Initial Study/Addendum

West San Fernando Office Tower

File No. H16-018

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

October 2016

ADDENDUM TO DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH #2003042127)

ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - GREENHOUSE GAS EMISSION ANALYSIS (SCH# 2009072096)

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report, the Envision San José 2040 General Plan Final Program Environmental Impact Report, and the Supplemental Environmental Impact Report - Greenhouse Gas Emission Analysis because minor changes made to the project that are described below do not raise new issues about the significant impacts on the environment.

Project Name: West San Fernando Office Tower
File Number: H16-018

Project Description: Demolition of an existing 30,659-square foot building and associated surface parking, the construction of a new 698,460-square foot building with up to 690,328 square feet of office and 8,132 square feet of retail uses, and the removal of trees on a 2.5-gross acre site.

Location: The project site is located at 333 West San Fernando Street and on the north side of West San Fernando Street, approximately 370 feet westerly of Almaden Boulevard.

Council District: 3

Assessor's Parcel Numbers: 259-39-116, -118, and -123

The environmental impacts of this project were addressed by three Environmental Impact Reports: Downtown Strategy 2000 Final Program Environmental Impact Report (EIR) adopted by City Council Resolution No. 72767 on June 21, 2005 (SCH #2003042127), the Envision San José 2040 General Plan Final Program EIR adopted by City Council Resolution No. 76041 on November 1, 2011 (SCH #2009072096), and the Envision San José General Plan 2040 Supplemental Environmental Impact Report-Greenhouse Gas Emission Analysis (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015 (SCH #2009072096). 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."

☒Aesthetics	☒Agriculture Resources	☒Air Quality
☒Biological Resources	☒Cultural Resources	☒Geology and Soils
☒Greenhouse Gas Emissions	☒Hazardous Materials	☒Hydrology & Water Quality
☒Land Use	☒Mineral Resources	☒Noise
☒Population and Housing	☒Public Services	☒Recreation
☒Transportation/Traffic	☒Utilities & Service Systems	☒Energy
☒Growth Inducing	☒Cumulative Impacts	☒Mandatory Findings of Significance

ANALYSIS

The proposed project would not result to any new or substantially increased significant impacts. The proposed project would comply with all standard permit conditions and mitigation measures set forth in the Initial Study/Addendum Analysis and Mitigation Measure and Monitoring Report Program for this project. The proposed project, therefore, will not result in new impact or impacts of greater severity than those previously identified in the Downtown Strategy 2000 Final Program EIR, Envision San José 2040 General Plan Final Program EIR, and Envision San José 2040 General Plan SEIR.

Conclusion:
The proposed project is within the scope of the San José Downtown Strategy 2000, which was analyzed in the Downtown Strategy 2000 Final Program EIR and would comply with applicable General Plan policies. Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts that have not been previously disclosed; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the previously certified EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR. This addendum will not be circulated for public review, but will be attached to the EIRs, pursuant to CEQA Guidelines §15164(c).

Harry Freitas, Director
Planning, Building and Code Enforcement

10/31/16
Date

Deputy

TABLE OF CONTENTS

TABLE OF CONTENTS

FIGURES

TABLES

APPENDICES

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study (IS) Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report (FPEIR) and the San José 2040 General Plan Final Program EIR (General Plan FPEIR) has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq), and the regulations and policies of the City of San José. The purpose of this IS Addendum is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

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

- 11.2 million square feet of office,
- 1.4 million square feet of retail space,
- 8,500 residential units, and
- 3,600 hotel guest rooms.

The Downtown Strategy 2000 FPEIR was a broad range, program-level environmental document, but did develop project level information whenever possible such as when a particular site was identified for a specific size and type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project-specific supplemental environmental review. This project, as proposed, would result in construction of an 18-story office tower with ground floor retail.

In 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 San José 2040 General Plan FPEIR was a broad analysis of planned growth and did not analyze specific development projects. The intent was for the San José 2040 General Plan FPEIR to be a program-level document from which subsequent development consistent with the General Plan could tier.

This IS has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the 2040 General Plan.

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

West San Fernando Office Tower

2.2 PROJECT LOCATION

The 2.5-acre project site is comprised of three parcels (APNs 259-39-116, -118, and -123) located on the north side of West San Fernando Street, immediately east of State Route (SR) 87, in downtown San José. The project site is shown on the following figures:

Figure 2.2-1 Regional Map
Figure 2.2-2 Vicinity Map
Figure 2.2-3 Aerial Map

2.3 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Kieulan Pham
Kieulan.Pham@sanjoseca.gov
(408) 535-3844
200 East Santa Clara Street
San José, CA 95113

2.4 PROPERTY OWNER/PROJECT APPLICANT

J.P. DiNapoli Companies, Inc.

2.5 ASSESSOR'S PARCEL NUMBERS

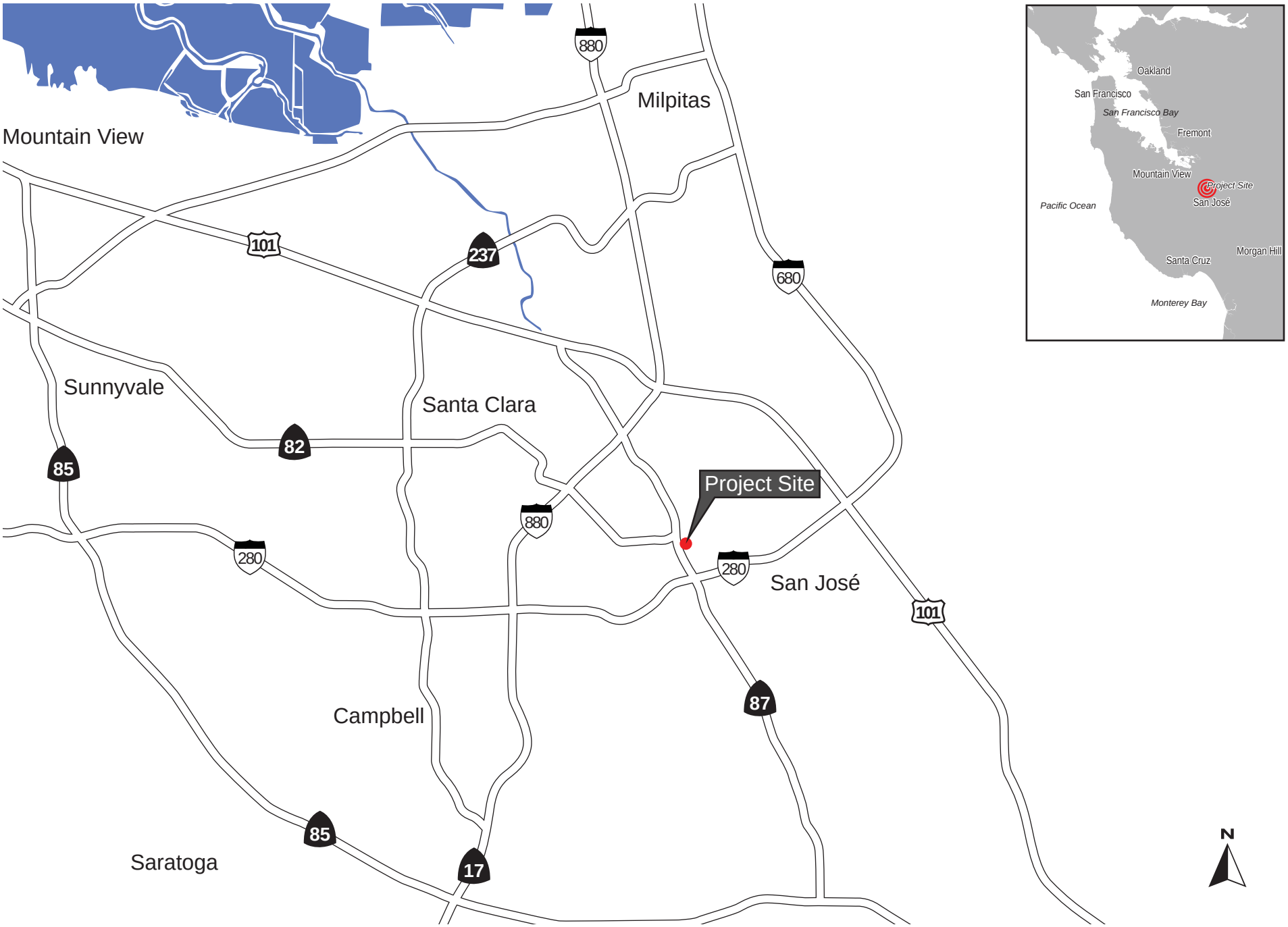
259-39-116
259-39-118
259-39-123

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

The project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*.

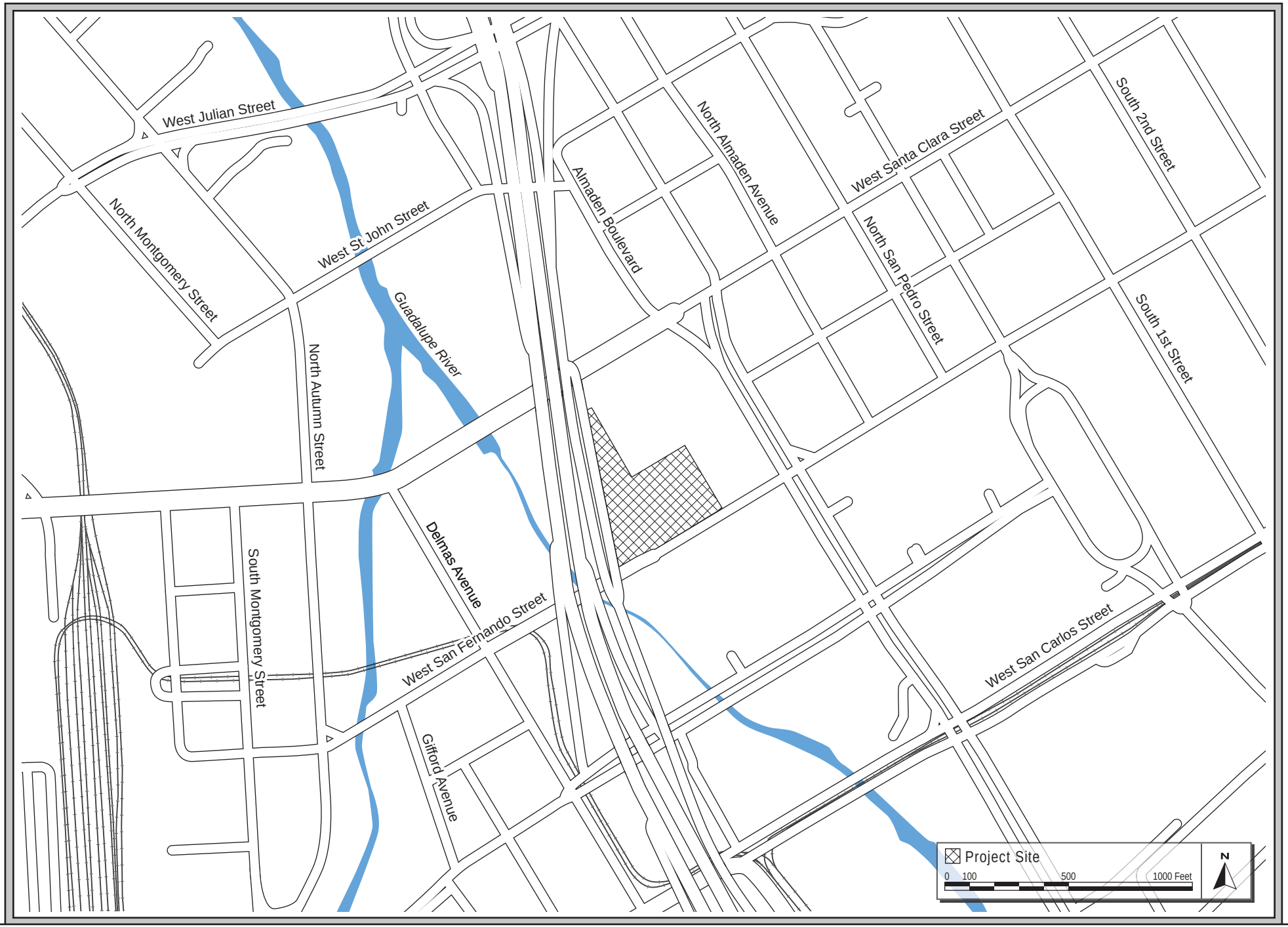
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

- Architectural Review
- Demolition Permit
- Building Permit(s)
- Public Works Clearance (e.g., grading permits)



REGIONAL MAP

FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

The 2.5-acre project site is comprised of three parcels (APNs 259-39-116, -118, and -123) located on the north side of West San Fernando Street, immediately east of State Route (SR) 87, in downtown San José. The site is currently developed with a two-story commercial building and a surface parking lot. The project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*.

As proposed, the project would demolish the existing commercial building and construct an 18-story (246 feet) office tower with ground floor retail and an integrated parking structure. (see Figure 3.0-1 – Site Plan and Figure 3.0-2 – North & South Elevation) The tower would include 8,132 square feet of ground floor retail space and 690,328 square feet of office space, for a total building size of 698,460 square feet.

The tower would be located along the West San Fernando Street frontage. Open space is proposed on all floors except floors seven, 11, 12, and 15. The maximum height of the building would be 246 feet. The proposed project includes landscaping along the street frontage.

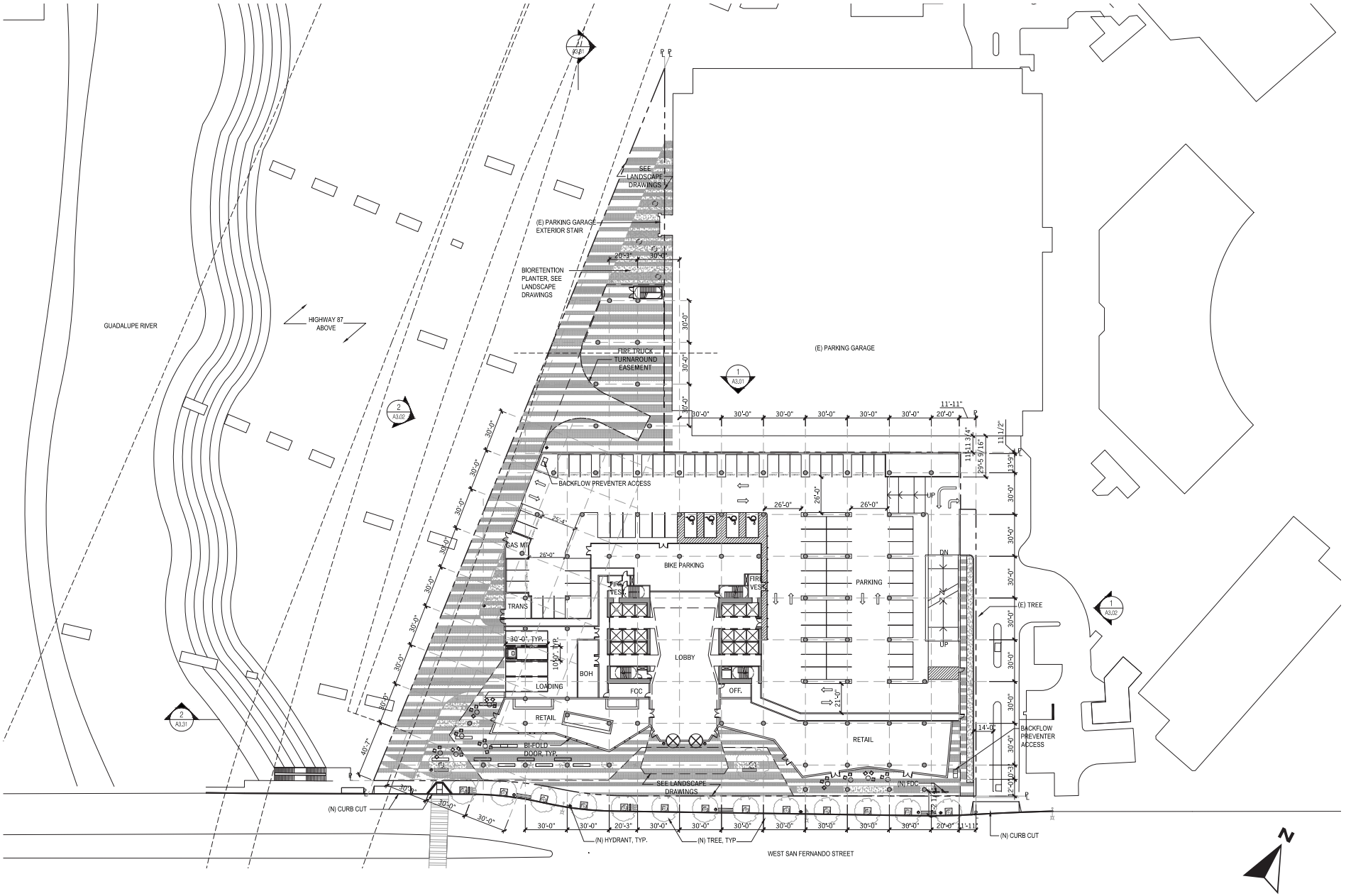
Five levels of below-grade parking and five levels of above-grade parking will be included within the building. The parking structure would have a total of 1,603 parking spaces (931 standard/self-parking stalls, 35 accessible parking stalls, five accessible van parking stalls, and 632 compact parking stalls). The project proposes 180 bicycle parking spaces consistent with the one bicycle parking space per 4,000 square feet of floor area requirement. The project also proposes 26 motorcycle parking spaces, consistent with the one motorcycle space per 50 required automobile spaces.

Access to the project site would be provided via two existing driveways on West San Fernando Street: the east project driveway and the west project driveway. The east project driveway, a full access driveway, is approximately 30 feet wide and has a raised median that separates inbound and outbound traffic. The east project driveway is currently gated about midway along the driveway. The west project driveway, a limited access driveway, is approximately 30 feet wide and would provide secondary access to the project site. The west project driveway is currently gated and requires a key card to access the project site. The existing gate control arms at the west driveway would be removed as part of the project, as shown on the site plan.

The proposed project would take approximately 24 months to construct.

Green Building Measures

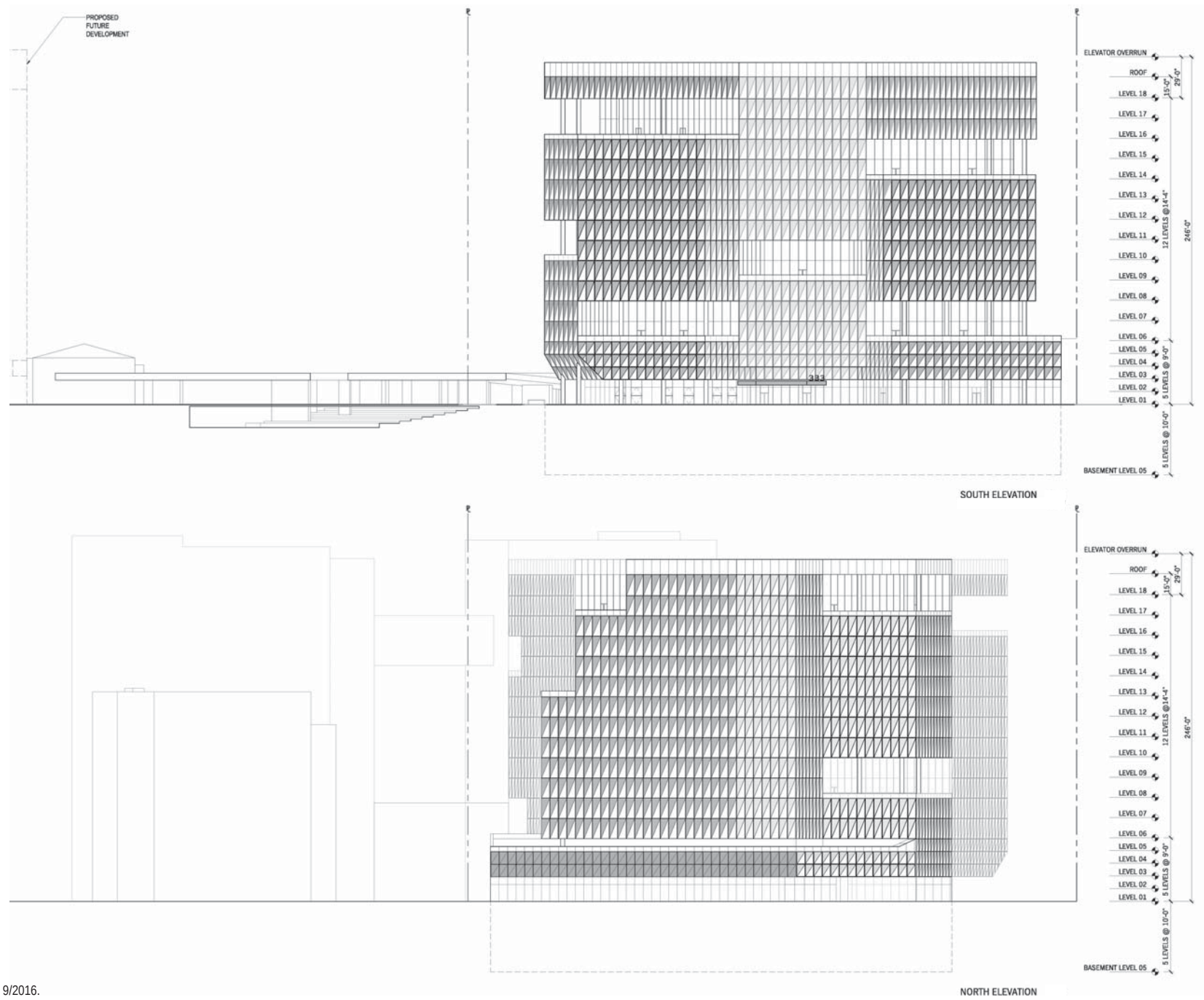
The proposed project would be required to build to the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32.



Source: Steinberg, 9/2016.

SITE PLAN

FIGURE 3.0-1



Source: Steinberg, 9/2016.

NORTH AND SOUTH ELEVATIONS

FIGURE 3.0-2

The project would include the following green building design features:

- Bicycle Storage and Changing Rooms;
- Public Transportation Access
- Preferable Parking for Low-Emitting and Fuel-Efficient Vehicles;
- Storm Water Quality Control;
- Minimizing Heat Island Effect (Both Roof and Non-Roof);
- Water efficient landscaping.

Existing Land Use Designation and Zoning

The project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*. The General Plan designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, a FAR of up to 15.0, and residential densities up to 350 dwelling units per acre. Please refer to *Section 4.10 Land Use* for a discussion of the project's consistency with the General Plan designation.

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

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 California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as "Avoidance Measures."

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) versus Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 Project Site

The project site is currently developed with a two-story commercial building and a surface parking lot. Constructed in 1974, the existing building is primarily white stucco with a flat roof and no overhang. The southern façade is the main entrance to the building and has full height brown-tinted glass panes on both floors. (see Photo 1) White columns and minimal decorative features are located on the eastern and western façade of the building. (see Photo 2) There are street trees and small shrubs located along the street frontage and around the perimeter of the project site. (see Photo 3) The width of the landscaping is large and creates a large setback from the sidewalk. There is also landscaping within the parking lot.

4.1.1.2 Surrounding Land Uses

The project area is developed with commercial/office buildings that vary from one to 22-stories.

Immediately north of the project site is a four-level concrete parking structure. East of the project site are various office buildings. Immediately adjacent to the site is a 22-story office building and the entrance to a surface parking lot. The 22-story office building is primarily glass panes (with a brown tint) and has a flat roof. (see Photo 4)

Immediately south of the project parcel is West San Fernando Street, a two-lane roadway. South of West San Fernando Street is John McEnery Park and two office buildings. One building is eight stories in height and the other is 13 stories. (see Photo 5 and 6) The eight-story building is rectangular shaped and a flat roof. There are tan stucco columns and windows on each floor. Behind this office building is the 13-story building which is irregularly shaped with decorative wall tiles and blue tinted windows. John McEnery Park is a small landscaped area with two playgrounds. West of the project site is SR 87 (which is elevated in this area). A chain link fence just under the freeway defines the property line. (see Photo 7)

4.1.1.3 Applicable Aesthetics Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8: 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.

PHOTO 1: View of the project site, looking north from West San Fernando Street.

PHOTO 2: View of the project site, looking northwest from West San Fernando Street.

PHOTO 3: View of the landscaping along the project site, looking northwest from West San Fernando Street.

PHOTO 4: View of an office building east of the project site, looking northeast from West San Fernando Street.

PHOTO 5: View of two office buildings southeast of the project site, looking south from West San Fernando Street.

PHOTO 6: View of the office building and park south of the project site, looking south from West San Fernando Street.

PHOTO 7: View of surface lot on west side of site and SR 87, looking north from West San Fernando Street.

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-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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.

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?	☐	☐	☐	☒	☐	1-4
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-4
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-4
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-4

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what

constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan, the General Plan FPEIR, and Downtown Strategy 2000 Final EIR.

4.1.2.1 Scenic Vistas and Resources *(Checklist Questions #1 and #2)*

The City's General Plan defines scenic vistas or resources in the City as broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project site is not located in a designated scenic area. Development of an 18-story office tower with ground floor retail would be consistent with other development in the immediate area and would not damage or diminish scenic views in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 Visual Character *(Checklist Question #3)*

The project area is primarily commercial/office buildings, with varying architectural styles. The site is located in an area that is not highly visible, except from the immediately adjacent SR 87. Any new construction on this site would be visible from SR 87 and the surrounding properties. As mentioned above, the proposed development is located in an urban area and is surrounded by a multitude of architectural styles and building heights. The General Plan FPEIR concluded that while new development and redevelopment allowed under the General Plan would alter the appearance of the City, implementation of the adopted policies and existing regulations would avoid substantial degradation of the visual character of quality of the City. As a result, the proposed project would have a less than significant impact on the visual character and quality of the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.3 Light and Glare *(Checklist Question #4)*

Development on the project site would be highly visible from SR 87 and surrounding properties. Sources of light and glare include external office lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The General Plan FPEIR concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of the adopted plans and existing regulations would avoid substantial light and glare impacts. In addition, the project is required to comply with all applicable urban design concepts adopted as part of the Downtown Strategy 2000. The final lighting plans would be reviewed subsequent to approval of the site development permit. 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

Compliance with adopted plans and existing regulations would result in a less than significant impact on the visual character of the project area. The project would not create significant sources of light or glare, and it would not impact any designated scenic resources. Therefore, implementation of the

project would not result in any significant visual impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is located within an urban area on the north side of West San Fernando Street in downtown San José. The Santa Clara County Important Farmland 2012 Map designates the project site as *Urban and Built-Up Land*.[1] There are no forest lands on or adjacent to the project site.[2] The project site is not subject to a Williamson Act contract.

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?	☐	☐	☐	☒	☐	1-5
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))?	☐	☐	☐	☒	☐	1-5
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-5

[1] "Urban and Built-up Land is defined as land with at least six structures per 10 acres and utilized for residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes."
[2] California Natural Resources Agency. *Santa Clara County Important Farmlands 2012.* Accessed April 14, 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>

	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. 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?	☐	☐	☐	☒	☐	1-5

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

4.2.2.1 Agricultural and Forest Resources Impacts *(Checklist Questions #1-#4)*

The proposed project would result in construction of an 18-story office tower with ground floor retail. The project would not convert *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, would not result in the loss of forest lands in San José. For these reasons, the project would not result in a significant impact to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

The project would have no impacts to agricultural or forest lands, consistent with the findings of the Downtown Strategy 2000 FEIR and the San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 Background Information

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The Bay Area Quality Management District (BAAQMD) is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). As shown in Table 4.3-1, violations of State and Federal standards at the monitoring station in Downtown San José (the nearest monitoring station to the project site) during the 2013-2015 period (the most recent years for which data is available) include high levels of ozone $PM_{2.5}$, and PM_{10}.[3,4]

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

Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
SAN JOSÉ STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

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

[3] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[4] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed April 14, 2016.

4.3.1.2 Toxic Air Contaminants

Another group of substances found in ambient air are Toxic Air Contaminants (TACs) under the California CAA. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level.

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

4.3.1.3 Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to exposure to pollutants (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks and places of assembly. The nearest sensitive receptors to the project are residences located approximately 510 feet west of the project site.

4.3.1.4 Applicable Air Quality Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

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

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.

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?	☐	☐	☐	☒	☐	1-4,6,7
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1-4,6,7
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?	☐	☐	☐	☒	☐	1-4,6,7
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1-4,6,7
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1-4

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

4.3.2.1 Bay Area 2010 Clean Air Plan Consistency *(Checklist Question #1)*

BAAQMD adopted the *Bay Area 2010 Clean Air Plan* (2010 CAP) in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The consistency of the proposed project with this regional plan is primarily a question of consistency with the population/employment assumptions used in development the 2010 CAP, which were based on ABAG Projections. The project is consistent with the City's General Plan and land use designations. Therefore, the project is consistent with the current growth projections in the 2010 CAP.

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

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

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-2 below.

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 vicinity of the site include the Guadalupe River Trail and bike lanes along San Fernando Street, South Almaden Boulevard, and Park Avenue. The project would be required to include bike parking consistent with the Municipal Code. The project is consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site has been designed to be pedestrian oriented. Bus transit service and stops are provided on Cahill Street (Diridon Transit Station), San Carlos Street (Convention Center LRT Station), and San Fernando Street (San Fernando LRT Station). The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The proposed development is located within the downtown core and is within walking distance of existing bus stops and light rail. Due to nearby available services and existing transportation options, the project is consistent with this control measure.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be required to comply with Building Energy Efficiency Standards (Title 24) which would help reduce energy consumption. The proposed project would also be required to comply with the City's Green Building Ordinance which would increase building efficiency over standard construction. The project proposes to achieve minimum LEED Gold certification. Therefore, the project is consistent with this control measure.
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
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.	The project would remove a total of 45 trees and would be required to adhere to the City's standard tree replacement ratio. Conformance to the City's tree requirements would reduce the urban heat island effect. The project is consistent with this control measure.

The project includes transportation and energy control measures and is consistent with the Clean Air Plan. The project is also consistent with the City's General Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.2 Impacts to Regional and Local Air Quality *(Checklist Questions #2 and #3)*

The proposed project would result in construction of an 18-story office tower with ground floor retail. The tower would include 690,328 square feet of office space and 8,132 square feet of retail space, which is part of the planned growth included in the Downtown Strategy 2000.
The Downtown Strategy 2000 FEIR concluded that development under the Downtown Strategy 2000 would have a significant unavoidable impact on criteria pollutants. The proposed project is infill urban development that will promote non-auto travel for future site occupants due to the site's

proximity to various transit modes. The Downtown Strategy 2000 FEIR identified specific transportation demand management (TDM) measures to help reduce vehicle trip emissions, which are the primary contributor to criteria pollutants. The proposed project includes the following measures consistent with the mitigation identified in the Downtown Strategy 2000 FEIR*:*

1. Transit Measures:
    a. Design and locate buildings to facilitate transit access

2. Services Measures:
    a. Provide on-site shops and services such as bank/ATM, dry cleaners, convenience market, etc.

3. Bicycle and Pedestrian Measures:
    a. Provide secure, weather-protected bicycle parking
    b. Provide safe, direct access for bicyclists to adjacent bicycle routes
    c. Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.

While the project, by itself, would likely result in a significant criteria pollutant impact, the overall effects of development under the Downtown Strategy 2000 have already been identified and a Statement of Overriding Consideration adopted. Development of the proposed project would not result in a new significant air quality impact. **[Same Impact as Approved Project (Significant Impact)]**

A determination of the project's potential to result in significant local air pollutant emissions (i.e. carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. Additional vehicle traffic (3,994 daily traffic trips) would not exceed the screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project would result in a less than significant local air quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.3 Construction Impacts to Regional and Local Air Quality
(Checklist Questions #2-#4)

Criteria Pollutants and Dust Generation

As with operational impacts, BAAQMD developed screening criteria to provide a conservative indication of whether construction activities associated with a project would result in potentially significant criteria pollutant impacts. For construction-related emissions, the screening size is 277,000 square feet for general office building. The proposed project would be above the construction-related screening size for office and retail development. The General Plan FPEIR concluded that construction emission impacts would be reduced to a less than significant level with implementation of General Plan policies and existing regulations. In addition, these construction emissions would be temporary (full project construction is estimated to take over 24 months). Therefore, the project would have a less than significant criteria pollutant emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction activities on-site would include demolition, grading, and trenching for utilities which may generate dust and other particulate matter. The nearest sensitive receptors to the project are residences located approximately 510 feet west of the project site. While the generation of dust and other particulate matter is unlikely to impact nearby sensitive receptors due to distance, consistent with the General Plan FPEIR, the project shall implement the following measures during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily.

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

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

- All vehicle speeds on unpaved roads shall be limited to 15 mph.

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

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 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 operations.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the Standard Permit Conditions, dust and other particulate matter generated during construction would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Community Risk Impacts – Toxic Air Contaminants

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (DPM), organic TACs from all vehicles, and $PM_{2.5}$, which is a regulated air pollutant. As mentioned above, there are sensitive receptors located approximately 510 feet west of the project site.

Due to the distance between the project site and the nearest sensitive receptors (more than 500 feet) and prevailing wind conditions, TAC emissions associated with construction of the proposed project would not expose nearby sensitive receptors to TAC emissions.[5] In addition, consistent with the General Plan FPEIR, the Standard Permit Conditions noted above would be implemented during construction to reduce TAC emissions.

As a result, the proposed project would result in a less than significant community risk impact due to construction activities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.4 Odor Impacts *(Checklist Question #5)*

The project would generate localized emissions of diesel exhaust during equipment operation and truck activity. The odor emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3 Conclusion

Implementation of the project would not result in significant operational or construction-related regional or local air quality impacts, conflict with applicable air quality plans and standards, or expose sensitive receptors to substantial pollutant concentrations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[5] Personal Communication: James Reyff, Illingworth & Rodkin. June 27, 2016.

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a tree survey prepared by *David J. Powers & Associates, Inc.* in June 2016.

4.4.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened, or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA are consistent with and complimentary to various Federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 City of San José Tree Ordinance

Ordinance-sized and heritage trees and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade. A tree removal permit is required from the City prior to removal of any trees.

4.4.2 Existing Setting

The project site is currently developed with a two-story commercial building and a surface parking lot. The project site is located in an urbanized area of downtown San José. Due to the extensive history of development on the project site, there is no native vegetation on-site.

4.4.2.1 Special Status Species

Special status species are plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, and serpentine grassland habitats are also not present on the project site. Since the native vegetation of the area is no long present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

4.4.2.2 Trees

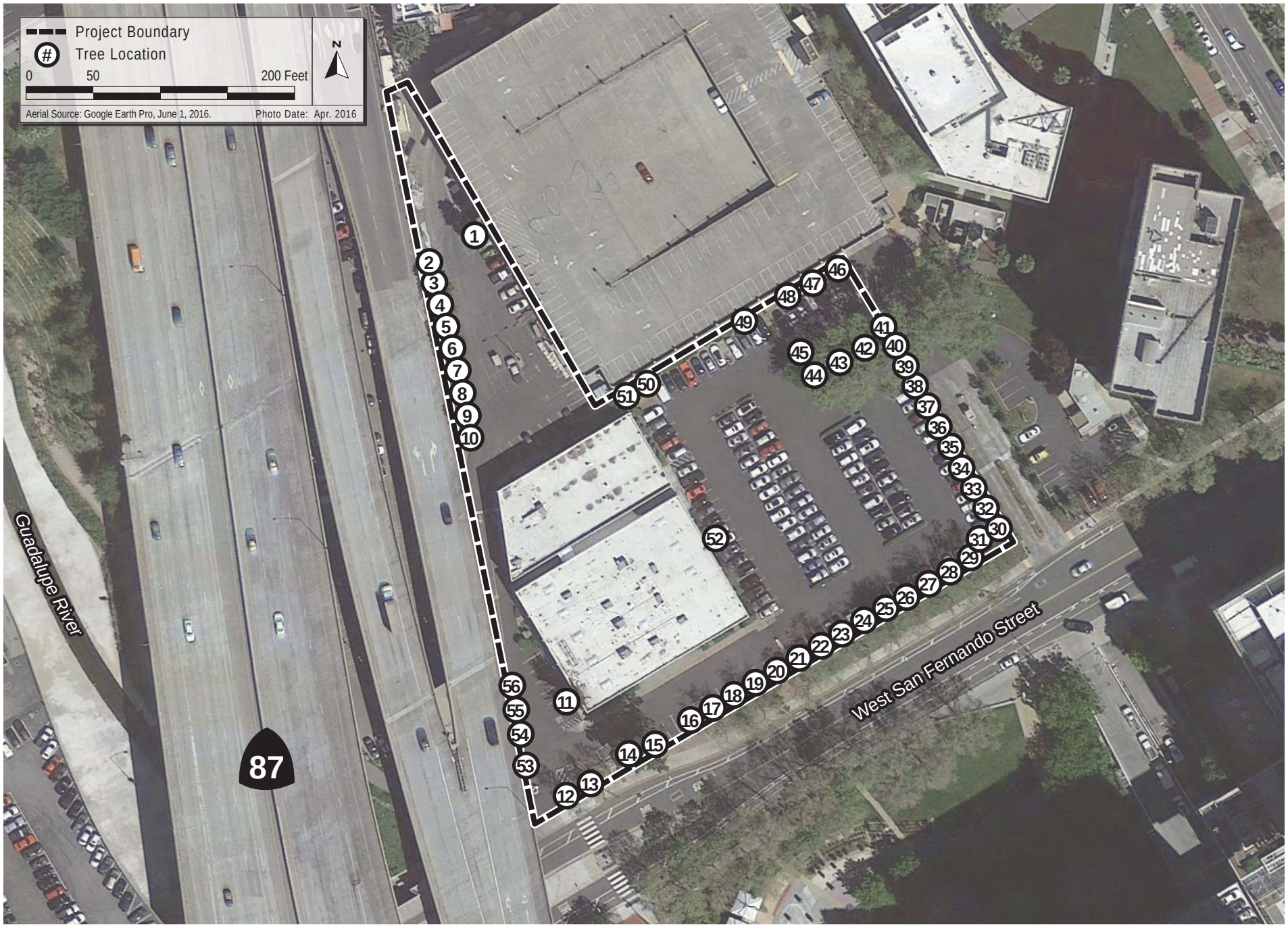
Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

Trees located on the project site are non-native species in varying sizes. Within the boundaries of the project site, there are a total of 53 trees. There are also three trees immediately adjacent to the site (tree numbers 54-56). Of the 53 trees on site, there are 14 London plane, 12 Bradford pear, 11 coast redwood, six honey locust, four southern magnolia, three horsetail tree, two Mayten tree, and American sweetgum. The trees located off-site are tree of heaven. Eleven trees (tree numbers 2-10 and 50-51) are native species. While a majority of the trees would be removed by the project, 11 trees (tree numbers 30 and 32-41) are proposed to be retained.

The following table lists all trees identified on and adjacent to the project site. The location of the trees is shown on Figure 4.4-1.

Table 4.4-1: Tree Species Observed On-Site

Tree #	Scientific Name	Common Name	Circumference*	Diameter*
1	*Liquidambar styraciflua*	American sweetgum	43	13.7
2	*Sequoia sempervirens*	Coast redwood	52	16.6
3	*Sequoia sempervirens*	Coast redwood	50	16
4	*Sequoia sempervirens*	Coast redwood	36	11.5
5	*Sequoia sempervirens*	Coast redwood	51	16.2
6	*Sequoia sempervirens*	Coast redwood	47	15
7	*Sequoia sempervirens*	Coast redwood	40	12.7
8	*Sequoia sempervirens*	Coast redwood	31	9.9
9	*Sequoia sempervirens*	Coast redwood	27	8.6
10	*Sequoia sempervirens*	Coast redwood	47	15
11	*Casuarina Equisetifolia*	Horsetail tree	40	12.7
12	*Platanus × acerifolia*	London plane	41	13.1
13	*Platanus × acerifolia*	London plane	48	15.2
14	*Casuarina Equisetifolia*	Horsetail tree	96	30.6
15	*Platanus × acerifolia*	London plane	47	15
16	*Maytenus boaria*	Mayten tree	23	7.3
17	*Gleditsia triacanthos*	Honey locust	22	7
18	*Platanus × acerifolia*	London plane	58	18.5
19	*Maytenus boaria*	Mayten tree	85	27.1
20	*Platanus × acerifolia*	London plane	56	17.8
21	*Platanus × acerifolia*	London plane	56	17.8
22	*Platanus × acerifolia*	London plane	48	15.3
23	*Platanus × acerifolia*	London plane	57	18.1
24	*Gleditsia triacanthos*	Honey locust	33	10.5
25	*Platanus × acerifolia*	London plane	57	18.1
26	*Gleditsia triacanthos*	Honey locust	36	11.5
27	*Platanus × acerifolia*	London plane	54	17.2
28	*Platanus × acerifolia*	London plane	64	20.4



TREE MAP

FIGURE 4.4-1

Table 4.4-1: Tree Species Observed On-Site				
Tree #	**Scientific Name**	**Common Name**	**Circumference***	**Diameter***
29	*Gleditsia triacanthos*	Honey locust	31	9.9
30	*Pyrus calleryana*	Bradford pear	19	6
31	*Pyrus calleryana*	Bradford pear	19	6
32	*Pyrus calleryana*	Bradford pear	20.5	6.5
33	*Pyrus calleryana*	Bradford pear	20.5	6.5
34	*Pyrus calleryana*	Bradford pear	22	7
35	*Pyrus calleryana*	Bradford pear	21	6.7
36	*Pyrus calleryana*	Bradford pear	22	7
37	*Pyrus calleryana*	Bradford pear	21	6.7
38	*Pyrus calleryana*	Bradford pear	19.5	6.2
39	*Pyrus calleryana*	Bradford pear	17	5.4
40	*Pyrus calleryana*	Bradford pear	12.5	4
41	*Pyrus calleryana*	Bradford pear	13.5	4.3
42	*Platanus × acerifolia*	London plane	75	23.9
43	*Platanus × acerifolia*	London plane	72	22.9
44	*Platanus × acerifolia*	London plane	95	30.2
45	*Gleditsia triacanthos*	Honey locust	35	11.1
46	*Magnolia grandiflora*	Southern magnolia	6	2
47	*Magnolia grandiflora*	Southern magnolia	6	2
48	*Magnolia grandiflora*	Southern magnolia	5.5	1.8
49	*Magnolia grandiflora*	Southern magnolia	5	1.6
50	*Sequoia sempervirens*	Coast redwood	21	6.7
51	*Sequoia sempervirens*	Coast redwood	39	12.4
52	*Gleditsia triacanthos*	Honey locust	22	7
53	*Casuarina Equisetifolia*	Horsetail tree	15.5	5
54	*Ailanthus altissima*	Tree of heaven**		
55	*Ailanthus altissima*	Tree of heaven**		
56	*Ailanthus altissima*	Tree of heaven**		

Note: Ordinance sized trees are 56+ inches in circumference.
*Circumference and Diameter measured in inches
** Non-native off-site trees unable to measure

4.4.2.3 Applicable Biological Regulations and Policies

The Envision San José 2040 General Plan includes the following biological resource policies applicable to all development projects in San José.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

4.4.3 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?	☐	☐	☐	☒	☐	1-4,8
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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4

	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. 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?	☐	☐	☐	☒	☐	1-4
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1-4,8
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?	☐	☐	☐	☒	☐	1-4

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

4.4.3.1 Biological Resources Impacts *(Checklist Questions #1-#4 and #6)*

Vegetation, Habitats, and Wildlife

The majority of downtown San José is developed with buildings, pavement, and landscaping. The remaining natural habitats are located within approximately 9,000 linear feet of the Guadalupe River and 3,750 linear feet of Los Gatos Creek that pass through the City.[6] The Guadalupe River and Los Gatos Creek and the surrounding riparian corridor provide the majority of significant habitat for vegetation and wildlife in the greater downtown. Native vegetation along Guadalupe River and Los Gatos Creek includes riparian and shaded riverine aquatic cover vegetation.

Future construction along the Guadalupe River and Los Gatos Creek corridors could increase disturbance to vegetation and wildlife; however, the wildlife inhabiting the riparian corridors along the river and creek have been accustomed to high levels of disturbance due to the proximity of urban development. The Downtown Strategy 2000 FEIR concluded that biological resources impacts would result primarily from development along the Guadalupe River and Los Gatos Creek corridors and from the loss of ordinance-sized trees. While the site is adjacent to the Guadalupe River, there are no sensitive or natural habitats on the project site. Implementation of the project would not result

[6] City of San José. *City of San José Downtown Strategy 2000 Final EIR.*

in significant impacts to natural plant communities or special status or endangered species. **[Same Impact as Approved Project (Less Than Significant Impact)]**

There are no federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on the project site. Therefore, the proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Habitat Conservation Plan

The project site is within the Santa Clara Valley Habitat Plan (HCP) area. Private development in the plan area is subject to the HCP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development;*[7] and

- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than 2 acres AND

    - The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR

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

As part of the project's Standard Permit Conditions, the project will require discretionary approval by the City and is consistent with activity described in Section 2.3.2 of the HCP. Therefore, the project will be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Raptor Impacts

There are currently 53 trees on-site, 10 of which are ordinance-sized.

While there is higher quality habitat in nearby parks and within the adjacent riparian corridor of Guadalupe River, the trees on-site and on the adjacent properties could provide nesting and/or

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

foraging habitats. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

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

Mitigation and Avoidance Measures

Project Specific Mitigation Measures

The following mitigation measures will be implemented during construction to avoid abandonment of raptor and other protected migratory bird nests:

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

MM BIO 1-2: If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

MM BIO 1-3: Prior to approval of the grading permit, the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

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

4.4.3.2 Trees *(Checklist Question #5)*

The urban forest consists of planted landscape trees along residential and commercial streets and in landscaped areas at residences, local parks, in parking lots, and the perimeter of commercial and industrial developments. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. Although the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

There are 53 trees on-site and three trees off-site. Development of the project would result in the loss of 42 on-site trees and three off-site trees.

As part of the project's Standard Permit Conditions, trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS 21-6

Table 4.4-2: City of San José Standard Tree Replacement Ratios

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

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. Of the 42 on-site trees, nine trees would be replaced at a 4:1 ratio and nine trees would be replaced at a 2:1 ratio with minimum 24-inch box trees. Thirteen trees would be replaced at a 1:1 ratio with 15-gallon container trees. As mentioned previously, there are 11 native trees. Of the 11 native trees, seven trees would be replaced at a 3:1 ratio with minimum 24-inch box and four would be replaced at a 1:1 ratio with 15-gallon container trees. The total number of trees required to be planted on-site would be 92.

As mentioned previously, three off-site trees located immediately adjacent to the site are proposed to be removed. The off-site trees could not be measured; however, the project would be required to replace these trees in compliance with the City's standard tree replacement ratio. A final determination on the size of trees and the replacement ratios would be made prior to approval of grading permits. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

The proposed project would be required to meet the requirements as noted above. The San José 2040 General Plan FEIR concluded that compliance with local laws, policies, or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.4 Conclusion

Implementation of the project would not have a substantial adverse impact on any special status plant or animal species and would not conflict with adopted conservation plans, local policies, and local ordinances. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The potential loss of raptor nests and/or eggs during construction would be mitigated to a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

As part of the Standard Permit Condition, ~~T~~the project will be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a literature review completed by *Holman & Associates* in June 2016. A copy of the Archaeological Literature Review is available at the Department of Planning, Building and Code Enforcement during regular business hours.

4.5.1 Setting

4.5.1.1 Prehistoric Period

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people practiced hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the area in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The physical distance between the project site and Guadalupe River is approximately 125 feet.

4.5.1.2 Mission Period

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

The pueblo was originally located north of the project site, near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is approximately 0.28 miles northeast.

4.5.1.3 Post-Mission Period to Mid-20th Century

In the mid-1800's, San José began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of

business opportunities in the west. Much of San José, outside of the downtown area, was undeveloped or used as farm lands until after World War II.

In 1915, a church was constructed on the southwest corner of the site. By 1938, a building was constructed on-site along South River Street (later named Post Street) that was initially occupied by a sign shop and later by an auto supply business and a motorcycle service shop. By 1939, three dwellings on the southeast corner of the site were replaced by an electrical supply warehouse. Between approximately 1962 and 1966, the structures on-site were demolished. Construction of Highway 87 was initiated shortly thereafter. The existing building on-site was constructed in 1974 and was initially occupied by a Supreme Court Sports Center which later became Park Center Athletic Club and Fitness 101. In 2002, the building was renovated for use as a high school and subsequently occupied by a technical college until 2015. The building is currently unoccupied.

4.5.1.4 Subsurface Resources

In June 2016, *Holman & Associates* completed a literature review to identify potential archaeological deposits below the ground surface in the immediate project vicinity. One archaeological site (CA-SCL-363H, also designate P-43-369) is located within the project area. Site CA-SCL-363H refers to three features: 1) a fired brick adobe (relocated to another site in 1925), 2) a historic midden, and 3) a brick wall complex with associated artifacts.

Previous studies in the immediate project area completed prior to construction of SR 87 and development of most of the block bounded by Santa Clara Street, Almaden Boulevard, San Fernando Street, and Guadalupe River found no prehistoric materials or deposits, but historic-era features were identified. It was also determined that the area had a high potential for Native America deposits.

4.5.1.5 Applicable Cultural Resources Regulations and Policies in the General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

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.

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?	☐	☐	☐	☒	☐	1-4,9
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1-4,9
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1-4,9
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1-4,9

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

4.5.2.1 Impacts to Historic Structures *(Checklist Questions #1)*

The project site is developed with a currently vacant structure on-site. The existing building on-site was constructed in 1974 and does not meet the City's minimum 45 year age threshold for historic structures. The nearest historic structure is the Frolich/Maynard Residences, located approximately 510 feet west from the project site. Existing buildings adjacent to the site are less than 50 years old and do not qualify as historic resources. Therefore, implementation of the project would have a less than significant impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.2.2 Impacts to Subsurface Cultural Resources *(Checklist Questions #2-#4)*

Prehistoric and Historic Resources

The project site is located approximately 125 feet east of Guadalupe River, which is considered a highly sensitivity area for prehistoric and historic resources. Based on the literature review completed for the project site (in accordance with Mitigation Measure CUL-3b of the Downtown Strategy 2000 FEIR), the site has the potential to yield Native American artifacts as well as post-mission artifacts associated with residential and commercial development. Implementation of the proposed project would require excavation of the entire site to approximately 50 feet below the ground surface for construction of the underground parking structure. Excavation of the site would result in the loss of all as yet unknown subsurface historic resources on the project site.

Impact CUL-1: Excavation of the site would result in the loss of all as yet unknown subsurface historic resources on the project site. **(Significant Impact)**

Mitigation and Avoidance Measures

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

MM CUL 1-1: Consistent with City policy, the project proponent shall be required to complete subsurface testing to determine the extent of possible resources on-site. Subsurface testing shall be completed by a qualified archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist to the satisfaction of the PBCE Supervising Environmental Planner.

MM CUL 1-2: Implementation of the treatment plan, by a qualified archaeologist, shall be required prior to the issuance of demolition and grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL 1-3: All historic-era features identified during exploration shall be evaluated based on the California Register of Historical Resources criteria consistent with the archaeological treatment plan. After completion of the field work, all artifacts shall be cataloged and the appropriate forms shall be completed and filed with the Northwest Information Center of the California Archaeological Inventory at Sonoma State University (NWIC). A copy of all forms submitted to the NWIC shall be provided to the Supervising Environmental Planner and the City's Historic Preservation Officer.

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

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code

Enforcement shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding he disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

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

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendants (MLD), the descendants shall make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

  The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to

contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The Envision San José 2040 General Plan FPEIR found the project site to have a high sensitivity (at depth) for paleontological resources.

The project proposes five levels of below-grade parking. The entire site would be excavated to a depth of approximately 50 feet and has the potential for encountering paleontological resources during construction. Construction activities may result in the accidental destruction and disturbance of paleontological resources and would result in a significant impact to paleontological resources. The City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.

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

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources including the City's Standard Permit Conditions, implementation of the proposed project would have a less than significant paleontological resources impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3 Conclusion

The proposed project would be consistent with applicable City policies and regulatory programs and, as a result, would have a less than significant impact on archaeological, historic, and paleontological resources impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 Geology and Soils

The majority of the City of San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below the ground surface.

Soils on-site are comprised primarily of the Campbell complex and near surface soils consist of gravel, sand, and clay. The soils in the project area contain weak soil layers with a moderate to very high expansion potential.

4.6.1.2 Seismicity and Seismic Hazards

Table 4.6-1: Active Faults Near the Project Site

Fault	Distance from Site
Hayward	10.49 miles
Calaveras	8.86 miles
San Andreas	12.96 miles

The project area is not located within the Alquist-Priolo Earthquake Fault Zone, the Santa Clara County Fault Hazard Zone, or the City of San José Potential Hazard Zone,[8] and no active faults have been mapped on the project site. As a result, the risk of fault rupture is low. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 4.6-1.

4.6.1.3 Liquefaction and Lateral Spreading

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the California Geological Survey and the Santa Clara County Geologic Hazard Zone Map, the project area is located in a potential landslide and liquefaction zone.[9,10]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream

[8] Santa Clara County, *Santa Clara County Geologic Hazard Zones*, Map 20. <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf> Accessed April 29, 2016.
[9] Ibid.
[10] California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Map. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>. Accessed April 29, 2016.

channel. Areas of San José most prone to lateral spreading include lands adjacent to Guadalupe River and Coyote Creek. The physical distance between the proposed project site and Guadalupe River is approximately 125 feet. At this distance, the potential for lateral spreading on-site is high.

4.6.1.4 Applicable Geological Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

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

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

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

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

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

4.6.2 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.)	☐	☐	☐	☒	☐	1-4
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1-4
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1-4
d. Landslides?	☐	☐	☐	☒	☐	1-4
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4,10
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?	☐	☐	☐	☒	☐	1-4,10
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

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

4.6.2.1 Geological Impacts *(Checklist Questions #1 and #3-#5)*

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[11] Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake.

As proposed, the project would include below-grade parking to a depth of 50 feet. Because excavation activities on-site may encounter groundwater, the proposed project would require dewatering during construction. Please refer to *Section 4.8 Hazards and Hazardous Materials* for more information. In addition, the below-grade parking structure could be subject to hydrostatic pressure from the shallow groundwater aquifer. Hydrostatic pressure generated by ground shaking can result in the formation of sand boils or mud spouts, and/or seepage of water through ground cracks.

The proposed project would be built and maintained in accordance with a site-specific geotechnical report (as required by the Downtown Strategy 2000 FEIR) and applicable regulations including the 2010 California Building Code which contains the regulations that govern the construction of structures in California. The site-specific geotechnical report would address the potential for liquefaction-induced and significant static settlement, shallow groundwater, effects of site dewatering, and proximity of the project site to streets and adjacent structures.

Because the proposed project will comply with the regulations identified in the San José 2040 General Plan FPEIR and the Standard Permit Conditions, the project would not result in a significant geologic impact. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

The project site and surrounding areas are relatively flat and have a low potential for liquefaction and a low to high potential for lateral spreading during large seismic events. The Downtown Strategy 2000 FEIR concluded that occupants of new development associated with the Downtown Plan would be subject to seismic-related hazards. In addition, development of the project site would not expose adjacent or nearby properties to landslide or erosion related hazards. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site will not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

[11] U.S. Geological Survey. "Earthquake Outlook for the San Francisco Bay Region 2014-2043". Fact Sheet 2016–3020. 2016. Available at: <https://pubs.er.usgs.gov/publication/fs20163020>.

4.6.2.2 Erosion Impacts *(Checklist Question #2)*

Implementation of the project would require ground disturbance due to demolition of the existing building and surface parking lot, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FPEIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.

- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.

- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Because the proposed project would comply with the applicable City regulatory programs and policies related to erosion, implementation of the proposed project would have a less than significant erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.2.3 Project Geology Issues Not Covered Under CEQA – Planning Considerations

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. air quality) affecting a proposed project, which are addressed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The City of San José General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable,

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

The soils in the project area contain weak soils with moderate to very high expansion potential. The project site has a high susceptibility to liquefaction and very strong ground shaking during an earthquake.

The project applicant will be required as a condition of project approval to submit a design-specific geotechnical report. The proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code, which contains the regulations that govern the construction of structures in California. The General Plan FPEIR concluded that adherence to the California Building Code would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FPEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

Development on the project site would have a less than significant geologic impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Sewers are available to dispose wastewater from the project site and, as a result, the project site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Regulatory Background

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

4.7.1.1 State of California

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

California Assembly Bill (AB) 32, the California Global Warming Solutions Act, was signed into law in September 2006. AB 32 requires California to reduce its total GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease from current levels. In September 2007, the Air Resources Board approved a list of Discrete Early Actions to reduce GHG emissions which includes maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities).

State of California Executive Order S-3-05

Prior to adoption of AB 32, Governor Arnold Schwarzenegger signed Executive Order S-3-05, which established GHG emission reduction targets, created the Climate Action Team and directed the Secretary of CalEPA to coordinate with other state agencies to meet the emission reduction targets. The Executive Order S-03-05 requires statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

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.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, 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. Metropolitan planning organizations

(for the Bay Area, the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments) would be required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan for that region. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

4.7.1.2 Regional and Local Plans

2010 Bay Area Clean Plan

The 2010 CAP provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing GHG emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is determined by its consistency with the CAP.

BAAQMD CEQA Guidelines

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

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.12 The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)

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

- 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)

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The Envision San José 2040 General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

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

4.7.1.3 Applicable GHG Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. These policies are also described within the City's GHG Reduction Strategy.

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

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

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

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

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

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

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

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

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

4.7.2 Setting

4.7.2.1 Existing On-Site GHG Emissions

The project site is currently developed with a two-story commercial building and a surface parking lot. GHG emissions were generated by daily traffic trips to and from the project site, when the site was occupied. Emissions were also generated through lighting, heating, and cooling of the building.

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?	☐	☐	☐	☒	☐	1-4

	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. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1-4

4.7.3.1 Greenhouse Gas Emissions Impact Assessment *(Checklist Questions #1 and #2)*

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The proposed project is evaluated for consistency with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Consistency with the San José Greenhouse Gas Reduction Strategy

The City of San José General Plan contains goals and policies adopted for the purpose of reducing GHG emissions. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects at the discretion of the City. The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques

- Consistency with City Green Building Ordinance and Policies
- Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan land use designation for the site. New structures would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the CALGreen. The proposed building would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. Bicycle parking would be provided consistent with San José requirements, though the final quantity will be determined at the Planned Development permit stage. Given the proximity to transit and the inclusion of green building measures and bicycle parking, the project would be consistent with the mandatory criteria 1 – 3 described above.

Criteria 4, 5, and 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, and the project does not propose vehicle-serving uses. TDM measures are not required based on City standards. Therefore, the project is consistent with Criteria 6.

The proposed project is consistent with the mandatory GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Emissions

The proposed office development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would

interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.4 Conclusion

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

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared for the project by *Cornerstone Earth Group* in February 2016. A copy of the report is attached in Appendix A of this document.

4.8.1 Setting

The project site is currently developed with a two-story commercial building and a surface parking lot. Groundwater depth encountered on-site ranges from approximately 10 to 20 feet below ground surface (bgs). Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the project area flows in a northeast direction.

4.8.1.1 On-Site Sources of Contamination

Based on a database records search, the project site is listed in the California Hazardous Material Incident Report System (CHMIRS) database. The CHMIRS database contains information on reported hazardous material incidents. The listing indicates that an incident occurred on-site in 1989; however, no business name or other details regarding the incident were listed. The site was occupied by Park Center Athletic Club in 1989 and significant quantities of hazardous materials appear unlikely to have been used or stored on-site at the time. No other information of on-site chemical releases have been identified.

Asbestos Containing Materials

The on-site building was constructed in 1974. Given that the on-site building was constructed in the 1974, asbestos containing material (ACM) are likely present on-site. Friable asbestos is any ACM that, when dry, can easily be crumbled or pulverized to a powder by hand allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. Use of friable asbestos products was banned in 1978.

Lead-Based Paint

Given the age of the existing on-site building, lead-based paint may be present on-site. Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead in interior dust and exterior soil. Lead was widely used as a major ingredient in

most interior and exterior oil-based paints prior to 1950. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5,000 parts per million [ppm]) and in 1978, to 0.06 percent (600 ppm). In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead.

4.8.1.2 Off-Site Sources of Contamination

Groundwater flows generally northeasterly. The potential for off-site contamination sources to impact soil, soil vapor, or groundwater beneath the project site was determined by evaluating the type of spill incidents reported in the site's vicinity, the location of where the off-site incidents occurred in relation to the site, and the assumed groundwater flow direction beneath the off-site facilities. Reported nearby spills are listed in the following Table 4.8-1 below. Based on the database report, the hazardous materials sites in this area are located south and northeast of the project site.

Table 4.8-1: Off-Site Sources of Contamination (Within ¼ Mile of Project Site)

Address	Distance from Project Site	Hazardous Materials of Issue	Database Listings	Status
95 South Almaden Avenue	425 feet northeast (down-gradient)	Five 10,000 gallon USTs containing diesel fuel and piping were removed	LUST	Various mitigation measures were implemented under Santa Clara County DEH oversight and ground water monitoring is on-going. Although contamination remains on this property and below Almaden Boulevard, the release is down-gradient and unlikely to have impacted the project site.
151 Almaden Boulevard and 345 Park Avenue	225 feet south (up-gradient)	VOCs in groundwater at the property	SLIC	Groundwater on project site likely impacted with VOCs (and potentially TPHd)
333 San Carlos Street	750 feet south (up-gradient)	VOCs and PCE encountered during soil and foundation investigations.	DTSC, SLIC	Under San Francisco Bay RWQCB oversight, a groundwater extraction and treatment system was installed. The treatment system was shut down after cleanup levels were achieved and rescinded in 1998. Remaining VOC concentrations in ground water reportedly did not exceed drinking water maximum contaminant levels.

LUST - Leaking Underground Storage Tank
SLIC - Water Board's Spills, Leaks, Investigation, and Cleanup
TPHd - Total petroleum hydrocarbons
DTSC - Department of Toxic Substances Control
VOCs - Volatile Organic Compounds
PCE - Tetrachloroethene
DEH - Department of Environmental Health

4.8.1.3 Other Hazards

Airports

Norman Y. Mineta San José International Airport is located approximately 1.7 miles north of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is located within the Airport Influence Area (AIA). The proposed project is not located within a CLUP-defined safety zone. In addition, the project is not located in the vicinity of a private airstrip.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" 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 aircrafts in flight. Under Federal Aviation Regulations FAR Part 77, the Federal Aviation Administration (FAA) must be notified of certain proposed structures within an extended zone defined by a set of imaginary surfaces radiating out for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

Wildfire Hazards

The proposed project is located in a highly urbanized area that is not subject to wildland fires.

4.8.1.4 Applicable Hazards and Hazardous Materials Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of

groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

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

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

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

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

Policy TR-14.3: For development in the vicinity of airports, take into consideration the 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.

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

Policy CD-5.8: Comply with applicable 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?	☐	☐	☐	☒	☐	1-4,11

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
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?	☐	☐	☐	☒	☐	1-4,11
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1-4,11
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?	☐	☐	☐	☒	☐	1-4,11
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1-4

	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:						
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?	☐	☐	☐	☒	☐	1-4

The proposed project would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination, the handling of hazardous materials, or wildland fires consistent with the findings of the Downtown Strategy 2000 FEIR and the General Plan FPEIR in that.

4.8.3 Hazards and Hazardous Materials Impacts

4.8.3.1 On-Site Soil and Groundwater Contamination Impacts
(Checklist Questions #1- #4)

Soil and Groundwater Contamination

The project site was occupied by multiple dwellings and associated outbuildings from the late 1800s. Between approximately 1962 and 1966, the prior on-site structures were demolished. Highway 87 was constructed on adjacent property to the west beginning in the 1970's. The existing building on-site was constructed in 1974 and occupied by a sports center. By 2002, the building was renovated and used as a high school and a technical school. Currently, the project site is unoccupied.

No hazardous materials were observed on-site (except for the diesel UST, which is discussed below) and the site does not appear to have historically been occupied by businesses typically associated with the use or storage of significant quantities of hazardous materials.

A diesel UST is present between the project site and the adjacent parking garage. Although the UST is located on the adjacent property, the western end of the UST encroaches onto the project site. No releases from the UST have been reported. If the final site design would require relocation of the UST, the adjacent property owner would be responsible for the relocation, consistent with all applicable regulatory requirements. If the UST is removed, removal and sampling shall be coordinated with the Department of Environmental Health (DEH) and the San José Fire Department (SJFD).

The entire site would be excavated to a depth of approximately 50 feet to construct the underground parking structure. Although no records of contaminated soils or groundwater have been reported on-site, site excavation and grading could result in impacts to construction workers from exposure to contaminated soils and groundwater during construction activities.

Impact HAZ-1: Grading and construction activities on-site could expose construction workers to contaminated soils and groundwater. **(Significant Impact)**

Mitigation and Avoidance Measures:

Project Specific Mitigation Measures

MM HAZ 1-1: Prior to issuance of grading permits, the project proponent shall retain a qualified hazardous materials contractor to perform a soil and groundwater investigation (i.e., Phase II Environmental Site Assessment) to determine the levels of contamination from potential volatile organic compounds (VOCs) in the project area. If the residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.

MM HAZ 1-2: If residual contaminants are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the SCCDEH or DTSC and a Vapor Mitigation Plan in accordance with the Phase II Environmental Site Assessment. Copies of all environmental investigations shall be submitted to Planning, Building and Code Enforcement (PBCE) Supervising Environmental Planner.

The SMP shall be prepared by a qualified hazardous materials consultant and include the following:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

The SMP shall be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP ~~would~~ shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

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

MM HAZ 1-3: A groundwater management and dewatering plan shall be developed to protect construction workers if groundwater is encountered, and to meet the permit requirements if groundwater is determined to require treatment prior to discharge to the sewer system. The SCCDEH would be informed of any groundwater contaminants and oversee the groundwater management plan.

MM HAZ 1-4: A copy of the SMP, any associated environmental investigations, and groundwater management and dewatering and vapor mitigation plans shall be provided to the satisfaction of PBCE Supervising Environmental Planner.

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

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

4.8.3.2 Asbestos-Containing Materials and Lead-Based Paint Impacts

Due to the age of the existing structure on-site, building materials may contain asbestos. If the building is demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos.

Due to the age of the existing structures on-site, lead-based paint may be present. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If the lead-based paint is flaking, peeling, or blistering, it should be removed prior to demolition. It will be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately.

No information regarding the use of lead-based paint was identified on-site; however, if used, residual pesticide and lead concentrations may remain in on-site soil. The project proposes to excavate to a depth of approximately 50 feet for below-grade parking. Disturbance of these materials during demolition and construction of the proposed project could expose construction workers to harmful levels of lead.

Demolition of the existing structures on the project site could expose construction workers or occupants on adjacent buildings to harmful levels of ACMs or lead.

The project is required to implement the following Standard Permit Conditions measures to reduce impacts due to the presence of ACMs and/or lead-based paint:

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

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

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The San José 2040 General Plan FPEIR concluded that conformance with regulatory requirements will result in a less than significant impact from ACMs and Lead. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.3 Dewatering During Construction *(Checklist Question #4)*

The project includes five levels of below-grade parking where groundwater has been found at approximately 10 to 20 feet bgs. The parking structure would be excavated to a depth of 50 feet and excavation activities on-site may encounter groundwater. Water discharge produced from construction dewatering to the sanitary sewer is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division. 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 Regional Water Quality Control Board (RWQCB). VOCs are anticipated in the shallow groundwater as a result of previous off-site releases, which may create a significant hazard to the public or the environment; however, implementation of the identified mitigation measures in *Section 4.8.3.1 On-Site Soil and Groundwater Contamination Impacts* would reduce any health and safety impacts to construction workers or persons on adjacent sites to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.8.3.4 Off-Site Soil and Groundwater Contamination Impacts *(Checklist Question #4)*

The Phase I identified a total of three known sites associated with spill incidents in the project vicinity.

The property located at 333 San Carlos Street was previously occupied by a laundry and dry cleaning business. In 1985, VOCs, predominately Tetrachloroethene (PCE), were encountered during soil and foundation investigations at the property. A groundwater extraction and treatment system was installed, activated, and shutdown after cleanup levels were achieved. The remaining VOCs concentrations in the groundwater do not exceed drinking water maximum contaminant levels (MCLs).

VOCs have also been reported in groundwater at the property located at 151 Almaden Boulevard and 345 Park Avenue. Similar low VOC concentrations have been reported within dewatering systems. Due to the presence of VOCs, groundwater from the dewatering systems is treated prior to discharge to the storm sewer system under the NPDES permit. TPHd was historically reported in groundwater at 151 Almaden Boulevard and 345 Park Avenue property; however, TPHd has not been detected in the dewatering systems during the last 12 to 13 years.

Based on the location of the project site relative to the property located on 333 San Carlos Street and 151 Almaden Boulevard and 345 Park Avenue, groundwater at the project site may contain low concentrations of VOCs. Redevelopment of the project site would not expose persons off-site to the contaminated groundwater or exacerbate an existing environmental condition on any adjacent properties. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.5 Other Hazard Impacts *(Checklist Questions #5 and #6)*

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 reflective surfaces, flashing lights, electronic interference and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

At a proposed maximum height of 246 feet above ground, the project is required to be reviewed by the FAA for FAR Part 77 conformance. The City's General Plan policies require FAA issuance of a No Hazard determination prior to development approval, with any conditions set forth in an FAA No Hazard determination also incorporated in the City's project approval. Implementation of the proposed policies and existing regulations would substantially reduce aviation hazards to people and property.

While the project site is not located within a CLUP-defined safety zone, the project is, however, located within the Norman Y. Mineta San José International Airport Influence Area (AIA) which is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations.[13] The project would be required to follow all applicable General Plan policies,

[13] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011. http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Documents/ALUC_20110525_SJC_CLUP.pdf

regulations, and procedures outlined in the CLUP for the Norman Y. Mineta San José International Airport. The project would not, however, result in a substantial safety hazard for people residing or working at the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.6 Implementation of Safety Plans *(Checklist Question #7)*

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

4.8.3.7 Wildland Fire Hazards *(Checklist Question #8)*

The proposed project is located in a highly urbanized area that is not subject to wildland fires. Implementation of the proposed project would not expose people of structures to any risk from wildland fires. **[Same Impact as Approved Project (No Impact)]**

4.8.3.8 Existing Hazardous Materials Conditions Affecting the Project

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

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

The Phase I ESA identified three hazardous materials sites within 1/4 mile radius of the project, as shown in Table 4.8-1. All recorded violations on these sites have been closed or monitoring data shows contaminant levels below acceptable regulatory levels.

4.8.4 Conclusion

The proposed project would result in a less than significant hazards or hazardous materials impact. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Accessed March 17, 2015.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map 06085C0234H), the project site is located in Flood Zone X.[14] Zone X is designated as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods. There are no City floodplain requirements for Flood Zone X.

4.9.1.2 Dam Failure

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is within the Lexington Dam failure inundation zone and Anderson Dam failure inundation hazard zone.[15, 16]

4.9.1.3 Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that will affect the site in the event of seiche. There are no bodies of water (i.e., the Pacific Ocean and the San Francisco Bay) near the project site that will affect the site in the event of a tsunami. The project area is flat and there are no mountains in proximity that will affect the site in the event of a mudflow.

4.9.1.4 Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into the Guadalupe River. Guadalupe River carries stormwater from the storm drains into San Francisco Bay. While the project site is adjacent to Guadalupe River, there is no overland stormwater flow from the project site to the river.

Currently, the project site is developed and 11 percent of the site is pervious. There are existing storm drain lines that run along West San Fernando Street that serve the site.

4.9.1.5 Water Quality

As stated above, stormwater from the project site drains into the Guadalupe River. The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the

[14] Federal Emergency Management Agency. http://msc.fema.gov/portal. Accessed April 29, 2016.
[15] Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx* Accessed April 29, 2016.
[16] Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx* Accessed April 29, 2016.

Environmental Protection Agency (EPA)[17], the Guadalupe River is currently listed on the California 303(d)[18] list and the Total Maximum Daily Load (TMDL) high priority schedule for mercury.[19] A TMDL for mercury was established in 2010.

Nonpoint Source Pollution Program

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations, under Section 402 of the Clean Water Act, include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For any projects that disturb one or more acres of land, the project applicant is required to submit a Notice of Intent (NOI) to the State Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP addresses appropriate measures for reducing construction and post-construction impacts.

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). The permit requires all members, including the City of San José, to implement programs that reduce urban runoff pollution and promote public awareness. Under Provision C.3 of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet of impervious surface 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) techniques.

[17] United States Environmental Protection Agency. *California 303(d) Listed Waters.* http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012 Accessed April 28, 2016.

[18] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

[19] A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Federal Environmental Protection Agency develop NPDES application requirements for storm water runoff.

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's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

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 SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[20]

4.9.1.6 Groundwater

The depth to groundwater is approximately 10 to 20 feet bgs and groundwater flow is generally to the northeast.

4.9.1.7 Applicable Hydrology and Water Quality Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

[20] Santa Clara Valley Urban Runoff Pollution Prevention Program. http://www.scvurppp-w2k.com/hmp_maps.htm Accessed April 12, 2016.

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

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

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

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

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.

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

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?	☐	☐	☐	☒	☐	1-4
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)?	☐	☐	☐	☒	☐	1-4

	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. 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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4,12
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1-4,12
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?	☐	☐	☐	☒	☐	1-4
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1-4

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

4.9.2.1 Water Quality Impacts *(Checklist Questions #1 and #6)*

Construction Impacts

Implementation of the proposed project would involve demolition, excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the project would disturb more than the one acre of land, the project would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities. In addition, the following measures (based on RWQCB recommendations) have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Construction Measures

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities would be suspended during periods of high winds.

- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.

- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

- Vegetation in disturbed areas would be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the proposed project would have a less than significant impact on water quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Currently, 89 percent of the project site is comprised of impervious surfaces. The proposed project would increase impervious surfaces by 10 percent (11,086 square feet). The project would add or replace more than 10,000 square feet of impervious surfaces. Therefore, the project will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB

Municipal Regional Stormwater permit. In order to meet these requirements, the project must treat post-construction stormwater runoff with numerically sized Low Impact Development (LID) treatment controls. If the project is granted Special LID Reduction Credits, the project would be allowed to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to granting any LID credit reduction, the City must first establish a narrative discussion submitted by the applicant that describes why the implementation of 100 percent LID treatment measures is not feasible, in accordance with the MRP.

The on-site treatment facilities would be numerically sized and is required to have sufficient capacity to treat runoff entering the storm drainage system, consistent with the NPDES requirements. Details of the specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design to minimize and properly treat stormwater runoff to the satisfaction of the Director of Planning, Building and Code Enforcement.

The General Plan FPEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project and any future development under the proposed General Plan amendment would have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 Groundwater Impacts *(Checklist Question #2)*

The conversion of existing pervious surfaces to impervious surfaces may decrease groundwater infiltration into an underlying groundwater basin. The project site is not, however, a designated recharge area. With implementation of the project, the quantity of impervious surfaces on the project site would increase by 10 percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction of the proposed office development would include five levels of below grade parking with a total depth of approximately 50 feet. Groundwater depth encountered on-site ranges from approximately 10 to 20 feet bgs. Based on this data, the proposed development could interfere with the shallow groundwater aquifer (i.e., block its natural flow direction). While the underground parking structure may result in shallow groundwater having to divert around the structure, it would not substantially interfere with overall groundwater flow (i.e., it will not preclude the shallow groundwater from flowing in a northeast direction) or impact the deeper groundwater aquifers.

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

Construction Period

- As the project is regulated by the statewide Construction General Permit, it will be subject to the requirements of that permit related to construction-period pumped groundwater discharges.

Post- Construction

- The project shall be designed so that the below-grade parking garage will withstand hydrostatic groundwater pressure intrusions and will not need to pump groundwater on a post-construction basis. If this is infeasible then the project can implement groundwater pumping.

- Any pumped uncontaminated groundwater of less than 10,000 gallons/day shall be discharged to a landscaped area or stormwater treatment feature that is properly designed to accommodate the volume of pumped groundwater, or discharged to the sanitary sewer. Discharge to the sanitary sewer will require review by the City's Environmental Services Engineering section during the Building Permit stage and is subject to all wastewater permitting requirements and fees. In the event, it is not feasible to pump groundwater to stormwater treatment features or the sanitary sewer, groundwater may be discharged to the storm sewer system if testing determines that the discharge is uncontaminated, as outlined in the City's Stormwater Permit - Provision C.15.b.i(2)(c)-(e). Pre-discharge sampling data collected for verification that the pumped groundwater is not contaminated shall be provided to the City of San José.

- Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. Upon approval of the permit, a copy shall be provided to the City of San José with the Building Permit application submittal.

[Same Impact as Approved Project (Less Than Significant Impact)]

4.9.2.3 Drainage Pattern Impacts *(Checklist Questions #3)*

The proposed project would not substantially alter the existing drainage pattern of the site or area through the altercation of any waterway. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.4 Storm Drainage Impacts *(Checklist Questions #4 and #5)*

Table 4.9-1, below, gives a breakdown of the pervious and impervious surfaces on the project site under both existing and project conditions.

Table 4.9-1: Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
Impervious						
Building Footprint	22,666	21	90,686	82	+68,020	+61
Hardscape	75,207	68	18,272	17	-56,935	-51
Subtotal	97,872	89	108,958	99	+11,086	+10
Pervious						
Pavement and Landscaping	12,711	11	1,625	1	-11,086	-10
Total	110,583	100	110,583	100		

Under existing conditions, the site is 11 percent pervious. Under project conditions, the site would be one percent pervious, which would result in a net increase in stormwater runoff.

The Downtown Strategy 2000 FEIR concluded that with the proposed changes in land use, full build-out of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. Furthermore, the General Plan FPEIR concluded that although new development and redevelopment allowed under the General Plan may result in an increase in impervious surfaces, implementation of applicable City policies and existing regulations would substantially reduce drainage hazards. As a result, implementation of the proposed project would have a less than significant impact on the existing storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.5 Seiches, Tsunamis, and Mudflows *(Checklist Question #10)*

Due to the location of the project site, the project would not be subject to inundation be seiche, tsunami, or mudflow. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.6 Existing Flooding Conditions Affecting the Project *(Checklist Questions #4 and #7-#9)*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. flooding) affecting a proposed project, which are addressed below.

The proposed project would result in construction of an 18-story office tower with ground floor retail, and would not place housing within a 100-year flood hazard zone or redirect flood flows. The

project site is located in Flood Zone X; areas determined to be outside the one percent annual chance floodplains. Implementation of the proposed project will not redirect flood flows or expose people or structures to significant flood hazards.

The project site is located within the Lexington and Anderson dam failure inundation hazard zone. The physical distance between the project site and Lexington Dam is approximately 10.5 miles. The physical distance between the project site and Anderson Dam is approximately 18.5 miles. The SCVWD maintains and inspects the dams at the reservoirs and provides an annual report of the reservoir's condition. As a result, the probability of a dam failure is very low. The General Plan FEIR concluded that new development and redevelopment under the General Plan could result in placement of new development in Special Flood Hazard Areas and dam failure inundation zones, and implementation of the City's policies and regulations would substantially reduce flooding and drainage hazards.

4.9.3 Conclusion

Implementation of the proposed project would have a less than significant water quality and hydrology impact. **[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 2.5-acre project site is comprised of three parcels (APNs 259-39-116, -118, and -123) located on the north side of West San Fernando Street, immediately east of SR 87. The site is currently developed with a two-story commercial building and a surface parking lot. There is a sidewalk along the street frontage of the project site. Figure 2.2-3 shows an aerial of the project site.

4.10.1.2 Surrounding Land Uses

The project area is primarily commercial/office buildings. The commercial/office buildings in the area range from one to 22-stories. Immediately north of the project site is a four-story parking structure. The project site is bounded by West San Fernando Street to the south, a two-lane multi-directional roadway. Two office buildings and John McEnery Park are located on the south side of West San Fernando Street. One building is eight-stories tall and the other is 13-stories. Immediately east of the project site is a 22-story office building. West of the project site is SR 87 (which is elevated in this area). A chain link fence just under the freeway defines the property line. West San Fernando Street provides access to the project site.

4.10.1.3 Existing Land Use Designation and Zoning

The project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*. The General Plan designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, a FAR of up to 15.0, and residential densities up to 350 dwelling units per acre.

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

4.10.1.4 Applicable Land Use Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

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-1.12: 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-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-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

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).

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?	☐	☐	☐	☒	☐	1-4
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

	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 any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1-4

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

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning *(Checklist Question #2)*

As mentioned above, the project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*. The *Downtown* designation allows for building heights of three to 30 stories and a FAR of up to 15.0. Implementation of proposed project would result in the redevelopment of an underutilized site with office and retail space within the downtown area, consistent with the General Plan and zoning designations. As a result, the project would not conflict with any applicable land use plans, policies or regulations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Established Communities *(Checklist Question #1)*

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is a office/retail project located in the downtown core. This area is characterized by office buildings, restaurants, small commercial establishments, and both low-rise and high-rise buildings. Based on the analysis prepared for the Downtown Strategy 2000 FEIR, the proposed project would not conflict with the adjacent and nearby land uses, because it is a compatible land use and would not physically divide an established community. **[Same Impact as Approved Project (No Impact)]**

Other Land Use Issues *(Checklist Question #3)*

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. Please see *Section 4.4, Biological Resources* for a complete discussion. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.3 Conclusion

Implementation of the project would not physically divide an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would not conflict with a land use plan, policy, or regulation. Implementation of the project would not result in new or more significant land use impacts than disclosed in the Downtown

Strategy 2000 FEIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4

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

4.11.2.1 Impacts to Mineral Resources *(Checklist Questions #1 and #2)*

The physical distance between the project site and the Communications Hill area is approximately four miles. Implementation of the project would not result in impacts to known mineral resources. **Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **Same Impact as Approved Project (No Impact)]**

4.12 NOISE

4.12.1 Setting

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

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

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Construction Noise

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

Background Information – Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is

defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.12-1shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration

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

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

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

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

Structural damage can be classified as cosmetic, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration

may pose a threat for structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.12.1.2 Existing Noise Conditions

Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87. Based on the General Plan FPEIR, the existing ambient noise levels at the project site are 65 to 70 dBA DNL. The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.7 miles. The project is within the airport's area of influence noise contours (65 CNEL). The nearest sensitive receptors are located approximately 510 feet west of the project site.

4.12.1.3 Applicable Noise Standards and Policies

General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-1, below.

Table 4.12-2: Land Use Compatibility Guidelines for Community Noise in San José (GP Table EC-1)

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						

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

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

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

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

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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

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

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-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 potential for cosmetic damage at buildings of normal conventional construction.

Municipal Code – Construction Standards

According to San José Municipal Code Title 20 (Zoning Ordinance), construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.2 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?	☐	☐	☐	☒	☐	1-4
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1-4
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-4
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
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

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

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by

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

4.12.2.1 Noise Impacts from the Project *(Checklist Questions #1-#4)*

Project Generated Traffic Noise Impacts

An increase of three dBA is considered substantial in noise sensitive areas along roadways. Vehicular traffic on roadways in the City are anticipated to increase as development occurs and the population increases; however, the proposed project would have to double the existing traffic volume in the area to substantially increase noise levels (by three dBA or more). The proposed project would result in 3,994 daily traffic trips (refer to Traffic Section). Although the increase in traffic would result in an overall increase in traffic noise, these volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Noise Impacts

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. It is estimated the project would take more than 24 months to construct. The construction of the proposed project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, secant piling, and paving.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site. Consistent with the Municipal Code and in accordance with the General Plan FPEIR, particularly Policy EC-1.7, the proposed project would be required to implement the following measures as Standard Permit Conditions during all phases of construction on the project site:

Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, hotels, and other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Consider the use of "acoustical blankets" for receptors located within 100 feet of the site during pile driving activities, if applicable.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the identified Standard Permit Conditions, the project would have a less than significant impact on the temporary increase in ambient noise levels in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundborne Vibration Impact

Pile driving would generate the highest ground borne vibration levels (approximately 0.644 in/sec PPV at 25 feet). Other construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may also generate substantial vibration in the immediate site vicinity. Construction of the main building structure is not anticipated to be a source of substantial vibration and construction vibration would not be substantial for the majority of the construction schedule.

There are no sensitive historic buildings in proximity of the project site. The nearest conventional construction buildings are located within 80 feet of the project site. In addition, there is a parking structure directly adjacent to the site. According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. At 100 feet, it is possible that pile driving could generate vibration levels in excess of the City's threshold.

Impact NOI 1-1: Pile driving could cause vibration levels in excess of City standards and result in physical damage to nearby structures. **(Significant Impact)**

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

MM NOI 1-1: If piles are utilized for project construction, the construction workers' shall use either drilled piers, rammed aggregate piers, or equivalent alternatives, which shall result in lower vibration levels and are the preferred foundation method where geological conditions permit. All mitigation measures shall be printed on all construction documents and project plans, prior to the issuance of any grading permits.

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

4.12.2.2 Airport Noise *(Checklist Questions #5 and #6)*

The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.7 miles. The project site is within the Airport Influence Area and the 65-70 dB CNEL aircraft noise impact area of the Norman Y. Mineta San José International Airport. The General Plan FPEIR concluded that implementation of General Plan policies and compliance with the local airport land use plans would reduce program-level aircraft noise impacts to a less than significant level. Commercial development is considered by the General Plan and the ALUC's CLUP to be a compatible land use within such a noise exposure area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.2.3 Existing Noise Conditions Affecting the Project

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. noise) affecting a proposed project, which are addressed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Based on the General Plan noise and land use compatibility guidelines, commercial/office development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL.

As mentioned above, noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87. Existing ambient noise levels at the project site are 65 to 70 dBA DNL. Future noise levels are estimated to increase by up to 75 dBA DNL.
The California Green Building Code requires that commercial building be constructed to provide an interior noise environment of 50 dBA in occupied areas during any hour of operation. A typical commercial building envelope provides at least a 30 dBA reduction in traffic noise. With exterior

noise levels up to 75 dBA DNL, the interior noise levels would be 45 dBA with standard construction techniques. As a result, interior noise levels would comply with Green Building Code standards.

4.12.3 Conclusion

Implementation of the proposed project would reduce temporary construction noise and vibration impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

Based on information from the Department of Finance E-5 report, the City of San José population was estimated to be approximately 1,042,094 in January 2016 with an average number of persons per household of 3.22.[21,22] The City's population is projected to reach 1,445,000 with 472,000 households by year 2040.[23]

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

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)?	☐	☐	☐	☐	☒	1-4
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-4
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-4

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

[21] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2015 and 2016. May 2016. Available at: < http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/>

[22] State of California, Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2016. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/15743>

[23] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. http://www.sanjoseca.gov/DocumentCenter/View/3326. Accessed June 29, 2016.

4.13.2.1 Impacts to Population and Housing *(Checklist Question #1-#3)*

The proposed project would result in construction of an 18-story office tower with ground floor retail. Development of the proposed project would result in an increase in jobs citywide. San José currently has a higher number of employed residents than jobs. The increase in jobs will incrementally decrease the overall jobs/housing imbalance within the City. New development and redevelopment allowed under the General Plan would not induce growth beyond anticipated in Association of Bay Area Governments (ABAG) projections. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is currently developed with a two-story commercial building and a surface parking lot. The proposed project would not result in the displacement of people or existing housing, or necessitate the construction of housing elsewhere. **[Less Impact Than Approved Project (Less Than Significant Impact)]**

4.13.3 Conclusion

The proposed project would have a less than significant impact on population and housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 Fire Protection Services

Fire protection services for the project are provided by the SJFD. Fire stations are located throughout the City to provide adequate response times to calls for service. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 1, located at 225 North Market Street. The physical distance between the project site and Station No. 1 is approximately 0.5 miles. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

4.14.1.2 Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The physical distance between police headquarters and the project site is approximately 1.25 miles.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

4.14.1.3 Schools

The City of San José includes 22 public school districts that currently operate 222 public schools. The project site is located within the San José Unified School District (SJUSD). SJUSD has 27 elementary schools, six middle schools, and nine high schools in operation.

4.14.1.4 Parks

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José own approximately 187 neighborhood-serving parks and nine regional parks.

The 2020 General Plan objective for neighborhood/community serving parkland is 3.5 acres of land per 1,000 population. A minimum of 1.5 acres of City-owned parkland and up to two acres of recreational school grounds would be located within a reasonable walking distance. The General Plan estimated a population of 1,445,000 by 2040 which will increase the demand for park and recreational facilities and create a parkland deficit of 2,187.40 acres (including regional and local park lands).

The closest parks to the project site are John P. McEnery Park and Plaza de Cesar Chavez Park located approximately 0.1 and 0.25 miles from the project site, respectively.

4.14.1.5 Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library and 22 branch libraries. Residents of the downtown area are served by the Dr. Martin Luther King Jr. Library (the main library). The Dr. Martin Luther King Jr. Library is approximately 0.55 miles from the project site.

4.14.1.6 Applicable Public Services Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to the project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, achieve 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.
b. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

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.

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?	☐	☐	☐	☒	☐	1-4
Police Protection?	☐	☐	☐	☒	☐	1-4
Schools?	☐	☐	☐	☒	☐	1-4
Parks?	☐	☐	☐	☒	☐	1-4
Other Public Facilities?	☐	☐	☐	☒	☐	1-4

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

4.14.2.1 Impacts to Public Services *(Checklist Question #1)*

Fire Protection Services

The proposed office and retail development would place more people on-site during regular business hours than exist currently and, as a result, would increase demand for fire response and related emergency services. The project is consistent with the planned growth in the General Plan and construction of new fire stations, other than those already planned, would not be required to provide service to the site.

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 identified in the San José 2040 General Plan FEIR to avoid unsafe building conditions and promote public safety. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Police Protection Services

The proposed project would place more people on-site during regular business hours than exist currently, but would not permanently increase the resident population because no housing is proposed as part of the project. The project is consistent with the planned growth in the General Plan and new facilities or expansion of existing facilities would not be required to provide adequate police services to serve the proposed project. 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 identified in the San José 2040 General Plan FEIR to avoid unsafe building conditions and promote public safety. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Schools

The project proposes to construct an office tower and ground floor retail and does not include residential development. No new students would be generated by implementation of the proposed project. Therefore, the proposed project would have no impact on school facilities or capacities in the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Parks

The proposed office and ground floor retail development would place more people on-site during regular business hours than exist currently; however, an increase in the daily employee population in the City would not result in a substantial increase in usage of local recreational facilities. Although future employees may use City parks or trails, weekday employees are unlikely to place a major physical burden on existing parks. Therefore, the proposed project would not have a significant impact on park facilities in the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Libraries

The San José 2040 General Plan FPEIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. The proposed project would construct a new office building and would not include any residential uses. Therefore, the proposed project would have minimal impact on library facilities in the City of San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

Implementation of the proposed project would not result in significant impacts to public services in the City of San José or require the construction of new facilities. The project would not impact existing schools, or libraries. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 187 neighborhood parks, 51 community centers, nine regional parks, and over 57 miles of urban trails. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts.

4.15.1.1 Applicable Recreation Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to the project:

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public parks 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.

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?	☐	☐	☐	☒	☐	1-3
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?	☐	☐	☐	☒	☐	1-3

Similar to the site development evaluated in the 2040 General Plan FPEIR and Downtown Strategy 2000 FPEIR, the proposed project would result in less than significant recreational impacts, as described below.

4.15.2.1 Impacts to Recreational Facilities *(Checklist Questions #1 and #2)*

The proposed project would result in construction of an 18-story office tower with ground floor retail. An increase in workers in the City would not result in a substantial increase in usage of recreational facilities. Although future employees may use City parks, trails or other recreational facilities, future weekday employees would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. The proposed project would not increase the usage of existing parks and recreation facilities such that the construction of new or expanded recreational facilities would be required. **[Same Impact as Approved Project (No Impact)]**

4.15.3 Conclusion

The proposed project would not result in significant impacts to recreational facilities in San José. **[Same Impact as Approved Project (No Impact)]**

4.16 TRANSPORTATION

The following analysis is based on a traffic operations study completed by *Hexagon Transportation Consultants* in June, 2016. A copy of the report is provided in Appendix B.

4.16.1 Setting

4.16.1.1 Roadway Network

Regional Access

Regional access to the project site is provided via Interstate 280 (I-280) and SR 87 as described below.

I-280 extends from U.S. Highway 101 (US 101) in San José to I-80 in San Francisco. It is generally an east-west oriented eight lane freeway in the vicinity of downtown San José. The section of I-280 just north of the Bascom Avenue over-crossing has six mixed-flow lanes and two high-occupancy vehicle (HOV) lanes. Access to the project site to and from I-280 is provided via Bird Avenue, Almaden Boulevard and First Street.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two 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 nearby ramps at Woz Way, Auzerais Avenue, and Park Avenue.

Local Access

Local access to the project site is provided by Almaden Boulevard, San Fernando Street, and Delmas Avenue.

Almaden Boulevard is a north-south four-lane arterial with buffered bike lanes that provides access to the project site via San Fernando Street. North of Santa Clara Street, it transitions into two one-way streets: Notre Dame Avenue and Almaden Boulevard. South of I-280, it transitions into two one-way streets: Vine Street and Almaden Avenue.

San Fernando Street is an east-west two-lane street providing direct access to and from the project site. San Fernando Street has sidewalks on both sides and buffered bike lanes in both directions. San Fernando Street extends through the heart of downtown between Autumn Street to the west and North 17th Street to the east.

Delmas Avenue is a north-south oriented, two-lane one-way street in the southbound direction. Delmas Avenue begins at Santa Clara Street and terminates at Auzerais Avenue and the SR 87 southbound on-ramp.

4.16.1.2 Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Within the project area, a complete network of sidewalks is present along West San Fernando Street, Delmas Avenue and Almaden Boulevard. Crosswalks with pedestrian signal heads and push buttons are provided at the signalized intersections in the vicinity of the project site. A marked mid-block pedestrian crosswalk with ADA compliant ramps and a median refuge island is currently provided on West San Fernando Street near the southwest corner of the project site. Standard pavement markings and signage are provided at this unsignalized pedestrian crossing. Truncated domes are the standard design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. This mid-block crossing also provides direct access to the Guadalupe River pedestrian/bicycle trail. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes to transit and other services and other points of interest in the downtown area.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). The existing bicycle facilities in the immediate vicinity of the project site include the Guadalupe River multiuse trail (Class I bikeway) and buffered bike lanes (Class II bikeway) on San Fernando Street and Almaden Boulevard.

Striped (Class II) bike lanes are present along the following project vicinity street segments:

- Woz Way between San Carlos Street and Almaden Avenue
- Park Avenue between Woz Way and Market Street, and West Montgomery Street
- San Fernando Street between the Diridon Station and 10th Street.
- Almaden Boulevard between Woz Way and Santa Clara Street.

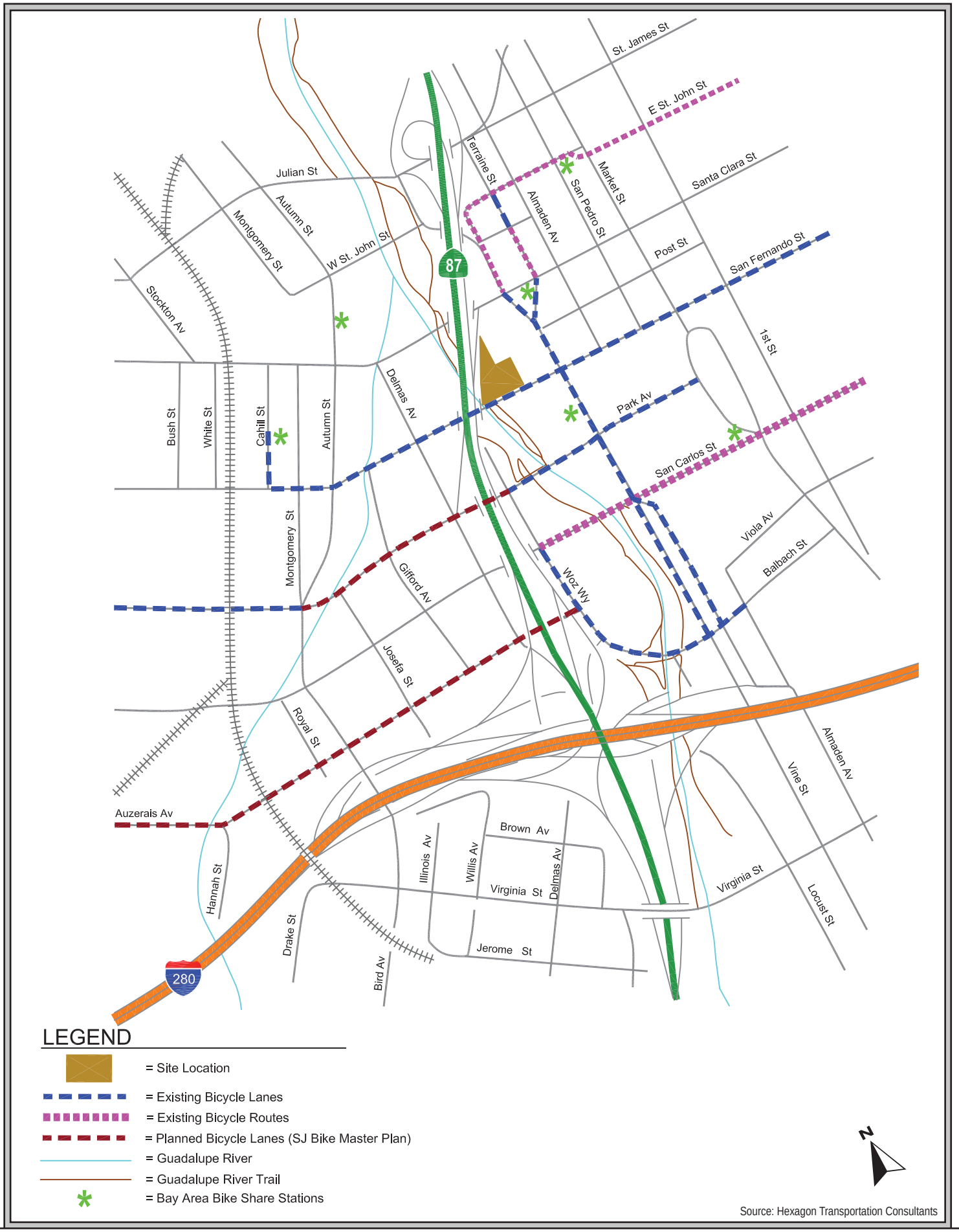
Existing bicycle facilities are shown on Figure 4.16-1.

4.16.1.3 Existing Transit Service

Transit services in the project area is provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak.

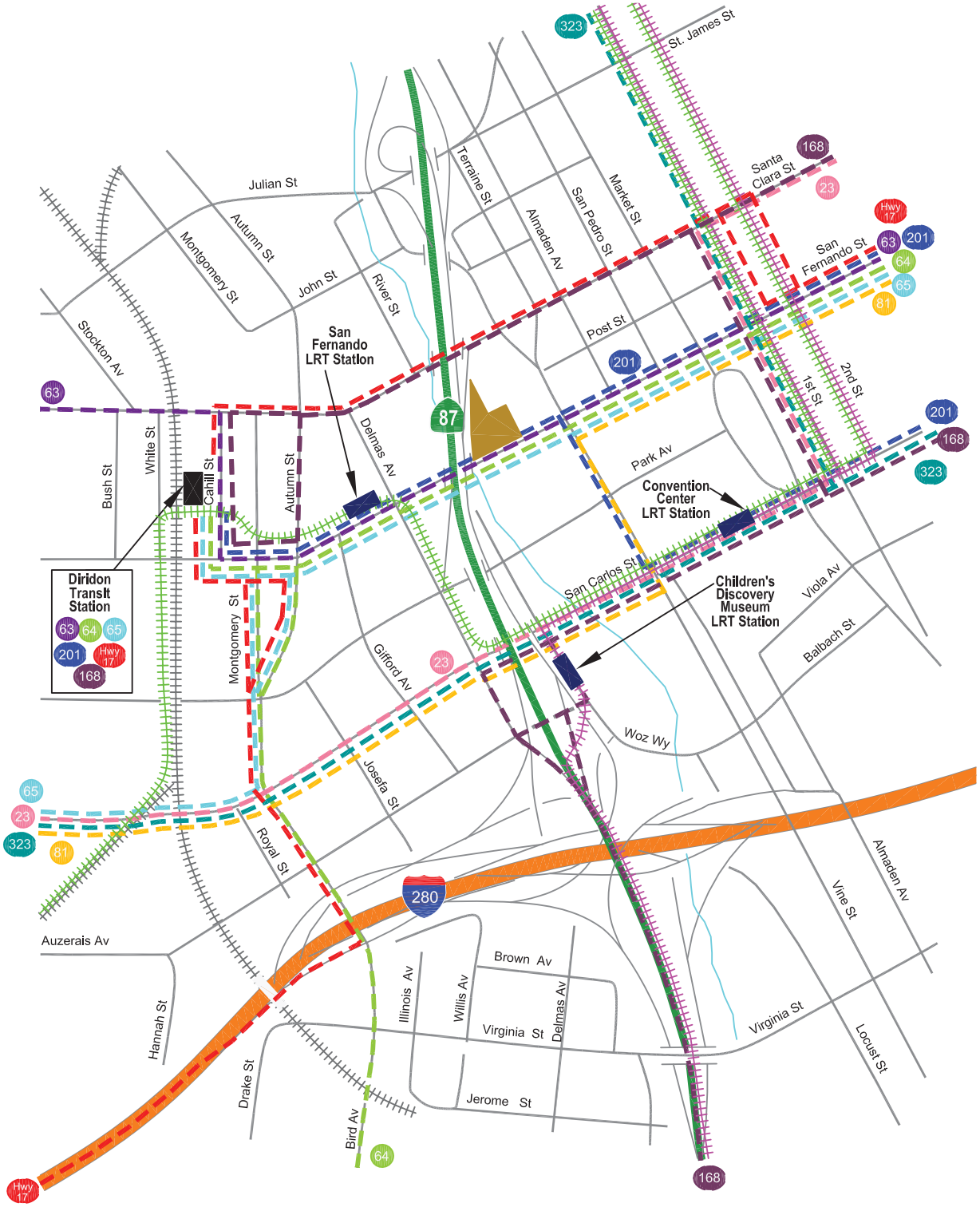
VTA Service

The VTA operates local bus routes and two light rail transit (LRT) lines within the project vicinity. The bus stop located on San Fernando Street adjacent to the project site, is served by local routes 63, 64, 65 and 201 (Downtown Area Shuttle, or DASH). The VTA bus routes with bus stops near the project site and the LRT lines are described in Table 4.16-1, below. All transit services are shown on Figure 4.16-2.



Source: Hexagon Transportation Consultants

EXISTING AND PLANNED BICYCLE FACILITIES FIGURE 4.16-1



LEGEND

- = Site Location
- = LRT Line 901 Alum Rock to Santa Teresa
- = LRT Line 902 Mt. View to Winchester
- = LRT Station
- = Local Bus Route 23
- = Local Bus Route 63
- = Local Bus Route 64
- = Local Bus Route 65
- = Local Bus Route 81
- = Dash Bus Route 201
- = Local Bus Route 168
- = Local Bus Route 323
- = Hwy 17 (970) Bus Route

N

Source: Hexagon Transportation Consultants

EXISTING TRANSIT FACILITIES

FIGURE 4.16-2

Table 4.16-1: VTA Bus Service/LRT Lines in the Project Area		
Route	**Route Description**	**Headway (min)**
Local Bus 23	DeAnza College to Alum Rock Transit Center via Stevens Creek	11-13
Local Bus 63	Almaden Expressway/Camden, Diridon Transit Center, to SJSU	26-36
Local Route 64	Almaden LRT Station to McKee & White via Downtown	15
Community Bus 65	Kooser/Blossom Hill, Diridon Transit Center, to 13th/Hedding	45-50
Local Bus 81	San José State University to Vallco	25-35
DASH (Route 201)	Downtown Area Shuttle (DASH)	4-14
Express Bus 168	Gilroy Transit Center to San José Diridon Transit Center	30
Limited Stop Bus 323	Downtown San José to DeAnza College	15-20
Highway 17 Express (Regional Service 97)	Downtown Santa Cruz/Scotts Valley to Downtown San José	10-30
Light Rail 901	Santa Teresa, Downtown San José, to Alum Rock	10-15
Light Rail 902	Mountain View, Downtown San José, to Winchester in Campbell	15

San José Diridon Station

The San José Diridon Station, located approximately 2,000 feet west of the project site, is situated along the Mountain View-Winchester LRT line and is served by Caltrain, ACE and Amtrak.

Caltrain is a regional, intercity commuter rail service between San Francisco and Gilroy. Caltrain provides service with approximately 20- to 30-minute headways during the weekday AM and PM commute hours. Trains stop frequently at the Diridon Station between 4:30 AM and 10:30 PM in the northbound direction, and between 6:28 AM and 1:34 AM in the southbound direction.

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening with headways averaging 60 minutes. ACE trains stop at the Diridon station between 6:32 AM and 9:17 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area. The Capitol Corridor trains stop at the Diridon station eight times during the weekdays between approximately 7:38 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during the week between 6:40 AM and 7:15 PM.

4.16.1.4 Applicable Transportation Regulations and Policies

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

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

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- **Vehicular Traffic Mitigation Measures.** Review development mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

- **Area Development Policy.** An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.

- Downtown Core Area. In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Corridors and Villages, Transit Station Areas, and Specific Plan Areas.

- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City's ability to encourage infill, preserve community livability, and promote transportation alternatives do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City's designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

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

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

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

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

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

a. 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.

b. 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.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

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?	☐	☐	☐	☒	☐	1-4,13
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?	☐	☐	☐	☒	☐	1-4,13
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?	☐	☐	☐	☒	☐	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 increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1-4,13
5. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1-4,13
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?	☐	☐	☐	☒	☐	1-4,13

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

4.16.2.1 Intersection Operations *(Checklist Questions #1 and #2)*

Trip Generation Estimates

Due to the project's downtown location and proximity to transit and bicycle options, it is reasonable to assume that future tenants of the office building would utilize transit and bicycle facilities in the area. The project site is located within a 2,000 foot walk of two rail stations (the Diridon Caltrain Station and the San Fernando LRT station – and is served by four local bus routes). The project site is situated along a City-designated bicycle route (San Fernando Street) with substantial bicycle and pedestrian usage, is located less than a quarter mile of two Bay Area Bike Share stations, and is situated adjacent to the Guadalupe River multi-use trail system.

The VTA's *Congestion Management Program Transportation Impact Analysis Guidelines* (October 14) indicates a trip reduction of up to three percent is allowed for employment and employee serving retail mixed-use developments.

In addition, a retail pass-by trip reduction of 25 percent can be applied to the net peak hour trip generation estimates for the retail space.

Since the on-site building was recently occupied and could be re-occupied with no discretionary actions, trips that are generated by the most recently occupied use (technical college) can be subtracted from the gross project trip generation estimates to estimate net new project trips.

A summary of the project trip generation estimates is shown in Table 4.16-2, below.

Table 4.16-2: Project Trip Generation Estimates							
Land Use	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Most Recent Previous Use							
Technical College[24]	<2,121>	<174>	<33>	<207>	<130>	<77>	<207>
Proposed Project							
Office	6,082	776	102	878	144	722	866
Retail	33	2	0	2	0	4	4
Subtotal	6,115	778	102	880	144	726	870
Net Project Trips	**3,994**	**604**	**69**	**673**	**14**	**649**	**663**

Implementation of the project would generate 3,994 new daily vehicle trips with 673 net new trips occurring during the AM Peak Hour and 663 net new trips occurring during the PM Peak Hour.

Intersection Operations

While intersections in the Downtown area are exempt from the City's LOS policy, operations at nearby intersections (Almaden Boulevard/West San Fernando Street and Delmas Avenue/West San Fernando Street) were evaluated under project conditions to assess whether the project would create a safety impact. Intersection counts conducted May and November 2015 were used for the queuing analysis. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue does not in itself create a safety impact.

The following discussion evaluates projected queuing. Vehicle queues were estimated using TRAFFIX, which is based on the Highway Capacity Manual (HCM) 2000 methodology. The estimated maximum vehicle queue length (i.e., 95th percentile vehicle queue length) obtained from TRAFFIX is compared to the existing or planned available storage capacity for the movement.

Almaden Boulevard and West San Fernando Street - Northbound

The northbound left-turn queue storage capacity, under existing and background conditions, is approximately 150 feet (equivalent to six vehicles[25]). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the northbound left-turn lane is approximately 150 feet (equivalent to six vehicles) in the AM Peak Hour and does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 12 vehicles (300 feet) in the AM Peak Hour.

[24] A technical college most recently occupied the project site. The building has been vacant since the technical college moved to a new location in mid-2015. The trip rates applied to the previous use (technical college) are based on "Junior/Community College" rates (Land Use 540) contained in the ITE *Trip Generation*, 9th Edition (2012).

[25] For the purposes of queuing analyses, vehicles are assumed to have an average length of 25 feet.

Under background conditions[26], the AM Peak Hour queue would be nine vehicles (225 feet). Under background plus project conditions, the queue length would increase to 15 vehicles (375 feet) in the AM Peak Hour.

In the PM Peak Hour, the queuing analysis determined that under existing conditions, the maximum vehicle queues for the northbound left-turn lane is two vehicles and does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would remain at two vehicles in the PM Peak Hour.

Under background, the PM Peak Hour queue would be three vehicles. Under background plus project conditions, the queue length would remain at three vehicles in the PM Peak Hour., the queue length would remain at three vehicles in the PM Peak Hour.

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

The proposed project in the AM Peak Hour would result in a queuing backup under existing plus project conditions and exacerbate the queuing conditions anticipated to occur under background plus project conditions. The addition of up to eight vehicles to the northbound left-turn lane in the AM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. Extending the northbound left-turn pocket is not possible due to the presence of back-to-back left-turn pockets. Adding a second northbound left-turn lane also is not feasible because West San Fernando Street contains only one westbound receiving lane. Therefore, no physical improvements are possible to increase the vehicle storage of the northbound left-turn pocket.

The increased queue length would not, however, result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing caused by the proposed project is considered an operational issue rather than an environmental issue. Therefore, the increased left-turn queues would have a less than significant impact on the safety of intersection operations at this location.

Almaden Boulevard and West San Fernando Street - Southbound

The southbound left-turn queue has approximately 100 feet (equivalent to four vehicles). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane is four vehicles in the AM Peak Hour and does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 19 vehicles (475 feet) in the AM Peak Hour.

Under background conditions, the AM Peak Hour queue would be four vehicles. Under background plus project conditions, the queue length would increase to 21 vehicles (525 feet) in the AM Peak Hour.

In the PM Peak Hour, the queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane is one vehicles and does not exceed the existing

[26] Background conditions are existing conditions plus approved but not yet constructed development.

vehicle storage capacity. The queue would be the same (one vehicle) under existing plus project, background, and background plus project conditions.

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

The proposed project would result in a queuing backup under existing plus project and background plus project conditions. The addition of up to 17 vehicles to the southbound left-turn lane in the AM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. The adjacent southbound through lane has capacity to accommodate the vehicle queues that would extend out of the southbound left-turn pocket. The increased queue length would not result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing caused by the proposed project is considered an operational issue rather than an environmental issue. Therefore, the increased left-turn queues would have a less than significant impact on the safety of intersection operations at this location.

Almaden Boulevard and West San Fernando Street – Eastbound (Left-Turn)

The eastbound left-turn queue has approximately 100 feet (equivalent to four vehicles). The queuing analysis determined that under existing conditions, the maximum vehicle queues for the eastbound left-turn lane is one vehicle in the AM Peak Hour and does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 2 vehicles (50 feet) in the AM Peak Hour.

Under background conditions, the AM Peak Hour queue would be one vehicle. Under background plus project conditions, the queue length would increase to 2 vehicles in the AM Peak Hour.

In the PM Peak Hour, the queuing analysis determined that under existing conditions, the maximum vehicle queues for the eastbound left-turn lane is two vehicles and does not exceed the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to seven vehicles (175 feet) in the PM Peak Hour.

Under background conditions, the PM Peak Hour queue would be two vehicles. Under background plus project conditions, the queue length would increase to eight vehicles (200 feet) in the PM Peak Hour.

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

The addition of up to four vehicles to the eastbound left-turn lane in the PM Peak Hour 95th percentile queue would result in turning vehicles blocking the through lane. Extending the eastbound left-turn pocket to provide additional vehicle storage is possible. Since the main project driveway on W. San Fernando Street is situated only about 250 feet from Almaden Boulevard, the eastbound left-turn pocket could only be extended by approximately 100 feet, which would just accommodate the estimated eight vehicles under background plus project conditions. Any additional increase in

vehicle queues would spill out of the turn pocket and block the only through lane. While extending the eastbound left-turn pocket would provide additional vehicle storage, the City found the extension to be infeasible because it would cause operational issues with the adjacent driveway on West San Fernando Street. The extension of the eastbound left-turn pocket would impede vehicles from turning into the driveway if the left-turn pocket is over vehicle storage capacity. In addition, the extension of the eastbound left-turn pocket would prevent westbound traffic on West San Fernando Street from flowing.

Almaden Boulevard and West San Fernando Street – Eastbound (Right-Turn)

The eastbound right-turn queue storage capacity is approximately 200 feet (equivalent to eight vehicles). The queuing analysis determined that under existing and background conditions, the maximum vehicle queues for the eastbound right-turn lane is three vehicles in the AM Peak Hour and does not exceed the existing vehicle storage capacity. Under existing plus project and background plus project conditions, the queue length would increase to four vehicles (100 feet) in the AM Peak Hour.

In the PM Peak Hour, the queuing analysis determined that under existing and background conditions, the maximum vehicle queues for the eastbound right-turn lane is 11 vehicles and exceeds the existing vehicle storage capacity. Under existing plus project conditions, the queue length would increase to 20 vehicles (500 feet) in the PM Peak Hour. Under background plus project conditions, the queue length would increase to 21 vehicles (525 feet) in the PM Peak Hour.

Projected turning movements at this intersection do not exceed the available vehicle storage capacity during the AM Peak Hour under any scenario, but would exceed the storage capacity in the PM Peak Hour under existing and background, as well as existing plus project and background plus project conditions.

The proposed project would exacerbate the PM Peak Hour queuing conditions that occur under existing conditions and the conditions anticipated to occur under background conditions in the PM Peak Hour 95th percentile queue. This would result in turning vehicles blocking the through lane. Since the existing maximum vehicle queue extends back to the project driveway during the PM Peak Hour, any additional queuing would likely occur on-site along the project driveway and extend into the project parking garage.

Delmas Avenue and West San Fernando Street

The projected turning queues at the Delmas Avenue/West San Fernando Street intersection would be adequate under all scenarios in both and AM and PM Peak Hours and would have no impact on the safety of intersection operations at this location. [**Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.2 Site Access and Circulation *(Checklist Questions #1 and #4-#6)*

As proposed, the project would have five levels of below-grade parking and five levels of above-grade parking with access provided by two existing driveways on West San Fernando Street.

East Project Driveway (Inbound – AM Peak Hour)

Primary access to the project parking garage entrance would be provided by an existing unsignalized full access driveway on West San Fernando Street. The project-generated trips that are estimated to occur at the east project driveway are 452 inbound and 59 outbound during the AM Peak Hour, and 84 inbound and 417 outbound during the PM Peak Hour.

The security gate/control arm at the main project driveway would not be adequate to serve the anticipated volume of inbound project traffic. The maximum inbound vehicle queue that is estimated to occur is 18 vehicles long, or approximately 450 feet in length. The east project driveway currently has room for five queued inbound vehicles. The remaining 13 inbound vehicles would queue about 225 feet to the east (westbound right-turn inbound movement) and about 100 feet to the west (eastbound left-turn inbound movement). A westbound right-turn vehicle queue of 225 feet would extend back to the Almaden Boulevard/West San Fernando Street intersection, which would have a negative effect on the traffic operations at the intersection.

The City of San José Department of Transportation (DOT) has developed design plans for traffic improvements along West San Fernando Street between the mid-block crosswalk and Almaden Boulevard. Improvements include a new 10-foot wide eastbound left-turn lane at the main project driveway, which would provide approximately 100 feet of vehicle storage. The 10-foot wide eastbound left-turn lane would alleviate the estimated maximum eastbound left-turn vehicle queues during the AM Peak Hour of inbound traffic.

DOT design plans also include widening a section of West San Fernando Street (west of the main project driveway) to accommodate the new eastbound left-turn lane and a 15-foot sidewalk along the project frontage. The City would require the applicant to implement these roadway improvements as a condition of project approval.

East Project Driveway (Outbound – PM Peak Hour)

Excessive on-site vehicle queuing would occur during the PM Peak Hour of traffic due to the large number of vehicles exiting the project garage and adjacent parking garage at the same time. The maximum outbound vehicle queue that is estimated to occur is 54 vehicles long, or 1,350 feet in length. The existing maximum outbound vehicle queue that was observed in the field from the adjacent parking structure was 20 vehicles in length, or about 500 feet, which extended into the existing parking structure. The PM Peak Hour outbound queuing issue currently lasts approximately 20 minutes. With the addition of project trips, on-site vehicle queuing at this driveway would last much longer, resulting in unreasonable delays to drivers for an extended period of time.

Due to the outbound vehicle queuing issues that already occur at the east project driveway, it can be concluded that the driveway is already operating at capacity, and that the additional trips generated by the project would not be accommodated. Reducing the size of the project would not be adequate to address the existing operational issues which would be exacerbated by the project. The only solution to avoid exacerbating the traffic conditions would be to move all of the parking for the project to off-site parking locations. Whether or not adequate parking exists downtown to accommodate the parking demand generated by the office tower is not known. A study of the

existing downtown parking supply would need to be completed to determine if adequate parking does exist within a reasonable distance of the project site.

West Project Driveway

The west project driveway provides secondary access to the project site. The west project driveway is currently gated and requires a key card to access the site. The site plan shows the security gate control arms would be removed as part of the project. The project generated trips that are estimated to occur at the west project driveway are 326 inbound and 43 outbound during the AM Peak Hour, and 60 inbound and 309 outbound during the PM Peak Hour.

Assuming that the west entrance to the project parking garage would be gated, the west project driveway would provide approximately 250 feet of on-site vehicle storage between the west garage entrance and West San Fernando Street. This would be adequate to accommodate the inbound vehicle queues that would develop during the AM Peak Hour at the west project driveway.

During the PM Peak Hour of traffic significant on-site vehicle queuing issues are not expected at the west project driveway due to the relatively low opposing traffic volume on westbound West San Fernando Street. Delays for vehicles exiting the site at this driveway location are expected to be much lower than the east project driveway.

The west project driveway is located immediately adjacent to and on the west side of the mid-block crosswalk on West San Fernando Street. Based on its location, vehicle trips exiting the site at this driveway would be turning away from the crosswalk. Also, due to the driveway's proximity to the mid-block crosswalk, westbound vehicles turning right into the driveway would be traveling very slowly at the moment they cross the crosswalk. For these reasons, and because the mid-block crosswalk has good visibility, the project is not expected to create any operational or safety issues at the west driveway. Note that existing field observations revealed no safety issues.

Allowing left turns out of the west project driveway would alleviate some of the on-site queuing and delay issues that would occur at the east project driveway during the PM Peak Hour. However, this would require removal of the raised median island on W San Fernando Street. In addition, adding an outbound left-turn movement at the west project driveway would introduce the potential for conflicts between exiting vehicles and pedestrians crossing W. San Fernando Street via the mid-block crosswalk. Thus, adding an outbound left-turn movement to the west driveway may not be a practical improvement. Options to improve vehicle egress are quite limited.

Emergency Vehicle Access

Fire code requires driveways to provide 32 feet of clearance for fire access. The existing driveways providing access to the project currently meet this requirement. SJFD requires that all portions of the buildings be within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the building. The site plan shows a fire truck turnaround located near the northwest corner of the proposed office building. The site plan shows a fire truck turnaround located near the northwest corner of the proposed office building which would allow fire trucks and other large trucks to turn around on-site and exit the west project driveway. The project would meet the six-foot requirement for building clearance on all sides.

Pedestrian and Bicycle Access and Circulation

The existing sidewalks along the project frontage on West San Fernando Street would provide pedestrian access to the ground floor retail uses and office lobby. The existing sidewalks, crosswalks, and bicycle facilities in the project area have good connectivity and would provide future tenants with safe routes to transit stops, the Guadalupe River multi-use trail, and other points of interest in the downtown area.

Below are some recommendations to alleviate traffic queuing, vehicular site access and on-site circulation, truck access and freight loading activities, pedestrian and bicycle access and circulation, and parking.

Recommendations

- Install an approximately 100-foot long and 10-foot wide eastbound dedicated left-turn lane at the main project driveway that would extend from the mid-block crosswalk to the project driveway. This would include the narrowing of West San Fernando Street to a minimum 56-foot wide curb-to-curb width, with a buffered bike lane and installation of a 15-foot wide attached sidewalk along the project frontage. Sidewalk easement dedication ranging from 0.5 feet would be required to achieve this cross section.

- Install Rapid Rectangular Flashing Beacons (RRFBs) at the existing mid-block pedestrian crossing adjacent to the west project driveway.

- Remove the existing inbound security gate on the eastern driveway from its current location (midway between West San Fernando Street and the existing parking garage) and implement one of the following two gate improvements in order to improve driveway operations and reduce inbound vehicle queueing at the main project driveway:

    - Move the security gate 100 feet to the north, just south of the project parking garage entrance (which would provide twice the amount of on-site vehicle storage); or
    - Remove the existing security gate and install separate security gates for the project parking garage and existing parking garage.

- Provide a larger turning radius at the interface between the garage ramp and the east garage entrance to allow exiting vehicles to successfully negotiate the sharp right-turn movement from the ramp.

- Install convex mirrors on each parking level at appropriate locations to assist drivers with blind turns within the parking garage.

- Coordinate with City staff to determine if five loading spaces would be adequate to serve the project.

- Relocate two structural support columns on the west side of the building so that they do not interfere with freight loading activities.

- Coordinate with City Planning staff to determine if four freight loading spaces would be adequate to serve the project.

- Add an exterior bike rack capable of accommodating two bicycles.

Implementation of these recommendations would result in a less than significant site access and circulation impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.3 Other Transportation Issues *(Checklist Questions #3 and #6)*

Airport Operations

The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.7 miles. The proposed project would not result in a change in air traffic patterns or obstruct airport operations. Please refer to *Section 4.8 Hazards and Hazardous Materials* for a complete discussion of the project's compliance with federal aviation regulations.

Transit Facilities

The project would not affect any existing or planned pedestrian, bicycle, or transit facilities.

Bicycle Parking

According to the City's Bicycle Parking Standards (Chapter 20.90, Table 20-190), the project is required to provide one bicycle parking space for every 4,000 square foot of office space, which equates to 180 bicycle parking spaces. Since the project site is located in the Downtown Core, the project would only be required to provide two short-term bicycle parking spaces and one long-term space for the retail component of the project.

Bicycle parking would be located on the ground level between the parking garage and the north end of the office lobby. The bicycle parking area is approximately 3,500 square feet and would have enough room for approximately 235 bicycles. Implementation of the project would result in adequate bicycle parking. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.4 Operational Transportation Issues Not Covered Under CEQA

Parking

According to the San José Municipal Code (Chapter 20.70, Table 20-140), the project is required to provide one off-street parking stall per 400 square feet of office space. There is no requirement for retail parking. Using the office ratio, the proposed project would be required to provide 1,467 off-street parking spaces. The City has indicated that the project has an obligation to provide the adjacent property a minimum of 136 parking stalls, in addition to the required parking for the proposed project. Therefore, the project would be required to provide a total of 1,603 parking stalls.

The project would provide five levels of above-grade and five levels of below-grade parking with a total of 1,603 parking stalls (931 standard stalls, 632 compact stalls, and 40 handicapped stalls). The

City allows up to 40 percent of the required off-street parking to be made up of compact parking stalls. As a result, the project would provide a sufficient number of parking spaces for the office development.

4.16.3 Conclusion

Implementation of the project will result in the same significant impacts to the transportation system as was previously identified in the Downtown Strategy 2000 FEIR and the San Jose 2040 General Plan FPEIR. **[Same Impact as Approved Project (Significant Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 Water Services

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company. Based on the current water usage rates from the San José Water Company, office space uses 0.10 gallons per day (gpd) per square foot of building area.[27] When occupied, the existing two-story commercial building on-site is estimated to use approximately 2,500 gpd of water.

4.17.1.2 Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[28] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations.

For the purposes of this analysis, wastewater flow rates are assumed to be 80 percent of the total on-site water use due to the limited landscaping. The existing office, when occupied, generated approximately 2,000 gpd of wastewater.

The existing two-story commercial building currently connects to the 24-inch sewer main in West San Fernando Street, which is owned and maintained by the City of San José.

4.17.1.3 Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 125 feet from Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

[27] San José Water Company. *Santana West Project Water Supply Assessment.* January 2016. Table 6.
[28] City of San José, San José-Santa Clara Regional Wastewater Facility, http://www.sanjoseca.gov/?nid=1663.

Currently, the project site is 89 percent impervious. There are existing storm drain lines that run along West San Fernando Street.

4.17.1.4 Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. According to the IWMP, the County adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The two-story commercial building on-site is currently empty and does not generate any solid waste.

4.17.1.5 Applicable Utilities and Service Systems Regulations and Policies

The Envision San José 2040 General Plan includes the following policies applicable to all development projects in San José.

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

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

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

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).

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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-4
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?	☐	☐	☐	☒	☐	1-4
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-4
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1-4

Consistent with the Downtown Strategy 2000 FEIR and General Plan FPEIR, the project would result in less than significant utility and service systems impacts.

4.17.2.1 Water Supply *(Checklist Questions #2 and #4)*

Currently, the building on the project site is unoccupied and does not use any water. The proposed project would result in construction of an 18-story office tower with ground floor retail. As a result, the project would intensify the demand for water use on the site over existing conditions, and slightly increase the overall water demand in San José. Based on the size of the proposed building, (698,460 square feet), the project would use approximately 101,655 gpd of water.[29]

The General Plan FPEIR determined that the three water suppliers for the City Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated in new development which would substantially reduce water demand. The General Plan FPEIR concluded that with implementation of General Plan policies and regulations, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions.

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the San José 2040 General Plan FPEIR. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 Sanitary Sewer Capacity *(Checklist Questions #1, #2, and #5)*

The project site does not currently generate wastewater. Implementation of the proposed project would generate 101,655 gpd (0.101 mgd) of wastewater.

The City performed a flow analysis based on the provided flow rates (noted above) and the connection points. The City has determined that with the proposed sanitary sewer flow rates from the site, the surrounding sanitary sewer mains have adequate capacity to serve the proposed development.

The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the San José 2040 General Plan FPEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[29] Based on estimated wastewater generation.

4.17.2.3 Storm Drainage System *(Checklist Question #3)*

Under existing conditions, approximately 97,872 square feet (89 percent) of the project site is covered with impervious surfaces. Under project conditions, the project site would be covered with approximately 108,958 square feet (99 percent) of impervious surfaces. Implementation of the project would result in a 10 percent increase in impervious surfaces at the project site which would result in an increase in stormwater runoff.

The Downtown Strategy 2000 FEIR concluded that full buildout of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. Although the proposed project would result in a small increase in stormwater runoff, the existing storm drainage system would have sufficient capacity to support the development proposed under the Downtown Strategy 2000 FEIR, including the proposed project. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 Solid Waste *(Checklist Questions #6 and #7)*

The new development on-site would generate approximately 4,142 pounds of solid waste per day for office use and 20 pounds of solid waste per day for commercial retail use.[30]

The proposed project would increase the total solid waste generated by the project site, compared to conditions on-site if the existing building were occupied. The General Plan FPEIR concluded that implementation of the Envision San José 2040 General Plan would not exceed the capacity of existing landfills serving the City of San José. The estimated increases in solid waste generation from development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 Conclusion

Implementation of the proposed project would have the same less than significant utilities and service system impacts as previously identified in the Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[30] California Integrated Waste Management Board. "Commercial Sector: Estimated Solid Waste Generation and Disposal Rates". January 2013. Solid waste generation was estimated at a rate of six pounds per 1,000 square feet per day for office space and 2.5 pounds per 1,000 square feet per day of commercial retail space. Accessed June 30, 2016. <http://www.calrecycle.ca.gov/wastechar/wastegenrates/Commercial.htm>

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?	☐	☐	☐	☒	☐	1-13
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)?	☐	☐	☐	☒	☐	1-13
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1-13
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-13

4.18.1 **Project Impacts** *(Checklist Question #1)*

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. The project would not result in new or more significant impacts than identified in the certified Downtown Strategy 2000 FEIR and Envision San José 2040 General Plan FPEIR.

4.18.2 **Cumulative Impacts** *(Checklist Question #2)*

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.

With the implementation of the identified mitigation measures, best management practices, and Standard Permit Conditions, the project would not impact, cultural resources, geology and soils, hydrology and water quality, and noise and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project's contribution to a cumulative impact on aesthetics, biological resources, land use, population and housing, public services, recreation, and transportation were analyzed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. The proposed project would not result in a more significant cumulative impact related to these issues than disclosed within these documents.

The project would not contribute to the significant cumulative transportation impact that would occur under full build out of the Downtown Strategy 2000 and General Plan. The project would not 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.

4.18.3 **Short-term Environmental Goals vs. Long-term Environmental Goals** *(Checklist Question #3)*

The project site is currently developed with a two-story commercial building and a surface parking lot. Urban development, including office uses, are 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 redevelop an infill location in Downtown San José and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this Downtown site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy. The

proposed office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32. 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 and conserve water.

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

4.18.4 Direct or Indirect Adverse Effects on Human Beings *(Checklist Question #4)*

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 hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (professional judgement and expertise and review of project plans).
2. City of San José. *San José General Plan and City Code.*
3. City of San José. General Plan EIR
4. City of San José. Downtown Strategy 2000 FEIR
5. California Department of Natural Resources, *Santa Clara County Important Farmland 2012* Map.
6. Bay Area Air Quality Management District. *CEQA Guidelines*. May 2011.
7. Bay Area Air Quality Management District. *Annual Bay Area Air Quality Summaries.*
8. David J. Powers & Associates, Inc. – Tree Survey. June 2016.
9. Holman & Associates, Inc. Archaeological Literature Review. June 2016.
10. U.S. Department of Agriculture. *Web Soil Survey*. 2016.
11. Cornerstone – PHASE I ESA. February 2016.
12. Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel #06085C0234H. 2009.
13. Hexagon Transportation Consultants – Traffic Operations Analysis. June 2016

SECTION 5.0 REFERENCES

Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed April 14, 2016.

California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Map. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>. Accessed April 29, 2016.

California Integrated Waste Management Board. "Commercial Sector: Estimated Solid Waste Generation and Disposal Rates". January 2013. Accessed June 30, 2016. <http://www.calrecycle.ca.gov/wastechar/wastegenrates/Commercial.htm>

California Natural Resources Agency. *Santa Clara County Important Farmlands 2012.* Accessed April 14, 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>

Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. <http://www.sanjoseca.gov/DocumentCenter/View/3326>. Accessed June 29, 2016.

City of San José. *City of San José Downtown Strategy 2000 Final EIR.*

City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* September 2011.

City of San José. *Envision San José 2040 General Plan.* 2011.

City of San José, *Fact Sheet: History & Geography, 2013*. <http://www.sanjoseca.gov/DocumentCenter/View/780>. Accessed June 29, 2016.

City of San José, San José-Santa Clara Regional Wastewater Facility, <http://www.sanjoseca.gov/?nid=1663>. Accessed June 29, 2016.

Cornerstone Earth Group. *Phase I Environmental Site Assessment*. February 26, 2015.

David J. Powers & Associates, Inc. *Tree Survey*. June 2016.

Hexagon Transportation Consultants. *W. San Fernando Street Office Tower Traffic Operations Study*. June 15, 2016.

Holman & Associates. *Cultural Resources Literature Search for West San Fernando Office Project.* June 27, 2016.

Reyff, James. Principal, Illingworth & Rodkin. Personal Communication. June 27, 2016.

San José Water Company. *Santana West Project Water Supply Assessment.* January 2016.

Santa Clara County, *Santa Clara County Geologic Hazard Zones*, Map 12. <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf> Accessed April 29, 2016.

Santa Clara Valley Urban Runoff Pollution Prevention Program. <http://www.scvurppp-w2k.com/hmp_maps.htm> Accessed April 12, 2016.

Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx* Accessed April 29, 2016.

Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009. http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx* Accessed April 29, 2016.

United States Environmental Protection Agency. *California 303(d) Listed Waters.* <http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012> Accessed April 28, 2016.

U.S. Geological Survey. "Earthquake Outlook for the San Francisco Bay Region 2014-2043". Fact Sheet 2016–3020. 2016. Available at: <https://pubs.er.usgs.gov/publication/fs20163020>.

Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport.* May 2011. <http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Documents/ALUC_20110525_SJC_CLUP.pdf> Accessed March 17, 2015.

SECTION 6.0 AUTHORS AND CONSULTANTS

Lead Agency

City of San José
Department of Planning, Building, and Code Enforcement
- Harry Freitas, Director
- Meenaxi R. Panakkal, Supervising Environmental Planner
- Rebecca Bustos, Planning Project Manager
- Kieulan Pham, Environmental Project Manager

Consultants

David J. Powers & Associates
Environmental Consultants and Planners
- Judy Shanley, Principal
- Shannon George, Senior Project Manager
- Fiona Phung, Researcher
- Zach Dill, Graphic Artist

Hexagon Transportation Consultants, Inc.
San José, CA
Transportation

Holman & Associates
San Francisco, CA
Archaeology