active or passive dewater systems, then alternative groundwater control systems that do not require continuous groundwater removal (e.g., slurry wall) shall be required. The design-level geotechnical investigation shall also identify necessary measures associated with shoring of utility trenches, waterproofing, and designing for hydrostatic pressure (uplift).

4.6.2.3 *Seismicity and Seismic-Related Hazards*

Although the project site is not located on a known, active fault and is not located in an Alquist-Priolo Earthquake Fault Zone, the project site is located in a seismically-active region and would be subject to strong shaking in the event of seismic activity.

Due to the high groundwater table and soil type on-site, there is also a high potential for liquefaction impacts during a regional earthquake. Liquefaction can result in ground failure (e.g. fissures), foundation bearing failure, and settlement of the ground surface, which can ultimately damage future development or endanger future residents on-site.

The project would not be subject to impacts from other seismic-related hazards including lateral spreading, slope instability, or landslides due to the flat topography of the site.

Impact GEO-3: The proposed project would be subject to seismic and seismic-related hazards including ground shaking and liquefaction. **(Significant Impact)**

Mitigation Measure: In conformance with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and current standard practices in the City of San José, the project proposes to implement the following, previously approved mitigation measure to reduce significant seismic and seismic-related impacts to a less than significant level:

MM GEO-3.1: The project shall be constructed in conformance with the recommendations of the design-level geotechnical investigation to be prepared for the project, as well as the 2014 California Building Code, or subsequent adopted codes.

4.6.3 Conclusion

The project would not result in new or more significant geologic and seismic-related hazards than disclosed in the certified Downtown Strategy 2000 Final EIR and/or Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion is based on a greenhouse gas analysis completed for the project by *Illingworth & Rodkin, Inc*. in August 2015. A copy of this analysis is included in Appendix A.

4.7.1 Setting

4.7.1.1 *Background Information*

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 4.3* and have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.2 *Existing On-Site GHG Emissions*

The project site is currently developed with a surface parking lot and, therefore, generates minimal GHG emissions from energy required to operate nighttime lighting.

4.7.1.3 *Applicable Plans, Policies and Regulations*

California Assembly Bill 32 and Executive Order S-3-05

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long term objective to reduce GHG emissions to 90 percent below 1990 levels by 2050. The California Environmental Protection Agency (CalEPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and recommendations. The First Update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.[7]

[7] California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan.* Accessed 18 June 2014. Available here: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[8] The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

MTC and ABAG adopted *Plan Bay Area* in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within a PDA.

Bay Area 2010 Clean Air Plan

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

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions.

[8] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

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

Envision San José 2040 Relevant Greenhouse Gas Emission Policies

Policies	Description
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-1.4	Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)

- Wood Burning Ordinance (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy. The proposed project would be required to achieve LEED Certification, at minimum.

4.7.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1,7
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1,7

4.7.2.1 *Project-Level Significance Thresholds*

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

The BAAQMD May 2011 CEQA Guidelines included GHG emissions-based significance thresholds. These thresholds include a "bright-line" emissions level of 1,100 metric ton per year (MT/year) for land-use type projects and 10,000 MT/year for stationary sources. Land use projects with emissions above the 1,100 MT/year threshold would then be subject to a GHG efficiency threshold of 4.6 metric tons per year per capita (MT/year/capita). Projects with emissions above the thresholds would be considered to have an impact which, cumulatively, would be significant.

4.7.2.2 *Project GHG Emissions*

The CalEEMod model was used to compute GHG emissions associated with construction and operation of the project. Details regarding the model inputs and assumptions are included in Appendix A.

Operational Emissions

The project proposes to redevelop the surface parking lot with 205 residential units and up to 10,900 SF of ground floor commercial/retail uses on the project site, consistent with the site's General Plan land use designation of *Downtown*. The project would intensify the uses on the project site, which would result in an increase in traffic trips and energy usage compared to existing conditions. While the project would result in an increase in GHG emissions on-site, the project provides new infill housing in proximity to jobs, transit, and commercial areas. In addition, in conformance with the City's Green Building Policy, the proposed project would be designed to achieve LEED Certification.

Project operational GHG emissions are estimated to be 1,463 MT of CO_2e. These emissions would exceed the BAAQMD threshold of 1,100 MT/year and, therefore, the GHG efficiency threshold (4.6 MT/year/capita) was used to assess project impacts. Project emissions per capita would be 2.3 MT/year/capita, which is below the BAAQMD efficiency significance threshold. The project, therefore, would have a less than significant GHG impact.[9] **(New Less Than Significant Impact)**

Construction Emissions

Project construction would result in GHG emissions from construction-related sources including construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. GHG emissions associated with construction were computed to be 881 MT of CO_2e over the entire construction period (approximately 24 months). Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be temporary (24 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the project's construction-related GHG emissions would be less than significant. **(New Less Than Significant Impact)**

4.7.3 Conclusion

Development of the proposed project, in conformance with applicable plans and policies including the City's General Plan and Private Sector Green Building Policy would result in a less than significant GHG emissions impact. **(New Less Than Significant Impact)**

[9] The service population (i.e., number of residents) was based on the latest U.S. Census data for average persons per household in San José of 3.09 persons.

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a *Phase I Environmental Site Assessment* prepared by EBI Consulting on April 4, 2014. A copy of the assessment is provided in Appendix E.

4.8.1 Setting

4.8.1.1 *Overview*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, and arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other uses. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

4.8.1.2 *Historical Use*

During the 1880s until the late 1930s, uses on the project site included laundry operations (likely a dry cleaner), dwellings, sheds, a blacksmith shop, a corral, and stables. Surrounding uses at the time included steam/dye facilities, stables, a feed mill, and dwelling units. From approximately 1940 until present day, the project site has been developed with a parking lot; surrounding uses since 1940 include commercial and retail uses, dry cleaning operations, an auto repair facility, and restaurants.

Historically, dry cleaners have used chlorinated solvents such as trichloroethylene and perchloroethylene/tetrachloroethylene in daily operations. The use of these chlorinated solvents were not prevalent until the late 1950s. Prior to the introduction of the chlorinated solvents, cleaning solvents were primarily petroleum-based, which tend to naturally degrade toward background levels over time compared to their chlorinated counterparts. Given the time period which dry cleaners operated on the project site and in the project area, it is likely that petroleum-based solvents were used, if solvents were used at all.

4.8.1.3 *Potential Contamination Sources*

Database Records Search

A database search was completed to determine whether the project site is listed on any federal, state, local, historical, and/or brownfield databases as a known or suspected source of contamination, or a site that handles or stores hazardous materials. Based on previous site uses, the project site is only listed in the EDR Historical Auto Stations and Cleaners database, which is a proprietary list maintained by EDR that lists historical Auto Stations and Cleaners obtained from city directories and telephone books.

As discussed in the Downtown Strategy 2000 Final EIR, hazardous material releases have been reported on properties within the Downtown that could present a health risk to construction workers and future residents of redevelopment projects. For this reason, the database search also looked at surrounding properties to determine whether there was potential contamination on nearby sites that could affect the project site. Given the case status, groundwater flow direction, type of release, and/or distance of the off-site facilities in relation to the project site, none of the nearby properties identified would adversely affect the project site. Refer to Appendix E for more detail regarding the databases reviewed and reported properties.

Field Observations

The project site is currently developed with a parking lot and associated infrastructure, including bollards, light poles, and fencing. No hazardous substances or petroleum products were observed on-site. No oil containing equipment that could contain polychlorinated biphenyls (PCBs) were observed.

No evidence of underground storage tanks or aboveground storage tanks was identified during a site visit. However, a curved pipe protruding from the ground was observed near the southern edge of the parking lot. Although the pipe does not appear similar to piping typically associated with underground storage tanks, its purpose and use is unconfirmed.

No staining or unusual odors were observed on-site.

4.8.1.4 *Other hazards*

Airports

Norman Y. Mineta San José International Airport (Airport) is located approximately 2.5 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is within the Airport Influence Area, a composite of areas surrounding the Airport that are affected by noise, height, and safety considerations. The CLUP also offers land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the Airport's continuing operations.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any proposed structure of a height greater than approximately 65 feet above ground is required under FAR Part 77 to be submitted to the FAA for review.

The project is not located in the vicinity of a private airstrip.

Wildfire Hazards

The project site is located in Downtown San José, surrounded by urban development. The project site is not located at the urban edge and, therefore, is not located within a Very-High Fire Hazard Severity Zone.

4.8.1.5 *Applicable Plans, Policies and Regulations*

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires California Environmental Protection Agency (Cal EPA) to develop and update (at least annually) a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle).

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Hazardous Material Policies

Policies	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Envision San José 2040 Relevant Hazardous Material Policies

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

4.8.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	2,14
2. 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?	☐	☐	☐	☒	☐	2,14
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒	2, 14
4. 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?	☐	☐	☐	☒	☐	2.14

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	19
6. 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
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1
8. 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?	☐	☐	☐	☐	☒	16

4.8.2.1 *Potential Contamination Sources*

As previously discussed, there are no reported releases of hazardous materials on, or in the vicinity of, the project site that would impact the proposed development. The dry cleaning facilities that were historically present on the project site and in the area likely used petroleum-based solvents (if any solvents were used at all). Because the dry cleaners operated over 70 years ago, the contamination from petroleum-based solvents (if any) has degraded to background levels and is not considered a significant environmental concern.[10] To be prudent, however, the City shall require the following condition of approval to further reduce this less than significant impact:

[10] EBI Consulting. *Phase I Environmental Site Assessment: Parcel 88*. April 4, 2014.

- Soil and groundwater samples shall be collected and analyzed for both chlorinated and petroleum-based solvents via EPA Method 8260 to confirm the conclusion that the historic dry cleaning operations on-site and in the project area have not adversely impacted the project site. In addition, soil vapor samples shall be collected and analyzed for VOCs via EPA Method TO-15.

  In the event that soil, soil vapor, and/or groundwater impact is detected above the applicable regulatory screening levels for the proposed residential and commercial uses, remedial and investigative measures shall be implemented under local and/or state regulatory oversight. Possible remedial measures could consist of removal and off-haul, groundwater extraction/treatment, cap-in-place, installation of a soil vapor extraction (SVE) system, and/or sub-slab depressurization system (SSDS).

The purpose or use of the curved pipe protruding from the ground near the southern edge of the parking lot cannot be conclusively determined. It is possible that the pipe is associated with an underground storage tank. However, there is a water meter vault located in the sidewalk near the protruding pipe. Due to the proximity of the water meter vault, it is likely that the pipe is a stub-up from an abandoned water service.[11]

If an underground storage tank is uncovered on the project site during construction activities, the tank shall be properly removed in accordance with applicable state and local regulatory requirements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.2.3 *Project Hazardous Materials Use*

The proposed residential project would not emit hazardous emissions or use acutely hazardous materials; therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **[Same Impact as Approved Project (No Impact)]**

4.8.2.4 *Other Hazards*

Airport and Aircraft Hazards

As the project proposes a maximum building height of approximately 225 feet above ground, notification to the FAA is required under FAR Part 77. In turn, City General Plan policy requires FAA issuance of "no hazard" determinations prior to development approval, with any conditions set forth in an FAA no-hazard determination also incorporated in the City's project approval. Application of this General Plan policy, Policy TR-14.2, mitigates any potential hazard to aircraft operation. Therefore, the project would not result in a substantial safety hazard to the Airport nor interfere with the continuing operations of the Airport. **[Same Impact as Approved Project (Less than Significant Impact)]**

[11] Edwards, DJ. Personal communications with the project civil engineer. April 4, 2014.

Implementation of Safety Plans

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

Wildfire Hazards

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

4.8.3 Conclusion

The proposed project would not result in new or more significant hazards and hazardous materials impacts than disclosed in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Hydrology and Drainage*

Surface Water

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

The 0.47-acre project site is developed with a surface parking lot and does not contain any pervious surfaces. Storm drain lines serving the project area include a 15-inch storm main in Post Street and a 24-inch storm main in W. Santa Clara Street.

Groundwater

As discussed in *Section 4.6 Geology and Soils*, groundwater depth in the project area is estimated at approximately 12 to 24 feet bgs. Historically, groundwater depths are in the project area have ranged between 10 to 15 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

The project site is not located within a natural or facility groundwater recharge area.[12]

4.9.1.2 *Flooding and Other Inundation Hazards*

Flooding

The project site is not located in a 100-year floodplain. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, most of the project site is designated Zone D, which is defined as areas where flood hazards are undetermined, but possible.[13] The western tip of the project site is designated Zone X. The Zone X designation includes areas of moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of one-percent-annual-chance flooding where average depths are less than one foot, areas of one-percent-annual-chance flooding where the contributing drainage area is less than one square mile, and areas protected from the one-percent-annual-chance flood by a levee. There are no City floodplain requirements for Zone D or Zone X.

As identified in the Envision San José 2040 General Plan Final EIR, the project site is not located in an inundation area in the event of a complete dam failure.

[12] Santa Clara Valley Water District. *Groundwater Management Plan.* 2012.
[13] Federal Emergency Management Agency. *Flood Insurance Rate Map*. *Panel 06085C0234H*. May 18, 2009.

Earthquake-Induced Waves and Mudflow Hazards

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

4.9.1.3 *Water Quality*

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

Under existing conditions, the project site is a paved parking lot and runoff from the site likely contains pollutants typical of urban, developed environments, including sediment and motor oil.

4.9.1.4 *Applicable Plans, Policies and Regulations*

Federal Emergency Management Agency

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

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

Clean Water Act and Porter-Cologne Water Quality Control Act

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

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

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

State Water Quality Control Board Nonpoint Source Pollution Program

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

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

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

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 SF of impervious surface, or 5,000 SF of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. This would also require a narrative discussion as to why the implementation of 100 percent LID measures is not feasible per the MRP. The project qualifies as a Special Project (Category A – Small Infill Sites). If

it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation, in accordance with the MRP.

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

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

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

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

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policies	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1
3. 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

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
4. 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
5. 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
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1
7. 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?	☐	☐	☐	☒	☐	2,17
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	2,17
9. 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?	☐	☐	☐	☒	☐	1,2
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,2

4.9.2.1 *Hydrology and Drainage Impacts*

Drainage and Surface Water

The project site is developed with a surface parking lot. There are no waterways on the project site; therefore, development of the project would not alter the course of a stream or river.

Currently, the entire project site is impervious. Construction of the project would replace existing impervious surfaces with new impervious surfaces. Therefore, the project would not increase the amount of impervious surfaces on-site and would not increase the amount of runoff from the site. For this reason, it is assumed that the existing storm drain system would continue to accommodate flows from the project site.

The Envision San José 2040 General Plan Final EIR concluded that implementation of General Plan policies and existing state and local regulations would avoid substantial new impacts to the water quality of surface waters. The project would not increase the amount of on-site impervious surfaces and would comply with all applicable laws, policies, and regulations. Therefore, the project would have the same less than significant impacts on water quality as described in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundwater

The project includes construction of an underground parking garage that would extend approximately 30 feet below ground. Because groundwater in the project area is expected to be approximately 10 to 15 feet bgs, it is anticipated that dewatering would be required during project construction. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Services Department, Watershed Protection Division in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. The proposed development could interfere with the shallow groundwater aquifer, but would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. Compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction.

As discussed previously, the project site is not located within a natural or facility groundwater recharge area. In the event post-construction dewatering is required, the project shall be reviewed by the City's Environmental Services Engineering section to ensure conformance with the City's Stormwater Permit requirement during the Building Permit stage (standard permit condition). For these reasons, the project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. The project would not result in a new or more significant impact on groundwater than described in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 *Flood Impacts and Other Inundation Hazards*

The project site is not located in a 100-year floodplain and, therefore, would not place housing within a 100-year flood hazard area or impede or redirect flood flows within a 100-year flood hazard area.

The project site is not subject to seiche, tsunami, sea-level rise, or mudslide hazards, and is not located in a dam failure inundation area.[14] **[Same Impact as Approved Project (No Impact)]**

4.9.2.3 *Water Quality Impacts*

Construction 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 and other manmade products that are ultimately discharged into the storm drainage system. The project site is 0.47 acres in size and would not disturb more than one acre of soil; therefore, it is not required to obtain a NPDES General Permit for Construction Activities.

All development projects in the City of San José are required to comply with the City's Grading Ordinance whether or not the project is required to obtain a NPDES General Permit. 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 15 to April 15), 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 minimize the runoff of stormwater pollutants.

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 new or more significant construction-related water quality impacts than disclosed in the Envision San José 2040 General Plan Final EIR and the Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[14] City of San José. Envision San José 2040 General Plan Final Environmental Impact Report. November 2011.

Post-Construction Impacts

The entire project site is impervious and the development of the proposed project would replace approximately 0.47-acres (or 20,102 SF) of existing impervious surfaces with new impervious surfaces. The project, therefore, would not result in a net change in the amount of impervious surfaces on-site.

Construction of the project would replace more than 10,000 SF of impervious surfaces and, therefore, is required to comply with the City's Urban Runoff Policy 6-29 and RWQCB's MRP NPDES Permit/C.3 requirements. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The Envision San José 2040 General Plan Final EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. Compliance with the City's Grading Policy, the City's Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements would result in the same less than significant impacts on water quality as described in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3 Conclusion

Implementation of the proposed project and mitigation measures, and compliance with applicable laws, policies, and regulations would have the same less than significant hydrology and water quality impacts as previously identified in the certified Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The 0.47-acre project site is currently developed with a surface parking lot. There are two billboards located on the western boundary of the project site (oriented towards S. San Pedro Street).

4.10.1.2 *Surrounding Land Uses*

The project site is located in Downtown San José and is surrounded by a mix of urban land uses. A 15-story office building with ground floor commercial/retail uses is located north of the project site. To the east of the project site is S. San Pedro Street, a two-lane roadway. A newly constructed 23-story mixed use residential tower with ground floor commercial/retail space is located northeast of the project site on the east side of S. San Pedro Street. Existing office and retail uses are located in the historic Sunol building, located across S. San Pedro Street from the project site. To the south of the project site is Post Street, a two lane roadway. An active bus station, parking lot, and a single-story restaurant/nightclub are located on the south side of Post Street across from the project site. To the west of the project site is S. Almaden Avenue, a two-lane roadway. Between S. Almaden Avenue and the project site are a mix of single- to two-story commercial/retail uses.

4.10.1.3 *Applicable Plans, Policies, and Regulations*

Federal Aviation Regulations, Part 77/City of San José Avigation Easement

The Norman Y. Mineta San José International Airport (Airport) is located approximately 2.5 miles northwest of the project site. Given the project site's proximity to the Airport, it is subject to Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace (commonly referred to as FAR Part 77), which sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards to aircraft in flight.

These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects within an extended zone defined by a set of imaginary slope radiating outward for several miles from the Airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure of a height greater than approximately 65 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. Although the FAA does not have the authority to approve or deny a proposed off-airport land use, the City's General Plan requires all projects to be in conformance with FAA height determinations.

The City currently holds an Avigation Easement (granted in 1986 in association with a previous project) that restricts maximum height on the project site to approximately 190 feet above ground.

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The project site is located within the Airport Influence Area, as defined by the Airport's Comprehensive Land Use Plan (CLUP), adopted by the Santa Clara County Airport Land Use Commission (ALUC) on May 25, 2011. The CLUP includes land use compatibility policies and standards, which form the basis for evaluating the land use compatibility of individual projects with the Airport and its operations.

Standards in the CLUP focus on the three areas of ALUC responsibility: 1) aircraft noise, 2) the safety of persons on the ground and in aircraft, and 3) the control of objects in navigable airspace. The project site is located just outside the projected 65 dB CNEL aircraft noise contour[15] and the project site is also outside of the identified airport safety zones in the CLUP.

Proposals for amendments to general or specific plans and either building or zoning regulations by local agencies must be submitted to the ALUC for a determination of consistency. In addition, development projects that are higher than 200 feet above ground level are also encouraged to be submitted for review by the ALUC. Recommendations made by the ALUC are advisory to local jurisdictions, not mandatory.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

Subsequent to the certification of the Downtown Strategy 2000 EIR and Envision San José 2040 General Plan Final EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. As discussed in *Section 4.4 Biological Resources*, the project site is located in an area designated as *Urban-Suburban* in the Habitat Plan.

Envision San José 2040 General Plan

Providing denser development within the Downtown is consistent with the Major Strategies of the 2040 General Plan, specifically: the Focused Growth Strategy, which aims to focus growth into growth areas (including Downtown), and the Fiscally Strong City Strategy, which focuses new growth in developed areas where existing infrastructure is already available.

Development in this designation should also enhance the "complete community" vision by providing a mixture of commercial, retail, and entertainment options while supporting pedestrian and bicycle circulation and transit ridership. Residential projects within the *Downtown* designation should generally incorporate ground floor commercial/retail uses. The *Downtown* designation allows for a maximum density of 800 DU/AC.

[15] Properties within the 65 dB CNEL aircraft noise contour are subject to noise impacts from aircraft flyovers; residential and public educational facilities located within the 65 dB CNEL noise contour would require design and insulation measures to reduce interior noise levels to a less than significant level.

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

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate. 1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. 2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies. 4. Locate retail and other active uses at the street level. 5. Create easily identifiable and accessible building entrances located on street frontages or paseos. 6. Accommodate the physical needs of elderly populations and persons with disabilities. 7. Integrate existing or proposed transit stops into project designs.
Policy CD-2.11	Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
Policy CD-3.4	Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

San José Downtown Strategy 2000

The Downtown Strategy 2000 was developed as a guide for policy and development in the Greater Downtown area. It provides specific recommendations for land use, development types, and the amount of development based on environmental and community needs. The Downtown Strategy supports a variety of community goals, including but not limited to: developing retail in the Greater Downtown area, develop more housing with an emphasis on affordable housing, and investing in streetscape improvements to improve the walkability and comfort of Greater Downtown streets. The amount of future development anticipated to occur in the expanded Greater Downtown Core Area includes:

- 8,000,000 to 10,000,000 SF of office space
- 8,000 to 10,000 residential dwelling units
- 900,000 to 1,200,000 SF of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects

The project site is specifically located within the Santa Clara Street area and is identified as a specific development site "D-2." The Downtown Strategy 2000 identifies the following strategies and actions for the Santa Clara Street area that are applicable to the project and/or project site:

- Development projects to complete/continue planning include 160 W. Santa Clara Street (D-2), and
- Parking on the ground-floor should be strongly discouraged and parking entrances should be minimized.

Zoning Ordinance

The project site is zoned as *DC – Downtown Core*, which allows for a variety of uses including multi-family residential, office, general retail, education and training (e.g., daycare), entertainment, food services, health and veterinary services, and transportation (e.g., parking). Properties located in the *DC – Downtown Core* zoning district are not subject to any minimum setback requirements. Height restrictions for buildings within *DC – Downtown Core* zones are subject to the height limitations necessary for the safe operation of the Norman Y. Mineta San José International Airport (Airport).

In addition, the Zoning Ordinance stipulates that building heights in the DC zoning district shall not exceed the elevation restrictions prescribed under the FAR Part 77, Objects Affecting Navigable Airspace unless the proposed height is specifically reviewed in an aeronautical study prepared by the FAA and is concluded not to constitute an obstruction or hazard to air operations. A determination of "no hazard" to air navigation and the dedication of an avigation easement is required prior to the approval of proposed development. FAR Part 77 is also discussed in *Section 4.8 Hazards and Hazardous Materials.*

4.10.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	☐	☐	☐	☒	☐	1
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1,4,19
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	2,10

4.10.2.1 *Impacts to an Established Community*

The project site is located in Downtown, surrounded by a variety of development ranging from one-story buildings to high-rise towers and a mix of residential, commercial, and/or office uses. The project proposes a 20-story tower with commercial/retail uses on the ground floor and residential uses on the upper floors. The proposed uses and density are consistent with the surrounding development and what is envisioned for the site in the City's Envision San José 2040 General Plan and Downtown Strategy 2000. The project would not introduce a new or incompatible use in the area.

The project also includes design features to integrate the project with the surrounding neighborhood and development. For instance, the project proposes to connect its parking garage to the existing office parking garage to the north and improve the sidewalks on S. San Pedro Street and Post Street to accommodate and facilitate pedestrian activity consistent with General Plan policies TR-8.7 and CD-2.3. The sidewalk improvements include widening the sidewalks, planting street trees, and incorporating street furniture such as bike racks and trash receptacles.

Moreover, the layout and design of the project does not include any physical features that would physically divide the community (e.g., blocking of roadways or sidewalks). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.2 *Consistency with Applicable Plans, Policies, or Regulations*

Federal Aviation Regulations, Part 77/City of San José Avigation Easement

As discussed in *Section 4.8 Hazards and Hazardous Materials*, for the project site, any structure with a height greater than 65 feet is required under FAR Part 77 to be submitted to the FAA for review. Consistent with General Plan Policy TR-14.2, the project would be developed in accordance with FAA regulations to maintain the airspace required for safe operations and avoid creating a potential hazard to navigation. The issuance of a "no hazard" determination and implementation of any conditions set forth by the FAA in its determination would reduce the project's impact to airport operations to a less than significant level. In addition, the project would also require an amendment or new Avigation Easement from the City to allow for a higher maximum height as a required condition of approval (subject to completion of the FAA review process). (Refer to mitigation measure MM LU-1.1 below.) **[Same Impact as Approved Project (Less Than Significant Impact)]**

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The project site is located within Airport Influence Area as identified in the CLUP. As discussed in *Section 4.10.2.1*, the project site is not located within the 65 dB CNEL aircraft noise contour or within a safety zone. Pending the required FAA issuance of "no hazard" determinations for the 225-foot tall building, as discussed in *Section 4.8 Hazards and Hazardous Materials*, the project would be consistent with all applicable CLUP policies.

Impact LU-1: Construction of the proposed project would exceed 200 feet in height above ground, which could pose a hazard to the safe operation of the Airport. **(Significant Impact)**

Mitigation Measure: Consistent with the certified Downtown Strategy 2000 Final EIR, the project proposes to implement the following mitigation measure to reduce impacts to the Airport to a less than significant level:

MM LU-1.1: Prior to issuance of a development permit, the following actions shall be accomplished:

- The applicant shall comply with the notification requirements of the FAR Part 77 and receive a "Determination of No Hazard" from the FAA.
- Conditions set forth in the required FAA determination of no hazard regarding roof-top lighting or marking shall be incorporated into the final design of the project.
- Avigation easements (recognizing that the property is subject to aircraft noise impacts and specific height restrictions) shall be dedicated to the City of San José.

Habitat Conservation Plan

As described further in *Section 4.4 Biological Resources,* the proposed project would not conflict with the Habitat Plan and would pay applicable fees, including the nitrogen deposition fee, to reduce the project's impact to biological resources to a less than significant impact. At the time the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR were certified, the Habitat Plan was not yet adopted. For this reason, this is a new less than significant impact. **(New Less Than Significant Impact)**

Envision San José 2040 General Plan

The project site has a General Plan land use designation of *Downtown*, which allows for residential and commercial development at high intensities. The project proposes to develop a 20-story residential building with 205 dwelling units and up to 10,900 SF of ground floor commercial/retail on a 0.47-acre project site. The proposed project would have a residential density of 436 DU/AC and, therefore, is consistent with the site's General Plan land use designation. **[Same Impact as Approved Project (No Impact)]**

San José Downtown Strategy 2000

The project proposes to redevelop an existing parking lot on the southern portion of the project site (identified as area "D-2" in the Downtown Strategy 2000), with a high-rise building containing up to 205 residential units and 10,900 SF of ground floor retail.

Construction of the proposed project would intensify the project site's usage and would support the Downtown Strategy's goals of redeveloping underutilized properties. The proposed residential and

commercial uses are also consistent with the land uses and growth envisioned in the Downtown Strategy.

In addition, the proposed parking garage for the site would utilize the existing parking garage entrance on S. San Pedro Street. By integrating the parking facilities for the proposed residential and commercial uses with the existing office uses on-site, the project minimizes the parking entrances needed. Besides bicycling parking, no other new parking is proposed on the ground floor of the project. Vehicular parking in the proposed building would be located in three levels below ground and on the second and third floors. For these reasons, the project is consistent with the Downtown Strategy's goals for the site of minimizing parking entrances and discouraging parking facilities on the ground floor. **[Same Impact as Approved Project (No Impact)]**

Zoning Ordinance

The proposed residential and commercial uses on-site are consistent with the site's existing zoning designation of *DC – Downtown Core*. The project proposes to construct a 20-story building with a maximum height of 225 feet. The project shall be submitted to the FAA for review under FAR Part 77. The issuance of a "no hazard" determination by the FAA is required prior to development approval (see MM LU-1.1 below) and would ensure that the project would be consistent with the Zoning Ordinance height restrictions for the site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.3 *Shade and Shadow Impacts*

According to the Downtown Strategy 2000 Final EIR, a project in the Greater Downtown area would have a significant shade and shadow impact if it would result in a 10 percent or greater increase in the shadow cast onto St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, or McEnery Park, or substantially increase shadows at other public open space areas (excluding streets and sidewalks).

The proposed project is not located near the aforementioned public spaces or any other public open space. Therefore, shadows cast as a result of the proposed building would have no significant shade and shadow impacts. **[Same Impact as Approved Project (No Impact)]**

4.10.3 Conclusion

The proposed project would not result in new or more significant land use impacts than disclosed in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

According to the Envision San José 2040 General Plan Final EIR, the area of Communications Hill in central San José is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. Communications Hill is the only area in the City with this designation. The project site is not located on or near Communications Hill and, therefore, does not contain known mineral resources

4.11.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	1,2
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,2

As discussed above, the project site is not located in an area containing known mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

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

4.12 NOISE AND VIBRATION

This discussion is based in part on a Noise and Vibration Assessment completed by *Illingworth & Rodkin, Inc*. in June 2014. A copy of this report is provided in Appendix F.

4.12.1 Setting

4.12.1.1 *Overview*

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: L_{eq}, L_{max}, DNL, and CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly but L_{eq} can describe any series of noise events in arbitrary duration. L_{max} is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted to 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes both an evening and nighttime weighting.

Fundamentals of Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) are used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life; these two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a

function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

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

4.12.1.2 *Existing Noise Conditions*

The existing noise environment at the project site results primarily from vehicular traffic on surrounding streets, aircraft approaching or departing from the Norman Y. Mineta San José International Airport, and operations at the Greyhound Bus Station located across from the project site on the south side of Post Street. A noise monitoring survey consisting of three long-term noise measurements was conducted from April 2, 2014 to April 4, 2014 to quantify the existing noise environment at the project site. Long-term noise measurements are taken over a 24-hour period, and for the project site, would include noise generated by nearby nightclubs including The Blank Club adjacent to the west of the site and Myth located south of the site on the south side of Post Street. Based on the noise monitoring survey, existing noise levels at the ground level street frontage along S. San Pedro Street is 70 dBA DNL. Construction activities occurring at the One South Market project location at the southeast corner of W. Santa Clara Street and S. San Pedro Street contributed to the measured noise level. In the absence of local construction noise, existing noise levels are estimated to be approximately 65 dBA DNL at the project site along S. San Pedro Street.

The existing noise level at the project site along Post Street is 72 dBA DNL, which is exposed to additional traffic and activity from the Greyhound Bus Station on the opposite side of the street than the project site frontage on S. San Pedro Street. On-going construction activities in the project area also contributed to measured noise levels but to a lesser extent due to increased distance from the construction site and due to the ambient noise levels resulting from Post Street traffic.

Based on the Norman Y. Mineta San José International Airport CLUP, the project site is located outside of the 65 CNEL noise contour. According to the City's current and projected noise contours for San José International Airport, the project site is exposed to aircraft noise levels of less than 65 dB CNEL, the minimum level at which aircraft noise would be considered a significant impact under State and federal guidelines.

4.12.1.3 *Sensitive Receptors*

The nearest, existing noise sensitive land uses are located in the upper levels of two- to three-story commercial mixed use buildings directly west of the project site and on the north side of W. Santa Clara Street. Future residents would also be located in the 23-story mixed use residential tower recently constructed at the southeast corner of W. Santa Clara Street and S. San Pedro Street (One South Market project).

4.12.1.4 *Applicable Plans, Policies, and Regulations*

2014 State Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB DNL or CNEL in any habitable room.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy ES-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: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to 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. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
	• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[16]

The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

[16] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Table 4.12-1: General Plan Land Use Compatibility Guidelines

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

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.

4.12.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	3,18
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	3,18

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,18
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,18
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,19
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site (refer to *Section 4.12.1.4*), a significant noise impact would result if exterior noise levels at the proposed residential uses exceed 60 dBA DNL and/or if interior day-night average noise levels exceed 45 dBA DNL (General Plan policy EC-1.1).

In addition, a substantial permanent noise increase would occur if the noise level increase resulting from the project (e.g., noise from project operations or project-generated traffic) is three (3) dBA DNL or greater at noise-sensitive receptors, with an ambient noise level of 60 dBA DNL or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA DNL or greater would be considered significant (General Plan policy EC-1.2).

Temporary, construction noise impacts from the project would be significant if the project is located within 500 feet of residential uses (or 200 feet of commercial or office uses) and would involve substantial noise generating activities (such as demolition, grading, excavation, pile driving, etc.) for more than one year (General Plan policy EC-1.7); and if hourly average noise levels exceed 60 dBA L_{eq} and are at least five (5) dBA above the ambient noise environment at nearby residential uses. Construction vibration impacts would be considered significant when construction activities are anticipated to generate a peak vertical particle velocity of 0.08 in/sec at sensitive historic structures and 0.20 in/sec at buildings of normal conventional construction (General Plan policy EC-2.3).

4.12.2.1 *Noise Impacts to the Project*

Exterior and Interior Noise Impacts

Exterior Noise Impacts

The existing noise environment at the project site exceeds the City's exterior noise goal of 60 dBA DNL for residential uses as a result of transportation noise sources in the project area (i.e., local traffic and aircraft) and downtown activities. Typical noise sources in the Downtown area include music played at outdoor dining areas or within bars or nightclubs, mechanical equipment, outdoor maintenance activities, truck loading docks and deliveries, and/or parking lot activities. Due to the proximity of the proposed project to adjacent businesses, noise levels resulting from the operation of nearby businesses could at times exceed the Zoning Ordinance noise level limits of 55 dBA L_{eq} at residential property lines. Facing Post Street, the overall noise exposure would range from 75-76 dBA DNL at the lower intermediate floors of the proposed building to about 72-73 dBA DNL at the higher floors. Facing S. San Pedro Street and S. Almaden Avenue, the noise exposure would range from 69-70 dBA DNL at the lower intermediate floors to about 67-68 dBA DNL at the higher floors.

The future noise environment at the project site would continue to result primarily from transportation noise sources in the site vicinity and bus station activities. Aircraft noise levels are anticipated to be approximately 64 dBA CNEL at the site by 2027. Based on traffic data provided for the Diridon Station Area Plan, traffic noise levels are anticipated to increase by up to one (1) dBA DNL along roadways serving the project site as a result of future redevelopment in the downtown area.[17] Future noise levels are anticipated to be 68 dBA DNL at the ground level facade of the proposed building along S. San Pedro Street and 73-74 dBA DNL at the ground level facade of the proposed building along Post Street. Traffic noise levels are also anticipated to be up to three (3) dBA higher at the third and fourth levels of the proposed building, compared to ground level, due to the reduction in shielding and ground absorption. Above the fourth floor, noise levels drop off as the distance from the ground level noise source increases. Based on the above discussion, future exterior noise levels at the site would exceed the City's goal of 60 dBA DNL.

As shown in Figure 4.12-1, the project includes common outdoor areas at the podium level on the fourth floor and on the 19th floor. Private balconies are also proposed for most of the residential units. The noise level at the common and private outdoor areas would exceed 60 dBA DNL due to

[17] City of San José. *Diridon Station Area Plan Draft Program Environmental Impact Report.* SCH #2011092022. December 2013.

aircraft operations alone. In addition, depending on the location and shielding associated with the common outdoor areas, portion of the exterior areas near the perimeter of the building could exceed 65 dBA DNL without additional mitigation.

Interior Noise Impacts

Where exterior day-night average noise levels are less than 65-70 dBA DNL, interior noise levels can typically be maintained below 45 dBA DNL with the incorporation of forced air mechanical ventilation systems in residential units. Where exterior noise levels exceed 65-70 dBA DNL, such as at the proposed residences facing S. Almaden Avenue, Post Street, and S. San Pedro Street, forced-air mechanical ventilation systems and sound-rated construction would be required to meet the City's interior noise goal of 45 dBA DNL. The building design and treatments identified in MM NOI-1.2 below would lower the interior DNL, as well as the noise levels that could occur from Downtown activities, music, and events.

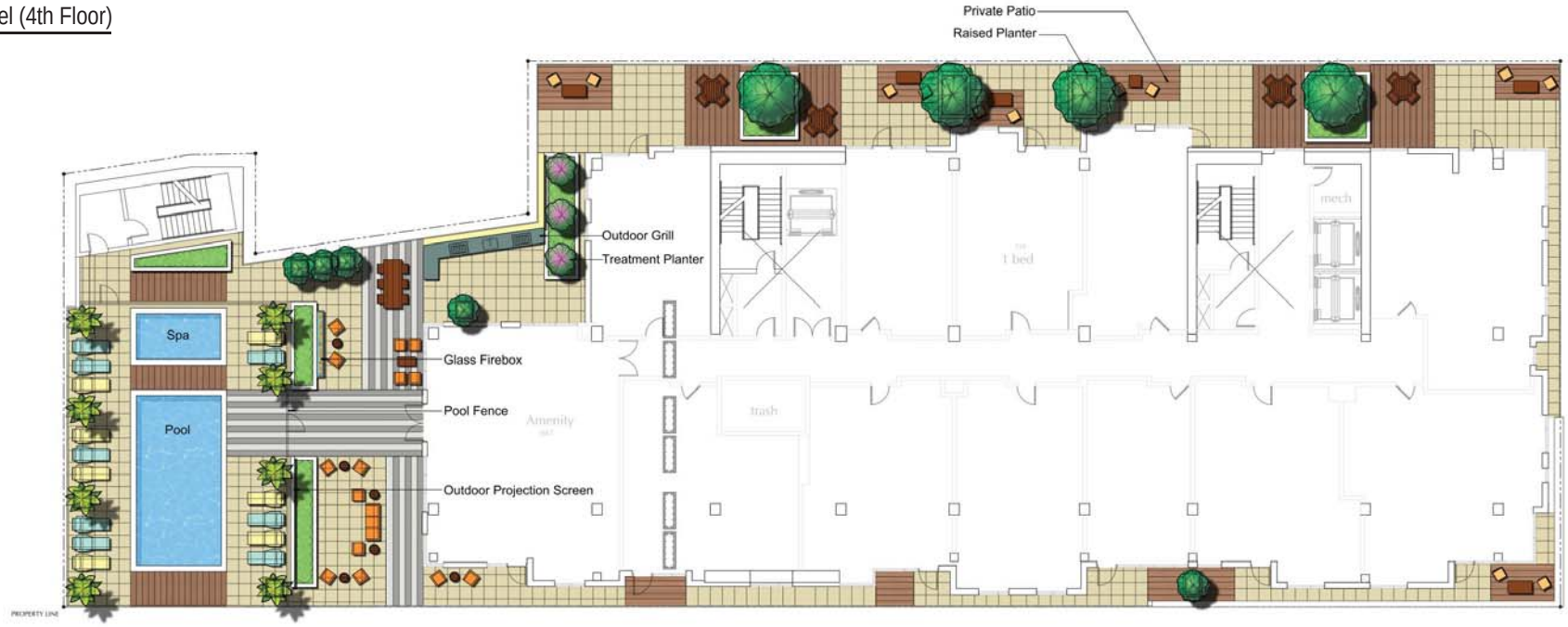
Impact NOI-1: Future residential uses on the project site would be exposed to exterior and interior noise levels greater than the City's noise goals of 60 dBA DNL and 45 dBA DNL, respectively. **(Significant Impact)**

Mitigation Measures: Consistent with the Downtown Strategy 2000 Final EIR and in accordance with the Envision San José 2040 General Plan, the project proposes to implement the following mitigation measures to reduce exterior noise levels at the common outdoor areas and reduce interior noise levels to 45 dBA DNL or lower:

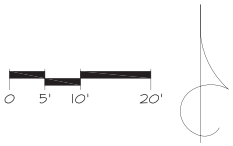
MM NOI-1.1: When refining the project's site plan, locate rooftop common outdoor areas away from adjacent noise sources and shield noise-sensitive spaces with buildings and parapet walls whenever possible.

MM NOI-1.2: Incorporate building design and treatments to ensure compliance with City noise standards. A project-specific acoustical analysis shall be completed to ensure that the design of the project incorporates controls so that interior noise levels would be reduced to 45 dBA DNL or lower. A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans to calculate expected interior and exterior noise levels and ensure compliance with City policies. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all residential units so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and doors and building facade treatments) would likely be required for residential units facing or overlooking S. Almaden Avenue, Post Street, and S. San Pedro Street. These treatments could include sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The results of the analysis, including a description of the necessary noise control measures, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA DNL or lower.

Podium Level (4th Floor)



Roof Deck (19th Floor)



Source: Ankrom Moisan Architects, 9/14/15.

COMMON OUTDOOR AREAS

FIGURE 4.12-1

MM NOI-1.3: Provide a disclosure to owners and/or tenants of the residential component of the project describing the potential for commercial-related noise sources in the site vicinity to generate noise levels in excess of the City of San José's Zoning Ordinance limits. The implementation of this measure and MM NOI-1.2 above would ensure that owners and/or tenants are fully aware of the noise environment in the Downtown area and that interior noise levels are maintained at acceptable levels.

4.12.2.2 *Noise Impacts From the Project*

Project Generated Traffic Noise

The project site is located near noise-sensitive receptors to the north and west of the site. Existing traffic volumes on nearby roadways would have to double in order for the project to result in a perceptible three dBA DNL increase above existing ambient noise conditions at these existing residences. As previously discussed, traffic noise levels are anticipated to increase by up to one (1) dBA DNL along roadways serving the project site as a result of future redevelopment in the downtown area.[18] This increase would be the result of buildout of the Downtown Strategy 2000 (which includes the proposed project) and buildout of the proposed Diridon Station Area Plan. Project-generated traffic represents a small portion of the projected one (1) dBA DNL increase in roadway noise. The overall increase of one (1) dBA DNL in traffic noise levels along project roadways is not considered substantial; therefore, project-generated traffic would not result in a significant noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise

The proposed project would include various mechanical equipment pertinent to the operation of the building, such as air conditioners, exhaust fans, pool equipment, elevator equipment, and air handling equipment for the underground parking levels. In addition, truck deliveries for the proposed ground floor commercial/retail uses would generate noise. As shown on Figure 3.2-1, the loading area for trucks is proposed on the ground floor on Post Street.

Due to the proximity of existing and future residential uses near the project site, operational noise (i.e., operation of mechanical equipment and truck deliveries) from the proposed project could exceed the City's Municipal Code noise standard of 55 dBA L_{eq} at residential property lines.

Impact NOI-2: Mechanical equipment and truck deliveries associated with the project could generate noise in excess of the City's Municipal Code noise standard of 55 dBA DNL at residential property lines. **(Significant Impact)**

[18] City of San José. *Diridon Station Area Plan Draft Program Environmental Impact Report*. SCH #2011092022. December 2013.

Mitigation Measures: Consistent with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, and the Municipal Code, the project proposes to implement the following mitigation measures to ensure that project operational noise does not exceed 55 dBA DNL at residential property lines.

MM NOI-2.1: A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal.

Studies shall be prepared for project components with mechanical equipment that have the potential to produce audible noise at nearby residential uses. This includes existing residences and residential uses proposed under this project. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations such as residences.

MM NOI-2.2: Ensure that noise generating activities such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

Construction-Related Noise

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, the distance between construction noise sources and noise sensitive receptors, and shielding. Construction activities for individual projects are typically carried out in stages. During each stage of construction, there would be a different mix of equipment operating.

The construction of the project would generate noise levels that would exceed ambient noise levels at noise sensitive receptors in the vicinity of the project site (including residences west of the project site on S. Almaden Avenue and future residences in the One South Market project) and is anticipated to take place over an approximate 24-month period. Construction of the project would involve site improvements such as the establishment of utilities, removal of existing pavement, substantial excavation to create the underground parking lot and to lay foundations, building erection, paving, and landscaping. The hauling of excavated material and construction materials would generate truck trips on local roadways.

Construction noise levels vary by stage and vary within stages, based on the amount and location of equipment in operation. The highest noise levels would be generated during grading, excavation, and foundation construction, which are anticipated to take place over a period of approximately four months. The erection of large buildings (such as the proposed building) can also cause considerable noise for fairly long durations and would not typically be shielded by the surrounding structures. Jackhammers typically generate maximum noise levels of 85 dBA at a distance of 50 feet. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet.

The project proposes to use drilled piers (cassions) with mat slab over the top or rammed aggregate piers in lieu of pile driving, pending the result of soil testing on the project site. Drilled piers with mat slab over the top or rammed aggregate piers are the preferred foundation type because they produce lower noise levels compared to pile driving; however, these techniques require proper soil conditions and cannot always be implemented. This analysis assumes a worst-case scenario of using pile driving, in the event that drilled piers with mat slab or rammed aggregate piers are infeasible. Pile driving can produce very high noise levels of about 100-105 dBA L_{max} at 50 feet. Buildings within 50 feet of the site include the historic Hatman & Normandin Block and Berger Building, the potentially historic Greyhound Bus Station, and a single-story restaurant (Myth Taverna located at 152 Post Street).

The historic Sunol building is located approximately 60 feet from the project site on the east side of S. San Pedro Street. The office building north of the site is approximately 75 feet from the proposed construction on-site and the historic Market-Post Tower is approximately 90 feet from the project site. A single-story restaurant (Duc Phuc Restaurant, located at 194 and 198 W. Santa Clara Street), is over 150 feet from the construction site. The newly constructed residential mixed-use tower at the southeast corner of W. Santa Clara Street and S. San Pedro Street (One South Market), is approximately 125 feet from the primary construction work area on-site. Average noise levels at 100 feet from the more typical construction activity at the project site would range from 70 to 80 dBA L_{eq} during busy construction periods. These noise levels drop off at a rate of about six dBA per doubling of distance between the noise source and receptor. Intervening structures would result in lower noise levels, especially for activities below grade.

During construction, noise levels would be elevated at adjacent businesses and noise sensitive uses by 10 to 20 dBA L_{eq} during typical busy construction periods, and by up to 45 dBA L_{eq} during any necessary pile driving activities. Businesses and sensitive uses would also be intermittently exposed to high levels of noise (75 do 85 dBA L_{eq}) throughout the construction period. Project construction activities, therefore, would exceed 60 dBA L_{eq} and increase ambient noise levels at nearby residences by at least five (5) dBA. While the construction of the entire project is estimated to be completed in 24 months, the highest noise levels generated (i.e., those during grading, excavation, and foundation construction) are anticipated to occur for only approximately four months.

Impact NOI-3: Residences and businesses in the vicinity of the site would be intermittently exposed to high noise levels during project construction. **(Significant Impact)**

Mitigation Measures: Consistent with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, General Plan policies (specifically policy EC-1.7), and Municipal Code, the project proposes to implement the following mitigation measure to reduce construction-related noise impacts to a less than significant level:

MM NOI-3.1: Develop and implement a construction noise logistics plan during all phases of construction on the project site. The construction noise logistics plan shall include, but not be limited to the following:

- Limit demolition and construction activities to non-holiday, daytime hours between 7:00 AM and 5:00 PM;

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

- 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 businesses, residences, or noise-sensitive land uses;

- Prohibit all unnecessary idling of internal combustion engines;

- Notify all adjacent businesses, residences, and noise-sensitive land uses of the construction schedule in writing;

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

- Designate a disturbance coordinator, responsible for responding to complaints about construction noise. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to businesses, residences, or noise-sensitive land uses adjacent to the construction site;

- Provide written schedule to adjacent land uses and nearby residences of "noisy" construction activities;

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

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

Construction-Related Vibrations

Construction activities, such as the removal of existing pavement, site preparation work, excavation of below grade levels, foundation work, and new building erection, could generate excessive vibration levels at nearby sensitive land uses or historic buildings. In particular, pile driving (if used) has the potential of generating the highest ground vibration levels and is of primary concern when it occurs within 100 to 200 feet of structures. Additional information about vibration levels for various construction equipment is provided in Appendix F.

The use of pile drivers (if required) and, to a lesser extent, other construction equipment would require some attention to ensure that structures in the vicinity of the project (including historic buildings within 200 feet from such activities) are sufficiently protected. The following historic and potentially historic properties are within the immediate project site vicinity:

- Sunol Building (1895) – located at 127-145 Post Street, approximately 60 feet from the project site;
- Market-Post Tower (1985) – located at 55 South Market Street, approximately 90 feet from the project site;
- Hatman & Normandin Block (1891) – located at 14-16 S. Almaden Avenue, approximately 100 feet from the project site; and
- Berger Building (1935) – located at 44. S. Almaden Avenue, immediately adjacent to the west of the site.
- Greyhound Bus Station (1957) – located at 70 S. Almaden Avenue, south of the project site across Post Street.

Although construction is anticipated to last approximately 24 months, construction vibration would not be substantial for most of this time except during vibration generating activities such as pile driving (if required), drilling, and the use of jackhammers, rock drills, other high-power or vibratory tools, and rolling stock equipment. Erection of the building structure is not anticipated to be a source of substantial vibration with the exception of sporadic and/or accidental events such as dropping of heavy objects. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on project conditions such as soil conditions, construction methods, and equipment used. At a distance of 50 feet, construction activities other than pile driving would not likely generate vibration levels exceeding 0.08 in/sec PPV.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that would have the highest potential of producing vibration.

Due to the scope of construction, density of development in the immediate project area, and proximity of historic structures to the project site, the project would result in significant construction-related groundborne vibration impacts.

Impact NOI-4.1: The project would result in significant construction-related groundborne vibration impacts. **(Significant Impact)**

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

MM NOI-4.1: Avoid impact pile driving where possible. Drilled piers or rammed aggregate piers cause lower vibration levels and are preferred methods to pile driving where geological conditions permit.

MM NOI-4.2: A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, pile drivers, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the structural engineer. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring (see MM NOI-4.3 below).

MM NOI-4.3: A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The Construction Vibration Monitoring Plan shall include the following tasks:

- Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits shall be applied to all vibration sensitive structures located within 200 feet of the project.
- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 200 feet of pile driving activities and for each structure within 50 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular interval during construction and after project completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures.
- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits.

- At minimum, vibration monitoring shall be conducted during pavement demolition, excavation, and pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

MM NOI-4.4: The results of all vibration monitoring shall be summarized and submitted in a report to the City shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.

Note that the mitigation identified in *Section 4.5 Cultural Resources* to avoid and/or reduce construction-related impacts to existing historic and potentially historic buildings includes similar requirements to those outlined in mitigation measures MM NOI-4.1 through -4.4 above; however, the mitigation measures in *Section 4.5* only addresses historic (or potentially historic) structures in the vicinity and the mitigation measures above encompass all structures within 200 feet of the site.

4.12.3 Conclusion

Implementation of the proposed mitigation measures, consistent with the certified Downtown Strategy 2000 Final EIR, Envision San José 2040 General Plan Final EIR, General Plan policies, and Municipal Code, would reduce noise and vibration impacts to existing sensitive land uses and future residents on the project site to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

Based on information from the Department of Finance, the City of San José population was estimated to be approximately 1,016,479 in January 2015.[19] The City has approximately 322,770 housing units in 2015, and the Association of Bay Area Governments (ABAG) projects that there will be approximately 409,800 households in the City by 2035.[20] The average number of persons per household in San José is approximately 3.07.[21]

4.13.2 *Applicable Plans, Policies, or Regulations*

Envision San José 2040 General Plan

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2035. Through policies and actions that address orderly growth within the City, buildout of the General Plan is projected to help balance the ratio of local jobs with available housing within the City.

4.13.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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)?	☐	☐	☐	☒	☐	2,4
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

[19] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. May 2015. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

[20] Association of Bay Area Governments. Projections 2013. August 2013.

[21] Ibid.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2

4.13.2.1 *Impacts to Population and Housing*

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

The Envision San José 2040 General Plan Final EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan is minimal because growth planned and proposed as part of the General Plan would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

The project proposes to redevelop an existing parking lot with up to 205 residential units and up to 10,900 SF of commercial/retail space. Implementation of the proposed project would generate approximately 629 residents and also create new employment opportunities in the commercial/retail space and in general building management. As discussed in *Section 4.10 Land Use*, the proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what is anticipated from buildout of the General Plan. It is also consistent with General Plan and Downtown Strategy goals for focused and sustainable growth because it proposes the intensification of underutilized land in an urbanized area that is currently served by existing roads, transit, utilities, and public services.

The proposed project would increase housing and increase the number of residents living in Downtown San José. However, the project is consistent with the site's General Plan land use designation and would not induce substantial population growth over what has been planned for in the Downtown Strategy. For these reasons, the proposed development would not result in a significant impact on population or housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.2.2 *Housing Displacement Impacts*

The project site is currently developed with a parking lot; redevelopment of the site with the proposed project would not displace residents or housing. **[Same Impact as Approved Project (No Impact)]**

4.13.3 Conclusion

The project would not result in substantial growth inducement or impacts to existing housing supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire and Police Protection Services*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 1, located at 225 North Market Street, approximately 0.4 miles northwest of the project site.

Police protection services for the project site are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 1.4 miles northwest of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

4.14.1.3 *Schools*

The project site is located in the San José Unified School District (SJUSD). Students in the project area attend Gardner Elementary School, Hoover Middle School, and Lincoln High School.[22]

4.14.1.4 *Parks*

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

Nearby City park facilities include Saint James Park, 0.4 miles north of the project site, Plaza De Cesar Chavez, 0.2 miles southeast of the project site, and McEnery Park, 0.3 miles southwest of the project site. The Guadalupe River Trail and other outdoor recreational areas along the trail are approximately 0.4 miles west of the project site.

4.14.1.5 *Libraries*

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries. Libraries near the project site include the Dr. Martin Luther King Jr. Main Library (0.4 miles east of the project site), East San José Carnegie Branch Library (1.6 miles northeast of the project site), and Joyce Ellington Branch Library (1.6 miles north of the project site).

[22] San José Unified School District. *Boundary Maps*. Last modified March 27, 2014. Available here: < http://www.schvision.com/schoolfinder2/SJUSD/maps.asp> Accessed: April 18, 2014.

4.14.1.6 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and/or PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.[23]

4.14.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	2,3
Police Protection?	☐	☐	☐	☒	☐	2,3
Schools?	☐	☐	☐	☒	☐	2,3
Parks?	☐	☐	☐	☒	☐	2,3
Other Public Facilities?	☐	☐	☐	☒	☐	2,3

4.14.2.1 *Impacts to Fire and Police Protection Services*

The Envision San José 2040 General Plan Final EIR concluded that, with the buildout of the General Plan, additional fire staff and equipment may be required to adequately serve a larger population but no new fire stations would be required other than those already planned. In regards to police services, the Envision San José 2040 General Plan Final EIR concluded that the buildout of the General Plan could require new police facilities, which would require supplemental environmental

[23] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).

review but are not anticipated to result in significant, adverse environmental impacts. The Downtown Strategy 2000 Final EIR concluded periodic operation and capital improvements may be required for both fire and police services, but those improvements would not result in significant environmental impacts.

The project proposes to redevelop an existing parking lot in Downtown San José with residential and commercial uses, consistent with the Envision San José 2040 General Plan and Downtown Strategy 2000. Implementation of the proposed project would intensify the use of the site and generate additional residents in the area, which would incrementally increase the demand for fire and police protection services compared to existing conditions. The project site, however, is currently served by both the SJFD and SJPD and the amount of proposed development represents a small fraction of the total growth identified in the Envision San José 2040 General Plan and Downtown Strategy 2000. The project, by itself, would not preclude the SJFD and SJPD from meetings their service goals and would not require the construction of new or expanded fire or police facilities.

In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would have no new or more significant impacts to fire and police protection services than disclosed in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.2 *Impacts to Schools*

Buildout of the City General Plan is estimated to generate 11,079 new students in the SJUSD. The Downtown Strategy 2000 Final EIR anticipated the addition of 10,000 dwelling units in the Greater Downtown Area would generate up to 5,000 new students. Based on a student generation rate of 0.272 K-12 students per unit, the proposed project is estimated to generate approximately 56 new students.[24] The proposed project is part of planned growth in the City, and would not increase the number of students in the SJUSD beyond what has been anticipated in the Envision San José 2040 General Plan or Downtown Strategy 2000.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would partially offset project-related increases in student enrollment.

While the proposed project would increase the number of school children attending the public schools in the area, the increase is consistent with the increase identified in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR, and would mitigate its impact

[24] San José Unified School District. Development Fee Justification Study. April 2014. <http://www.sjusd.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf> Accessed July 21, 2015.

through compliance with state law regarding school impacts. For this reason, the project would not result in a new or more significant impact to local schools than disclosed in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.3 *Impacts to Parks*

Residential growth from the buildout of the General Plan is expected to result in an overall City population of over 1.3 million people by 2035, which will increase the demand for park and recreational facilities and create an overall (city-wide) parkland need for an additional 2,187.4 acres.[25] The Envision San José 2040 General Plan Final EIR concluded that conformance with General Plan policies and payment of applicable fees would reduce any potential physical impacts from development to parks to a less than significant level.

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

The project is required to pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan policies PR-2.4 and PR-2.5. In addition, the project proposes two on-site common open space areas totaling approximately 8,000 SF in size that would be available to future tenants for passive recreational use that would offset some of the project's demand on existing park and recreational facilities.

Based on the above discussion, the project would not result in new or more significant impacts on park facilities than disclosed in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.4 *Impacts to Libraries*

The Envision San José 2040 General Plan Final EIR concluded that the existing and planned library facilities in the City would provide approximately 0.68 SF of library space per capita for the anticipated population growth under buildout of the General Plan by the year 2035, which is above

[25] City of San José. *Envision San José 2040 General Plan Final Program EIR.* November 2011. Page 633 (and see Table 3.9-5).

the City's General Plan service goal of 0.59 SF of library space per capita (General Plan Policy ES-2.2).

The project would generate approximately 629 new residents, who would incrementally increase the demand on neighborhood libraries and the Martin Luther King Jr. Main Library. The population growth resulting from the project is anticipated in the General Plan and, therefore, the project would not require new or expanded library facilities beyond what is already planned in the City or result in new or more significant impacts to library facilities than disclosed in the Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

The project would not have a new or more significant impact on public services than previously identified in the Envision San José 2040 General Plan Final EIR and the Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 25 community centers, 12 senior centers, and 14 youth centers, though some are temporarily closed due to budget constraints. Other recreational facilities include six public skate parks and over 54 miles of trails.

As discussed in *Section 4.14 Public Services*, nearby City park facilities include Saint James Park, 0.4 miles north of the project site, Plaza De Cesar Chavez, 0.2 miles southeast of the project site, and McEnery Park, 0.3 miles southwest of the project site. The Guadalupe River Trail and other outdoor recreational areas along the trail are approximately 0.4 miles west of the project site.

Grace Community Center is approximately 0.8 miles east of the project site, Northside Community Center is approximately 1.1 miles north of the project site, and Washington Community Center is approximately 1.1 miles south of the project site.

4.15.1.1 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

Policies	Description
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Parkland Dedication Ordinance/Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.[26]

4.15.2 Environmental Checklist and Discussion of Impacts

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

4.15.2.1 *Impacts to Recreational Facilities*

The future residents of the proposed project would incrementally increase the demand and use of existing recreational facilities, including local parks and trails. As discussed in *Section 4.14 Public Services,* the project is subject to the PDO/PIO and is required to dedicate parkland and/or pay in-lieu fees to offset the demand on parkland created by the project's future residents. Consistent with the conclusions in the Envision San José 2040 General Plan Final EIR and the Downtown Strategy 2000 Final EIR, it is not anticipated that the project's incremental increase in demand for recreational facilities would result in the physical deterioration of the existing facilities or require new or expanded facilities given the project's conformance with the PDO/PIO and applicable General Plan policies.

In addition, the project includes on-site common open space areas for tenants and guests to offset some of the project's demand on existing recreational facilities in the area. The environmental

[26] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).

impacts associated with the construction of these common open spaces are discussed throughout this Initial Study and are found to have a less than significant impact.

Based on the above discussion, the project would not result in a new or more significant impact to recreational facilities than disclosed in the Downtown Strategy Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15.3 Conclusion

The project would have the same less than significant impact on recreational facilities as discussed in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16 TRANSPORTATION

4.16.1 Setting

4.16.1.1 *Background Information*

The City certified the Downtown Strategy 2000 Final EIR, which included a comprehensive traffic analysis that identified existing conditions (including conditions anticipated to occur with the implementation of identified roadway improvements already planned and approved for the area). There have not been any substantial modifications to the area transportation facilities since certification of the Downtown Strategy 2000 Final EIR.

4.16.1.2 *Existing Conditions*

Roadway Network

Regional Access

State Route 87 (SR 87) is primarily a six-lane freeway [four mixed-flow lanes and two High Occupancy Vehicle (HOV) lanes] that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site to and from SR 87 is provided via interchanges at Julian Street/St. James Street, Santa Clara Street, and Auzerais Avenue/Woz Way.

Local Access

Post Street is a north-south two-lane street that extends from First Street to S. Almaden Boulevard and serves as the southern boundary of the project site. It provides access to the project site via S. San Pedro Street.

S. San Pedro Street is a north-south two-lane street that serves as the eastern boundary of the project site. It begins at Bassett Street and extends south to where it terminates at San Fernando Street. S. San Pedro Street provides direct access to the project site.

Santa Clara Street is an east-west, four-lane arterial, north of the project site, which runs through the heart of Downtown San José. West of Montgomery/Autumn Street, Santa Clara Street becomes The Alameda and extends into the City of Santa Clara. It transitions into Alum Rock Avenue east of US Highway 101 (US 101). Santa Clara Street provides access to the project site via S. San Pedro Street.

San Fernando Street is an east-west two-lane street, south of the project site, which runs through the heart of downtown San José. It begins at 17th Street and extends west, terminating at the San José Diridon Station. San Fernando Street has bike lanes and provides access to the project site via S. San Pedro Street.

S. Almaden Avenue is a north-south two-lane street, west of the project site, which begins at San Fernando Street and extends north, where it transitions into Terraine Street and ultimately terminates at St. James Street.

Market Street is a north-south four-lane street, east of the project site, which provides access to and from the site via Santa Clara and Post Streets. Market Street ultimately turns into Coleman Avenue to the north and First Street to the south.

Almaden Boulevard is a north-south four-lane arterial, west of the project site, which provides access to the project site via Santa Clara Street and Post Street. North of Santa Clara Street, it transitions into two one-way streets: Notre Dame Avenue and Almaden Boulevard. South of Interstate 280 (I-280), it again transitions into two one-way streets: Vine Street and Almaden Avenue.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area consist mostly of sidewalks on all of the surrounding streets. Crosswalks are located on all nearby intersections, expect for S. Almaden Avenue and Post Street. All signalized intersections in the project area include pedestrian signal heads.

The Guadalupe River multi-use trail system, 0.25 miles west of the project site, is a multi-use, recreational trail that is shared between pedestrians and bicyclists and is separated from motor traffic. The Guadalupe River trail is an 11-mile continuous Class I bikeway (bike paths off-street) that can be accessed via Santa Clara Street. The Guadalupe River trail extends from Curtner Avenue in the south to Alviso in the north. In addition, S. Almaden Boulevard and San Fernando Street contain Class II bicycle facilities (striped lanes). No other roadways in the immediate vicinity of the project site contain bike lanes.

The City of San José has a public Bike Share system that allows users to rent and return bicycles at various popular locations. The closest existing bike share station is located on Santa Clara Street between N. Almaden Boulevard and Notre Dame Avenue.

Transit Service

Existing transit services to the project area is provided by the Santa Clara Valley Transportation Agency (VTA), Caltrain, Altamont Commuter Express (ACE), Amtrak, and Greyhound. These services are further described below.

Santa Clara VTA

The Santa Clara VTA provides bus service throughout Santa Clara County, including Downtown San José, and operates a 42-mile light rail line extending from south San José through Downtown to the northern areas of San Jose, Santa Clara, Mountain View, and Sunnyvale. Table 4.16-1 on the following page lists nearby local bus routes.

The light rail service operates nearly 24-hours a day with approximately 15-minute headways during much of the day. The Santa Clara light rail train (LRT) station is located approximately 0.25 miles

east of the project site; in addition, Diridon Station is located approximately one mile west of the project site.

Table 4.16-1: Existing VTA Bus Service near the Project Site

Bus Route	Route Description	Headway (min.)
Local Route 22	Palo Alto Transit Center to Eastridge Transit Venter	12
Local Route 23	DeAnza College to Alum Rock Transit Center	10-15
Local Route 63	Almaden Expressway & Camden Avenue to San José State University	30
Local Route 64	Almaden LRT Station to McKee & White via Downtown San José	15-30
Local Route 65	Kooser Road/Meridian Avenue to 13th Street / Hedding Street	45
Local Route 66	Kaiser San José Medical Center to Dixon Landing Road (Milpitas)	15
Local Route 68	Gilroy Transit Center to San José Diridon Station	15-20
Local Route 72	Senter / Monterey to Downtown San José	15
Local Route 73	Snell / Capitol to Downtown San José	15
Local Route 81	San José State University to Vallco Shopping Center	30
Local Route 82	Westgate to Downtown San José	30
Express Route 168	Gilroy Transit Center to San José Diridon Station	30
Express Route 181	Fremont BART Station to San José Diridon Station	15
Ltd Stop Route 304	Santa Teresa LRT Station to Sunnyvale Transit Center	30
Ltd Stop Route 323	Downtown San José to De Anza College	15
Rapid 522	Palo Alto Transit Center to Eastridge Transit Center	15
Hwy 17 Express	Downtown Santa Cruz/Scotts Valley to Downtown San José	10-30

Note: Headways are the approximate intervals between buses based on peak commute periods.

Caltrain

Caltrain provides commuter rail services between San Francisco and Gilroy seven days a week and currently operates 92 weekday trains that carry about 47,000 riders on an average weekday. Trains stop frequently at Diridon Station, approximately one mile from the site, between 4:30 AM and 10:30 PM in the northbound direction and between 6:26 AM and 1:32 AM in the southbound direction.

ACE

The ACE provides commuter passenger train service across the Altamont between Stockton and San José during the weekdays. ACE stops at the San José Diridon Station four times during both the morning and evening commute hours.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station eight times during weekdays between approximately 7:40 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during weekdays between 6:40 AM and 7:15 PM.

The Coast Starlight trains provide daily passenger train service between Los Angeles and Seattle. The southbound Coast Starlight train stops at the San Jose Diridon station at 9:55 AM and departs at 10:07 AM. The northbound Coast Starlight train stops at the Diridon station at 8:11 PM and departs at 8:23 PM.

Greyhound

Greyhound operates seven days a week, between the hours of 5:45 AM and 12:45 AM (the following day) at the San José station, located across Post Street from the project site. Greyhound offers service to more than 3,100 locations across North America.

Site Access and Parking

Pedestrians can access the site via sidewalks on W. Santa Clara Street, S. San Pedro Street, and Post Street. The project site is currently developed with a private surface parking lot, which is accessible via an existing driveway located on Post Street. The surface parking lot has roughly 65 parking spaces and is used for overflow parking for the office building north of the site. In addition, according to property management, a small number of employees of 55 S. Market Street (Mae West building) have parking permits, The Blank Club (which is located adjacent to the west of the site) rents one parking space on a month to month basis, and Myth (a restaurant and lounge located south of the site on the south side of Post Street) rents 50 parking spaces from 5:00 PM to 3:00 AM on a month to month basis. Myth employees a valet service at the site for the parking spaces it rents.[27]

4.16.1.3 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Transportation Policies

Policies	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

[27] Mello, Danielle. Personal communications with DiNapoli Capital Partners Property Manager. July 11, 2014.

Envision San José 2040 Relevant Transportation Policies

Policies	Description
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Envision San José 2040 Relevant Transportation Policies

Policies	Description
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

San José Bicycle Master Plan

The Bicycle Master Plan, also known as the San José Bike Plan 2020, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling in convenient, safe, and commonplace. The Bike Plan defines a 500 mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

City Council Policy 5-3

As established in the City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same LOS method as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and General Plan Policy TR-5.3, listed above, an intersection impact would be satisfactorily mitigated if the implementation measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (i.e. pedestrian, bicycle, or transit).[28] The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. The project site is located within the Downtown Core, which is exempt from this Policy.

[28] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions. Exceptions to the standard are made for small, infill projects, the Downtown Core, and for impacts to Protected Intersections within Special Strategy Areas, including Transit Oriented Development Corridors and Transit Station Areas.

4.16.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	2-4
2. 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?	☐	☐	☐	☒	☐	2-4 ,21
3. 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?	☐	☐	☐	☒	☐	19
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1
5. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	2-4,22

The project proposes to construct up to 205 residential units and up to 10,900 SF of commercial/retail uses on the project site. While the project proposes up to 205 residential units, the applicant anticipates constructing 203 units, as reflected in the Conceptual Site Plan (see Figure 3.2-1). As described in *Section 3.0 Project Description*, the project proposes to construct a new parking garage and share parking facilities with the office use on-site. The project proposes to connect the new parking garage with the existing office parking garage north of the project site. The project would result in 244 net new parking spaces.

The City's Downtown Zoning Regulations require the project provide one off-street parking space per residential unit. No off-street parking is required for the commercial/retail portion of the project. If 203 residential units are constructed, the project is required to provide 203 parking spaces. The excess 41 parking spaces proposed are intended for guests and retail customers.

4.16.2.1 *Project Traffic Impacts*

The proposed residential units and commercial square footage are part of the 10,000 dwelling units and 1.2 million SF of retail space included in the Downtown Strategy 2000. The certified Downtown Strategy 2000 Final EIR concluded that local and regional traffic impacts of all the assumed Downtown development would have an impact on 36 intersections and 48 directional freeway segments.

As noted in the Envision San Jose 2040 General Plan Final EIR, development within the Downtown Core is exempt from the Level of Service performance criteria and exempt from traffic mitigation requirements. The proposed project is part of the planned growth in the Downtown area and would not result in any new impacts or impacts of greater severity than previously disclosed in the certified Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Significant Impact)]**

The project would not impact existing bicycle or transit facilities (e.g., result in the removal of a bike lane or transit stop). The project proposes to improve the sidewalks along the project site frontage by widening the sidewalks and incorporating street trees and street furniture. Specifically, the project proposes the following sidewalk improvements:

- A 12-foot wide attached sidewalk with tree wells and street lighting along S. San Pedro Street from W. Santa Clara Street to Post Street; and

- A 12-foot wide attached sidewalk with tree wells and street lighting along Post Street from S. San Pedro Street to S. Almaden Avenue.

No dedication of right-of-way (ROW) is required for the above described sidewalk improvements. As described in *Section 3.0 Project Description*, street furnishing, such as bike racks and trash receptacles, would be incorporated in the design of the sidewalk improvements.

The project also proposes to remove and replace the handicap ramp located at the northwest corner of S. San Pedro Street and Post Street with a new ADA compliant ramp. The existing curb ramps at the corners of Santa Clara Street/S. San Pedro Street and Post Street/S. Almaden Avenue would be modified as a result of the curb line adjustments.

Based on the above discussion, the project would not conflict with adopted policies, plans, or programs regarding bicycle, transit, or pedestrian facilities or decrease the performance or safety of such facilities. **[Same Impact as Approved Project (Significant Impact)]**

4.16.2.2 *Other Transportation Issues*

Bicycle and Pedestrian Facilities

The project includes features that encourage and/or enhance alternative modes of transportation. For example, the project proposes to provide one bicycle parking space per unit and additional bicycle parking spaces for commercial/retail uses in accordance with the Municipal Code. The development of the project would not impact or conflict with existing or planned bicycle facilities. The project also proposes to improve surrounding pedestrian facilities by extending and repaving the existing sidewalk, planting street trees and providing amenities like benches. In addition, a new handicap ramp would be installed on the northwest corner of San Pedro/Post Street. Implementation of the proposed project would enhance pedestrian safety and walkability in the immediate vicinity of the project and would support General Plan goals and policies. The proposed project, therefore, would not conflict with adopted plans, policies, or programs related to alternative transportation including General Plan policies TR-1.1, TR-2.8, and CD-2.3. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Site Access and Circulation

The existing driveway on Post Street would be removed as a result of proposed development. Pedestrians would be able to access the project site through existing sidewalks along San Pedro and Post Streets. The lobby entrance for the residences would be located on S. San Pedro Street.

As previously discussed, vehicular access to the building would be provided via the existing driveway on S. San Pedro Street that leads into the existing office building parking garage. The parking garage for the proposed residential and commercial/retail uses would be constructed to abut and connect to the existing office parking structure. The residential and commercial/retail parking garage would connect to the office building parking garage at each level and share ramps.

An interior loading bay for the commercial uses is proposed on Post Street (refer to Figure 3.2-1).

Vehicle Queuing

Vehicle queueing issues are not expected to occur on-site or off-site because of the low traffic volumes on S. San Pedro Street and because the three access lanes into the existing office parking garage can be configured to allow either two inbound lanes or two outbound lanes, depending on the peak direction needed to be served.[29]

Sight Distance at Driveways Serving the Site

The existing office parking garage north of the project site (where project vehicular traffic would enter and exit) is free and clear of obstructions, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles traveling on S. San Pedro Street. Adequate sight distance reduces the likelihood of a collision at a driveway and provides drivers with the ability to safely exit a driveway or locate sufficient gaps in traffic. Visible and audible warnings signals are currently in place to alert pedestrians and bicyclists of vehicles exiting the parking garage.

Emergency Vehicle Access and Circulation

The design of the project would comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius) and therefore, would not result in inadequate emergency access.

Based on the discussions above, the proposed project would not result in a substantial hazard from a design feature, incompatible land use, or inadequate emergency vehicle access. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Air Traffic Patterns

Refer to *Section 4.8 Hazards and Hazardous Materials* for a discussion of FAA regulations applicable to new development on the project site. Compliance with these regulations and associated City General Plan policy will ensure that future development on the project site will not result in any changes to air traffic patterns. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.3 Conclusion

Implementation of the proposed project would not result in new or more significant transportation impacts than previously disclosed in the Envision San José 2040 General Plan Final EIR or Downtown Strategy 2000 Final EIR. Further, because the project site is located within the Downtown Core, no traffic mitigation is required. **[Same Impact as Approved Project (Significant Impact)]**

[29] Hexagon Transportation Consultants. *Traffic Operations Study for Post & San Pedro Development*. June 2014.

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Service and Supply*

Water service to the project site is provided by the San José Water Company. The project site is served by a 12-inch water line in Post Street and a 10-inch water main in S. San Pedro Street. The project site is currently developed with a surface parking lot that does not use water. There are currently no recycled water lines in the project area.[30]

4.17.1.2 *Wastewater/Sanitary Sewer System*

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has a capacity to treat 167 million gallons per day (gpd) of sewage during dry weather flow. On average, the RWF treats 110 million gpd of wastewater.[31] The resulting fresh water from the Facility is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gpd of dry weather sewage flow. The City's share of the Facility's treatment capacity is 108.6 million gpd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[32]

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. Existing sewer lines serving the project area include a 12-inch sewer line in W. Santa Clara Street and eight-inch sewer lines in Post Street and S. San Pedro Street. These sewer lines flow to an existing 33-inch sewer main on S. Almaden Avenue.

The project site does not currently generate sewage.

4.17.1.3 *Storm Drainage*

As discussed in *Section 4.9 Hydrology and Water Quality*, the site is developed and consists entirely of impervious surfaces. Runoff from the site currently flows via thru-curb drains along Post Street, which has a 15-inch storm main. From the storm main, the runoff flows to Los Gatos Creek and ultimately the San Francisco Bay.

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[30] South Bay Water Recycling. *Recycled Water Pipeline System*. July 28, 2011. Available at: http://www.sanjoseca.gov/DocumentCenter/View/4692

[31] City of San José. *San José/Santa Clara Regional Wastewater Facility.* May 4, 2010. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663

[32] City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* November 2011.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2026.[33] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL) through December 31, 2020 with the option to extend the contract as long as the landfill is open. The City has an annual disposal allocation for 395,000 tons per year. As of March 2014, NISL had approximately 20.1 million cubic yards of capacity remaining.[34]

GreenTeam of San José provides all recycling and garbage collection service to all apartment and condominium complexes in San José. GreenWaste Recovery provides yard trimmings and street sweeping services to all households in the City. Republic Services collects most standard garbage, recycling, and organics from businesses in the City.

4.17.1.5 *Applicable Plans, Policies, and Regulations*

Assembly Bill 939

Assembly Bill 939 (AB 939) established the CIWMB (now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 required all municipalities to divert 50 percent of the waste stream by the year 2000.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

[33] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* May 2011.
[34] McGourty, Scott. Personal communications with Republic Services, Inc. Environmental Manager at NISL. May 19, 2014

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Utilities and Service System Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

4.17.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-3
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-3
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-3
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1-3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-3
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1-3

4.17.2.1 *Water Service and Supply*

According to the Envision San José 2040 General Plan Final EIR, under buildout conditions, water demand could exceed water supply during dry and multiple dry years after 2025. The certified Envision San José 2040 General Plan Final EIR concluded, however, that with the implementation of existing regulations and General Plan policies, water demand would not exceed water supply.

The project proposes to develop up to 205 residential units and 10,900 SF of commercial uses, which is consistent with planned growth in the Envision San José 2040 General Plan and the Downtown Strategy 2000. The project shall comply with CalGreen and the City's Private Sector Green Building Policy. Per the City's Private Sector Green Building Policy, the proposed project is required to achieve LEED Certification by incorporating a variety of design features including water conservation measures such as planting drought tolerant landscaping. It is estimated that the project would have a water demand of approximately 36,176 gpd.[35] While the project would require a connection to the existing 10-inch water main in S. San Pedro Street, the project would not require new or expanded water facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 *Wastewater/Sanitary Sewer System*

The project is estimated to generate 30,750 gpd of sewage.[36] Given the City's existing, remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity at the RWF to accommodate project flows. Moreover, the Envision San José 2040 General Plan Final EIR concludes that that sewage generated by the buildout of the General Plan would not exceed the City's allocated capacity at the RWF.

[35] Project water demand is based on the estimated sewage generation of 30,750 gpd. Sewage demand is typically 85 percent of a project's water demand. Therefore, water demand for the project is estimated to be 36,176 gpd. The project's water use is based on the proposed number of residences. Water use by the proposed commercial uses are anticipated to be negligible (Source: Edwards, DJ. Personal communications with JMH Weiss, Inc. July 2015.)

[36] Project sewage generation was based on the sewage generation rate of 150 gpd per unit (Source: Edwards, DJ. Personal communications with JMH Weiss, Inc. July 2015.). Sewage generation by the proposed commercial uses are anticipated to be negligible (Source: Edwards, DJ. Personal communications with JMH Weiss, Inc. March 2014.)

The project would require a connection to the existing eight-inch sewer line in S. San Pedro Street. A sanitary sewer capacity analysis has been performed on the existing sanitary facilities within the project vicinity, and the result indicate that there is sufficient capacity to accommodate projected flows from the project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 *Storm Drainage*

The Downtown Strategy 2000 Final EIR concluded that with the proposed changes in land use (e.g. development of parks and open spaces), buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. The Envision San José 2040 General Plan Final EIR found that although new development could increase impervious surfaces, planned improvements to the City storm drainage system would not result in significant environmental impacts due to the implementation of stormwater BMPs.

Since the project would not increase the amount of impervious surfaces on-site, it is assumed that the existing storm drain system would continue to adequately accommodate runoff from the site. In addition, the project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater, detailed in *Section 4.9 Hydrology and Water Quality*. For these reasons, implementation of the proposed project will have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 *Solid Waste*

The Envision San José 2040 General Plan Final EIR concluded that the increase in waste generated from buildout of the General Plan would not exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be minimized with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that the buildout of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The Downtown Strategy 2000 Final EIR concluded that there is sufficient capacity at local landfills to serve the development resulting from the implementation of the Downtown Strategy 2000, assuming new development participates in construction and demolition debris recycling (where applicable) and include recycling services.

The proposed project would intensify the uses on the site and increase the amount of solid waste generation compared to the existing conditions; however, the project is consistent with the development assumptions in the General Plan and Downtown Strategy 2000. Given the City's existing recycling and yard waste collection services, multi-family residential units divert about 75 percent of their waste stream from being landfilled; commercial uses in the City divert about 70 percent of their waste stream from being landfilled. It is estimated that the proposed project would

generate approximately five cubic yards of solid waste per week.[37] Given NISL's existing, remaining capacity (20.1 million cubic yards), the City's contract with NISL, the existing amount of waste the City disposes at the landfill, and the amount of waste the project is estimated to generate, there is sufficient capacity within the City's contract with NISL to serve the proposed project.

Based on the above discussion, the proposed project would result in the same less than significant impact on the solid waste disposal capacity as discussed in the Envision San José 2040 General Plan Final EIR and Downtown Strategy 2000 Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 Conclusion

The proposed project is consistent with planned growth under the Downtown Strategy 2000 and General Plan and, therefore, would have the same less than significant utilities and service system impacts previously identified in the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR. The proposed project would not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[37] The project's solid waste generation is based on the multi-family solid waste generation rate of 29.9 pounds per unit per week and the commercial solid waste generation rate of 0.322 pounds per square foot per week. The City achieves a 75 percent diversion rate of solid waste from landfill through recycling and composting. A common conversion factor used for municipal solid waste, as it is collected and transported in compaction vehicles, is 500 pounds/cubic yard.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. 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?	☐	☐	☐	☒	☐	Pgs. 15-143
2. 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)?	☐	☐	☐	☒	☐	Pgs. 15-143
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	Pgs. 15-143
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	Pgs. 15-143

4.18.1 Project Impacts

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources,* the project would not impact sensitive habitat or species. While there are historic and potentially historic structures in the immediate project vicinity and a potential for buried archaeological resources on-site, implementation of the identified mitigation measures in *Section 4.5 Cultural* Resources, would avoid or reduce impacts to cultural resources to a less than significant level. The project would not result in new or more significant impacts than identified in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Because a project's criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified project-level thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not result in a cumulatively considerable impact.

The proposed project was analyzed for cumulative health risk associated with construction-related emissions. Results of the analysis show that the project would not contribute to cumulative health risks (refer to *Section 4.3 Air Quality* and Appendix A).

With the implementation of the identified mitigation measures and standard permit conditions, the project would not impact, geology and soils, hydrology and water quality, land use, and noise and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forest resources, hazardous materials, or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project's cumulative impact on aesthetics, biological resources, population and housing, public services, recreation, and traffic were analyzed in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR.

The project would contribute to the significant cumulative transportation impact that would occur under full build-out of the Downtown Strategy 2000 and Envision San José 2040 General Plan. The project would not result in any new or more significant cumulative impacts than the approved projects. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for both plans.

The Diridon Station Area Plan, which incorporates planned job and housing capacity identified in the Envision 2040 General Plan for the Downtown, Midtown Specific Plan, and "VT4 – the Alameda (East)" Urban Village, was recently certified by the City of San José . The City recently approved 2,200 new residential units on Communications Hill which is consistent with Envision 2040 General Plan. Urban Village planning is also underway for approximately nine Urban Villages, excluding the Diridon Station Area Plan, to determine the exact location of the jobs and housing capacity assumed for the villages in the Envision 2040 General Plan. There are no other recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by the General Plan Final EIR or Downtown Strategy Final EIR.

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

The project site is currently developed with a surface parking lot. The project proposes to redevelop the site with residential and commercial uses, consistent with the long-term goals for the site outlined in the Envision San José 2040 General Plan and the Downtown Strategy 2000. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to develop a currently underutilized, infill location in Downtown San José, and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals for this Downtown site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy and the Greenhouse Gas Reduction Strategy. The project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use, conserve water, and achieve a minimum of LEED Certification.

With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, hazardous materials, and noise and vibration. Implementation of identified standard permit conditions and mitigation measures would reduce impacts to human beings to a less than significant level. The project would not result in new or more significant impacts to human beings than identified in the certified Downtown Strategy 2000 Final EIR and Envision San José 2040 General Plan Final EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Checklist Sources

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

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3. City of San José. *Envision San José 2040 General Plan Final EIR.* November 2011.

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5. City of San José. *Municipal Code*. June 2013.

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Personal Communications

- Danh Tran, Cornerstone Earth Group
- Scott McGourty, Republic Services, Inc.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
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David Keyon, *Planner II*
Emily Lipoma, *Project Planner*

6.2 CONSULTANTS

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Kristy Weis, *Project Manager*
Ryan Shum, *Assistant Project Manager*
Zach Dill, *Graphic Artist*

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Historic Architecture Consultants
Hisashi Sugaya, *Principal*
Elizabeth Graux, *Architectural Historian*

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Geotechnical Consultants
Danh Tran, *Senior Principal Engineer*

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Illingworth & Rodkin, Inc.
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William Popenuck, *Consultant*

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: October 25, 2017

To: Kristy Weis, David J. Powers & Associates

From: Brian Jackson, Kai-Ling Kuo

Subject: Supplemental Traffic Analysis for the Post & San Pedro Tower Project in San Jose, CA

Hexagon Transportation Consultants, Inc. completed a Traffic Operations Study in 2014 for a proposed mixed-use residential development located on the northwest corner of San Pedro Street and Post Street in downtown San Jose, California. The 2014 traffic study analyzed a project consisting of up to 182 multi-family residential units and up to 10,000 square feet (s.f.) of ground floor retail space. The project size has since increased to include up to 230 multi-family residential units and up to 10,900 s.f. of retail space. The proposed 20-story tower would be constructed on a podium with the retail uses on the ground floor and residential parking provided in three below-grade levels and two above-grade levels. Vehicle access to the project site would be provided via an existing parking garage entrance on San Pedro Street, which currently serves the adjacent commercial building.

The purpose of this supplemental traffic analysis is to determine whether the change in the project size, and associated minor increases in AM and PM peak hour vehicle trips, would affect the results of the 2014 Traffic Operations Study. The revised site plan was also reviewed to identify whether any changes would result in new site access and/or on-site circulation issues. The site plan review is based on the September 14, 2015 site plan prepared by Ankrom Moisan Architects. The ground level site plan is shown on Figure 1. Parking levels 2 and 3 are shown on Figure 2. Note that while the project would provide five levels of parking – three below-grade levels and two above-grade levels – the layout of all five parking levels is nearly identical.

Project Trip Generation

Based on the trip generation estimates contained in the 2014 traffic study, the originally proposed project would generate 107 net trips (40 inbound and 67 outbound) during the AM peak hour and 125 net trips (78 inbound and 47 outbound) during the PM peak hour (see Table 1).

The revised trip generation estimates, which includes small increases in the number of residential units and retail square-footage, show the revised project description would generate 135 net trips (51 inbound and 84 outbound) during the AM peak hour and 154 net trips (96 inbound and 58 outbound) during the PM peak hour (see Table 2).

Thus, the new project description would generate 28 additional AM peak hour trips (11 additional inbound trips and 17 additional outbound trips) and 29 additional PM peak hour trips (18 additional inbound trips and 11 additional outbound trips) compared to the originally proposed project. Figure 3 shows the increase in project trips at the existing parking garage driveway as a result of the new project description. Note that once the additional trips are distributed to the surrounding roadway network they become scattered, and the increase in trips for individual turning movements at intersections become negligible.

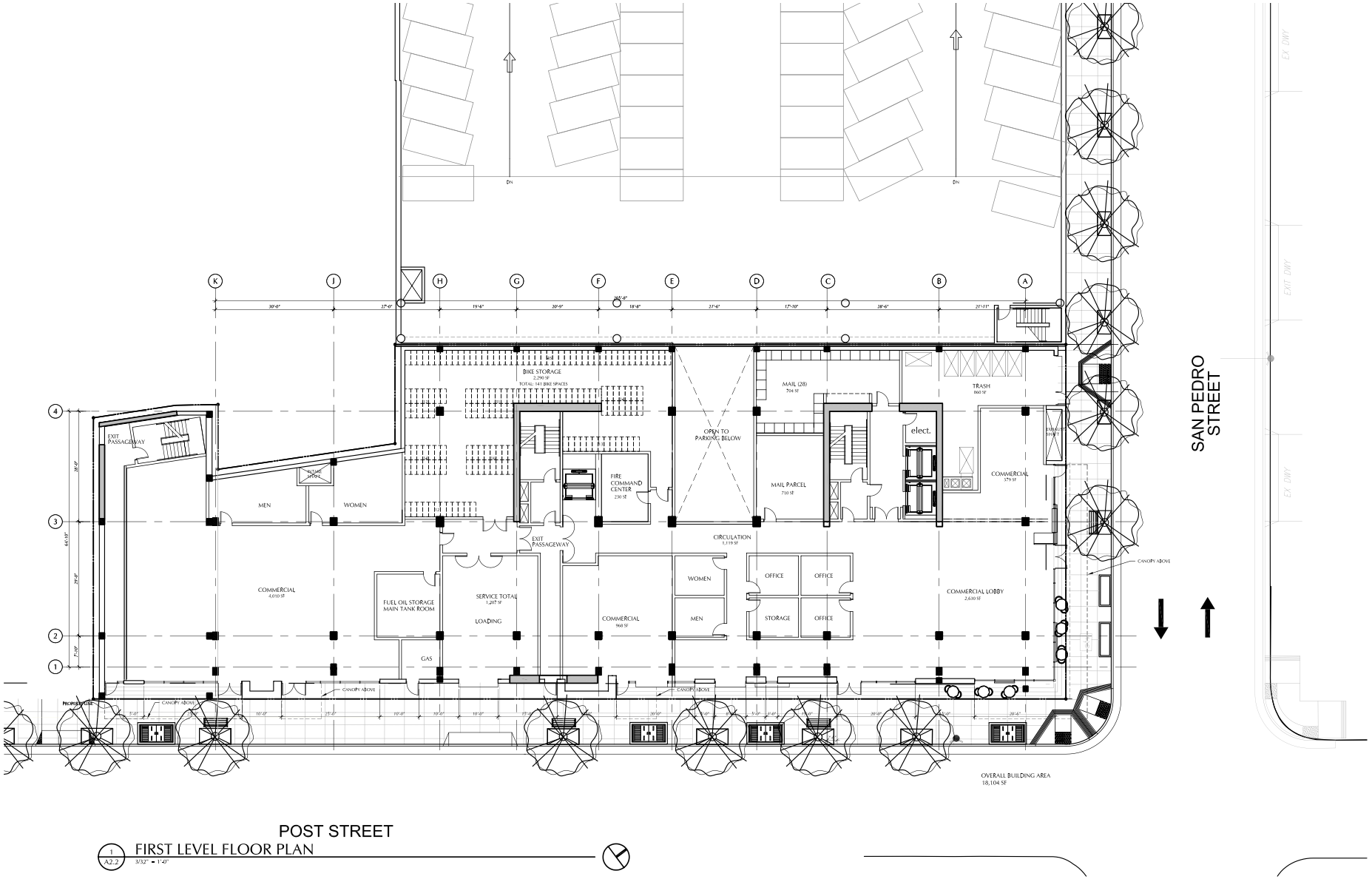

Figure 1
Site Plan - Ground Level

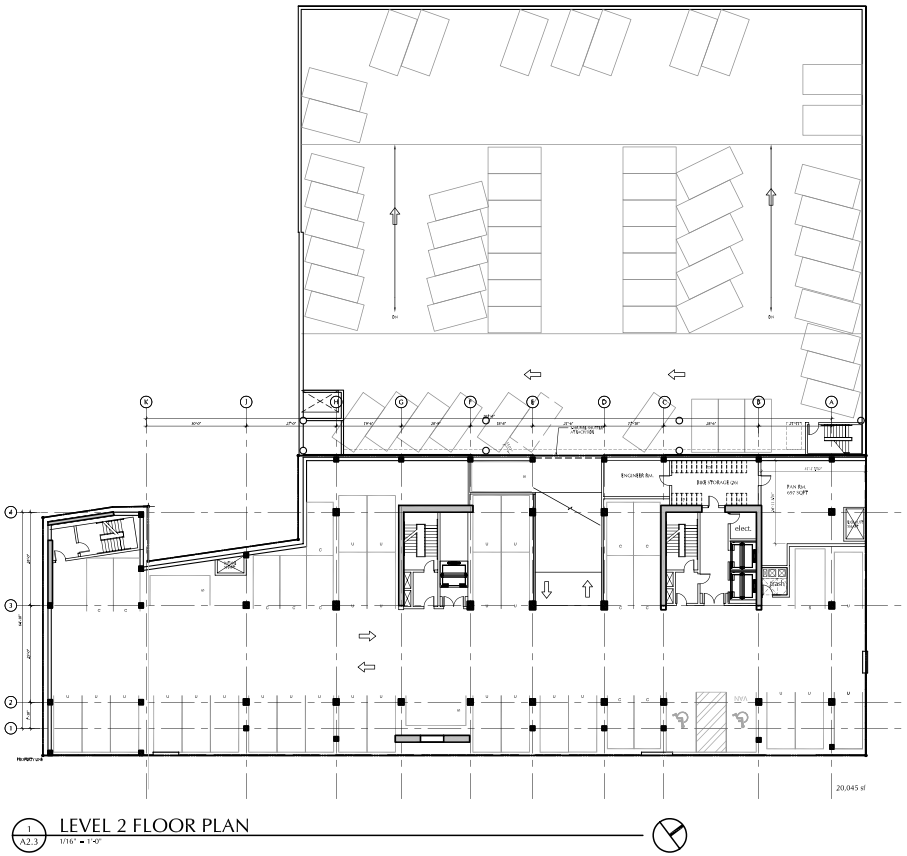

Figure 2
Site Plan - Parking Levels 2 and 3

Table 1
Original Project Trip Generation Estimates

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour Pk-Hr Rate	AM In	AM Out	AM Total	PM Peak Hour Pk-Hr Rate	PM In	PM Out	PM Total
Proposed Uses											
Apartments [1]	182 units	6.0	1,092	0.6	38	71	109	0.6	71	38	109
Commercial [2]	10,000 s.f.	40.0	400	1.2	8	4	12	3.6	18	18	36
	Gross Project Trips:		*1,492*		*46*	*75*	*121*		*89*	*56*	*145*
Trip Reductions											
Mixed-Use Reduction [3]			(120)		(2)	(2)	(4)		(5)	(5)	(10)
Transit Reduction [4]			(98)		(4)	(6)	(10)		(6)	(4)	(10)
	Net New Trips:		**1,274**		**40**	**67**	**107**		**78**	**47**	**125**

Notes:
[1] Based on "Apartments" rates contained in the *San Jose TIA Handbook*, August 2009.
[2] Based on "Specialty Retail/Strip Commercial" rates contained in the *San Jose TIA Handbook*, August 2009.
[3] A 15% residential/retail mixed-use trip reduction was applied to the project per the Santa Clara VTA TIA Guidelines, March 2009. The 15% trip reduction was first applied to the smaller trip generator (retail). The same number of trips were then subtracted from the larger trip generator (residential) to account for both trip ends.
[4] A 9% transit reduction was applied to the residential component of the project, since the project site is located within 2,000 feet of an LRT station. (Santa Clara VTA TIA Guidelines, March 2009)

Table 2
Revised Project Trip Generation Estimates

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour Pk-Hr Rate	AM In	AM Out	AM Total	PM Peak Hour Pk-Hr Rate	PM In	PM Out	PM Total
Proposed Uses											
Apartments [1]	230 units	6.0	1,380	0.6	48	90	138	0.6	90	48	138
Commercial [2]	10,900 s.f.	40.0	436	1.2	9	4	13	3.6	20	20	40
	Gross Project Trips:		*1,816*		*57*	*94*	*151*		*110*	*68*	*178*
Trip Reductions											
Mixed-Use Reduction [3]			(131)		(2)	(2)	(4)		(6)	(6)	(12)
Transit Reduction [4]			(124)		(4)	(8)	(12)		(8)	(4)	(12)
	Net New Trips:		**1,561**		**51**	**84**	**135**		**96**	**58**	**154**

Notes:
[1] Based on "Apartments" rates contained in the *San Jose TIA Handbook*, August 2009.
[2] Based on "Specialty Retail/Strip Commercial" rates contained in the *San Jose TIA Handbook*, August 2009.
[3] A 15% residential/retail mixed-use trip reduction was applied to the project per the Santa Clara VTA TIA Guidelines, March 2009. The 15% trip reduction was first applied to the smaller trip generator (retail). The same number of trips were then subtracted from the larger trip generator (residential) to account for both trip ends.
[4] A 9% transit reduction was applied to the residential component of the project, since the project site is located within 2,000 feet of an LRT station. (Santa Clara VTA TIA Guidelines, March 2009)

Figure 3
Increase in Project Trips at Driveway Due to Revised Project Description

Vehicular Site Access and On-Site Circulation

The current site plan (see Figures 1 and 2) is similar to the site plan evaluated in the 2014 traffic study with minor changes to the parking garage layout, loading area, and trash room. There is no change to the residential lobby entrance, sidewalk improvements, existing parking garage entrance, or parking garage connection to the adjacent parking garage.

Truck Access and Freight Loading

The trash room is located at the northeast corner of the site with a door opening and sidewalk ramp on San Pedro Street. It is expected that trash bins would be wheeled out to San Pedro Street on garbage collection days. The trash bins should be removed from the public right-of-way after garbage pickup and returned to the on-site trash room.

Access to the on-site freight loading space would be provided via a 16-foot wide driveway on Post Street. According to the City of San Jose Zoning Regulations (Chapters 20.70.460 and 20.90.420), each off-street loading space shall be no less than 10 feet wide by 30 feet long by 15 feet high, exclusive of driveways for ingress and egress and maneuvering areas. The site plan shows the loading space to be 10 feet wide by 30 feet long, which would be adequate to accommodate delivery and moving trucks (SU-30 truck types). Although the site plan does not indicate the height of the loading space entrance, the ground floor level is shown to be 18 feet high. Thus, it can be concluded that the on-site freight loading space would meet the City's minimum height requirement.

Off-Street Parking

According to the City of San Jose Downtown Zoning Regulations (Chapter 20.70, Table 20-140), the project is required to provide 1 off-street parking space per residential unit. The project is not required to provide additional off-street parking for the retail component of the project or for any residential amenity space. Based on this parking ratio, the project is required to provide a total of 230 off-street parking spaces. According to the site plan, the project would provide 220 off-street parking spaces, which falls short of the City's parking requirement by approximately 4 percent.

Due to the downtown location of the project, which offers multi-modal travel options (e.g., bike lanes, bus, LRT, BRT, BART), the project could easily achieve a 4 percent reduction in parking with implementation of a Transportation Demand Management (TDM) program. Section 20.70.330 of the City Zoning Code allows up to a 15 percent reduction in parking if a TDM program is incorporated into the project and the program can be sustained for the life of the project. A TDM program should incorporate one or more elements of TDM including, but not limited to, measures such as transit passes (Ecopass), parking cash-out, Zipcar and/or Bike Share membership, ride sharing, carpool/vanpools, shared parking, transit support, unbundled parking, cargo bikes, or other reasonable measures.

According to the City's bicycle parking standards (Chapter 20.90, Tables 20.190 and 20.210), the project is required to provide 1 bicycle parking space for every four residential units. This equates to 58 bicycle parking spaces. The site plan shows a bike storage room with 141 bicycle parking spaces, which would be more than adequate to serve the project.

Vehicle Queuing at San Pedro Street and Santa Clara Street

The westbound left-turn pocket at the San Pedro Street/Santa Clara Street intersection provides about 60 feet of vehicle storage, or enough room for three average vehicles. Thus, vehicle queuing was evaluated for this movement to determine if adequate left-turn pocket storage would be provided to accommodate the maximum vehicle queues (95th percentile queues) that would occur with the addition of project-generated traffic.

Applying the trip distribution pattern shown on Figure 3, the proposed project would add a total of 14 AM peak-hour trips and 26 PM peak-hour trips to the westbound left-turn movement at the San Pedro Street/Santa Clara Street intersection. This equates to 3 more AM peak-hour trips and 5 more PM peak-hour trips than the 2014 traffic study. The queuing analysis indicates that the westbound left-turn pocket would continue to provide adequate vehicle storage under project conditions (see Table 2).

Table 3
Vehicle Queuing and Left-Turn Pocket Storage

	San Pedro St & Santa Clara St	
Movement:	WBL	
Peak Hour Period:	AM	PM
Existing		
Cycle/Delay[1] (sec)	100	100
Volume (vphpl)	16	11
Avg. Queue (veh/ln.)	0.4	0.3
Avg. Queue[2] (ft./ln)	9	6
95th %. Queue (veh/ln.)	2	1
95th %. Queue (ft./ln)	40	20
Storage (ft./ ln.)	60	60
Adequate (Y/N)	Y	Y
Existing Plus Project		
Cycle/Delay[1] (sec)	100	100
Volume (vphpl)	30	37
Avg. Queue (veh/ln.)	0.8	1.0
Avg. Queue[2] (ft./ln)	17	21
95th %. Queue (veh/ln.)	3	3
95th %. Queue (ft./ln)	60	60
Storage (ft./ ln.)	60	60
Adequate (Y/N)	Y	Y

Notes:
[1] Vehicle queue calculations based on cycle length.
[2] Assumes 20 feet per vehicle queued.

Conclusions

Although the increase in residential units and commercial square footage would increase the project trips at the existing parking garage driveway and add more trips to the surrounding street network, the increase in project trips would be small and would not result in any new traffic operational issues beyond those identified in the 2014 Traffic Operations Study. Therefore, the following recommendations identified in the 2014 Traffic Operations Study still apply to the revised project:

- The project applicant should coordinate with City staff to determine if the existing parking garage inbound stacking space would be acceptable to serve the project.
- The single parallel parking stall located at the western end of drive aisle on Level 3 should be angled or removed.
- The parking stalls situated adjacent to walls should be at least 9 feet wide in order to provide adequate car door space.
- More buffer space should be provided for the parking stalls adjacent to walls at the end of drive aisles or, at the very least, these stalls should be labeled compact stalls and assigned to residents with small vehicles.
- The wall separating the new parking structure and the existing parking structure would create a visual barrier for vehicles parked in the 3 stalls (one on Level 2 and two on Level 3) located adjacent to the wall. We recommend installing small openings/windows at these locations to improve visibility for drivers when backing out of these stalls.
- Each residential tandem parking space should be assigned to a single residential unit.
- As residential development continues to occur in this area of downtown San Jose, the City should consider upgrading the intersection of Almaden Avenue/Post Street to four-way stop-controlled with crosswalks on all approaches.

The project's proximity to numerous transit services and bicycle facilities in the downtown area provides an excellent opportunity for multi-modal travel, which would reduce single-occupant vehicle (SOV) trips and parking demand generated by the project. All new development projects in San Jose should encourage multi-modal travel, consistent with the goals of the City's General Plan. Accordingly, the project should consider developing a Transportation Demand Management (TDM) program to take full advantage of the multi-modal travel options in downtown and reduce the project parking demand.

As proposed, the project would have a parking deficit of 10 spaces. Thus, the City may require the project to implement a TDM program. A TDM program should incorporate one or more elements of TDM including, but not limited to, measures such as transit passes (Ecopass), parking cash-out, Zipcar and/or Bike Share membership, ride sharing, carpool/vanpools, shared parking, transit support, unbundled parking, cargo bikes, or other reasonable measures. The project applicant should coordinate with City staff to determine if a TDM program would be required to address the small parking deficit.