

3.12 Public Services and Recreation

This section addresses potential impacts of the proposed project on public services (fire protection and emergency services [i.e., local emergency medical response services], police protection services, public schools, and libraries) and parks and recreation. The section describes existing local conditions, summarizes pertinent regulations, and analyzes the potential impacts of project construction and operation related to public services and recreation. Where appropriate, mitigation measures are provided to address potential impacts. The discussion below is organized by topic (fire protection and emergency services; police protection; public schools; libraries; parks and recreation) and addresses the environmental setting, regulatory framework, impacts, and mitigation measures relevant to each respective topic before turning to the next.

Fire Protection and Emergency Services

3.12.1 Environmental Setting

The San José Fire Department (SJFD) provides fire protection and emergency services—fire suppression, emergency medical services (EMS), emergency management, and fire prevention—to the city of San José. Santa Clara County (County) currently contracts with a private company to provide emergency ambulance transportation services to all areas of the county except Palo Alto. SJFD provides Advanced Life Support (paramedic) first-response services primarily within the incorporated San José city limits through a direct agreement with the Santa Clara County Emergency Medical Services Agency (County EMS).¹

Five SJFD bureaus are responsible for operations and support: Field Operations, Administrative Services, Fire Prevention, Emergency Medical Services and Training, and Support Services. The Office of Emergency Services is within the Office of the City Manager and provides emergency management services to residents and businesses within the City’s jurisdiction in coordination with the County and the State of California. The Office of Emergency Services provides support across all phases of the emergency management life cycle: from preparedness, hazard mitigation (long-term risk reduction), and prevention activities before an emergency to response and recovery operations during and after a multi-agency and/or multijurisdictional emergency.²

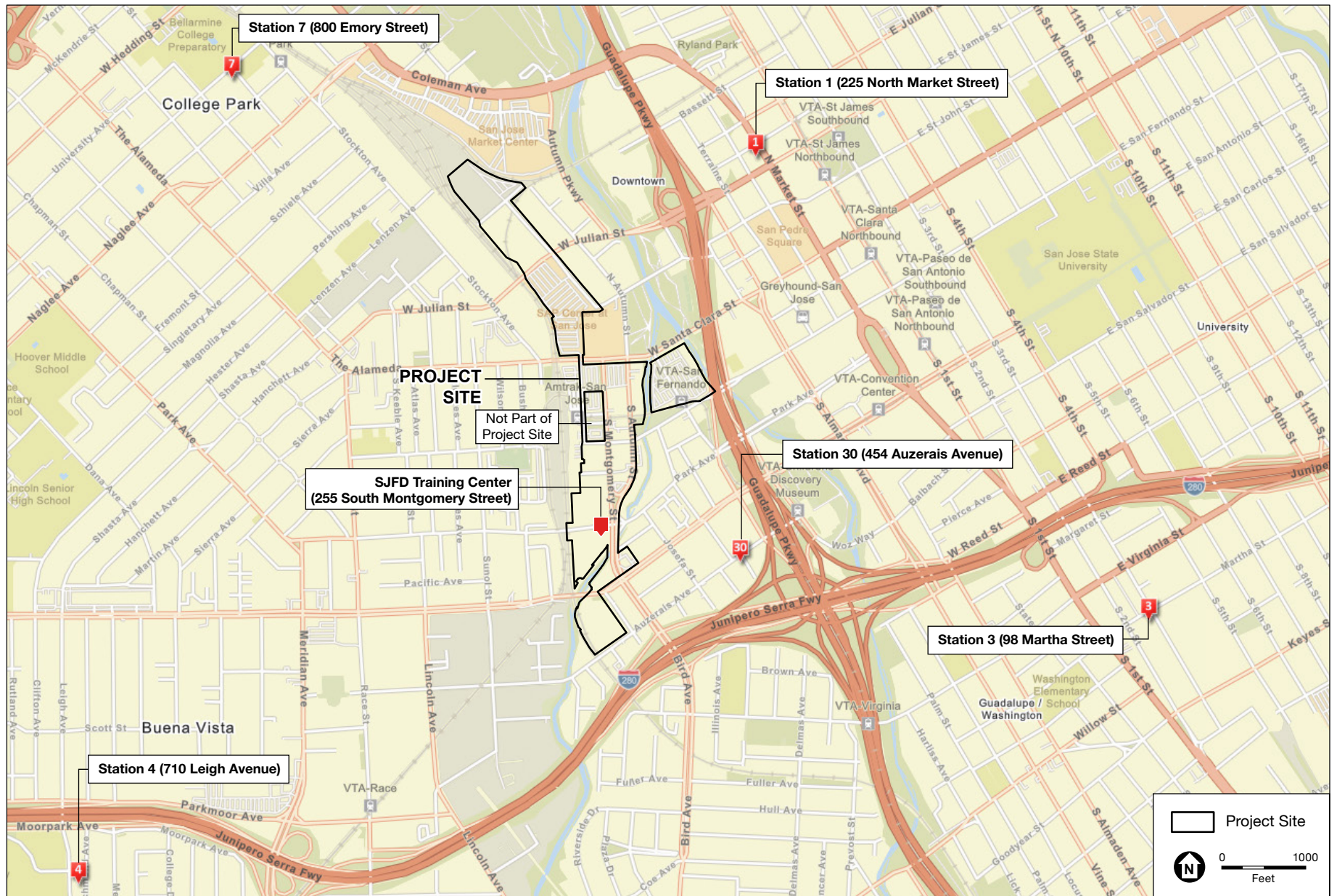
San José Fire Department Facilities and Staffing

SJFD operates 33 fire stations throughout San José. Three fire stations are within 1 mile of the project site: Station 30 (454 Auzerais Avenue), approximately 0.25 miles to the southeast; Station 1 (225 North Market Street) approximately 0.5 miles east; and Station 7 (800 Emory Street), approximately 0.5 miles northwest of the project site (refer to **Figure 3.12-1**).³ SJFD has

¹ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

² San José Fire Department, *San José Fire Department Strategic Business Plan, “20/20 Vision Plan,”* April 16, 2015.

³ San José Fire Department, *Stations*, 2020. Available at <https://www.sanjoseca.gov/your-government/departments-offices/fire/stations/-npage-2>. Accessed January 17, 2020.



SOURCES: City of San Jose, 2020; ESA, 2020

Downtown West Mixed-Use Plan

Figure 3.12-1
Fire Stations in the Project Vicinity

five battalions geographically located throughout the city in north, south, east, west, and central San José. Each battalion contains a subset of fire stations that provide response in a smaller geographical area. The project site is located in the SJFD response area designated as Battalion 1, located in the central portion of the city, which includes Stations 1, 3, 7, 8, 26, 30, and 33.^{4,5}

The SJFD Training Center (255 South Montgomery Street) is located on the project site. The training center includes fire and emergency response training facilities and a burn tower. The City has a rental agreement for the training facility that expires in June 2022, after which fire training activities will be relocated elsewhere in the city.⁶ Current plans for redevelopment of the training facility are to relocate it to the City's Central Service Yard adjacent to the SJFD Administration Building (1661 Senter Road); however, if there are unforeseen delays in construction of the new training facility, a lease extension at the current location may be necessary.⁷

On November 6, 2018, City of San José voters passed Measure T, the Disaster Preparedness, Public Safety and Infrastructure Bond, which authorized the City to issue up to \$650 million in general obligation bonds to fund emergency and disaster response, infrastructure, and roads. Based on this bond measure, SJFD immediately moved forward with construction of a new Station 37 (anticipated to be completed in January 2022), and evaluated available information and performance data toward establishing a prioritization of locations for rebuilding and/or relocating Stations 8 and 23, and building at least two new fire stations (Stations 32 and 36).^{8,9}

Equipment and station placement is based on several factors such as travel distance, population density, call volume, types of hazards, and overall performance. SJFD has established a Fire Station Prioritization List that will help strengthen response capabilities throughout the city. The five Measure T station improvements are priorities 1–5, and the relocation of Station 9 in the Cambrian area of southwest San José is priority 6. Priorities 1–6 are centered around serving the city's existing population. A new station for the Diridon Station Area is listed as priority 7, lower than other priorities, because of the timing of future development. Development in the Diridon Station Area is driving the need for a new fire station. Other higher priority projects are based on providing enhanced protection to the city's existing population.¹⁰

SJFD has approximately 711 sworn personnel supporting fire and emergency response, for a sworn personnel per thousand residents ratio of approximately 0.68.¹¹ SJFD's per capita staffing level is considerably lower than the average firefighter per thousand residents ratios for fire

⁴ Fire Station 33 is currently closed; however, the response area remains in the computer-aided dispatch system. The closest appropriate resources are dispatched to incidents in Station 33's response area.

⁵ San José Fire Department, *Fire Information Response*, April 10, 2020.

⁶ *The Mercury News*, "Google Buys Downtown San Jose Fire Training Site Needed for Transit Village," June 12, 2019. Available at <https://www.mercurynews.com/2019/06/12/google-buys-downtown-san-jose-fire-training-site-needed-for-transit-village/>. Accessed October 1, 2019.

⁷ San José Fire Department, *Fire Information Response, Downtown West Mixed Use Plan EIR*, December 26, 2019.

⁸ City of San José, *Measure T – New Fire Station Placement Prioritization*, June 6, 2019.

⁹ City of San José, *Status Report On Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond and Related Appropriation Ordinance Amendments*, November 27, 2019.

¹⁰ San José Fire Department, *Fire Information Response, Downtown West Mixed Use Plan EIR*, December 26, 2019.

¹¹ Based on a population of 1,043,058 in the city of San José in 2019 (refer to Section 3.11, *Population and Housing*) (711 sworn personnel/1,043 thousand residents = 0.68).

departments across all regions of the United States, which range from 0.93 in the West to 1.96 in the Northeast for protected populations greater than 250,000.¹²

San José Fire Department Response Times

Generally, SJFD requests for service are received as 911 calls and answered by a communications call taker, then prioritized using a nationally standardized fire or medical priority dispatching system questionnaire. Requests are divided into Priority 1 emergencies, Priority 2 emergencies, and non-emergencies:

- *Priority 1:* A time-critical emergency involving an immediate threat to life and/or property.
- *Priority 2:* A request in which critical intervention is required, but the situation has stabilized and is unlikely to worsen in the short term.
- *Non-emergency:* A general request for assistance in which there is no immediate threat to life or property. Currently, such non-emergencies either are not handled by SJFD resources or are handled without creating a formal incident that dedicates a firefighting vehicle to the incident (usually, walk-in requests at stations).¹³

In 2018, SJFD responded to 91,223 total Priority 1 and 2 incidents, including 73,880 medical incidents and 17,343 fire and other incidents.¹⁴ SJFD Battalion 1, which serves the project site, is the busiest of SJFD’s five battalions, having responded to 26,416 requests for service in the 2018–2019 fiscal year. **Table 3.12-1** lists the locations served by and stations operated within each battalion and the SJFD incidents by battalion for the 2018–2019 fiscal year. **Table 3.12-2** lists SJFD average response times in 2018 for the Battalion 1 stations and citywide, which include both Priority 1 and 2 incidents.

TABLE 3.12-1
INCIDENTS BY BATTALION, 2018–2019 FISCAL YEAR

Battalion	Location	Stations	Number of Incidents
Battalion 1	Central	1, 3, 7, 8, 26, 30, 33	26,416
Battalion 2	East	2, 11, 16, 19, 21, 24, 31	20,668
Battalion 5	North	5, 20, 23, 25, 29, 34	11,573
Battalion 10	West	4, 6, 9, 10, 14, 15	17,072
Battalion 13	South	12, 13, 17, 18, 22, 27, 28, 35	18,357

SOURCES:

San José Fire Department. *Fire Department Call Volume Report*, March 4, 2020.
 San José Fire Department. *Fire Information Response*, April 10, 2020.

¹² San José Fire Department, *Fire Information Response*, April 10, 2020.

¹³ San José Fire Department, *San José Fire Department Strategic Business Plan, “20/20 Vision Plan,”* April 16, 2015.

¹⁴ San José Fire Department, *Statistics*, 2019. Available at <https://www.sanjoseca.gov/your-government/departments/fire-department/statistics>. Accessed September 13, 2019.

**TABLE 3.12-2
 SAN JOSÉ FIRE DEPARTMENT 2018 RESPONSE TIMES**

	Number of Incidents	Average Call Processing Time^a (min:sec)	Average Turnout Time^b (min:sec)	Average Travel Time^c (min:sec)
Fire and Other				
Citywide	17,343	2:17	1:59	14:39
Station 1	849	2:11	1:35	13:57
Station 3	1,020	2:27	1:20	7:55
Station 7	444	1:58	1:27	7:39
Station 8	830	2:03	3:34	23:30
Station 26	1,098	2:06	1:19	12:24
Station 30	627	2:13	1:22	4:59
Station 33 ^d	96	2:10	1:23	6:51
Medical				
Citywide	73,880	0:56	1:33	9:01
Station 1	3,491	0:56	1:20	10:29
Station 3	3,373	1:02	1:21	9:55
Station 7	2,044	0:50	2:57	6:54
Station 8	3,350	0:56	1:14	8:07
Station 26	5,347	0:58	1:51	12:06
Station 30	2,325	0:58	1:11	6:15
Station 33 ^d	322	0:57	1:14	5:59

NOTES:

min = minutes, sec = seconds

^a Call processing time refers to the time interval from when a call is acknowledged at the communications center up until when emergency response units are notified that they have been assigned an emergency incident.

^b Turnout time refers to the time interval between when an emergency response unit has been notified they are assigned an emergency incident until they begin to respond to the emergency incident scene.

^c Travel time refers to the time between when the emergency unit is notified and when it arrives at the emergency incident scene.

^d Fire Station 33 is currently closed; however, the response area remains in the computer-aided dispatch system. The closest appropriate resources are dispatched to incidents in Station 33's response area.

SOURCE: San José Fire Department, Statistics, 2019. Available at <https://www.sanjoseca.gov/your-government/departments/fire-department/statistics>. Accessed September 13, 2019.

There are national standards, City-adopted performance standards, and contractual requirements regarding how quickly SJFD responds to emergencies. According to the National Fire Protection Association (NFPA) Performance Standards, departments should (1) respond in less than 6 minutes with appropriate personnel and equipment to all Priority 1 emergencies, for 90 percent of incidents; and (2) deliver, in less than 12 minutes, at least one truck and at least one engine to all working structure fires, for 90 percent of such incidents.

The response-time performance standard set by the City of San José applies to all types of incidents (e.g., EMS, fire, hazardous materials, rescue) and to all incidents handled within the city limits. The City standard is to arrive within 8 minutes for Priority 1 emergencies and within 13 minutes for Priority 2 emergencies, measured from the time that a relevant emergency is

reported. This standard is to be achieved on 80 percent of incidents.¹⁵ In 2018–2019,¹⁶ SJFD responded to 74 percent of Priority 1 incidents within the City’s time standard of 8 minutes, not meeting the 80 percent target. SJFD also did not meet the 80 percent target in 2016–2017 and 2017–2018. However, SJFD responded to 92 percent of Priority 2 incidents within 13 minutes, which meets the 80 percent target. Two stations near the project site (1 and 30) were among the fastest seven stations in the city responding to Priority 1 calls. Stations 1 and 30 met the Priority 1 response time target in 2018–2019, and Station 7 was slightly below the target.¹⁷

SJFD is contracted by the County to provide EMS. The response-time performance standard for the contract with County EMS is specific only to EMS incidents, defined by the County to include incidents such as major vehicle accidents. The County’s contractual standard is to arrive within 8 minutes for Priority 1 EMS incidents and within 13 minutes for Priority 2 EMS incidents. These times are measured from the time that a fire department resource is recommended for response by the computer-aided dispatch system. SJFD is to achieve this standard on 95 percent of incidents to avoid reductions in its funding stipend from the County, and on 90 percent of incidents to minimally comply with the County contract.¹⁸ In 2018, SJFD’s compliance rate with County EMS response standards averaged 90.63 percent, and the department did not meet the 90 percent compliance target during the first three months of the year.¹⁹ Thus, SJFD is currently meeting some local performance standards (City Priority 2), but not others (City Priority 1 and County EMS response standards).

SJFD’s operational performance is a function of three considerations: resource availability/reliability, department capability, and overall operational effectiveness. Resource availability continues to be a challenge for SJFD because of increasing call volumes citywide. This challenge occurs when a fire station’s responders are unavailable because of service demands, and another request for service is received for their jurisdiction. With this second request, personnel from the next closest station are dispatched to the emergency, often resulting in a delayed response. Fire stations in the Diridon Station Area (Stations 1, 3, 8, and 30) are among the busiest stations in San José and are less reliable as a resource because of their high call volumes. Fire Station 4 is west of the central area and responded to 4,356 service calls in the 2018–2019 fiscal year. However, the ability of Station 4 to support the central area is poor and unreliable, given the station’s own call volume.²⁰

¹⁵ City of San José, SJFD Response Time Measurements, 2019.

¹⁶ The most recent period for which data are available.

¹⁷ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

¹⁸ City of San José, SJFD Response Time Measurements, 2019.

¹⁹ San José Fire Department, Statistics, 2019. Available at <https://www.sanjoseca.gov/your-government/departments/fire-department/statistics>. Accessed September 13, 2019.

²⁰ San José Fire Department, *Fire Information Response*, April 10, 2020.

3.12.2 Regulatory Framework

State

California Fire Code

The California Fire Code (Title 24, Part 9) is based on the 2019 International Fire Code and includes amendments from the State of California fully integrated into the code. The California Fire Code contains fire safety–related building standards referenced in other parts of California Code of Regulations Title 24, also known as the California Building Standards Code.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan (General Plan)²¹ contains the following relevant policies related to fire protection and emergency services:

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

- For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and eleven minutes or less for 60 percent of all Priority 2 calls.
- 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.
- Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
- Measure service delivery to identify the degree to which services are meeting the needs of San José’s community.
- Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.3: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

Policy ES-3.4: Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.

Policy ES-3.5: Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.

²¹ City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at <https://www.sanjoseca.gov/home/showdocument?id=22359>. Accessed January 16, 2020.

Policy ES-3.6: Work with local, State, and Federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

Policy ES-3.13: Maintain emergency traffic preemption controls for traffic signals.

San José Municipal Code

The following chapters of the San José Municipal Code contain relevant provisions pertaining to fire protection and emergency services:

- **Chapter 17.12 (City of San José Fire Code)** adopts the 2019 California Fire Code, with local amendments related to fire flow; sprinkler and fire alarm systems and standards; lithium batteries; 3D printing additive manufacturing; mobile fueling; plant production extraction processing systems; and highly toxic, toxic, and moderately toxic gases; and maintenance of existing fire protection and regulatory authority.
- **Chapter 17.68 (Hazardous Materials Storage Permit)** describes the requirements for storage of hazardous materials, including flammable and combustible liquids classified by the NFPA. These requirements include acquiring a storage permit, developing and submitting a hazardous materials management plan (HMMP), and complying with requirements for storage, transportation, monitoring and inspection, and secondary containment. The HMMP must include an emergency response plan that describes emergency equipment availability, testing, and maintenance.
- **Chapter 17.82 (Fire Safety during Construction)** is intended to minimize the potential for the occurrence and spread of fires, and to facilitate firefighting efforts, during construction of wood frame buildings. Chapter 17.82 requires that a construction fire protection plan be prepared before issuance of a building permit for any building involving wood frame construction. The plan must be approved by the fire chief and must specify how off-hours security will be addressed, and how construction sequencing—including the installation of mitigating fire protection barriers—will be used to minimize the potential for the occurrence and spread of fire.

3.12.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a fire protection and emergency services impact would be significant if implementing the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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.

Approach to Analysis

This section discusses potential direct impacts on fire protection and emergency services relative to potential substantial adverse physical impacts associated with the provision of new or

physically altered governmental facilities, or the need for new or physically altered governmental facilities. The proposed project could have a significant impact on fire protection and emergency services if:

1. The proposed project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

The project population figures used in this section are based on those estimated in Section 3.11, *Population and Housing*. Where applicable, the maximum residential scenario was used to conservatively analyze impacts.

Impact Analysis—Fire Protection and Emergency Services

Impact PS-1: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 fire protection and emergency services. (*Less than Significant*)

Construction

As described in Chapter 2, *Project Description*, construction would begin in 2021 and may continue through 2031. The presence of construction workers on-site and construction activities could result in an incremental, temporary increase in demand for fire protection and emergency services. As discussed in Section 3.11, *Population and Housing*, construction-related jobs generated by the proposed project would likely be filled by employees within the construction industry in the city of San José and greater Santa Clara County, many of whom are currently being served by SJFD fire protection and emergency services, and therefore would not represent an increase in demand for services.

Further, this incremental, temporary increase in demand for services during construction could be accommodated by existing SJFD fire protection and emergency services and would not require the construction of new or physically altered facilities to maintain services. Chapter 17.82 of the San José Municipal Code requires that a construction fire protection plan be prepared before the issuance of a building permit for any building involving wood frame construction. The plan must be approved by the fire chief and must specify how off-hours security will be addressed, and how construction sequencing—including the installation of mitigating fire protection barriers—will be used to minimize the potential for the occurrence and spread of fire. In addition, the Fire Code requires adequate vehicle access for firefighting at construction and demolition sites.

Therefore, acceptable fire protection and emergency services would be maintained during construction of the proposed project, and impacts would be **less than significant**.

Mitigation: None required.

Operation

The population increase caused by the proposed project would increase demand for fire protection and emergency services, which could affect SJFD service ratios and response times. According to the General Plan EIR, growth resulting from the General Plan would create a need for additional fire personnel and equipment to serve the high density development envisioned under the General Plan.²² Development of the proposed project would result in up to approximately 12,980 new residents, an increase that is within the citywide growth projections in the General Plan; however, such development would slightly decrease SJFD's current, citywide sworn personnel/resident ratio from approximately 0.68 to 0.67, adding to the existing deficiency in SJFD's desired per capita staffing levels.²³ Additional sworn personnel would be allocated over time, through the City's annual budget process.

As discussed in Section 3.12.1, *Environmental Setting*, SJFD is meeting some but not all of the national standards, City-adopted performance standards, and contractual requirements regarding SJFD response times to emergencies. Battalion 1 fire stations, which serve the project site and central San José, are among the busiest stations in the city and are less reliable as a resource because of their existing high call volumes. However, two fire stations near the project site (1 and 30) were among the fastest seven stations in the city (out of 34) to respond to Priority 1 calls. With increased call volume to these stations without additional resources, response times would increase and availability to assist neighboring stations will be reduced for larger events (e.g., alarms, fire, and rescue). Furthermore, the ability of neighboring stations to support the central area is already poor and unreliable, given their own call volumes.

SJFD has developed a response-time work plan that includes strategies to further improve its response-time performance, which is challenged by increasing call volumes, increased traffic, and increased population density throughout the city. In 2018–2019, SJFD deployed a feature using automatic vehicle location to provide more accurate data regarding when an emergency vehicle has arrived at the location of an emergency. SJFD is also expanding emergency vehicle preemption of traffic signals, which equips traffic signals to give green lights to oncoming emergency vehicles (consistent with General Plan Policy ES-3.13), and is upgrading fire station alerting systems, which will automate various dispatching steps to reduce call processing times.²⁴ Emergency-vehicle preemption of traffic signals can also reduce the need for siren use during responses to service calls. SJFD has indicated that it would monitor occupancy levels during development of the proposed project to maintain adequate response levels.²⁵

According to the General Plan EIR, development allowed under the General Plan is not anticipated to require the construction of new fire stations other than those currently planned. However, none of these planned facilities are located near the project site.²⁶ Because development of the proposed project may exceed Downtown growth anticipated in the General Plan and the

²² City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

²³ Based on a population of 1,043,058 in the city of San José in 2019 (refer to Section 3.11, *Population and Housing*) (711 sworn personnel/1,056.038 thousand residents = 0.67).

²⁴ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

²⁵ San José Fire Department, *Fire Information Response, Downtown West Mixed Use Plan EIR*, December 26, 2019.

²⁶ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

Downtown Strategy 2040 (refer to Section 3.11, *Population and Housing*), Battalion 1 service levels would be affected, and new or expanded fire facilities may be required.

SJFD has indicated that the fire stations closest to the project site (Stations 1, 7, and 30) do not have existing capacity for additional personnel or equipment. However, Station 3 (98 Martha Street), located approximately 1.21 miles southeast of the project site, and Station 4 (710 Leigh Avenue), located 1.3 miles southwest of the project site, do have existing capacity for additional personnel and equipment.²⁷ Thus, while the project is being developed, Stations 3 and 4 could be used to meet increasing demand from the project.

However, existing facilities may need to be expanded to accommodate additional equipment and employees. Expansion of existing facilities could entail adding another bay to an existing station with an additional engine company. Modifications at stations in the project area would likely require acquiring adjacent properties to facilitate expansion. Because the need for new or expanded facilities is unclear, no potential locations for facilities have been identified, and no specific improvements are currently contemplated, any potential environmental impacts associated with construction or expansion of those facilities would be speculative. However, it is reasonable to conclude that an addition to an existing fire station would result in relatively minimal construction and would be unlikely to result in significant physical effects on the environment, assuming no historic architectural resources are adversely affected and compliance with General Plan Policy ES-3.4.

In addition, SJFD has indicated that a new fire station in the Diridon Station Area is priority 7 on its Fire Station Prioritization List, which identifies projects needed in response to increased development in the Diridon Station Area. The priority level is based on the timing of development for the area; however, the necessary construction schedule and location of a potential new station in the Diridon Station Area is speculative at this time. New fire facilities in the Diridon Station Area would, by definition, be developed on an infill parcel. Therefore, construction of a new fire station would not result in significant physical impacts, given their urban location and relatively small size (0.5 to 1.25 acres²⁸), and through adherence to General Plan policies such as Policies ES-3.3 and ES-3.4. In addition, if necessary, a new fire station could be sited within the project site, potentially using ground-floor space in a building in the project's development program. Given the scale of the proposed project relative to development of a ground-floor use on an infill parcel for a new fire station, the construction of a new fire station on the project site would not result in significant environmental impacts.

The existing SJFD Training Center is located on the project site. Following lease expiration, the facility will be relocated, and the site would be redeveloped as part of the project. The City has a rental agreement for the training facility that expires in June 2022, after which fire training activities will be relocated elsewhere in the city.²⁹ SJFD has indicated that current plans for redevelopment of the training facility are to relocate it to the City's Central Service Yard, an infill

²⁷ San José Fire Department, *Fire Information Response, Downtown West Mixed Use Plan EIR*, December 26, 2019.

²⁸ Based on lot sizes for fire stations near the project site (Stations 1, 7, and 30).

²⁹ *The Mercury News*, "Google Buys Downtown San Jose Fire Training Site Needed for Transit Village," June 12, 2019. Available at <https://www.mercurynews.com/2019/06/12/google-buys-downtown-san-jose-fire-training-site-needed-for-transit-village/>. Accessed October 1, 2019.

parcel adjacent to the SJFD Administration Building. Because no specific improvements are currently under consideration, any potential environmental impacts associated with construction of those facilities would be speculative and are not proposed as a part of the project or included in this analysis. However, construction of a new training facility would not result in significant environmental impacts, given its urban location and adherence to General Plan policies such as Policies ES-3.3, ES-3.4, and ES-3.13.

In addition, development of the proposed project would result in the generation of new property taxes and other revenues that go into the City's General Fund, and thus would provide more resources to cover the increased budget for fire services.³⁰ The proposed project would also be designed to comply with the most up-to-date building and fire codes and would include fire safety measures and equipment, including fire retardant building materials, emergency water infrastructure (fire hydrants and sprinkler systems), smoke detectors and fire extinguishers, emergency response notification systems, and adequate access ways within the project site for emergency vehicles. Project fire safety plans would be subject to review and approval by SJFD.

Therefore, despite the increased demand for fire protection and emergency services that would result from the proposed project, service from Stations 3 and 4 to support Battalion 1 and Stations 1, 7, and 30, along with the future construction of a new station in the Diridon Station Area, would be able to handle the increased demand. Although speculative, as described above, it is not anticipated that construction of potential new or expanded fire facilities would not result in significant physical impacts. Impacts related to fire protection and emergency services would be **less than significant**.

Mitigation: None required.

Cumulative Impacts—Fire Protection and Emergency Services

Impact C-PS-1: The proposed project, combined with cumulative development in the project vicinity and citywide, would contribute to a cumulative increase in demand for fire protection and emergency services but would not result in significant environmental impacts due to the construction of new facilities. (*Less than Significant*)

The geographic scope of potential cumulative impacts related to fire protection and emergency services encompasses the project site and all areas of San José, as fire protection and emergency services and facilities are provided citywide. This analysis considers two conditions:

1. Whether there would be a significant, adverse cumulative impact associated with the proposed project in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the geographic area; and
2. If so, whether the project's incremental contribution to the cumulative impact would be considerable.

Both conditions must apply for a project's cumulative effects to rise to the level of significance.

³⁰ City of San José, 2019–2020 Adopted Operating Budget. Available at <https://www.sanjoseca.gov/home/showdocument?id=45411>. Accessed May 6, 2020.

Cumulative Impact and Project Contribution—Fire Protection and Emergency Services

The proposed project, in combination with cumulative development in the project vicinity and citywide, would generate a need for additional fire protection and emergency services, which would add to the existing deficiency in SJFD’s response times and performance levels, resulting in the need for additional fire protection services. The proposed project’s employment and population growth would be within the City’s overall growth projections identified in the General Plan. According to the General Plan EIR, development allowed under the General Plan is not anticipated to require the construction of new fire stations, other than those currently planned.³¹ In addition, the Diridon Station Area Plan (DSAP) and Downtown Strategy EIRs found that development under the plans would not result in the need for construction of fire stations in excess of those currently planned. However, the proposed project would concentrate growth in the Downtown portion of San José, which would result in increased demand for services from Battalion 1 stations in the central portion of the city.

Also, since publication of the DSAP and Downtown Strategy EIRs, a new fire station in the Diridon Station Area has been identified as priority 7 on SJFD’s Fire Station Prioritization List. The projects on SJFD’s Fire Station Prioritization List are intended to strengthen response capabilities throughout the city. In addition, amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). SJFD has also indicated that based on cumulative growth in the city and the Diridon Station Area, a new fire station would be required in the Diridon Station Area.^{32,33}

The need for additional fire facilities to cover a greater population concentration as projects are proposed will require further analysis, along with the ability of emergency services to access all areas within established response time standards. The new fire station would require project-level CEQA review when a suitable site is identified and the project moves forward, because the necessary construction schedule and location of a potential new station in the Diridon Station Area are speculative at this time.

As discussed under Impact PS-1, the proposed project would not result in any significant impacts related to the construction of expanded or additional fire facilities. New fire facilities in the Diridon Station Area would, by definition, be developed on an infill parcel. Based on SJFD’s prototypical model and average fire stations, a fire station typically occupies around 8,000 square feet on a 0.6-acre lot.³⁴ Therefore, construction of a new fire station would not result in significant environmental impacts, given its urban location and relatively small size, and through adherence to General Plan policies such as Policies ES-3.3, ES-3.4, and ES-3.13. If necessary, a new fire station could be incorporated into the ground floor of a building in the project’s development program, and would not result in significant environmental impacts not otherwise analyzed in this EIR.

³¹ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

³² San José Fire Department, *Fire Information Response, Downtown West Mixed Use Plan EIR*, December 26, 2019.

³³ San José Fire Department, *Fire Information Response*, April 10, 2020.

³⁴ San José Fire Department, *Fire Information Response*, April 10, 2020.

Therefore, while the project would contribute to a cumulative increase in demand for fire protection and emergency services, the increase would not result in significant environmental impacts due to the construction of new facilities. This impact would be **less than significant**.

Mitigation: None required.

Police Protection

3.12.4 Environmental Setting

The San José Police Department (SJPD) provides police services throughout the city. SJPD is divided into four bureaus—Field Operations, Investigations, Administration, and Technical Services—and the office of the Executive Officer.³⁵ SJPD refers to its Patrol Division as the Bureau of Field Operations. The Bureau of Field Operations is the primary provider of police services in San José, deploying more than 980 sworn officers throughout the city.

Bureau of Field Operations personnel are prepared to respond to both emergency and non-emergency calls for service in each of the city's 16 patrol districts, which are further broken down into police beats. The 16 patrol districts comprise four divisions, each containing four districts. Each division is commanded by a police captain.³⁶

The project site is located primarily within the Central Division, District E, Beat E1. The southern-most portion of the project site is located within the Western Division, District F, Beat F5.³⁷

San José Police Department Facilities and Staffing

SJPD has one police station open to the public, at 201 West Mission Street, approximately 0.75 miles northeast of the project site. SJPD also has four community policing centers and one police substation that are currently closed to the public due to staffing issues. One community policing center is located approximately 0.55 miles east of the project site in Downtown San José (30 East Santa Clara Street).³⁸ The police substation is being used as a training center for the SJPD Police Academy.³⁹ The City is also currently planning to build a new police training and academy facility; however, a site has not yet been identified.⁴⁰ SJPD has indicated that existing police facilities have capacity for additional staff.⁴¹

Positions are added through the City's annual budget process.⁴² In 2018–2019, SJPD had 1,691 authorized positions, including 640 civilian authorized positions. SJPD has faced high vacancies and decreasing numbers of street-ready officers. Of the 1,151 authorized sworn positions,

³⁵ San José Police Department, Inside SJPD—Department Information, 2019. Available at <http://www.sjpd.org/insidesjpd/>. Accessed October 3, 2019.

³⁶ San José Police Department, Bureau of Field Operations. Available at <http://www.sjpd.org/bfo/>. Accessed October 2, 2019.

³⁷ San José Police Department, San José Police Department Use of Force Analysis, Interactive Dashboard. Available at <http://www.sjpd.org/crimestats/forceanalysis.asp>. Accessed October 4, 2019.

³⁸ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

³⁹ San José Police Department, Coffee with the Chief Q&A, Hosted by Councilmember Sergio Jimenez, Saturday, February 10, 2018.

⁴⁰ City of San José, *Status Report On Measure T – The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond and Related Appropriation Ordinance Amendments*, November 27, 2019.

⁴¹ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

⁴² San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

908 were actual full-duty, street-ready as of June 2019. SJPD has been experiencing vacancies of sworn police positions for the past 10 years.⁴³

San José Police Department Calls for Service and Response Times

The SJPD Communications Center receives all 911 emergency calls for police, fire, and ambulance services in the city, as well as non-emergency calls. Once a telephone call is received, the call taker quickly determines the type of complaint and jurisdiction of the call, and handles it accordingly. The call may involve a transfer, a referral, or that an event be created for dispatch.⁴⁴ In 2018–2019, SJPD handled about 1.2 million total calls for service. The number of emergency calls increased slightly from 2017–2018 (totaling about 601,144 or about half of all calls). The number of non-emergency calls totaled about 431,000. Field events (e.g., car and pedestrian stops, other officer-initiated calls) accounted for the remaining calls. The percentage of emergency calls answered within 10 seconds was 88 percent, which did not meet the target of 90 percent, but was an improvement from the previous year’s 86 percent. The City is exploring moving non-emergency calls out of the Communications Center to improve emergency call answering times.⁴⁵

There are four levels of service calls for SJPD response:

- *Priority 1:* An event with immediate potential for imminent danger to life or property.
- *Priority 2:* An event that has occurred, for which the suspect may be near but is no longer at the scene and/or no imminent threat exists to life or property.
- *Priority 3:* A non-emergency involving property damage or the potential for property to be damaged (a police report may be requested or required).
- *Priority 4:* A non-emergency without present or potential damage to property, in which the suspect is gone.⁴⁶

In 2018–2019, SJPD responded to about 196,000 Priority 1–4 incidents: 8,200 Priority 1 responses (4 percent), 83,300 Priority 2 responses (42 percent), 76,500 Priority 3 responses (39 percent), and 28,200 Priority 4 responses (14 percent). Approximately 11,000 responses were made by officers in District E and approximately 12,500 by officers in District F, which is about 11 percent of Priority 1–4 incidents.⁴⁷

In 2018–2019, the citywide average response time for Priority 1 calls was 7.1 minutes, which did not meet the target of 6 minutes. The citywide average 19.9-minute response time for Priority 2 calls was well above the target of 11 minutes. As staffing reductions have affected SJPD, the

⁴³ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁴⁴ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

⁴⁵ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁴⁶ San José Police Department, *Answers to Frequently Asked Questions*. Available at <http://www.sjpd.org/faq.html>. Accessed October 4, 2019.

⁴⁷ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

department has focused on maintaining the Priority 1 response times, as these calls involve present or imminent danger to life or major property loss. Average response times in District E were just below the 6-minute target, and were the fastest citywide. Average response times in District F were approximately 7 minutes, the seventh fastest among the city's 16 districts.⁴⁸

3.12.5 Regulatory Framework

Local

Envision San José 2040 General Plan

The General Plan contains the following relevant policies related to police protection:

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

- 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.
- 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.
- Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
- Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
- Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.3: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

Policy ES-3.4: Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.

Policy ES-3.5: Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.

Policy ES-3.6: Work with local, State, and Federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

Policy ES-3.13: Maintain emergency traffic preemption controls for traffic signals.

⁴⁸ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

3.12.6 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a police protection impact would be significant if implementing the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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.

Approach to Analysis

This section discusses potential direct impacts on police protection relative to potential substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. The proposed project could have a significant impact on police protection if:

1. The project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

The project population figures used in this section are based on those estimated in Section 3.11, *Population and Housing*. Where applicable, the maximum residential scenario was used to conservatively analyze impacts.

Impact Analysis—Police Protection

Impact PS-2: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 police protection. (*Less than Significant*)

Construction

As described in Chapter 2, *Project Description*, construction would begin in 2021 and may continue through 2031. Construction activities and the presence of construction workers on-site could result in an incremental, temporary increase in demand for police protection. As discussed in Section 3.11, *Population and Housing*, construction-related jobs generated by the project would likely be filled by employees within the construction industry in the city of San José and greater Santa Clara County, many of whom are currently being served by SJPD police protection services, and therefore would not represent an increase in demand for services. In addition, as discussed in the impact analysis for fire protection and EMS (Section 3.12.3), the project would

be required to prepare a construction fire protection plan describing how off-hours security would be addressed on the project site. Further, this incremental, temporary increase in demand for services during construction could be accommodated by existing SJPD police protection services and would not require the construction of new or physically altered facilities to maintain services. Acceptable police protection would be maintained during construction of the project, and impacts would be **less than significant**.

Mitigation: None required.

Operation

The proposed project's mixed-use development would increase the project site's daily population because increased numbers of employees and visitors would be present at the proposed office uses, hotel, event and conference space, and active uses. The project would also generate a new permanent residential population at the proposed on-site residential uses. The population increase caused by the proposed project would cause reported crime and calls for service from SJPD to increase. As discussed in Section 3.12.4, *Environmental Setting*, SJPD is currently not meeting its response-time targets. However, in 2018–2019, the average response times in District E, in which most of the project site is located, were just below the 6-minute target and were the fastest in the city. Average response times in District F, which includes the southernmost parcel of the project site, were approximately 7 minutes, the seventh fastest among the city's 16 districts.⁴⁹

According to the General Plan EIR, growth resulting from the General Plan would create a need for additional police officers and equipment.⁵⁰ Development of the proposed project would result in up to approximately 12,980 new residents, an increase that is within citywide growth projections under the General Plan and would not change the current officer-to-resident ratio of 1.1 per 1,000 residents citywide.⁵¹ As discussed above, SJPD has been experiencing sworn police vacancies for the past 10 years; however, 2017–2018 was the second consecutive year since 2011–2012 in which vacancies decreased.⁵² SJPD estimates that based on its goal of 1.5 officers per 1,000 residents, approximately 20 additional officers may be needed to serve the project at full buildout. Additional officers would be allocated over time, through the City's annual budget process.⁵³

According to the General Plan EIR, development allowed under the General Plan is not anticipated to require the construction of new police facilities. Police services would continue to be dispatched from police headquarters, which is located 0.75 miles from the project site, and no additional stand-alone police facilities would be required. However, SJPD may increase the number of community policing centers located in existing commercial buildings, or within new private development.⁵⁴ SJPD has indicated that existing police facilities have capacity for

⁴⁹ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁵⁰ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

⁵¹ Based on a population of 1,043,058 in the City of San José in 2019 (refer to Section 3.11, *Population and Housing*) (1,109 approved sworn officers/1,056,038 thousand residents = 1.1).

⁵² City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁵³ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

⁵⁴ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

additional staffing, and no additional facilities are anticipated to be required for the proposed project.⁵⁵ As described above, SJPD's four community policing centers and police substation are currently closed to the public because of staffing issues.⁵⁶ One of these community policing centers is located 0.55 miles from the project site and could be reopened to address project needs if required. As SJPD employs new officers, these facilities may reopen, or a new community policing center could be developed on the project site. Should SJPD determine that a community policing center is necessary on the project site, the facility would be incorporated into an otherwise-planned structure, and would generate no further impacts beyond those identified in this draft EIR for the proposed project.

In addition, the proposed project would have a private security force typical of office campuses and urban residential developments, which would be on-site to respond to security issues and emergencies as they arise. As discussed in Chapter 2, *Project Description*, the project would include an on-site security plan to provide campus security 24 hours a day. Campus security would consist of security patrols on foot and by vehicle, alarm and incident response, escorts by request, and first aid emergency response. On-site security would reduce some of the demand for police services on the project site caused by increases in the number of employees during the daytime hours. Project plans would also be subject to Crime Prevention through Environmental Design (CPTED) review by SJPD as part of the City's standard review process. CPTED recommendations can be used to discourage criminal activity by combining security hardware, psychology, and physical site design. Although the proposed project would increase the demand for police protection, the construction of potential expanded or new police facilities would not result in significant physical impacts. Impacts related to police protection would be **less than significant**.

Mitigation: None required.

Cumulative Impacts—Police Protection

Impact C-PS-2: The proposed project, combined with cumulative development in the project vicinity and citywide, would not result in an adverse cumulative increase in demand for police protection. (*Less than Significant*)

The geographic scope of potential cumulative impacts related to police protection encompasses the project site and all areas of San José, as police services are provided citywide. This analysis considers two conditions:

1. Whether there would be a significant, adverse cumulative impact associated with the proposed project in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the geographic area; and
2. If so, whether the project's incremental contribution to the cumulative impact would be considerable.

⁵⁵ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

⁵⁶ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Cumulative Impact and Project Contribution—Police Protection

Cumulative development in the project vicinity and citywide would generate a need for additional police protection, based on an increase in the citywide population, which would add to existing deficiencies in police response times. As discussed in Section 3.11, *Population and Housing*, the General Plan planned for approximately 367,869 additional residents by 2040. In addition, amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). The ongoing DSAP planning process and the proposed project would shift some of the growth projected in the General Plan from other areas of the city to the Downtown area. SJPD's cumulative goal is to reach and maintain a 1.5 sworn officer average per 1,000 residents, which would result in the need for approximately 552 officers by 2040.

As discussed under Impact PS-2, additional officers would be allocated over time, through the City's annual budget process.⁵⁷ According to the General Plan EIR, development allowed under the General Plan is not anticipated to require the construction of new police facilities; police services would continue to be dispatched from police headquarters, and no additional stand-alone police facilities would be required.⁵⁸ As discussed under Impact PS-2, the proposed project would not result in any significant impacts related to the construction of expanded or additional police facilities. Therefore, the project's contribution **would not be cumulatively considerable** and is **less than significant**.

Mitigation: None required.

⁵⁷ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

⁵⁸ San José Police Department, *Police Information Response, Downtown West Mixed Use Plan EIR*, December 20, 2019.

Public Schools

3.12.7 Environmental Setting

The project site is served by San José Unified School District (SJUSD). SJUSD operates 41 schools: 26 elementary schools, 1 K–8 school, 6 middle schools, 6 high schools, and 2 alternative education programs.⁵⁹ The project site is located within the enrollment area for Grant, Horace Mann, and Gardner Elementary Schools; Hoover Middle School; and Lincoln High School.⁶⁰

During the 2018–2019 academic year, 31,114 students were enrolled in SJUSD schools.⁶¹

Table 3.12-3 shows enrollment for the schools in the project site’s enrollment area and the school sites’ capacity. Of the schools with enrollment areas that overlap with the project site, all have excess capacity except one: Lincoln High School, which, based on 2018–2019 academic year enrollment, was at 100.4 percent of capacity.⁶²

**TABLE 3.12-3
 SAN JOSÉ UNIFIED SCHOOL DISTRICT 2018–2019 ENROLLMENT**

Schools	Students	School Capacity
Elementary		
Grant Elementary	473	870
Horace Mann Elementary	402	870
Gardner Elementary	387	783
Middle		
Hoover	1,082	1,363
High		
Lincoln High	1,805	1,798

NOTES:

Bold indicates a value that is over student capacity for the school site.

SOURCES:

California Department of Education, *2018–19 Enrollment by Grade*, San José Unified Report (43-69666). Available at <https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=4369666andaggllevel=districtandyear=2018-19>. Accessed October 8, 2019.
 San José Unified School District, *7-Year Student Population Projections by Residence, Fall 2017–2023*, June 5, 2017.

Enrollment in SJUSD schools has declined each year during the past five academic years for which data are available, from 32,938 students in the 2014–2015 academic year to 31,114 during the 2018–2019 academic year.⁶³ SJUSD is also projecting continued enrollment decline through 2023, the current horizon for district projections.

⁵⁹ San José Unified School District, Information Guide. Available at https://www.sjUSD.org/docs/district_information/2018_Info_Guide_ENG.pdf. Accessed October 4, 2019.

⁶⁰ San José Unified School District, School Site Locator. Available at <http://apps.schoolslocator.com/?districtcode=25499>. Accessed October 8, 2019.

⁶¹ California Department of Education, *2018–19 Enrollment by Grade*, San Jose Unified Report (43-69666). Available at <http://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=4369666andaggllevel=districtandyear=2018-19>. Accessed October 8, 2019.

⁶² San José Unified School District, *7-Year Student Population Projections by Residence, Fall 2017–2023*, June 5, 2017.

⁶³ California Department of Education, *Enrollment Multi-Year Summary by Grade*, San Jose Unified Report (43-69666). Available at <http://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdYears.aspx?cds=4369666andaggllevel=districtandyear=2018-19>. Accessed October 8, 2019.

SJUSD's trend of declining enrollment is occurring largely because incoming elementary classes are smaller than the graduating high school classes they are due to replace. SJUSD's districtwide birth data indicate that there could be stable incoming kindergarten classes over the projected time frame; however, students are leaving the district as class cohorts graduate from grade to grade. The student population is dropping as students move from grade to grade, at rates ranging from 1 percent to 28 percent, depending on grades and region within the district.

In addition, typical residential unit cycles, in which younger families with young children move into residential units as older parents with college-age children move out, may not be occurring in many parts of SJUSD's neighborhoods. For example, homes that were once affordable to younger families may no longer be affordable, and are being occupied by a different demographic that may not include children. Further, although thousands of residential units are scheduled for construction, most are high-rise apartments, condominiums, and townhomes where fewer school-age children live.⁶⁴

SJUSD is also dealing with enrollment imbalances districtwide, in both elementary and secondary schools⁶⁵; some schools are close to capacity, and others are under-enrolled and offer fewer programs to students as a result.⁶⁶ Other than facilities available for high school students, future use of SJUSD facilities is being reviewed by the SJUSD Board of Education based on current enrollment and enrollment projections.⁶⁷

SJUSD imposes development fees on new residential or remodeling projects, and on commercial and industrial construction. These fees are intended to fund the construction or reconstruction of school facilities to accommodate increasing enrollment within SJUSD boundaries that results from new development. Fees for multi-unit residential developments are calculated by SJUSD and provided to developers.⁶⁸

3.12.8 Regulatory Framework

State

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill (SB) 50, authorizes school districts to levy developer fees under Section 17620 of the California Education Code to finance the construction or reconstruction of school facilities. SB 50 amended California Government Code Section 65996, which describes methods for considering and mitigating impacts on school facilities that could result from any state or local agency action, including development of real

⁶⁴ San José Unified School District, *7-Year Student Population Projections by Residence, Fall 2017–2023*, June 5, 2017.

⁶⁵ San José Unified School District, Recommendation to the Board of Education RE: current enrollment, enrollment projections, and utilization of District facilities, October 10, 2017.

⁶⁶ San José Unified School District, *Looking Toward the Future: San José Unified's Employee Housing Initiative*. Available at <https://www.sjUSD.org/who-we-are/employee-housing/>. Accessed October 8, 2019.

⁶⁷ San José Unified School District, Recommendation to the Board of Education RE: current enrollment, enrollment projections, and utilization of District facilities, October 10, 2017.

⁶⁸ San José Unified School District, Community Resources, Pay Development Fees. Available at <https://www.sjUSD.org/your-resources/community-resources/#pay-development-fees>. Accessed October 8, 2019.

property. SB 50 also restricts the ability of local agencies to deny project approvals on the basis that public school facilities (e.g., classrooms, auditoriums) are inadequate.

School impact fees are collected when building permits are issued. Payment of school fees is required by SB 50, for all new development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from the costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for impacts on or inadequacy of school facilities.

Envision San José 2040 General Plan

The General Plan contains the following relevant policy related to schools:

Policy ES-1.9: Provide all pertinent information on 2040 General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.

3.12.9 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a public schools impact would be significant if implementing the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives.

Approach to Analysis

This section discusses potential direct impacts on public schools relative to potential substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. The proposed project could have a significant impact on public schools if:

1. The project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

The project population figures used in this section are based on those estimated in Section 3.11, *Population and Housing*. Where applicable, the maximum residential scenario was used to conservatively analyze impacts.

Impact Analysis—Public Schools

Impact PS-3: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives for schools. (*Less than Significant*)

The proposed project includes the development of up to 5,900 residential units on the project site. Phases 1, 2, and 3 of the project would include up to 3,130 units, up to 1,410 units, and up to 1,360 units, respectively. New residential development on the project site would cause an increase in the number of school-age children who could be enrolled in SJUSD schools. Conservatively taking into account the upper range of proposed residential units and SJUSD student generation rates based on those identified in the *Envision San José 2040 General Plan Draft Program EIR*,⁶⁹ the proposed project would result in up to approximately 1,570 new school-age children at full buildout (**Table 3.12-4**). The new students would be added to districtwide enrollment incrementally over time during development of the project, over approximately 11 years.

**TABLE 3.12-4
 ESTIMATED PROJECT STUDENT GENERATION**

Grade Group	Students per Residential Housing Unit ^a	Project School-Age Children—Full Buildout ^b
Kindergarten–5th Grade	0.133	785
6th–8th Grade	0.071	419
9th–12th Grade	0.062	366
Total	—	1,570

NOTES:

Rows may not total due to rounding.

^a Student generation rates for San José Unified School District are based on those contained in the *Envision San José 2040 General Plan Draft Program EIR*.

^b Based on 5,900 housing units developed by the project at full buildout.

SOURCE: City of San José, *Envision San José 2040 General Plan EIR*, June 2011.

As shown in **Table 3.12-5**, according to SJUSD school capacity data and school surplus projections for 2023, schools in the project site’s enrollment area would be able to absorb the project’s student demand. These school surplus projections do not include out-of-district students or students who choose to attend schools outside of their assigned enrollment areas; however, the proposed project’s student generation rate is conservative, and enrollment priority goes to students who reside within the school attendance boundaries. SJUSD has a choice enrollment program for middle and high school students, which allows students to rank their preferred schools to attend in the district. However, enrollment priority still goes to students who reside

⁶⁹ The student generation rates used in the *Envision San José 2040 General Plan Draft Program EIR* include higher student generating residential uses (e.g., single-family detached). As noted in SJUSD’s *7-Year Student Population Projections by Residence, Fall 2017–2023*, multifamily residential uses generate fewer school-age children. Therefore, this estimate is conservative.

within the school attendance boundaries. SJUSD has indicated that there have been enrollment decreases specifically in the Downtown area due in part to the nature of high-rise, multifamily development coming online, and the district does not have any current plans to develop new school facilities.⁷⁰

**TABLE 3.12-5
 ESTIMATED STUDENT CAPACITY AT SAN JOSÉ UNIFIED SCHOOL DISTRICT SCHOOLS IN THE PROJECT VICINITY**

School	Number of Seats	Projected Surplus Capacity in 2023 ^a	Projected Surplus Capacity including Estimated Project Students—Full Buildout ^b
Elementary Schools near the project site ^c	2,523	1,452	667
Middle School			
Hoover Middle School	1,363	710	291
High School			
Lincoln High School	1,798	691	325

NOTES:

- ^a As projected by the San José Unified School District by residence. Note this does not include out-of-district students or students who choose to attend schools out of their assigned enrollment areas.
- ^b Per Table 3.12-4, at full buildout, the project would generate approximately 785 elementary school students, 419 middle school students, and 366 high school students.
- ^c Elementary schools near the project site include Grant, Horace Mann, and Gardner Elementary Schools.

SOURCE: San José Unified School District, *7-Year Student Population Projections by Residence, Fall 2017–2023*, June 5, 2017.

As described in Section 3.12.8, *Regulatory Framework*, the proposed project would be required to comply with SB 50 and California Government Code Section 65996, which would fully mitigate the potential effect on public school facilities from the new student population that may be generated by the project. California Government Code Section 65996 and Education Code Section 17620 authorize school districts to levy a development fee on new residential and commercial projects to offset the costs associated with new students present in the districts as a result of new development. Section 65996 states that the payment of school impact fees that may be required by a state or local agency constitutes full and complete mitigation of school impacts from development.

Because of the excess capacity at schools serving the project site, the trends of declining enrollment in Downtown San José, and the project’s required contribution to school impact fees, and because SJUSD does not currently plan to construct additional school facilities, the proposed project would not result in an increase in new students for SJUSD schools at a level that would require new or physically altered school facilities. This impact would be **less than significant**.

Mitigation: None required.

⁷⁰ San José Unified School District, Response to Downtown West Mixed Use Plan Draft EIR: Request for School Enrollment Information, email communication, March 13, 2020.

Cumulative Impacts—Public Schools

Impact C-PS-3: The proposed project, combined with cumulative development in the project vicinity and citywide, would not result in an adverse cumulative increase in demand for schools. (*Less than Significant*)

The geographic scope of potential cumulative impacts related to schools encompasses the project site and all areas of San José, as public school facilities are provided citywide. This analysis considers two conditions:

1. Whether there would be a significant, adverse cumulative impact associated with the proposed project in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the geographic area; and
2. If so, whether the project's incremental contribution to the cumulative impact would be considerable.

Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Cumulative Impact and Project Contribution—Public Schools

The proposed project, in combination with cumulative development, would cause additional students to attend public schools in San José. The General Plan EIR, which includes planned growth for the Diridon Station and Downtown areas, found that planned growth under the General Plan is estimated to generate an additional 11,079 students in SJUSD, which would require an estimated 11 new schools (seven elementary, two middle, and two high schools).⁷¹

The DSAP EIR and Downtown Strategy EIR acknowledged that although adding this many students would exceed the available capacity of operating schools, SJUSD has school facilities that are currently leased or closed that may be reopened to serve a portion of the projected increase in enrollment.^{72,73} However, as noted above in Section 3.12.7, *Environmental Setting*, since environmental review of these plans was conducted, SJUSD has experienced continued declining enrollment, and the district is projecting continued enrollment declines through at least 2023. The future use of SJUSD facilities is being reviewed by the SJUSD Board of Education. SJUSD has indicated that there are no current plans to construct new school facilities.⁷⁴

In addition, amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). As currently envisioned in the amendments, approximately 1,543 residential units could be added to the plan area in addition to the proposed project's residential units. Using the student generation rates shown in Table 3.12-4 above, the DSAP amendments would add an additional 412 students to the plan area: 206 elementary, 110 middle, and 96 high school students. Based on the projected capacity of schools serving the project site (refer to Table 3.12-5 above), surplus capacity would remain available at

⁷¹ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

⁷² City of San José, *Diridon Station Area Plan Draft PEIR*, December 2013.

⁷³ City of San José, *Downtown Strategy 2040 Integrated Final EIR*, December 2018.

⁷⁴ San José Unified School District, Response to Downtown West Mixed Use Plan Draft EIR: Request for School Enrollment Information, email communication on March 13, 2020.

schools serving the project site with the addition of the students projected under the proposed DSAP amendments.

As discussed under Impact PS-3, the proposed project would not increase the number of new students for public schools at a level that would require new or physically altered school facilities. In compliance with SB 50, cumulative development projects would be required to pay school impact fees established to mitigate potential impacts of new development on school facilities. These fees are considered complete mitigation under CEQA. While the proposed project, in combination with past, present, and reasonably foreseeable future projects, could result in a need for new or physically altered school facilities, the impact would be entirely mitigated by payment of SB 50 school impact fees. Therefore, the project's contribution **would not be cumulatively considerable** and would be **less than significant**.

Mitigation: None required.

Libraries

3.12.10 Environmental Setting

The San José Public Library (SJPL) consists of 25 libraries, including the main Dr. Martin Luther King Jr. Library located Downtown and branches in neighborhoods across the city.⁷⁵ The SJPL currently has approximately 950,000 square feet of library space,⁷⁶ after the completion of the projects as part of the 2000 Branch Library Bond.⁷⁷ SJPL offers materials in various formats including books, CDs, DVDs, eBooks, online learning tools, and online database services. In 2018–2019, staffing totaled 367 full-time equivalent authorized positions. Almost 580 full-time and part-time staff members filled these positions.⁷⁸

The project site is approximately 0.7 miles west of the main Dr. Martin Luther King Jr. Library (150 East San Fernando Street), 1.1 miles northwest of the Biblioteca Latinoamericana Branch Library (921 South First Street), and 1.25 miles east of the Rose Garden Branch Library (1580 Naglee Avenue).⁷⁹

In 2018–2019, SJPL libraries had 6.2 million visitors, or approximately 119,231 weekly visitors, and 553,065 registered borrowers. About 37 percent (2.3 million) of all visitors went to the main library (Dr. Martin Luther King Jr.). Based on the results of a resident survey completed in August 2019 rating the quality of City services, 78 percent of respondents rated the quality of public library services as “excellent” or “good.”⁸⁰

On June 3, 2014, San José voters approved a 25-year extension of the Library Parcel Tax that contributes directly to the Library’s budget. The revenue provides funding to acquire new books, magazines, computers, and other materials; to improve educational programs and other services for children, adults, and seniors; and to repair and upgrade libraries.⁸¹

3.12.11 Regulatory Framework

Envision San José 2040 General Plan

The General Plan contains the following relevant policy related to libraries:

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning,

⁷⁵ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁷⁶ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

⁷⁷ City of San José, *City of San José Branch Library Bond Projects Fund (A Fund of the City of San José), Reports of Independent Certified Public Accountants, Financial Statements and Other Supplementary Information, for the Year Ended June 30, 2017*.

⁷⁸ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁷⁹ San José Public Library, Locations and Hours. Available at <https://www.sjpl.org/locations-map-search>. Accessed October 3, 2019.

⁸⁰ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁸¹ San José Public Library, Library Parcel Tax website. Available at <https://www.sjpl.org/parcel-tax>. Accessed January 13, 2020.

and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Policy ES-2.3: Prioritize Neighborhood Business Districts, Urban Villages, and other commercial areas as preferred locations for branch libraries to encourage social activity and economic development in San José's neighborhoods.

Policy ES-2.6: Be a leader to enhance library service delivery through the effective adoption and use of innovative, emerging techniques and technologies.

Policy ES-2.7: Measure Library service delivery to identify the degree to which library activities are meeting the needs of San José's community.

Policy ES-2.8: Measure Library service delivery to identify the degree to which library activities are meeting the needs of San José's community.

Policy ES-2.9: Foster a high-performing, collaborative library system responsive to changing customer and community needs.

3.12.12 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a libraries impact would be significant if implementing the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives.

Approach to Analysis

This section discusses potential direct impacts on libraries relative to potential substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. The proposed project could have a significant impact on libraries if:

1. The project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

The project population figures used in this section are based on those estimated in Section 3.11, *Population and Housing*. Where applicable, the maximum residential scenario was used to conservatively analyze impacts.

Impact Analysis—Libraries

Impact PS-4: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives for libraries. (*Less than Significant*)

The population increase caused by the proposed project would result in an increase in demand for SJPL libraries. As discussed in Section 3.12.10, *Environmental Setting*, SJPL currently has approximately 950,000 square feet of library space, which amounts to approximately 0.91 square feet of library space per capita. General Plan Policy ES-2.2 states that at least 0.59 square feet of library space per capita should be provided in the city.

Development of the proposed project would result in a population increase of up to 12,980 (refer to Section 3.11, *Population and Housing*), which would result in approximately 0.90 square feet of library space per capita, maintaining the City's current service ratio. In addition, SJPL offers access to digital content such as eBooks, online learning tools, and online database services, which allow remote access to SJPL materials.

Development of the proposed project would result in the generation of new property taxes and other revenues that go into the City's General Fund, as well as a contribution to the Library Parcel Tax, and thus would provide more resources to cover the increased budget for library services. Further, the project would not reduce the City's current per capita service ratio. Therefore, the proposed project's demand would not result in the need for new or expanded libraries, and impacts related to libraries would be **less than significant**.

Mitigation: None required.

Cumulative Impacts—Libraries

Impact C-PS-4: The proposed project, combined with cumulative development in the project vicinity and citywide, would not result in an adverse cumulative increase in demand for library services. (*Less than Significant*)

The geographic scope of potential cumulative impacts related to libraries encompasses the project site and all areas of San José, as library facilities are provided citywide. This analysis considers two conditions:

1. Whether there would be a significant, adverse cumulative impact associated with the proposed project in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the geographic area; and
2. If so, whether the project's incremental contribution to the cumulative impact would be considerable.

Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Cumulative Impact and Project Contribution—Libraries

As discussed under Impact PS-4, the new population generated by the proposed project would not result in the need for additional new or expanded library facilities. According to the General Plan EIR, development and redevelopment allowed under the General Plan would be served by adequate existing and planned library facilities.⁸² Amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). The ongoing DSAP planning process and the proposed project would shift some of the growth projected in the General Plan from other areas of the city to the Downtown area. Thus, based on the population expected in 2040 under General Plan buildout (refer to Section 3.11, *Population and Housing*), there would be approximately 0.72 square feet of library space per capita, maintaining the City's current policy. The proposed project is within citywide growth projections listed in the General Plan. Therefore, cumulative impacts on libraries would be **less than significant**.

Mitigation: None required.

⁸² City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

Parks and Recreation

3.12.13 Environmental Setting

The San José Parks, Recreation, and Neighborhood Services Department (PRNS) operates the City's regional and neighborhood parks, as well as facilities such as Happy Hollow Park and Zoo. PRNS also operates community and recreation centers and provides various recreation, community service, and other programs for children, youth, teens, adults, seniors, and people with disabilities.⁸³

Parks and Recreational Facilities

San José has more than 3,537 acres of parkland, consisting of 1,225 acres of neighborhood/community parkland, 548 acres of regional parkland, 321 acres of land on three public golf courses, and 1,443 acres of open space and undeveloped land. PRNS operates 206 parks throughout the city: 197 neighborhood parks and 9 regional serving parks.⁸⁴ The City also works with partners regionally to provide access to parks and open space surrounding San José.

The following parks are located within approximately 0.75 miles of the project site (refer to **Figure 3.12-2**).⁸⁵

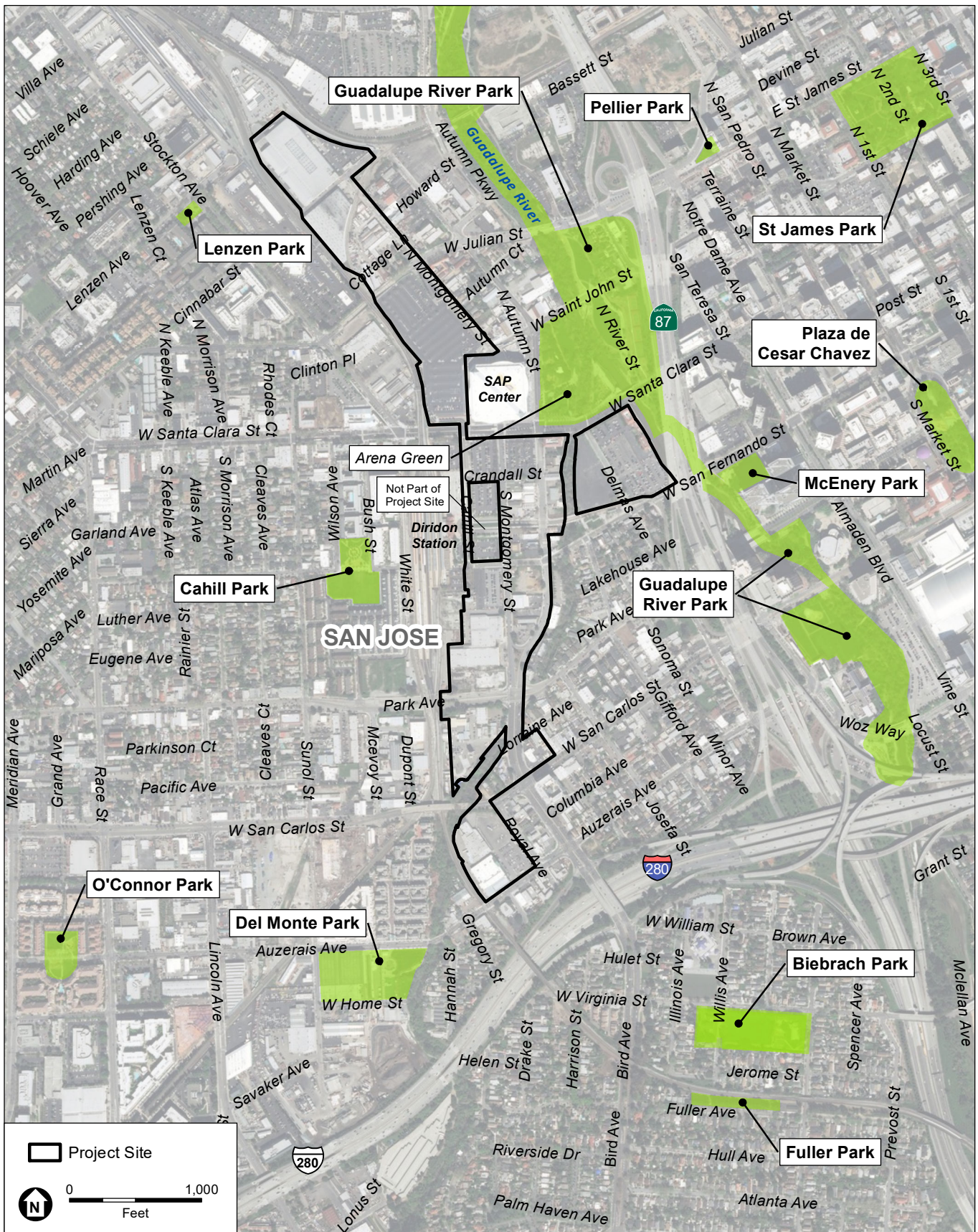
- *Guadalupe River Park*, adjacent to the project site to the north and east (438 Coleman Avenue), is a regional serving park that runs 2.6 linear miles along the west side of Downtown San José, and includes trails and open space.⁸⁶ The park also includes neighborhood-serving spaces such as the Arena Green by the SAP Center, and Discovery Meadow and the Discovery Dog Park by the Children's Discovery Museum of San José. The downtown portion of the Guadalupe River Trail, discussed further below, is located within the Guadalupe River Park.
- *Cahill Park*, approximately 0.1 mile west of the project site (West San Fernando Street and Wilson Avenue), is a 3.7-acre neighborhood park that contains a playground, a half-sized basketball court, and lawns.
- *Del Monte Park*, approximately 0.14 miles southwest of the project site (806 West Home Street), is a 6.1-acre neighborhood park that contains a dog park, turf youth soccer fields, a playground, table tennis facilities, picnic areas, and lawns.
- *Theodore Lenzen Park*, approximately 0.14 miles west of the project site (Stockton Avenue and Lenzen Street), is a 0.5-acre neighborhood park containing two playgrounds.

⁸³ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁸⁴ City of San José, *San José Parks, Recreation & Neighborhood Services, Fast Facts*, October 8, 2019.

⁸⁵ San José Parks, Recreation and Neighborhood Services Department, Parks and Trails. Available at <https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities>. Accessed January 17, 2020.

⁸⁶ San Francisco Bay Area Planning and Urban Research Association, *White Paper: Re-envisioning the Guadalupe River Park, How San Jose Can Transform Its Greatest Natural Resource into a Community Gathering Place for All*, April 2019. Available at https://www.spur.org/sites/default/files/publications_pdfs/SPUR_Re-envisioning_the_Guadalupe_River_Park.pdf. Accessed October 4, 2019.



SOURCES: Esri, 2019, ESA, 2020

Downtown West Mixed-Use Plan

Figure 3.12-2
Parks in the Project Vicinity

- *Guadalupe Gardens*, approximately 0.3 miles north of the project site (Walnut Street and Taylor Street), is a 14.5-acre neighborhood park containing a courtyard garden, rock garden, historic rose garden, historic orchard, paths, and lawns. Plans are underway to program uses on additional land to the north, including a potential dog park.⁸⁷
- *John P. McEnery Park*, approximately 0.32 miles east of the project site (San Fernando Street and Almaden Boulevard), is a 1.3-acre neighborhood park with a playground, two children’s water play features, and picnic areas.
- *Columbus Park*, approximately 0.4 miles north of the project site (Ashbury Street and Irene Street), is a 9.9-acre neighborhood park containing picnic areas two basketball courts, two sand volleyball courts, and two lighted softball fields. Columbus Park is surrounded by Guadalupe Gardens.
- *Pellier Park*, approximately 0.41 miles east of the project site (Julian Street and James Street), is a 0.2-acre neighborhood park. Pellier Park is undergoing construction to expand to a 1-acre neighborhood park with a lawn, seating, and historical elements, with an expected completion in 2021.⁸⁸
- *Biebrach Park*, approximately 0.42 miles southeast of the project site (Delmas Street and Virginia Street), is a 5-acre neighborhood park with a playground, basketball courts, a handball court, swimming pool, and picnic areas.
- *Fuller Park*, approximately 0.45 miles southeast of the project site (Fuller Avenue and Park Avenue), is a 1.14-acre linear park along Fuller Avenue with lawns, game tables, a bocce ball court, and a horseshoe pit.
- *Ryland Park*, approximately 0.57 miles northeast of the project site (First Street and Fox Avenue), is a 3.2-acre neighborhood park with a dog park, playground, basketball courts, picnic areas, an exercise course, and a swimming pool.
- *Plaza de Cesar Chavez*, approximately 0.57 miles east of the project site (194 South Market Street), is a 2.3-acre regional serving park with plazas, water features, lawns, paths, and picnic areas.
- *O’Connor Park*, approximately 0.6 miles southwest of the project site (Race Street and Auzerias Avenue), is a 1.7-acre neighborhood park with a playground, exercise course, lawns, and game tables.
- *St. James Park*, approximately 0.63 miles east of the project site (2nd Street and St. James Street), is a 6.8-acre neighborhood park with a playground, picnic areas, lawns, and an exercise course.

Trails

The city’s trail network is composed of 40 unique trail systems that will be interconnected as further development occurs.⁸⁹ The current network includes approximately 62 miles of trails

⁸⁷ Friends of Guadalupe River Park and Gardens and City of San José, *Guadalupe Gardens Design Guidelines and Implementation Strategy*, June 2008. Available at <http://www.grpg.org/Files/GuadalupeGardensDesignGuidelines.pdf>. Accessed October 5, 2019.

⁸⁸ City of San José, *Parks and Community Facilities Development, 2020–2024 Adopted Capital Improvement Program Overview*. Available at <https://www.sanjoseca.gov/home/showdocument?id=44958>. Accessed January 13, 2020.

⁸⁹ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

(86 percent paved).⁹⁰ An additional 82 miles have been identified or are being studied for further development, or are in the planning or construction phases of development.⁹¹ The closest trails to the project site are the Los Gatos Creek Trail (which intersects the project site), the Guadalupe River Trail (adjacent to the southeast), and Ryland Parkway (approximately 0.32 miles northeast of the project site). Core trails in the city like the Guadalupe River Trail and Los Gatos Creek Trail both extend long distances—approximately 11.4 miles and 11.2 miles, respectively⁹²—and provide opportunities for both recreation and active transportation.⁹³ The Guadalupe River Trail eventually connects to the San Francisco Bay Trail at Gold Street near Alviso Marina County Park and the Don Edwards San Francisco Bay National Wildlife Refuge.⁹⁴

Community Centers

PRNS also manages approximately 50 community centers in San José, with approximately 548,208 square feet of space.⁹⁵ In 2018–2019, the City operated 11 hub community centers, three of which were combination community centers and libraries. PRNS also has reuse facilities that are operated by non-profit organizations, neighborhood associations, school districts, and other government agencies or community service providers. Gardner Community Center, a neighborhood community center, is approximately 0.4 miles southeast of the project site, next to Biebrach Park. Neighborhood centers can house multiple service providers, which are often larger organizations with multiple branches.⁹⁶

3.12.14 Regulatory Framework

State

Quimby Act

The Quimby Act (California Government Code Section 66477) was enacted by the California Legislature in 1975 to ensure that parks and parkland would be provided for new and growing communities in California. As part of the Subdivision Map Act, the Quimby Act authorizes local governments to require the dedication of land or to impose in-lieu fees for parkland, open space, and/or recreational facilities and improvements, through the approval of a tentative or parcel subdivision map. The Quimby Act requires that 3 acres of park area be provided for every 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit. As described under *Local* below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance consistent with the Quimby Act.

⁹⁰ City of San José, *San José Parks, Recreation & Neighborhood Services, Fast Facts*, October 8, 2019.

⁹¹ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

⁹² City of San José, Trail Systems. Available at <https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities/trail-network/trail-systems>. Accessed October 17, 2019.

⁹³ City of San José, San José Trail Network. Available at <https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities/trail-network>. Accessed March 6, 2020.

⁹⁴ San Francisco Bay Trail, Alviso to Newark. Available at <https://baytrail.org/get-on-the-trail/map-by-number/alviso-to-newark/>. Accessed January 13, 2020.

⁹⁵ City of San José, *San José Parks, Recreation & Neighborhood Services, Fast Facts*, October 8, 2019.

⁹⁶ City of San José, *City of San José Annual Report on City Services 2018–19*, December 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=49148>. Accessed January 16, 2020.

Mitigation Fee Act

The Mitigation Fee Act (California Government Code Section 66000), enacted through Assembly Bill 1600 in 1987, provides the requirements for development impact fee programs. These programs include fees charged by local agencies to applicants in connection with approval of development projects to defray all or a portion of the cost of public facilities related to the projects. The City's Park Impact Ordinance is authorized under the Mitigation Fee Act.

Regional

The Santa Clara County Trails Master Plan Update establishes a vision for a contiguous trail network that connects regional open spaces and urban areas of Santa Clara County. The master plan update identifies potential trail routes that support the County's recreation, transportation, health and welfare, and science education goals. The plan also includes design, use, and management guidelines for the implementation of new trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance. The Santa Clara County Trails Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as subregional trail routes.⁹⁷

Local

Envision San José 2040 General Plan

The General Plan contains the following relevant policies related to parks and recreation:

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

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

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

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

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

⁹⁷ Santa Clara County, *Santa Clara County Trails Master Plan Update*, adopted November 14, 1995. Available at https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Entire_Countywide_Trails_Master_Plan_Searchable.pdf. Accessed October 9, 2019.

Policy PR-1.13: Maintain and periodically update a strategic plan (the Greenprint) establishing criteria and standards for the provision of parks and recreation services.

Policy PR-1.15: Develop community sports parks to serve existing and future residents, workers, and visitors in San José.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 0.75-mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-2.6: Locate all new residential developments over 200 units in size within 0.33 miles walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or include one or more of these elements in its project design.

Policy PR-3.2: Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 0.33-mile radius of all San José residents by either acquiring lands within 0.33 miles or providing safe connections to existing recreation facilities outside of the 0.33-mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.

Policy PR-5.5: Connect the Guadalupe River Park & Gardens to other assets in the City via a network of trails and bike paths to encourage connectivity and community and to maximize the park's use and accessibility.

Policy PR-6.2: Develop trails, parks and recreation facilities in an environmentally sensitive and fiscally sustainable manner.

Policy PR-6.5: Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.

Policy PR-6.9: Obtain applicable Leadership in Energy and Environmental Design (LEED) Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.

Policy PR-7.2: Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the trail and pathways corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor. Locate trail right-of-ways consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).

Policy PR-8.2: Encourage privately owned and maintained and publicly accessible recreation spaces that encourage community interaction; compliment [sic] the private property uses;

and, when adjacent to existing and planned parks, trails, recreation facilities, or open spaces, connect them to these facilities. This policy is particularly important in dense, urban areas.

Policy PR-8.4: Consider open space land dedications when public ownership will preserve the natural and scenic beauty, protect natural and man-made landmarks, or provide a land supply to meet future recreation needs.

Policy PR-8.5: Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.

Policy PR-8.7: Actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.

Policy PR-8.10: Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future demands (i.e., plazas, swimming pools, fitness centers and gardens).

Policy PR-8.16: Explore creative funding options for the design, development, and maintenance of recreation facilities and programs, including grants, special assessment districts and partnerships with public, private, and non-profit organizations.

Policy PR-8.19: Pursue joint use projects with schools and colleges, Santa Clara Valley Water District, other public agencies, and private foundations. Whenever feasible, obtain permanent joint-use agreements when partnering with other organizations or agencies in providing parks or recreation facilities in order to ensure the amenities' availability in perpetuity.

Policy TN-1.2: Minimize environmental disturbance in the design, construction and management of trails.

Policy TN-1.3: Design trail system alignments to minimize impacts and enhance the environment within sensitive riparian and other natural areas. Follow Riparian Corridor Goals, Policies, and Actions regarding trail design and development in proximity to riparian areas.

Policy TN-2.7: Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location, in accordance with Policy PR-8.5.

Policy TN-2.13: Provide all residents with access to trails within 3 miles of their homes.

Policy TN-3.4: Design new and retrofit existing public and private developments to provide significant visibility of and access to existing and planned trails to promote safety and trail use.

Activate San José Strategic Plan

Activate San José (ActivateSJ) is the 20-year strategic plan established by PRNS to maintain, improve, and expand facilities, programs, and services in San José. Goals of the plan include:

- Focus efforts on improving the condition of parks and trails.
- Develop and effectively manage a 100-mile paved off-street trail network.
- Seek sustainable funding mechanisms for the parks and recreation system.
- Ensure that all San José residents can walk to a neighborhood park in 10 minutes.
- Continue to pursue the General Plan goal of 3.5 acres of parkland per 1,000 people.⁹⁸

City of San José Municipal Code

The City's Parkland Dedication Ordinance (Municipal Code Chapter 19.38) and Park Impact Ordinance (Municipal Code Chapter 14.25) require new residential development to dedicate land to serve new residents, develop parkland improvements to new or existing facilities, construct trail improvements and/or community centers, pay fees⁹⁹ to offset the increased costs of providing new park facilities for new development, or fulfill the obligation through a combination of these methods. Under the Parkland Dedication Ordinance and Park Impact Ordinance, a project can satisfy half of its total parkland obligation by providing private recreational facilities or other qualifying amenities on-site.

For projects larger than 50 units or 50 parcels, the City may require land dedication; the City may consult with the project applicant regarding the desirability of requiring dedication rather than fees, and the nature of any such dedication. The City decides whether the project will dedicate land for a new public park site or accept a fee in lieu of dedicating land. Affordable housing units—low-income, very-low-income, and extremely-low-income units—are subject to the Parkland Dedication Ordinance and Park Impact Ordinance at a rate of 50 percent of the applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the Parkland Dedication Ordinance (3 acres per 1,000 project residents), which is consistent with the Quimby Act. The estimated residential population is determined based on the type of dwelling unit allowed and the average household size for the dwelling unit, as indicated in the most recent available U.S. Census data.

Requiring residential builders to dedicate land, pay park impact fees, or both, for development (including acquisition) or renovation of park facilities and recreational facilities (Municipal Code Chapters 19.38 and 14.25) is in accordance with the provisions of the General Plan. This requirement advances the General Plan's parks and recreation goals and policies.

⁹⁸ City of San José, *ActivateSJ Strategic Plan (2020–2040)*, August 20, 2019. Available at <https://www.sanjoseca.gov/home/showdocument?id=43503>. Accessed October 9, 2019.

⁹⁹ Rates effective March 1, 2018, are \$22,600 per unit (Multifamily 5+ Units) and \$11,300 per unit (Downtown Core Area Incentive High-Rise 12+ Stories) in Zone 9 (Downtown), in which the project site is located. (Source: City of San José, Resolution No. 78474, December 15, 2017. Available at <https://records.sanjoseca.gov/Resolutions/78474.pdf>. Accessed October 7, 2019.)

3.12.15 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a parks and recreation impact would be significant if implementing the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives;
- Increase the use of existing neighborhood and regional serving parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Approach to Analysis

This section discusses potential direct impacts on parks and recreation services, addressing potential substantial adverse physical impacts from the increased use of existing neighborhood and regional parks or other recreational facilities; the inclusion of parks and recreational facilities as part of the project; or the need for construction or expansion of parks and recreational facilities. The proposed project could have a significant impact on public services related to parks and recreation if:

1. The project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

The project population figures used in this section are based on those estimated in Section 3.11, *Population and Housing*. Where applicable, the maximum residential estimate was used to conservatively analyze impacts.

Impact Analysis—Parks and Recreation

Parks

Impact PS-5: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 or other performance objectives for parks and community centers. (*Less than Significant*)

Development of the proposed project would result in new residents, employees, and visitors at the project site, which would generate demand for parks and recreation facilities. As discussed in Section 3.12.14, *Regulatory Framework*, the City has service-level objectives for parkland and a

separate goal to provide public parkland or recreational open space within 0.33 miles of all residents. In addition, ActivateSJ has a goal of providing a neighborhood park within 10 minutes’ walking distance, or approximately 0.5 miles, for all residents. The project site is currently well-served by existing parks, with six neighborhood and regional parks located within 0.33 miles and eight neighborhood parks within 0.5 miles. **Table 3.12-6** shows parkland service levels under existing and existing plus project conditions.

**TABLE 3.12-6
 CITYWIDE PARKLAND SERVICE LEVELS**

General Plan Service Level Objectives	General Plan Service Level Goal^a	Existing (2018) Service Level^{a,b}	Existing plus Project Service Level^{a,c}
Neighborhood- and community-serving recreational lands per 1,000 residents	3.5	2.9	2.9
Regional/citywide parklands per 1,000 residents	7.5	14.9	14.7

NOTES:

Bold indicates a value not meeting the goal listed in the *Envision San José 2040 General Plan*.

^a Acres per 1,000 residents.

^b Based on a 2016 U.S. Census population estimate of 1,030,359 used in the preparation of the *Parks and Community Facilities Development, 2020–2024 Adopted Capital Improvement Program Overview*.

^c Conservatively assumes the upper range of proposed project residential units and a population of 12,980 (refer to Section 3.11, *Population and Housing*) added to the existing (2018) population, and compared to existing (2018) park and recreational lands. Does not include open space proposed as part of the project.

SOURCE: City of San José, *Parks and Community Facilities Development, 2020–2024 Adopted Capital Improvement Program Overview*. Available at <https://www.sanjoseca.gov/home/showdocument?id=44958>. Accessed January 13, 2020; U.S. Census 2016.

As shown in Table 3.12-6, although there is an existing deficiency in the General Plan service level of neighborhood- and community-serving recreational lands, the proposed project would not result in a substantial impact by worsening this existing deficiency, because the service level would remain the same under existing plus project conditions. In addition, the service level of regional/citywide parklands would remain above the General Plan service level goal under existing plus project conditions. Based on the City’s desired General Plan service levels, the addition of up to 12,980 project residents would generate a demand for up to approximately 45.43 acres of neighborhood- and community-serving recreational lands.¹⁰⁰

As discussed in Chapter 2, *Project Description*, the proposed project would provide approximately 15 acres of parks, and open spaces in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails. As shown on Figure 2-7, parks and recreational open spaces would be located to provide open space connections both within the project area and between the project site and the rest of the city. A variety of uses and activities such as outdoor dining, spaces for arts and arts activities, commercial kiosks, pavilion structures, mobility hubs, operation and management services, and restroom facilities would be permitted in parks and open

¹⁰⁰ This estimate is generated based on the upper range of proposed project residential units and a population of 12,980 (refer to Section 3.11, *Population and Housing*) and the City’s desired service levels contained in the General Plan. The estimate does not reflect the proposed project’s obligation under the City’s Parkland Dedication Ordinance and Park Impact Ordinance, which is calculated based on specific housing types and housing type density in the U.S. Census.

space to complement and enhance public recreation. The project also includes a new public access trail and improvements that would extend for 1 mile along the project area's north-south axis. Some portions of the trail would be aligned along Los Gatos Creek, consistent with the City's goal of providing all residents with access to trails within 3 miles of their homes (General Plan Policy TN-2.13).¹⁰¹ Additionally, the proposed off-site transportation improvements, which include trail connections, would improve pedestrian and bicycle access through and in the vicinity of the project site. The project would develop open space in phases, in tandem with the phasing of the overall development program. Approximately 10 acres are assumed to be developed in Phase 1 (2021 through 2027), 3 acres would be developed in Phase 2 (2025 through 2031), and 2 acres would be developed in Phase 3 (2029 through 2031).

The project would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (Municipal Code Chapters 19.38 and 14.25), which require either dedicating land to serve new residents, constructing new park or trail amenities, or paying fees to offset the increased costs of providing new park facilities for new development. The land dedication or in-lieu fee required to meet the City's parkland obligation is based on the location of the housing and the type of housing proposed. For example, high-rise developments require different Parkland Dedication Ordinance and Park Impact Ordinance dedications and requirements than single-family homes.

At this time, the mix of housing types is not known. For informational purposes, a preliminary estimate of potential parkland dedication requirements has been developed conservatively using the proposed project's maximum residential unit population of 12,980 as calculated in the Draft EIR (refer to Section 3.11, *Population and Housing*), which would be up to 38.94 acres.¹⁰² This may be met by dedicating land for parks and/or trails, and also through receipt of credits from improvements to parks, trails, or community center space in the development area. On-site parks, open space, and/or trails could be dedicated and improved as needed based on project phasing through a parkland agreement with the City. The City's Parkland Dedication Ordinance and a Park Impact Ordinance are consistent with the Quimby Act and provide a minimum of 3 acres of parkland per 1,000 residents added by the project, and advance the parks and recreation goals and policies of the General Plan. The park projects developed as a result of these ordinances (in addition to the approximately 15 acres of open spaces reviewed under this document) would undergo environmental review as they are identified. Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational effects of those facilities. Physical impacts of construction of on-site parks and open space are discussed under Impact PS-4.

¹⁰¹ As noted in Chapter 2, *Project Description*, the City's approved master plan for the Los Gatos Creek Trail—Reach 5, which would extend from the south side of Auzerais Avenue to the north side of West Santa Clara Street to link existing trail segments, does not contemplate a trail on the east side of the creek, as is proposed by the project applicant. In addition, the master plan, evaluated in a 2008 mitigated negative declaration, includes a grade-separated crossing of West San Carlos Street (beneath the elevated roadway and the at-grade Caltrain tracks just north of a Caltrain bridge over Los Gatos Creek). The City has also expressed support for grade-separated crossings at West San Fernando and West Santa Clara Streets; these latter crossings were not included in the master plan. The project does not propose grade-separated crossings; if undertaken in the future, these and other improvements not evaluated herein would be considered a separate project that would be subject to its own environmental review.

¹⁰² Final Parkland Dedication Ordinance and Park Impact Ordinance dedications and requirements have not been determined. Dedications and requirements will be calculated using the estimated residential population of the proposed project, based on the types of dwelling units allowed and the average household size for the dwelling units, as indicated in the most recent available U.S. Census data.

The proposed project would not result in a substantial impact by worsening existing parkland deficiencies because it would maintain a General Plan service level of neighborhood- and community-serving recreational lands of 2.9 acres per 1,000 residents; would provide approximately 15 acres of parks and open spaces, in parks and plazas, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance. Therefore, parkland impacts would be **less than significant**.

The City also has service-level objectives for community centers in San José. Based on the city's population of 1,043,058 in 2019 (refer to Section 3.11, *Population and Housing*), the City is providing approximately 526 square feet of community center space per 1,000 residents, meeting the goal of General Plan Policy PR-1.3. Based on the addition of up to 12,980 residents (refer to Section 3.11, *Population and Housing*), development of the proposed project would generate additional population to result in approximately 519 square feet of community center space per 1,000 residents, maintaining the City's current policy. Community center space is not currently proposed as part of the project. If needed, the proposed project could include community center space in the development area, potentially on the ground floor of a project building or other existing building, as part of the obligation under the City's Parkland Dedication Ordinance and Park Impact Ordinance and/or the Development Agreement and community benefits package. Therefore, the proposed project would not result in the need for new or expanded community centers. This impact would be **less than significant**.

Mitigation: None required.

Recreation

Impact PS-6: The proposed project would not increase the use of existing neighborhood- and regional serving parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (*Less than Significant*)

As discussed under Impact PS-5, development of the proposed project would result in new residents, employees, and visitors at the project site, which would generate demand for parks and recreation facilities. As described in Section 3.12.13, *Environmental Setting*, approximately 14 existing parks, both neighborhood- and regional serving, are located within 0.75 miles of the project site, and offer a mix of passive and active uses. Some of the parks in the project vicinity, including Guadalupe Gardens and Pellier Park, are also planned for improvement or expansion.

In total, the proposed project would provide approximately 15 acres of recreational open space, or approximately 19 percent of the project site's acreage. The proposed parks and recreational open spaces would be for use by both area residents and visitors and would accommodate an array of potential active and passive recreational uses. The 15 acres of parks, open space, riparian setbacks, mid-block passages, landscaping, and trails would be designated throughout the project site in the Planned Development zoning for the project. In addition to parks, the proposed project would construct a new public access trail/on-street bicycle facilities extending approximately 1 mile through the project site, with accessibility to Los Gatos Creek. Therefore, the proposed

parcs and open spaces would absorb a substantial part of the demand for parks and recreational facilities by new residents, employees, and visitors, as well as that of nearby residents and users.

While the project would also increase the use of existing parks in the project vicinity, many different parks are located within 0.75 miles of the project site, some of which, including Guadalupe Gardens and Pellier Park, are being expanded or improved. Because the proposed project would absorb a substantial amount of parks and recreation demand on the project site, the increased demand on existing parks would not substantially increase or accelerate the physical deterioration or degradation of existing parks and recreation facilities. In addition, as described in Impact PS-5, the proposed project would dedicate land, pay impact fees, and/or seek credits to comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance. Therefore, project impacts from the accelerated physical deterioration of parks and recreation resources would be **less than significant**.

Mitigation: None required.

Impact PS-7: The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. (*Less than Significant with Mitigation*)

As described under Impact PS-5, the proposed project would involve construction of parks, on- and off-site trail connections, and recreational open space. The extent to which construction of new parks, trail connections, and open space would have the potential to result in significant adverse environmental effects is analyzed throughout this EIR. Mitigation measures and City of San José Standard Conditions of Approval (SCAs) are included to reduce construction-related impacts (including impacts on recreational facilities) related to air quality, biological resources, cultural and tribal cultural resources, paleontological resources, hydrology and water quality, hazards and hazardous materials, and noise and vibration to the extent feasible.

The proposed project would implement SCAs (including those described in Section 3.2, *Biological Resources*, and Section 3.8, *Hydrology and Water Quality*) and the mitigation measures included in Section 3.1, *Air Quality*; Section 3.2, *Biological Resources*; Section 3.3, *Cultural Resources and Tribal Cultural Resources*; Section 3.5, *Geology, Soils, and Paleontological Resources*; Section 3.6, *Greenhouse Gas Emissions*; Section 3.7, *Hazards and Hazardous Materials*; Section 3.8, *Hydrology and Water Quality*; Section 3.10, *Noise and Vibration*; and Section 3.13, *Transportation*. Implementing these SCAs and mitigation measures would reduce project impacts related to the construction of parks and open space.

Mitigation Measures

Refer to Section 3.1, *Air Quality*, for the following mitigation measures:

Mitigation Measure AQ-2a: Construction Emissions Minimization Plan

Mitigation Measure AQ-2b: Construction Equipment Maintenance and Tuning

Mitigation Measure AQ-2c: Heavy-Duty Truck Model Year Requirement

Refer to Section 3.2, *Biological Resources*, for the following mitigation measures:

Mitigation Measure BI-1a: General Avoidance and Protection Measures

Mitigation Measure BI-1b: In-Water Construction Schedule

Mitigation Measure BI-1c: Native Fish Capture and Relocation

Mitigation Measure BI-1d: Western Pond Turtle Protection Measures

Mitigation Measure BI-1e: Avoidance of Impacts on Nesting Birds

Mitigation Measure BI-1f: Roosting Bat Surveys

Mitigation Measure BI-2a: Avoidance of Impacts on Riparian Habitat

Mitigation Measure BI-2b: Frac-Out Contingency Plan

Mitigation Measure BI-2d: Avoidance and Protection of Creeping Wild Rye Habitat

Mitigation Measure BI-3: Avoidance of Impacts on Wetlands and Waters

Refer to Section 3.3, *Cultural Resources and Tribal Cultural Resources*, for the following mitigation measures:

Mitigation Measure CU-8a: Cultural Resources Awareness Training

Mitigation Measure CU-8b: Archaeological Testing Plan

Mitigation Measure CU-8c: Archaeological Evaluation

Mitigation Measure CU-8d: Archaeological Resources Treatment Plan

Refer to Section 3.5, *Geology, Soils, and Paleontological Resources*, for the following mitigation measures:

Mitigation Measure GE-5a: Project Paleontologist

Mitigation Measure GE-5b: Worker Training

Mitigation Measure GE-5c: Paleontological Monitoring

Mitigation Measure GE-5d: Significant Fossil Treatment

Refer to Section 3.6, *Greenhouse Gas Emissions*, for the following mitigation measure:

Mitigation Measure GR-2: Compliance with AB 900

Refer to Section 3.7, *Hazards and Hazardous Materials*, for the following mitigation measures:

Mitigation Measure HA-3a: Land Use Limitations

Mitigation Measure HA-3b: Health and Safety Plan

Mitigation Measure HA-3c: Site Management Plan

Refer to Section 3.8, *Hydrology and Water Quality*, for the following mitigation measures:

Mitigation Measure HY-1: Water Quality Best Management Practices during Construction Activities in and near Waterways

Mitigation Measure HY-3a: Flood Risk Analysis and Modeling

Refer to Section 3.10, *Noise and Vibration*, for the following mitigation measures:

Mitigation Measure NO-1c: Master Construction Noise Reduction Plan

Mitigation Measure NO-2a: Master Construction Vibration Avoidance and Reduction Plan

Mitigation Measure NO-2b: Master Construction Vibration Avoidance from Compaction

Significance after Mitigation: Less than significant. Although the proposed project as a whole would result in significant and unavoidable construction air quality and construction noise impacts, construction work involving parks and recreational open space is included within the overall construction analysis. The construction work for parks and recreational open space would be relatively minimal and would not, in itself, exceed any significance thresholds for air quality or noise. Therefore, with respect to construction of parks and recreational open space, the impact would be less than significant with mitigation incorporated.

Cumulative Impacts—Parks and Recreation

Impact C-PS-5: The proposed project, combined with cumulative development in the project vicinity and citywide, would not result in an adverse cumulative increase in demand for parks and recreation services. (*Less than Significant*)

The geographic scope of potential cumulative impacts related to parks and recreation encompasses the project site and all areas of San José, as parks and recreational facilities are provided citywide. This analysis considers two conditions:

1. Whether there would be a significant, adverse cumulative impact associated with the proposed project in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the geographic area; and
2. If so, whether the project's incremental contribution to the cumulative impact would be considerable.

Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Cumulative Impact and Project Contribution—Parks and Recreation

Parks

As discussed under Impact PS-5, the City is not currently meeting its service level goal for neighborhood and community parkland. The General Plan EIR found that there would be a deficit of approximately 1,677 acres of neighborhood and community parkland (City-owned and

recreational school grounds) and 72,000 square feet of community center space as a result of development under the General Plan. However, it was found that consistency with General Plan policies and the City's Parkland Dedication Ordinance and Park Impact Ordinance would not exacerbate existing deficiencies.¹⁰³ Amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). The ongoing DSAP planning process and the proposed project would shift some of the growth projected in the General Plan from other areas of the city to the Downtown area.

The General Plan and DSAP identified the site of the existing SJFD Training Center (located within the project boundary) as a potential site for a new, approximately 5-acre community park as well as a 1-acre plaza partially within the project site. The DSAP noted that the new community park could be expanded to approximately 8 acres in the future if the City were able to acquire additional properties.¹⁰⁴ As discussed in Chapter 2, the City initiated amendments to the DSAP in 2019, to account for several changes in planning assumptions. The City will update the plan's existing sections pertaining to land use and public space.

The proposed project would introduce a new population, which would contribute to the existing deficiency of parkland in San José and the identified deficiencies of parkland and community center space in the General Plan EIR. However, the project would include the development of approximately 15 acres of parks and recreational open space to help serve project demand, as well as visitors and the surrounding community. The acreage for potential park use would thus be captured in the proposed project's development program. In addition, to offset demand for parkland, community centers, and other recreational facilities, the proposed project and cumulative residential developers would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance. These ordinances would require either dedicating land to serve new residents, providing recreational improvements, or paying fees to offset the increased costs of providing new park facilities for new development.

Park projects developed as a result of these ordinances would undergo environmental review as they are identified. Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational effects of those facilities. Therefore, the project's contribution would not be cumulatively considerable. This impact would be **less than significant**.

Recreation

The General Plan EIR, which included development in the Diridon Station and Downtown areas, found that consistency with General Plan policies and the City's Parkland Dedication Ordinance and Park Impact Ordinance would reduce impacts related to parkland and community recreational facilities in San José to a less-than-significant level.¹⁰⁵ The DSAP and Downtown Strategy EIRs found that the combination of existing, planned, and proposed recreational facilities in and adjacent to the plan area would meet community needs, and that planned development under

¹⁰³ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

¹⁰⁴ City of San José, *Diridon Station Area Plan Draft PEIR*, December 2013.

¹⁰⁵ City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011.

these plans would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse.^{106,107} In addition, amendments to the DSAP are proposed that would increase the density of development in the Diridon Station Area (refer to *Growth Projections* in the introduction to Chapter 3, *Environmental Setting, Impacts, and Mitigation*). The ongoing DSAP planning process and the proposed project would shift some of the growth projected in the General Plan from other areas of the city to the Downtown area.

As discussed above, the planned parks and informal recreational open spaces within the project boundary would be captured in the proposed project's development program. As discussed under Impact PS-6, the proposed project would not substantially increase or accelerate the physical deterioration or degradation of existing parks and recreation facilities. To offset demand for parkland, community centers, and other recreational facilities, the proposed project and cumulative residential developers would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance. These ordinances would require either dedicating land to serve new residents, paying fees to offset the increased costs of providing new park facilities for new development, or seeking recreation credits. Park projects developed as a result of these ordinances would undergo environmental review as they are identified. Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational effects of those facilities. Therefore, cumulative impacts related to recreation would be **less than significant**.

Conclusion

The proposed project, combined with cumulative development in the project vicinity and citywide, would not make a considerable contribution to a significant cumulative impact with regard to parks. In addition, the proposed project would result in a less-than-significant cumulative impact on recreation. Therefore, the cumulative impact related to parks and recreation would be **less than significant**.

Mitigation: None required.

¹⁰⁶ City of San José, *Diridon Station Area Plan Draft PEIR*, December 2013.

¹⁰⁷ City of San José, *Downtown Strategy 2040 Integrated Final EIR*, December 2018.

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