ATTACHMENT 12:

City of San José. 2017. *Addendum to the Diridon Station Area Plan Environmental Impact Report (EIR), General Plan 2040 EIR, Supplemental EIR, and Addenda thereto for the 750 West San Carlos Street Residential Project.* City File Nos. PDC16-045 and PD16-031. October.

Addendum

to the

Diridon Station Area Plan Environmental Impact Report (EIR), General Plan 2040 EIR, Supplemental EIR, and Addenda thereto

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750 West San Carlos Street Residential Project

City File Nos. PDC16-045 and PD16-031

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

October 2017

ADDENDUM TO DIRIDON STATION AREA PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR (SCH#2011092022), ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096), AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report, Envision San José 2040 General Plan Final Program Environmental Impact Report, Envision San José 2040 General Plan Supplemental Environmental Impact Report, and addenda thereto because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

Project Name: 750 West San Carlos Street Residential Project
File Numbers: PDC16-045, PD16-031

Project Description: Planned Development Rezoning from HI - Heavy Industrial Zoning District to A (PD) Planned Development Zoning District and Planned Development Permit to allow the construction of a 7-story, 56 residential unit building on a 0.41 gross acre site.

Location: The project is located at 750 West San Carlos on the south side of West San Carlos Street, approximately 500 feet east of Sunol Street

Council District: 6 **Assessor's Parcel Number:** 264-15-003

The environmental impacts of this project were addressed by the following Environmental Impact Reports: Diridon Station Area Plan Final Program Environmental Impact Report (FPEIR) adopted by City Council Resolution No. 77096 on June 17, 2014 (SCH #2011092022), the Envision San Jose 2040 General Plan FPEIR adopted by City Council Resolution No. 76041 on November 1, 2011 (SCH #2009072096), and the Envision San Jose General Plan 2040 Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015 (SCH #2009072096) and other addenda to these EIRs. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that, "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred."

The following impacts were reviewed and found to be adequately considered by the EIRs:

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

ANALYSIS

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

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

Rosalyn Hughey, Interim Director
Planning, Building and Code Enforcement

8/1/17
Date

Deputy

Project Manager: Kieulan Pham

Attachment: Initial Study/Addendum and Appendices

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CHAPTER 1.0 INTRODUCTION

1.1 BACKGROUND INFORMATION

In 2011, the City of San José certified the Envision San José 2040 General Plan Final Environmental Impact Report (2040 GP FEIR) and approved the Envision San José 2040 General Plan. The 2040 GP FEIR is a long-range program for the future growth of the City. In December 2015, the City of San José approved a Supplemental EIR (Envision San Jose 2040 General Plan SEIR) for the Envision San José 2040 General Plan that includes and updates the greenhouse gas emissions analysis. In November 2016, the City of San José approved an Addendum to the 2040 GP FEIR and SEIR during the General Plan Four-Year Review.

The Envision San José 2040 General Plan FEIR, as supplemented and addended thereto, is a broad level analysis of planned growth within the City; it does not analyze specific development projects. The intent is for the Envision San José 2040 General Plan FEIR to be a program-level document from which subsequent development consistent with the Envision San José 2040 General Plan can tier, addendize, or reference.

In June 2014, the City of San José (City) adopted the Diridon Area Station Plan (DSAP), which established a vision for development at Diridon Station and the surrounding area. This plan was developed in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José's Diridon Station. The DSAP area is divided into three zones: 1) the Northern Zone, which is generally north of The Alameda, 2) the Central Zone, which is the core area centered on Diridon Station, and 3) the Southern Zone which is generally between Park Avenue and Interstate 280.

In June 2014, the City of San José certified the Diridon Station Area Plan Integrated Final Program Environmental Impact Report, State Clearinghouse No. 2011092022 (DSAP EIR), which evaluated the environmental effects of development under the DSAP in accordance with the California Environmental Quality Act (CEQA). The DSAP EIR tiers off the Envision San José 2040 General Plan Final Program Environmental Impact Report because, although the DSAP proposed strategies to intensify the amount of development allowed in the area surrounding Diridon Station, overall growth proposed for the DSAP area was evaluated under the Envision San José 2040 General Plan. The DSAP EIR evaluated the impacts of developing up to 4,963,400 square feet of commercial/R&D/light industrial uses, 424,100 square feet of retail/restaurant uses, 2,588 residential units, and 900 hotel rooms. Specific development projects were not proposed in the DSAP, which only established maximum development capacities for residential, commercial, retail, and hotel uses.

The DSAP EIR *Section 2.5 Uses of the EIR* provides guidance on CEQA documentation of future specific development projects. The DSAP EIR contained sufficient information to provide project-level clearance for certain impacts for specific future development projects in the DSAP area by including standard measures that apply to all projects in San José. The DSAP EIR also provided

project-level clearance for certain traffic-related impacts. It was contemplated that at the time future actions would be proposed (such as approval of specific projects), the City would review the future actions for consistency with the assumptions in DSAP EIR, including conformance with General Plan policies and measures included in the project.

In June 2016, the City of San José approved an Initial Study/Addendum to the DSAP EIR for two projects referenced as 740/750 and 777/815 West San Carlos Street Mixed-Use Projects within the DSAP area. The two projects are described as follows:

- Site I - 740 and 750 West San Carlos Street. The General Plan designation of this 1.06-acre site is Transit Residential (65-250 dwelling units/acre). The project proposed to construct 95 residential units and 2,735 square feet (s.f.) of ground-floor retail/commercial space in a seven-story structure.

- Site II - 777 and 815 West San Carlos Street. The western portion of this site is designated in the General Plan as Urban Residential (30-95 dwelling units per acre or du/ac) and the eastern portion of the site is designated as Mixed Use Commercial. The project proposes to construct a 149-unit, seven-story residential building with 2,990 s.f. of ground-floor retail/commercial space on the 1.3-acre site.

Since adoption of the June 2016 EIR Addendum, the 777/815 West San Carlos Street project (Site II) has been approved. The 740/750 West San Carlos Street project (Site I) has been modified to eliminate development on the 740 parcel and reduces the scale of development. The project now proposes to construct 56 residential units in a seven-story structure at 750 West San Carlos; which represents a net unit reduction of 39 residential units and the elimination of 2,735 s.f. of retail/commercial space. Therefore, development of the 750 West San Carlos project would result in proportionally fewer air quality and traffic effects compared to those described and evaluated in the previously approved June 2016 EIR Addendum.

The proposed project is located within the Southern Zone of the DSAP area and in the Park/San Carlos subarea designated for mixed-use residential. Figure 1 shows the DSAP area and the project site's location within this area.

1.2 PURPOSE

This Addendum is intended to inform the decision makers and general public of the environmental impacts associated with regulatory approval and construction of the proposed project. This Addendum is being prepared in conformance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et.seq., and the regulations and policies of the City of San José.

This Addendum has been prepared to evaluate the project- and site-specific environmental impacts that may result from the implementation of the proposed project and determine whether the proposed

project would result in any new significant impacts or substantially increase the severity of impacts previously identified in the certified DSAP EIR and 2040 GP EIR as supplemented and addended thereto.

The purpose of this Addendum is to evaluate the environmental impacts from development of the project site within the DSAP area (refer to Figure 1). The uses proposed on the site are consistent with the land use designations in the DSAP and San José 2040 General Plan. The project site has a General Plan designation of *Transit Residential (65-250 dwelling units/acre)*. The project proposes to construct 56 residential units in a seven-story structure.

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

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

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

Source: Kimley-Horn & Associates, Inc. 2016

DSAP Boundaries, Zones, and Subareas

Figure 1

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

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the 2040 General Plan and DSAP), the City has concluded that the proposed projects would not result in any new impacts not previously disclosed in the EIRs, nor would they result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the DSAP EIR is appropriate to adequately disclose the environmental impacts of the proposed project.

This document, which includes project specific technical reports and additional mitigation measures, has been prepared in accordance with Public Resources Code Section 21093(b) and CEQA Guidelines Section 15152(a) as an Addendum to the DSAP EIR and 2040 General Plan FEIR as supplemented and addended thereto.

The identified EIRs are available on the City's website: http://www.sanjoseca.gov/CompletedEIRs

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CHAPTER 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

750 West San Carlos Residential Project

2.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

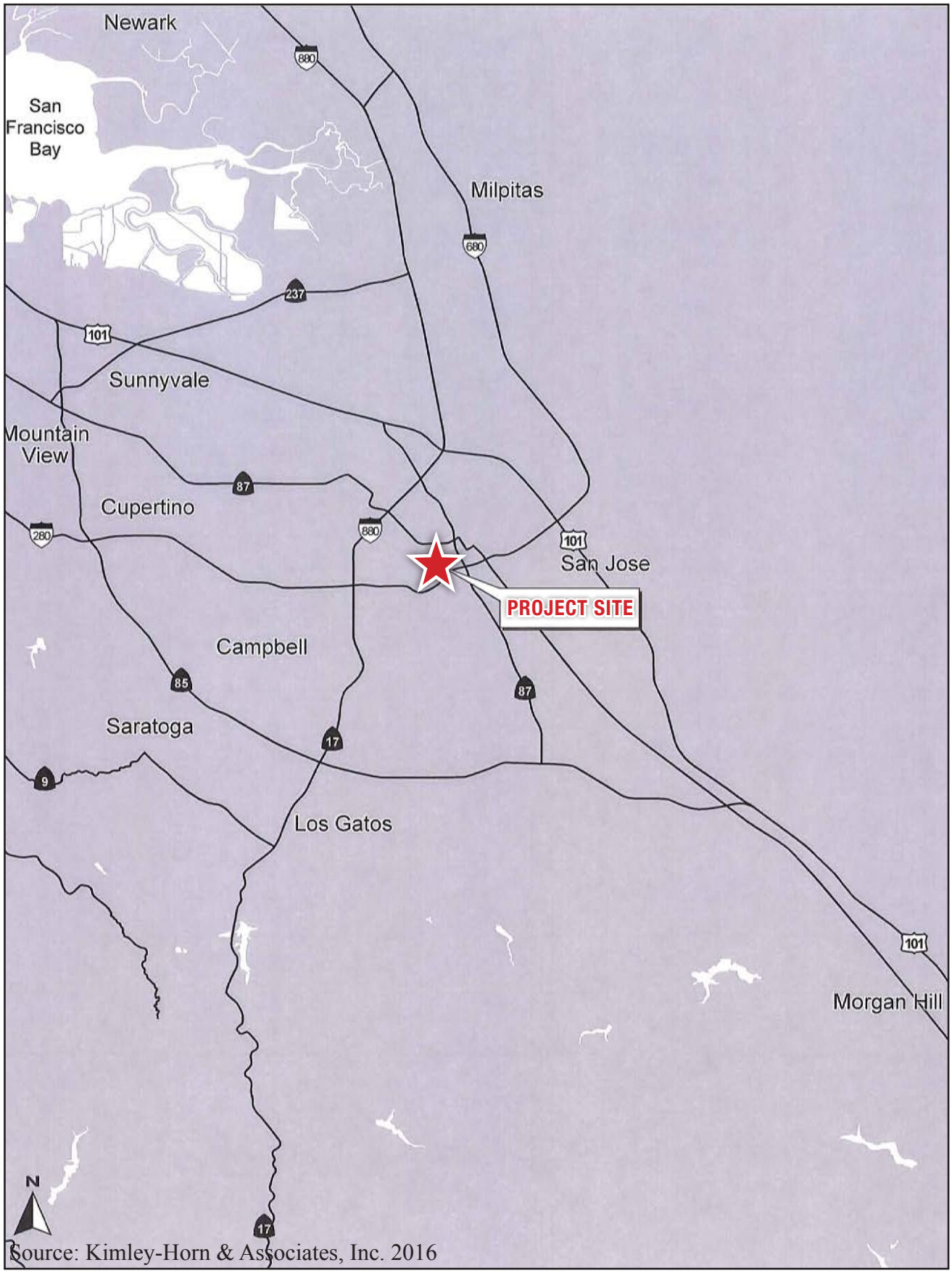
City of San José
Department of Planning, Building and Code Enforcement
Kieulan Pham, Planner – Environmental Team
200 East Santa Clara Street, Third Floor
San José, CA 95113
408-535-3844
Kieulan.Pham@sanjoseca.gov

2.3 PROJECT LOCATION

Regional and vicinity maps are shown on Figures 2 and 3, and an aerial photograph of the project site and surrounding land uses is shown on Figure 4. The project site is located within the Diridon Station Area Plan (DSAP) boundaries.

The approximately 0.44-acre project site (APN 264-15-003) is located at 750 West San Carlos Street and is currently covered with commercial uses and storage. This project site is located on the south side of West San Carlos Street, east of Sunol Street and south of a frontage road parallel to West San Carlos Street, as shown on Figure 4. Dupont Street, northeast of the site, provides access to the frontage road. Existing light rail transit (LRT) System tracks are located directly adjacent to the southeast boundary of this project site.

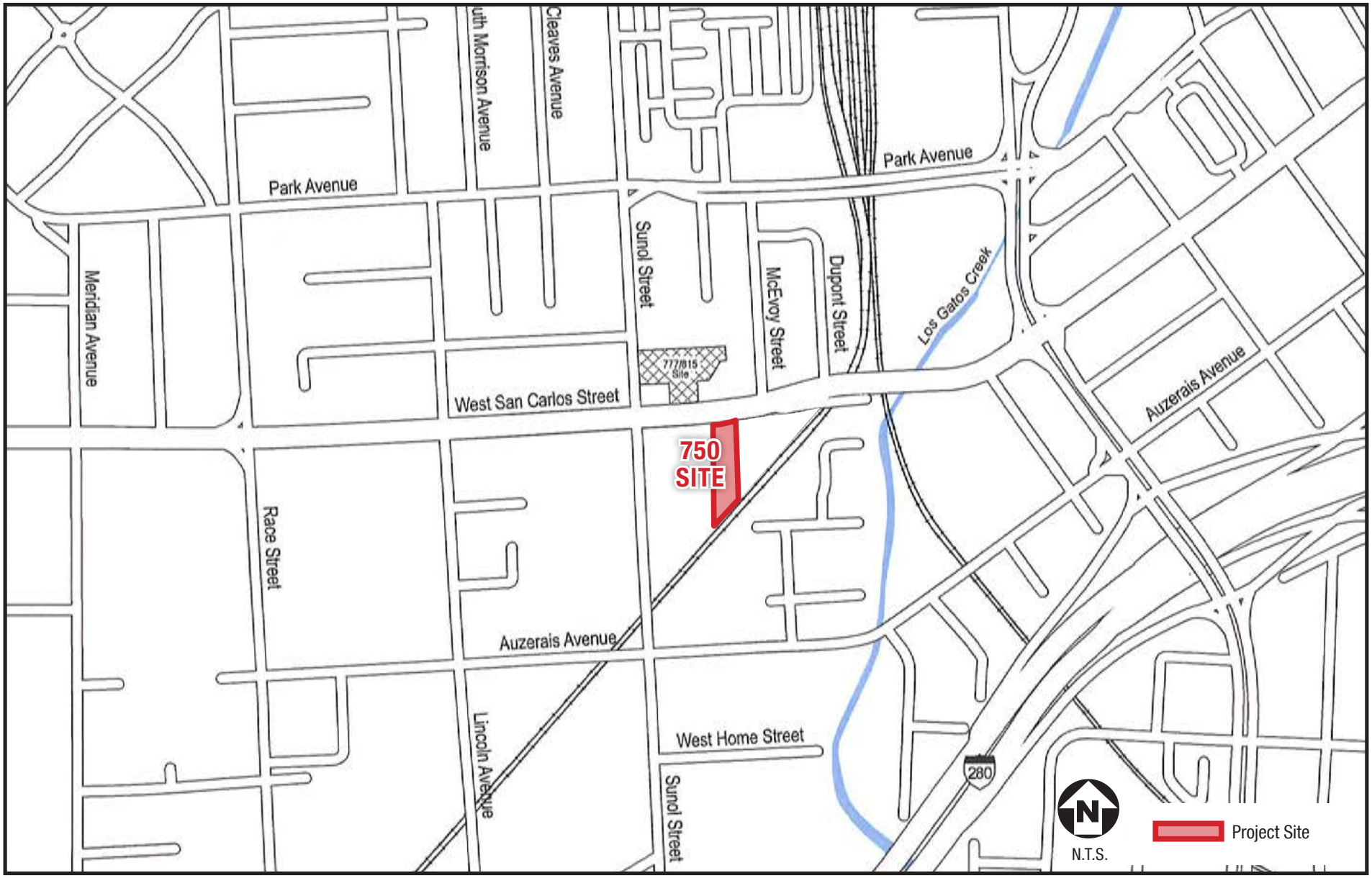
Surrounding land uses in the project area include commercial to the east and north, light rail tracks and residential to the south, and mixed use to the west (under construction).



Source: Kimley-Horn & Associates, Inc. 2016

Regional Map

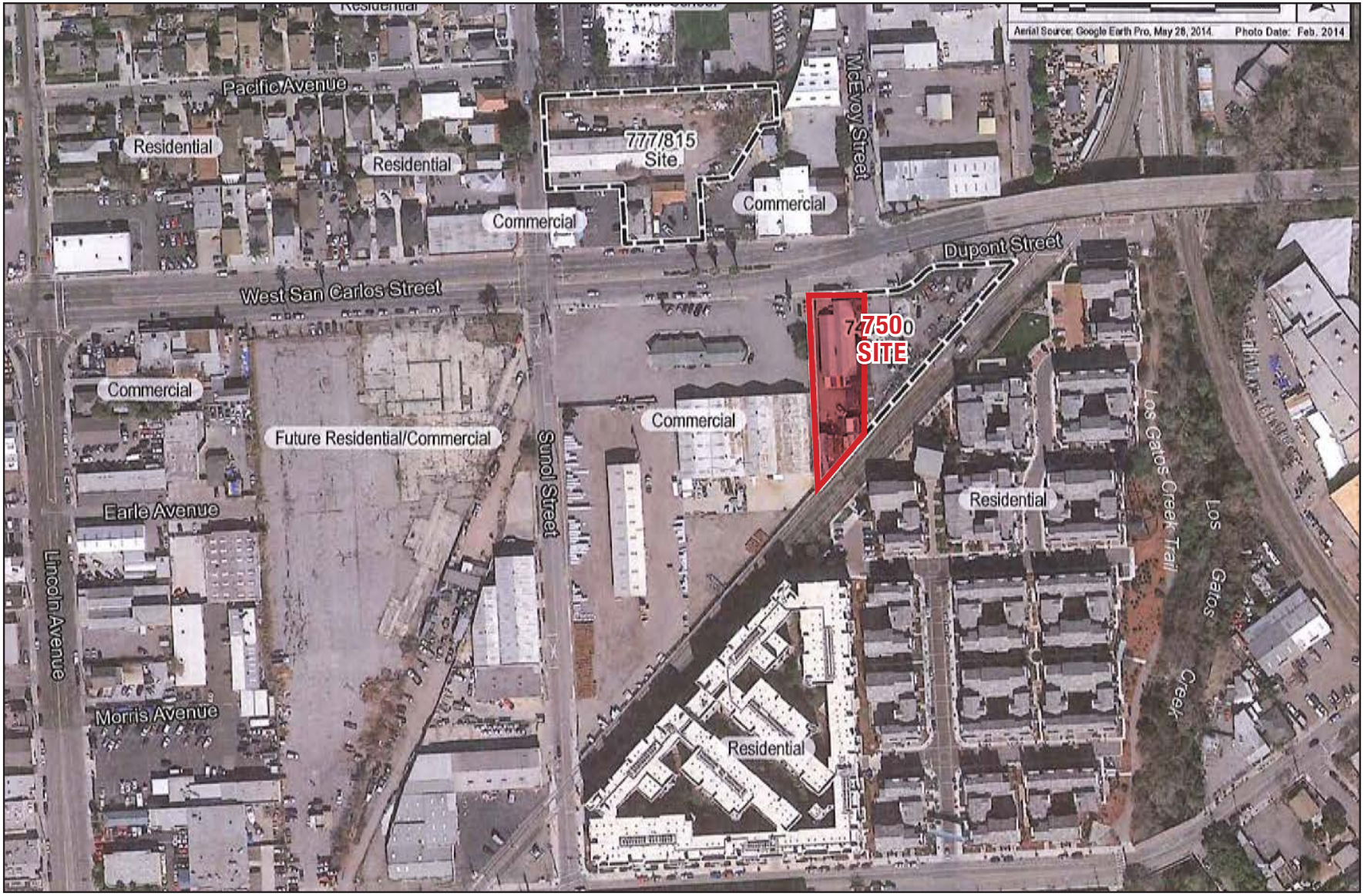
Figure 2



Source: Kimley-Horn & Associates, Inc. 2016

Site Vicinity

Figure 3



Source: Kimley-Horn & Associates, Inc. 2016

Aerial and Surrounding Land Uses

Figure 4

2.4 PROJECT APPLICANT'S NAME AND ADDRESS

Bay Area Property Developers
Contact: Blake Peters
1850 Mt. Diablo Blvd., Suite 337
Walnut Creek, CA 94596

2.5 GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS

General Plan Land Use Designation: *Transit Residential (65-250 du/ac)*
Zoning District: *HI – Heavy Industrial*

2.6 PROJECT-RELATED APPROVALS AND PERMITS

- Planned Development (PD) Rezoning
- Planned Development Permit
- Tentative Map
- Grading Permit
- Tree Removal Permit
- Public Works Clearance
- Building Clearance

2.7 SANTA CLARA VALLEY HABITAT PLAN DESIGNATION

Land Cover Designation: *Urban-Suburban*
Development Zone: *Urban Development greater than two acres covered*
Fee Zone: *Urban Areas*

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CHAPTER 3.0 PROJECT DESCRIPTION

The project proposes *Planned Development (PD)* rezoning, PD Permit and Tentative Map to allow the construction of an approximately 85-foot tall, seven-story residential building located at 750 West San Carlos Street. The General Plan designation of this 0.44-acre site is *Transit Residential* (65-250 dwelling units/acre). The project proposes to construct 56 residential units in a seven-story structure.

The site plan is shown in Figure 5. Elevations of the proposed building are shown in Figures 6a and 6b. The first two floors of the building would include vehicle and bicycle parking and storage units. The residential units are proposed on floors 3-7 with common opens spaced located on the 7th floor. A rooftop sky deck/garden with open space is also included in the project. The building would be constructed of corrugated metal and plaster siding. The building would include a residential lobby as well as bicycle parking, storage areas and trash receptacles.

The proposed project would be consistent with the existing General Plan land use designation for the site. The DSAP allows building heights up to 130 feet on the site. The proposed residential building will be a maximum of 85 feet in height and consistent with the building height limitation.

3.1 DEMOLITION AND SITE CLEARING

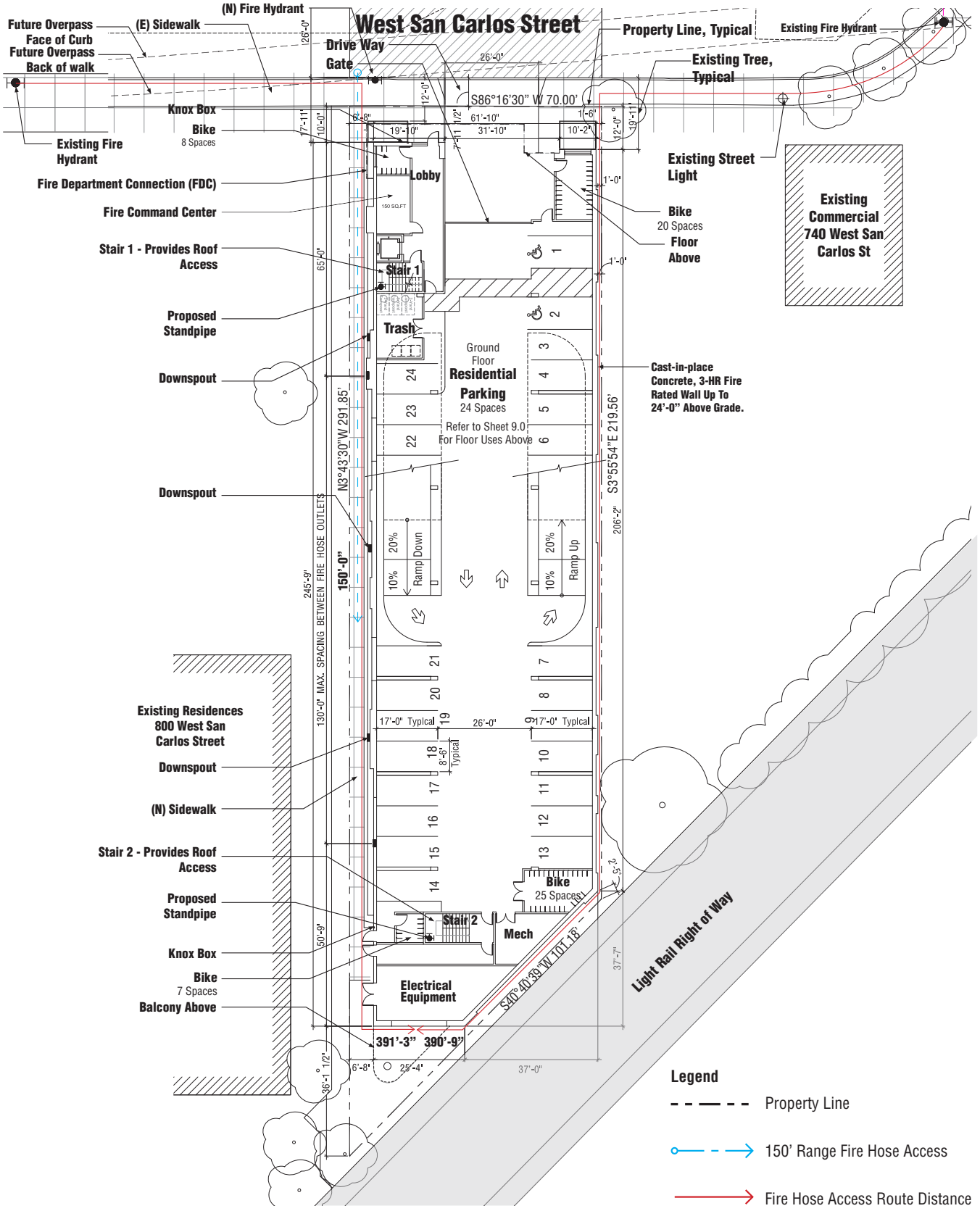
Prior to construction, the project site would be cleared of all buildings, signs, vehicles, debris and construction materials, landscaping, driveways, and surface parking areas. The site is currently occupied by a two-story commercial building constructed prior to 1950 as well as storage sheds. Seven trees are located on the project site, which would be removed as part of the project.

3.2 SITE ACCESS, CIRCULATION, AND PARKING

3.2.1 Vehicle Access

Vehicular access to the project site would be provided by one driveway on Dupont Street (see Figure 5). West San Carlos Street provides access to and from the project site via its intersections with Dupont Street and McEvoy Street. Traffic travelling on the westbound West San Carlos Street overpass will be able to access the site by making a right onto McEvoy Street and a right on Dupont Street, which goes under the overpass. A left-hand turn from westbound West San Carlos Street onto the frontage road will not be allowed.

A total of 54 parking spaces would be provided on the first and second floors of the proposed building for use by residents. This parking would be accessed from the previously described driveway. Bicycle parking spaces and storage would be located within the parking area, as shown on Figure 5.



Source: SGPA Architecture and Planning, 2017

Site Plan

Figure 5

Colors & Materials

- P1 Benjamin Moore 2124-30 Deep Silver
- P2 Benjamin Moore 2132-60 Metalic Silver
- P3 Benjamin Moore 2122-70 Snow White
- P4 Benjamin Moore 1596 Nightfall
- P5.1 Benjamin Moore 740 Harbor Side Blue
- P5.2 Benjamin Moore 741 San Jose Blue
- P5.3 Benjamin Moore 742 Largo Teal
- P6 Benjamin Moore 1609 Temptation

Key Notes

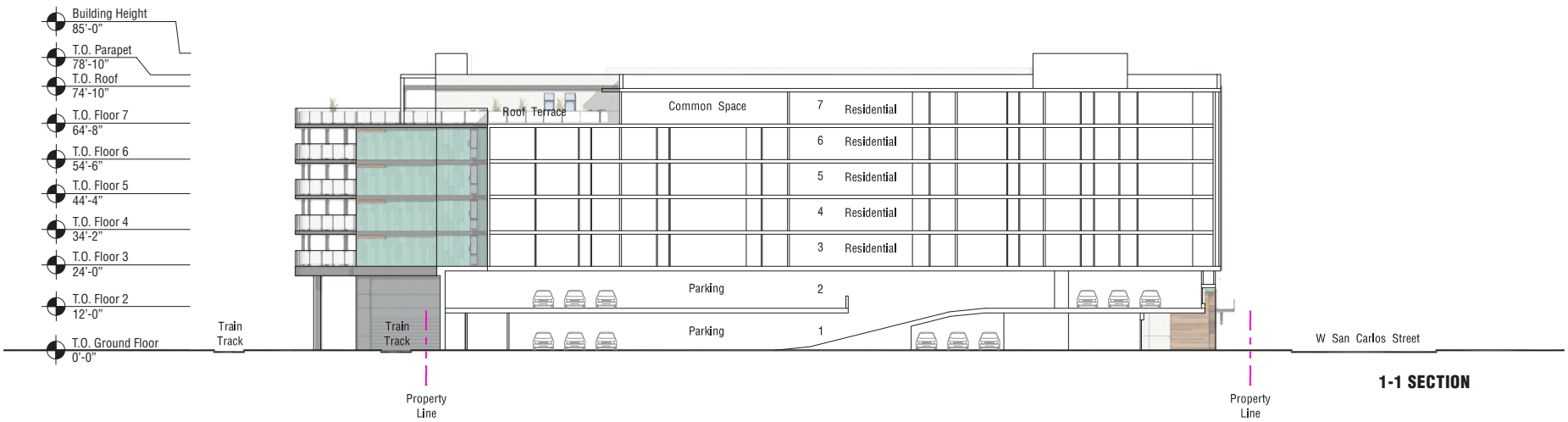
1. Corrugated Metal Siding
2. Exterior Cement Plaster
3. Metal Canopy
4. High Density Laminate Wall Panel - Ambar
5. Aluminum Window
6. Architectural Wall Panel System
7. Glass Guardrail
8. Aluminum Storefront Window System
9. Wood Trusses
10. Translucent Glass Roll Up Garage Door
11. Decorative Metal Wall Sconce
12. Signage & Address Numbers
13. Metal Grille
14. Roofing - Single Ply and PVC System
15. Green Wall
16. Drain Leader

Note: The General Plan, Transit Residential District, Does Not Specify A Height Limit; It Specifies A Building To Be 5 To 25 Stories

Source: SGPA Architecture and Planning, 2017

Elevations

Figure 6a



1-1 SECTION

2-2 SECTION

ELEVATION OF GROUND FLOOR

Source: SGPA Architecture and Planning, 2017

Elevations

Figure 6b

3.2.2 Transit and Trail Access

Existing Light Rail Transit (LRT) tracks, operated by the Santa Clara Valley Transportation Authority (VTA) are located directly adjacent to the southeast boundary of the project site. The closest existing LRT station (Diridon Station) is located approximately 1,500 feet north of the sites. Pedestrian access is provided via existing sidewalks on the south side of West San Carlos Street and the Dupont Street. The Los Gatos Creek Trail, located approximately 200 feet to the east, also provides access to the project sites.

3.3 PUBLIC RIGHT-OF-WAY AND UTILITY IMPROVEMENTS

The proposed project will include minor replacement of the existing curb, gutter, and improvements to portions of the sidewalks on the frontage road. The project requires connections to existing utilities in the area to serve the proposed project. The project includes new on-site water, sewer, and storm drain pipes which would connect to existing water, sewer, and storm drain mains/lines in the project area. The project proposes on-site features, including flow-through planters, to treat stormwater runoff prior to discharge to the City's stormwater system.

3.4 COMMON OPEN SPACE AND LANDSCAPING

Trees and shrubs associated with the existing land use on the site would be removed and new landscaping would be installed consistent with City policies. Seven trees would be removed from the site. The project proposes a rooftop deck/garden with open space.

3.5 GREEN BUILDING MEASURES

The projects will be subject to the City's Green Building Ordinance. Consistent with the City's Private Sector Green Building Policy. The project proposes a variety of design features to reduce energy and water use. The project will also follow energy conservation measures/design features to reduce greenhouse gas emissions, as follows:

- Exceed the State Title 24 California Energy Code requirements by at least 15 percent;
- Provide bicycle lockers;
- Install high performance lighting and controls;
- Maximize natural lighting, minimize summer heat gain, and increase passive heating in winter;
- Salvage and recycle construction waste;
- Use recycled content building materials;
- Use low-VOC emitting paints, sealants, coatings, and flooring systems;
- Water efficient landscaping and irrigation design.

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CHAPTER 4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

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

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are required by the City of San José (the "Lead Agency") or other regulatory agencies that will reduce or avoid impacts are categorized as "standard permit conditions." Measures listed in the DSAP EIR that are required of future projects to reduce or avoid impacts are categorized as "DSAP EIR Measures Required to be Included in the Project."

Mitigation measures (MM) are numbered to correspond to the impact they address. For example, MM NOI – 2.3 would refer to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are listed below.

Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural and Forest Resources
AQ	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Site Characteristics*

The approximately 0.44-acre project site is located at 750 West San Carlos Street, and currently developed with a two-story commercial structure (Palo Alto Awning, Inc.). The site is visible from West San Carlos Street and the corner of West San Carlos Street and Dupont Street, under the West San Carlos Street overpass, as shown on Figure 7. Trees of varying height and maturity are located along the perimeters of the site and provide partial screening from surrounding land uses.

4.1.1.2 *Surrounding Visual Character*

The project sites are located along West San Carlos Street in a highly urbanized area of mixed commercial/light industrial/residential uses, as shown in the site photos on Figure 7. The project site is surrounded by existing development with a variety of building types, ages, and architectural styles, most of which are under three stories in height. Surrounding land uses include commercial uses and residential uses to the south.

4.1.1.3 *Scenic Views and Nighttime Lighting*

Due to the relatively flat topography and the existing development in the surrounding area, views of the project site are limited to the immediate vicinity. Scenic resources are not visible from the site. Sources of nighttime lighting in the project area include indoor lighting through windows, and outdoor lighting of signs, buildings, walkways, and parking lots.

4.1.1.4 *Applicable Plans, Policies, and Regulations*

State Scenic Highway Program

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

Looking Northeast to Project Site from Rail Tracks

Looking Southwest to Project Site from Overpass

Looking West to Project Site from Overpass

Site and Overpass from Rail Tracks

Looking Southwest to Project Site from Dupont Street

Looking North to Dupont Street Below Overpass

Site Photos

Figure 7

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to aesthetic resources and are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies

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

Envision San José 2040 Relevant Aesthetic Policies

Policy	Description
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.

DSAP Design Guidelines

The DSAP Design Guidelines are separated into three categories: 1) Built Form, 2) Open Space Network, and 3) Streetscape. Overall, the DSAP Design Guidelines are intended to create a transit-oriented, pedestrian/bicycle-friendly environment with a vibrant urban character in a manner that maximizes compatibility between new and existing uses. The DSAP Design Guidelines are generally consistent with General Plan policies intended to guide development in Urban Villages. The proposed project would be subject to adopted *Residential Design Guidelines,* although in the event of conflicting guidelines, the DSAP Design Guidelines would take precedence.

4.1.2 Aesthetics Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1,2,3,4 5
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1,2,3,4 5
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1,2,3,4 5
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,2,3,4 5

DSAP EIR – Aesthetics Conclusions

The DSAP EIR concluded that development under the DSAP would not result in a substantial adverse effect on a scenic vista or resource. Implementation of the DSAP Design Guidelines, General Plan policies, and existing regulations would avoid substantial degradation of the existing visual character or quality of the Diridon Station plan area and its surroundings. Additionally, development under the DSAP would not result in significant light and glare impacts.

4.1.3 Impacts Evaluation

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

The project site is not located along a state scenic highway or scenic gateway and does not contain scenic view corridors or scenic resources. For these reasons, the project would not degrade the existing visual character of the site or surrounding area, and would not have an impact on scenic vistas. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

There are no rock outcroppings or historic buildings on the project site. The site is not visible from a state scenic highway. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is developed with a commercial building, which will be replaced with a modern building of contemporary architecture. The project proposes to construct a seven-story residential building with interior parking that would represent a change in the visual character of the site compared to existing conditions.

Buildings of similar height are not located within the project area. There are multi-family residential uses located across the Light Rail tracks and southwest of the project site.

The final project design would be subject to the City's design review process and would conform to current architectural and landscaping standards, including the DSAP Design Guidelines, Zoning Ordinance, General Plan policies, Municipal Code standards, and other relevant regulations. The project would be reviewed for compatibility with surrounding development to minimize the potential for land use conflicts to the extent possible. New landscaping is also proposed that will increase the aesthetic quality of the proposed development.

For the above reasons, construction of the proposed residential building would conform to the City's Design Standards is not anticipated to adversely affect visual quality in the area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The existing area is highly illuminated by multiple industrial and commercial uses, including on-site lighting. Existing street lights are located along West San Carlos Streets. The project would include additional site lighting on taller structures than currently exist on the site; however, the project would be required to install lighting in accordance with the City Council's adopted Light Policy 4-2 and Private Outdoor Policy 4-3. With implementation of General Plan and DSAP policies and existing regulations, the proposed project would not result in significant light and glare impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.4 Conclusion

Implementation of the proposed project would not result in significant adverse visual or aesthetic impacts. This conclusion is consistent with the analysis in the DSAP EIR. **[Same as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Setting

4.2.1.1 *Agricultural Resources*

California Department of Conservation

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as Prime Farmland.

According to the *Santa Clara County Important Farmlands* map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least six units per 10-acre parcel or is used for industrial or commercial purposes, golf courses, landfills, airports, or other utilities.

4.2.1.2 *Forestry Resources*

The project site is developed and does not contain any forest land and no forest or timberland is located in the vicinity.

4.2.1.3 *Applicable Plans, Policies and Regulations*

California Land Conservation Act (Williamson Act)

Agricultural lands in California can be protected from development and reserved for agricultural purposes or open-space conservation under the California Land Conservation Act, commonly known as the Williamson Act. Local governments may enter into contracts with land owners to protect certain lands in exchange for a lowered property tax assessment. The project site is not part of a Williamson Act contract.

4.2.2 Agriculture and Forestry Resources Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1,4,6
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,4,7
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	1,4,7
d. Result in a loss of forest land or conversion of forest land to nonforest use?	☐	☐	☐	☒	☐	1,4
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?	☐	☐	☐	☒	☐	1,4,6,7

DSAP EIR – Agricultural and Forestry Resources Conclusions

The DSAP EIR identified that there would be no impacts to agricultural or forestry resources from future development under the DSAP. The future development under the DSAP would result in a less than significant impact on forestry resources.

4.2.3 Impacts Evaluation

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

The project site is currently developed and not designated, used, or zoned for agricultural purposes. The project site is not part of a Williamson Act contract. For these reasons, the proposed project would not result in impacts to agricultural resources. **[Same Impact as Approved Project (No Impact)]**

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

The project site is currently developed and does not contain any forest land and no forest or timberland is located in the vicinity of the site. The project would not impact timberland or forest land. **[Same Impact as Approved Project (No Impact)]**

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

The project site is surrounded by urban development and, therefore, the proposed development would not result in the conversion of agricultural land to non-agricultural uses. **[Same Impact as Approved Project (No Impact)]**

4.2.4 Conclusion

Implementation of the proposed project would have no impact on agricultural or forestry resources in the area. This conclusion is consistent with the analysis in the DSAP EIR. **[Same as Approved Project (No Impact)]**

4.3 AIR QUALITY

As previously described in Section 1.1, *Background Information*, in June 2016, the City of San José approved the Addendum to the DSAP EIR for two projects referenced as 740/750 and 777/815 West San Carlos Street Mixed-Use Projects within the DSAP area. The two projects together represented a total of 244 residential units and 5,725 s.f. of ground-floor retail.

Since approval of the June 2016 EIR Addendum, the 750 West San Carlos Street project has been reduced in scale. The revised project eliminates the 740 West San Carlos Street property and reduces the net residential units by 39 (approximately 41%) and eliminates 2,735 s.f. of retail/commercial space.

The following discussion is primarily based on the DSAP EIR and the previously prepared supplemental memo for Toxic Air Contaminants (TACs) dated June 2015 (updated April 2016) for the June 2016 EIR Addendum for the 740/750 and 777/815 West San Carlos Mixed Use Projects (refer to Appendix A). The 2016 air quality analysis for 740/750 West San Carlos project assumed a larger building footprint and a more intense use (residential/commercial) encompassing the two properties and did not contemplate individual development projects on either 740 or 750 West San Carlos. Therefore, the previous air quality study has been utilized as a worst-case analysis. With implementation of the revised 750 West San Carlos project, potential air quality impacts would be proportionally reduced when compared to those described and evaluated in the approved June 2016 Addendum. The project would not result in new or worse air quality impacts when compared to the DSAP EIR.

4.3.1 Setting

4.3.1.1 *Climate and Topography*

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

4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB), include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. USEPA calls these pollutants "criteria" air pollutants because it regulates these pollutants by developing human health based and/or environmentally-based criteria (science-based guidelines) for setting permissible levels.

The set of limits based on human health is called primary standards. Another set of limits intended to prevent environmental and property damage is called secondary standards.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5,}$ or Particulate Matter up to 2.5 micrometers in size) and state standards for particulate matter ($PM_{10,}$ or Particulate Matter up to 10 micrometers in size). The area is considered attainment or unclassified for all other pollutants.

4.3.1.3 *Local Community Risks/Toxic Air Contaminants*

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer or serious illness) and include, but are not limited to, criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a highway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. The identification, regulation, and monitoring of TACs is relatively new compared to that for criteria air pollutants that have established ambient air quality standards. TACs are regulated or evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Diesel Particulate Matter

Diesel exhaust, in the form of diesel particulate matter (DPM) is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. DPM is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. California has adopted a comprehensive diesel risk reduction program. The U.S. Environmental Protection Agency (EPA) and the CARB have adopted low-sulfur diesel fuel standards in 2006 that reduce diesel particulate matter substantially. The CARB recently adopted new regulations requiring the retrofit and/or replacement of construction equipment, on-highway diesel trucks, and diesel buses in order to lower fine particulate matter ($PM_{2.5}$) emissions and reduce statewide cancer risk from diesel exhaust.

Fine Particulate Matter ($PM_{2.5}$)

Particulate matter in excess of state and federal standards represents another challenge for the Bay Area. Elevated concentrations of $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

4.3.1.4 *Sensitive Receptors*

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, elementary schools, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors nearest to the project site are townhouses south of the site across the light rail tracks.

4.3.2.5 *Applicable Plans, Policies and Regulations*

Federal, State, and Regional

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

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

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

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to air quality and are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-11.2	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

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

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

4.3.2 Air Quality Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,8
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,8,9,10
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as nonattainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1,8
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1,8,9,10
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,4

DSAP Plan EIR – Air Quality Conclusions

The DSAP EIR identified that buildout under the DSAP would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors. The DSAP was found to not conflict with or obstruct implementation of the 2010 BAAQMD Clean Air Plan.

As disclosed in the DSAP EIR, buildout of the DSAP would result in a net increase in ROG and NOx in the San Francisco Bay Area, contributing to existing violations of ozone standards, which is a significant unavoidable cumulative impact.

4.3.2.1 *Project-Level Significance Thresholds*

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

Thresholds prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association (BIA)[1] and a subsequent appeal by BAAQMD.[2] The Appellate Court decision on August 13, 2013 upheld the threshold adoption process as valid.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.

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

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

- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

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

Table 4.3-1: Project-Level Significance Thresholds

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Maximum Annual Emissions** (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM10/PM2.5)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hour average, 20.0 ppm (1-hour average)	
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	

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

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

4.3.3 Impacts Evaluation

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

The proposed projects incorporate General Plan policies adopted for the purposes of minimizing vehicle trips and associated air quality impacts through its Land Use Diagram, Design Guidelines, and Transportation Strategies. Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 4.3-2, below.

Growth evaluated as part of the 2040 General Plan would result in a significant unavoidable impact pertaining to consistency with the 2010 CAP. The project supports the primary goals of the 2010 CAP in that they do not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the sites with access to existing transit and services, which could reduce vehicle trips.

As summarized in Table 4.3-2, the proposed project is generally consistent with the 2010 CAP control measures. The project would not hinder the implementation of the 2010 CAP control measures and would not conflict with or obstruct implementation of the 2010 CAP. The project would not result in a significant impact related to consistency with the 2010 CAP, however, the project is part of the cumulative development evaluated in the 2040 General Plan and DSAP EIR and would incrementally contribute to the growth of San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	The project is infill development and includes bicycle parking /storage to serve residents of the site.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project is located near jobs and services and served by existing pedestrian, bicycle, and transit facilities. The project would improve pedestrian connectivity in the area by providing access to sidewalks on West San Carlos Street.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The project is consistent with the existing General Plan land use designation and proposes infill residential uses on underutilized land. The project provides relatively high-density development located near Downtown in proximity to transit. The project would also provide access to pedestrian facilities on nearby streets.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be constructed in conformance with the City's Private Sector Green Building Policy. Also, the project's infill location near existing jobs, services, and transit provide opportunity for reduced vehicle miles and trips.
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project does not propose the use of cool roofing or paving. However, the project includes landscape trees and outdoor common areas with green landscaping on the roof-top, which would reduce the "urban heat island" effect. The proposed development would replace trees as required by the City's Tree Ordinance.
Tree-Planting	Promote planting of low-VOC emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	As discussed above, the project proposes to plant trees and other landscaping.

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

Construction-Related Impacts

Construction of the project is anticipated to occur over a 12 month period. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

BAAQMD has established screening thresholds for the evaluation of a project's emissions of criteria pollutants during construction. If a project is below the screening threshold size, it can be assumed the project would not result in a significant impact related to construction criteria pollutant emissions. The screening threshold for condos/townhouses is 240 dwelling units. The project proposes a total of 56 dwelling units, and is below the screening threshold.

Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating.

The Envision San José 2040 General Plan Final Program EIR and DSAP EIR concluded that construction emission impacts could be reduced to a less than significant level with the implementation of General Plan policies and existing regulations.

DSAP EIR Measures Required to be Included in the Project: Consistent with the City's General Plan policies MS-10.1 and MS-13.2, the project would be developed in conformance with all basic BAAQMD Best Management Practices (BMPs) and dust control measures during all phases of construction on the project sites to reduce dust emissions. These are identified below as standard permit conditions.

Standard Permit Conditions

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour (mph).
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites and limit speeds to 15 mph.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With compliance and implementation of BAAQMD BMPs and dust control measures identified above, the project would have less than significant criteria pollutant and dust fall emissions related to construction. **[Same Impact as Approved Project (Less than Significant Impact)]**

Operations-Related Impacts

Operational air emissions from the project would be generated primarily from vehicles driven by future residents and customers of the retail uses. Operation of the project is not considered a source of TAC or $PM_{2.5}$ emissions and would not contribute cumulatively to unhealthy exposure to TACs.

Carbon monoxide (CO) emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. The Air Quality Analysis completed for the DSAP EIR evaluated the potential for the DSAP project to violate state standards for CO by modeling three intersections in the study area. Based on the modeling, which took into account the trips generated by the project, CO concentrations would only increase by 0.3-0.4 ppm and would not exceed the standard of 9.0 ppm. Note that with implementation of the project currently proposed at 750 West San Carlos, the potential air quality impacts would be proportionally reduced when compared to those described and evaluated in the previously approved June 2016 EIR Addendum. Build-out of the DSAP, including the proposed projects, would not result in a violation of CO standards. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Non-attainment pollutants of concern for this impact are ozone, PM_{10} and $PM_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in impact (b) above, the implementation of construction period standard permit conditions would make construction emissions less than significant.

The DSAP EIR concluded that buildout of growth anticipated in the DSAP would result in significant unavoidable impacts related to emissions of ROG and NO_x, which are ozone precursors. The project's emissions would contribute to this significant unavoidable impact. The project would result in the same impact that was identified in the DSAP EIR. **[Same Impact As Approved Project (Significant Unavoidable Impact)]**

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

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs, or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs.

Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACs, such as generators, are proposed as part of the project.

The project would place new sensitive receptors near three types of existing TAC sources: (1) nearby railroad traffic; (2) West San Carlos Street; and (3) stationary sources permitted by BAAQMD. An operational community risk assessment prepared by *Illingworth and Rodkin* in June 2015 (updated in April 2016) evaluated potential health effects from TAC sources on the project, as described below.

Railroad Community Risk Impacts

The project site is located approximately 260 feet west of Caltrain and other rail lines. These rail lines are used by trains for passenger and freight service; rail activity currently generates TAC and $PM_{2.5}$ emissions from locomotive exhaust.

Currently all of Caltrain trains use diesel locomotives. The Peninsula Corridor Electrification Project is a program to modernize operation of the Caltrain rail corridor between San José and San Francisco. Under this program, diesel-locomotive hauled trains would be converted to Electric Multiple Unit (EMU) trains by 2020.[3]

Based on the current Caltrain schedule, there are 40 trains accessing the Diridon Station during weekdays. The Amtrak Coast Starlight operates between Seattle and Los Angeles with two daily trains and there are also up to six freight trains that use the rail lines on a daily basis.[4]

Diesel particulate matter (DPM) and $PM_{2.5}$ emissions from trains on the rail line were calculated using EPA emission factors for locomotives[5] and CARB adjustment factors to account for fuels used in California.[6] The results of the assessment predict a cancer risk at the project site of 2.9 per million, annual concentrations of $PM_{2.5}$ of 0.013 $\mu g/m^3$, and a Hazard Index less than 0.01. These concentrations are below BAAQMD established thresholds.

[3] Caltrain, 2014. *Peninsula Corridor Electrification Project. Final Environmental Impact Report*. December 2014.
[4] *Bay Area Regional Rail Plan, Technical Memorandum 4a, Conditions, Configuration & Traffic on Existing System*, Metropolitan Transportation Commission, November 15, 2006.
[5] *Emission Factors for Locomotives*, USEPA 2009 (EPA-420-F-09-025).
[6] *Offroad Modeling, Change Technical Memo*. Changes to the Locomotive Inventory. CARB. July 2006.

Potential non-cancer health effects due to DPM exposure were also evaluated. The maximum predicted chronic inhalation reference exposure levels (RELs) at the project site were 0.009. These concentrations are much lower than the five $\mu g/m^3$ threshold.

Impacts from Local Roadways

The project is located adjacent to West San Carlos Street, which is a high volume roadway and source of TAC emissions. BAAQMD provides screening tables that provide initial estimates of community risk impacts from local roadways. The annual average daily traffic volume for West San Carlos Street was estimated at 17,720 vehicles.

Cancer risk, chronic hazard index, and $PM_{2.5}$ levels using BAAQMD screening data indicate the exposure from this roadway is well below a cancer risk of 10 in one million, $PM_{2.5}$ levels of 0.3 $\mu g/m^3$, and a Hazard Index of 1.0.

Impacts from Stationary Sources

Eight operational stationary sources of TACs were identified within 1,000 feet of the project site using the BAAQMD Stationary Source Screening Analysis Tool. Stationary TAC sources are gas stations located in vicinity of the project sites. Cancer risk, chronic hazard index, and $PM_{2.5}$ levels using BAAQMD screening data indicate the exposure from these stationary sources are well below a cancer risk of 10 in one million, $PM_{2.5}$ levels of 0.3 $\mu g/m^3$, and a Hazard Index of 1.0.

Table 4.3.1 summarizes TAC sources and their impacts upon the project's sensitive residential receptors, and the BAAQMD significance thresholds for single and combined TAC sources are included. The sum of the maximum excess cancer risk, non-cancer hazards and annual $PM_{2.5}$ concentrations were calculated based on the levels shown in Table 4.3-3, and are well below the cumulative community risk thresholds.

Table 4.3-3: Community Risk to Project Sensitive Receptors

Source	Maximum Cancer Risk (per million)	Hazard Index	$PM_{2.5}$ Concentration ($\mu g/m^3$)
750 W. San Carlos			
W. San Carlos traffic	5.1	<0.03	0.2
Railroad traffic	4.0	<0.01	<0.1
Plant G11868, United Rentals Northwest Inc.	0.3	<0.01	--
Plant G7956, City of San José Fire Training Center	<0.1	<0.01	--

Table 4.3-3: Community Risk to Project Sensitive Receptors			
Source	**Maximum Cancer Risk** (per million)	**Hazard Index**	**$PM_{2.5}$ Concentration ($\mu g/m^3$)**
Plant G4113, Damar Petroleum #256231	0.8	<0.01	--
Combined Sources[1]	<10.3	<0.07	<0.3
BAAQMD Combined Threshold	*100*	*10.0*	*0.8*
Significant Impact?	**No**	**No**	**No**

[*] Note:
[1] The combined source level is an overestimate because the maximum impact from each source is assumed to occur at the same location.

Impacts from Construction

Construction equipment and associated activity would generate dust and diesel exhaust on a temporary basis during construction activities. Diesel exhaust poses both potential health and nuisance impacts to nearby sensitive receptors.

A community risk assessment of the construction activities for both project construction sites was conducted in June 2015, which evaluated the potential health effects at nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$. Sensitive receptors nearest to the project site are townhouses south of the site across the Light Rail tracks. A dispersion model was used to predict the off-site concentrations resulting from project construction to identify lifetime cancer risks. The models and assumptions used are described in detail in Appendix A.

Results of this assessment indicate that for project construction, the incremental residential child cancer risk at the maximally exposed individual (MEI) receptor location would be 95 in one million and the incremental residential adult cancer risk would be 5 in one million. The increased child cancer risk is above BAAQMD significance thresholds of 10 in one million.

The maximum annual $PM_{2.5}$ concentration for an off-site resident was 2.3 $\mu g/m^3$, occurring at the same location as the maximum cancer risk. This $PM_{2.5}$ concentration is above the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$ used to judge the significance of health impacts from $PM_{2.5}$.

Potential non-cancer health effects due to DPM exposure were also evaluated. The maximum predicted inhalation REL was 1.08 $\mu g/m^3$, which is lower than the five $\mu g/m^3$ threshold. The Hazard Index (HI), which is the ratio of the annual DPM concentration to the REL, is 0.22, which is also lower than the BAAQMD significance threshold of a HI greater than 1.0.

As discussed above, the project area is affected by several sources of TACs, in addition to temporary construction impacts on nearby sensitive receptors. The construction MEI is located southwest of the project site. The sum of impacts from combined sources (i.e., all sources within 1,000 feet of the project) would be above the BAAQMD cancer risk threshold.

Impact AQ-1: Project construction would expose sensitive receptors to cancer risks and $PM_{2.5}$ concentrations associated with construction vehicle and equipment emissions. **[Significant Impact]**

As described in the DSAP EIR, the control measures required under GP Policy MS-13.1 (listed in Section 4.3.2.5 above) would reduce both dust and exhaust emissions at nearby land uses. The DSAP EIR acknowledged that additional measures may be considered for further reducing exhaust emissions, depending on the distance between the project site and the nearest receptors. As described above, the proposed project would require additional measures to reduce impacts from construction exhaust emissions. These measures are identified as mitigation measures below.

Mitigation Measures: The project applicant shall implement the required measures listed above in this section and the following mitigation to reduce impacts to sensitive receptors to a less than significant level:

MM AQ-1: The project applicant shall ensure that all mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the project site for more than two days continuously meets U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Prior to issuance of any grading permit, all measures shall be printed on all construction documents, contracts, and project plans to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement (PBCE).

Implementation of MM AQ-1 and the additional required construction dust control measures listed above would reduce the maximum increased child cancer risk to less than 3.4 in one million and the maximum annual $PM_{2.5}$ concentration would be 0.3 $\mu g/m^3$, which is below BAAQMD thresholds. It should be noted that with implementation of the revised 750 West San Carlos project, potential air quality impacts would be proportionally reduced when compared to those described and evaluated in the previously approved June 2016 EIR Addendum. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

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

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors, however, they would be localized and are not likely to adversely affect people off-site by generating confirmed odor complaints. Consistent with the DSAP EIR analysis, the project would not include any new sources of significant odors that would affect a substantial number of people or cause complaints from surrounding uses. **[Same as Approved Project (Less than Significant Impact)]**

4.3.4 Conclusion

Consistent with the DSAP EIR, implementation of the proposed project would not conflict with an applicable air quality plan (specifically the BAAQMD) 2010 Clean Air Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The proposed project would not result in significant local (carbon monoxide) air quality impacts. The DSAP EIR included required measures to minimize regional air quality impacts caused by criteria pollutants but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant regional air quality impacts resulting from implementation of the planned development considered in the DSAP. The project proposes to implement feasible measures to minimize regional air quality impacts from criteria pollutant emissions and would not result in any new or greater impacts than were previously identified in the DSAP EIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

The occupants of the project would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs, as analyzed in the community health risk assessment prepared for the project. With the implementation of mitigation measures MM AQ-1 to reduce exhaust emissions during construction, the project would not expose sensitive receptors near the project site to substantial TAC emissions. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Consistent with the DSAP EIR, the project would not generate objectionable odors affecting a substantial number of people, nor expose project residents to existing odors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4 BIOLOGICAL RESOURCES

This section is based primarily upon the DSAP EIR, except where noted.

4.4.1 Setting

The project is located in an urban area surrounded by existing commercial, industrial, and residential development. The project site is highly disturbed and developed with an existing commercial use. The site does contain seven trees.

Habitats in developed, urban areas are low in species diversity. Common species that occur in urban environments include rock pigeons, mourning doves, house sparrows, finches, and European starlings. Raptors and other avian species could forage in the project area or nest in surrounding landscaping or within buildings.

There are no sensitive habitats or wetlands on or adjacent to the project site. Due to the lack of sensitive habitats, human disturbance, and the developed nature of the project site, special-status plant and animal species are not expected to occur. The primary biological resources on-site are landscape trees.

The tree survey completed for the project site is included as Appendix B. The project site contains seven trees (Tree-of-Heaven species). Most of these trees are in poor condition with poor preservation suitability relative to the proposed development.

4.4.1.2 *Applicable Plans, Policies and Regulations*

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.32.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (approximately 18 inches in diameter) at a height of 24 inches above the natural grade. A tree removal permit or a development permit is required from the City of San José for the removal of ordinance-sized trees, regardless of species. In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. There are three ordinance-size trees located on the project site, none of which are designated Heritage Trees.

Santa Clara Valley Habitat Plan

Since the certification of the Downtown Strategy FEIR and the 2040 General Plan FEIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted. The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Habitat Plan is a regional partnership between

six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

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

The project is located within the boundaries of the Habitat Plan study area and is designated as *Urban-Suburban*. *Urban-Suburban* lands are areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and has one or more structures per 2.5 acres. The project sites are not identified as important habitat for endangered and threatened species in the Habitat Plan.

Envision San José 2040 General Plan

The following policies are specific to biological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resources Policies

Policy	Description
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

4.4.2 Biological Resources Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1-4
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1-4
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒	1-4
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1-4
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1,5,11

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1-4,12

DSAP EIR – Biological Resources Conclusions

The DSAP EIR concluded that with the implementation of General Plan policies and existing regulations, future development under the DSAP would not result in a significant impact to sensitive riparian and aquatic habitat. With implementation of the required measures described in the DSAP EIR for the protection of trees, development under the DSAP would not result in a significant impact to community trees. The implementation of required measures for impacts on special status species, nesting raptors, and migratory birds would reduce the impact of development on these species to a less than significant level. Additionally, buildout of the DSAP would not significantly impact wildlife migration corridors and would not conflict with the Habitat Plan.

4.4.3 Impacts Evaluation

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

The project site is located in an urban commercial, industrial, and residential area and is completely developed with existing buildings, paved surface parking, and ornamental landscaping. Sensitive habitats or habitats suitable for special-status plants or wildlife species do not occur within or adjacent to the project site. The project would not directly result in impacts to special-status species.

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW.

Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Impact BIO-1: Construction activities could result in significant impacts to nesting migratory and other protected bird species.

Implementation of the mitigation below, consistent with the mitigation identified in the DSAP EIR, will reduce this impact to less than significant.

Mitigation Measures: The project applicant shall implement the following mitigation to reduce this impact to a less than significant level:

MM BIO-1 The project applicant shall schedule demolition and tree removals between September 1st and January 31st (inclusive) to avoid the raptor nesting season. If this scheduling is not feasible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation in accordance to the following procedures:

- Between February 1st and April 30th (inclusive), pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree removal.
- Between May 1st and August 31st (inclusive), pre-construction surveys shall be completed no more than thirty (30) days prior to the initiation of these activities.
- The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests.
- If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors) around the nest, which shall be protected from disturbance through the duration of nesting activity.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the PBCE Supervising Environmental Planner prior to issuance of any grading and building permits.

Implementation of the above mitigation would reduce potential impacts to nesting birds to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

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

The project site does not contain any riparian habitats or other sensitive natural communities. The project site is completely developed with existing commercial uses. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is completely developed and devoid of wetlands, marshes, or vernal pools. The projects would not impact any federally protected wetlands under the Clean Water Act. **[Less Impact than Approved Project (No Impact)]**

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

The project site is located in a developed urban environment with a mix of industrial, commercial, and residential uses. The project site does not support any watercourse, river, or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. There is very limited potential for the site to serve as a migratory corridor for wildlife and impacts would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The City of San José maintains the urban landscape partly by controlling the removal of ordinance trees on private property (San José Municipal Code *Section 13.32*). Ordinance trees are defined as trees over 56 inches in circumference, or approximately 18 inches in diameter, at a height of 24 inches above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

As previously described, seven trees would be removed for the project, three of which are ordinance size. Consistent with the San José General Plan, trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

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

The removal of three ordinance-size trees from the project site would require replacement according to adopted ratios. Table 4.4-1 below shows tree replacement ratios required by the City. The project will implement the following standard permit conditions to preserve and replace trees.

Standard Permit Conditions

- Trees on-site will be replaced at these ratios or the applicant will pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 4.4-1: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38 – 56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gal. container

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 56-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

Compliance with local laws, policies or guidelines, as proposed by the project, will reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is located within the study area of the Santa Clara Valley Habitat Plan, a recently adopted Habitat Conservation and Natural Community Conservation Plan. The project site is designated as *Urban – Suburban* land cover and redevelopment of the site is considered a covered activity under the plan. Based on the existing developed nature of the site, the proposed project would not have direct impacts to any species covered by the Habitat Plan.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan study area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for impacts from nitrogen deposition upon serpentine habitat can be correlated to the amount of new vehicle trips that a project is expected to generate. The Habitat Plan requires projects that will generate new vehicle trips to pay fee that will be used to off-set nitrogen impacts by conserving and managing serpentine habitat for the Bay checkerspot butterfly. The project site is less than two acres and, therefore, is not a covered project under the Habitat Plan; however, the project applicant will pay nitrogen deposition fees to reduce its contribution to cumulative nitrogen deposition impacts to a less than cumulatively considerable level and would not conflict with the provisions of the Habitat Plan.

Standard Permit Condition

- The project applicant shall comply with the Santa Clara Valley Habitat Conservation Plan (SCVHCP) and SCVHCP EIR and shall be required to pay all applicable fees prior to issuance of a grading permit.

As described above, the project would not conflict with the provisions of the Habitat Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.4 Conclusion

The proposed project would have a less than significant impact on biological resources with the implementation of the measures included in the project as mitigation, standard permit conditions, and General Plan policies. This conclusion is consistent with the analysis in the DSAP EIR. **[Same as Approved Project (Less Than Significant Impact with Mitigation)]**

4.5 CULTURAL RESOURCES

4.5.1 Setting

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

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

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

4.5.1.1 *Paleontological Resources*

Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. The sediments under the project site have a low potential to yield fossil resources or contain significant nonrenewable paleontological resources; however, mammoth remains were found along the Guadalupe River in San José in 2005.

4.5.1.2 *Prehistoric and Historic Resources*

The Native American people who originally inhabited the Santa Clara Valley belong to a group known at the "Costanoan" or Ohlone. Prehistoric era sites associated with Native Americans include both habitation and non-habitation sites often along or very near fresh water sources, major Native American trails, and stone sources in the foothills. The prehistoric archaeological (subsurface) sensitivity is moderate to high in the project area due to its proximity to Los Gatos Creek and the Guadalupe River. The project site does not contain any buildings that have the potential to be historic resources.

4.5.1.3 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Cultural Resources Policies

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

4.5.2 Cultural Resources Environmental Checklist

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

b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,4
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,4
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,4
e. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☒	☐	☐	1,4
A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	☐	1,4

DSAP EIR – Cultural Resources Conclusions

As described in the DSAP EIR, development under the DSAP would not result in significant impacts to historic, archaeological, or paleontological resources with the implementation of General Plan policies and existing regulations.

4.5.3 Impacts Evaluation

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

The project site does not contain any historical resources. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The project site is located in an area of moderate to high archaeological sensitivity due to its proximity to Los Gatos Creek. Therefore, previously unknown unrecorded archaeological deposits could be discovered during ground disturbing construction activities. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites, which could convey important information about San José's history. As described in the DSAP EIR and 2040 General Plan FEIR, implementation of General Plan policies and existing regulations, future development under the DSAP would not result in significant impacts to archaeological resources.

The following measures are included as standard permit conditions, consistent with the DSAP EIR and 2040 General Plan policies to reduce impacts to unknown buried paleontological and archaeological resources (if present on-site) to a less than significant level.

Standard Permit Conditions

- An archaeologist qualified in local historical and prehistorical archaeology shall complete a subsurface presence/absence program to determine whether any intact archaeological deposits are present on-site. Preparation of that work shall include aligning pertinent historic-period maps to the project area to identify specific sensitive areas that could be impacted by the proposed development. Should any archaeological features or deposits be identified, a focused research design and treatment plan shall be prepared to address any potential resources exposed during construction activities followed by archaeological excavation of these features.

- In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.
- A final report summarizing the discovery of cultural materials shall be submitted to the City's Supervising Environmental Planner prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Supervising Environmental Planner.
- All personnel involved with site clearing, grading, or trenching will undergo a training session to aid them in the identification of significant historic and prehistoric cultural resources. Training by a qualified archaeologist will also establish the protocol necessary in the event cultural resources are found on the site.

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

d. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

e. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.*

As previously described, the project site is located in an area of moderate to high archaeological sensitivity due to its proximity to Los Gatos Creek. Therefore, previously unknown unrecorded archaeological deposits could be discovered during ground disturbing construction activities. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites, which could convey important information about San José's history. As described in the DSAP EIR and 2040 General Plan FEIR, with implementation of General Plan policies, existing regulations and the following standard permit conditions, future development under the DSAP would not result in significant impacts to tribal resources.

Standard Permit Conditions

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- All personnel involved with site clearing, grading, or trenching will undergo a training session to aid them in the identification of significant historic and prehistoric cultural resources. Training by a qualified archaeologist will also establish the protocol necessary in the event cultural resources and/or human remains are found on the site.
- A final report shall be submitted to the City's Supervising Environmental Planner prior to issuance of building permits. If determined that the finds are related to tribal resources, the analysis in the final report shall be coordinated with appropriate tribe representative and the City's Supervising Environmental Planner. The report shall verify completion of the mitigation program to the satisfaction of the Supervising Environmental Planner.

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

[New Less Than Significant Impact to Tribal Resources (Less Than Significant Impact)]

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

The project site is underlain by Holocene alluvial fan material deposits, which have low potential to yield significant fossils at the surface, but may contain resources at depth.[7] It is possible, however, that deeper soils may contain older Pleistocene sediments, which

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

have a higher sensitivity for paleontological materials. Activities that involve substantial excavation would have a higher potential for encountering paleontological deposits. Construction activities may, therefore, result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the project could result in a significant impact to paleontological resources, if encountered. In accordance with General Plan policy ER-10.3, the following standard permit condition will be implemented by the project to reduce and avoid impacts paleontological resources.

Standard Permit Condition

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

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

4.5.4 Conclusion

Development of the project site, with the implementation of standard measures, General Plan policies, and existing regulations, the proposed project would not result in new or more significant impacts to cultural resources than previously identified in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 *Regional Geology*

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

4.6.1.2 *On-Site Geologic Conditions*

Topography and Soils

The project site is relatively flat and situated at an elevation of approximately 102 feet above sea level. Based on subsurface investigations performed on the project site in 2015, subsurface soils consist of alluvial silts, clays, and gravels. Soils in the DSAP area have been mapped as Yolo association soils, which have a slow infiltration rate and a moderate shrink-swell potential.[8] Expansive soils occur where a sufficient percentage of certain clay materials are present in the soil. These soil conditions, as well as artificial fills, can impact the structural integrity of buildings and other structures. There is no landslide potential on either site.

Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the U.S. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in the northwesterly direction. There are no active faults on the project site or within the project area. The closest active fault to the site is the Hayward fault zoned located approximately six miles east of the project site. Other potentially active faults within ten miles of the site include the San Andreas, Monte Vista-Shannon, and Calaveras faults. The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone, a City of San José Fault Hazard Zone, or Santa Clara County Fault Hazard Zone.

Seismic activity can also result in hazards from several forms of ground failure, including soil liquefaction, lateral spreading, and differential settlement. Much of the Santa Clara Valley, including the DSAP area and project sites, is located within a Liquefaction Hazard Zone.[9] Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state

[8] United States Department of Agriculture Soil Conservation Service. *Soil Survey of Santa Clara County, California*. 1958.
[9] California Geological Survey. *Seismic Hazard Zones, San José East Quadrangle.* 2002.

as a result of seismic ground shaking. Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying material toward an open face such as a body of water. Differential settlement is associated with loose unsaturated sandy soils, which are generally present along creeks. These hazards can cause damage to structures and paved areas.

4.6.1.3 *Applicable Plans, Policies and Regulations*

Alquist-Priolo Earthquake Fault Zoning Act

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

California Building Code

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

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to geological resources and are applicable to the proposed project.

Envision San José 2040 Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

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

4.6.2 Geologic and Soils Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
1. Rupture of a known earthquake fault, as described on the most recent AlquistPriolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐	1,4,13
2. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,4,13
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,4,13
4. Landslides?	☐	☐	☐	☒	☐	1,4
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1,4,13
c. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1,4,13
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1,4,13

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1

Diridon Station Area Plan EIR – Geology and Soils Conclusions

As described in the DSAP EIR, development under the DSAP would result in less than significant geology and soils impacts. Implementation of standard measures for geologic hazards, erosion, and groundwater levels would reduce geologic and soil impacts to a less than significant level.

4.6.3 Impacts Evaluation

a., c. *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides? Would the project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Surface Fault Rupture and Seismic Shaking

The project site is located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the proposed projects. There are no known active faults traversing the project site and it is not located in an Alquist-Priolo Earthquake Fault Zone. Potential for surface rupture from displacement or fault movement directly beneath the proposed project is, therefore, considered low. Depending upon the intensity and magnitude of a seismic event, the new building and infrastructure may experience shaking due to the site's proximity to the active Hayward, San Andreas, Monte Vista-Shannon, and Calaveras Faults.

Liquefaction and Lateral Spreading

The project site is located within the State of California Liquefaction Hazard Zone. As stated in the DSAP EIR, design-level geotechnical investigations will be prepared for the site that identifies site-specific ground failure hazards such as liquefaction and lateral spreading and appropriate techniques to minimize risks to people and structures. Over-excavation and recompaction is a commonly used method to mitigate soil conditions

susceptible to settlement. The project site is located in a relatively flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. Dewatering is not required for the construction of the project.

The following measures are included as standard permit conditions, consistent with the DSAP EIR and 2040 General Plan policies, to reduce impacts related to geological hazards.

Standard Permit Conditions

- Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development complies with the California Building Code and the requirements of applicable City Ordinance 25015 and Building Division Policy SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

    - Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

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

Incorporation of the measures identified in the geotechnical report prepared for the project and implementation of the standard permit conditions listed above will reduce seismic hazards and impacts to a less than significant level. **(Same Impact as Approved Project [Less Than Significant Impact])**

b., d. *Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?*

As described in the DSAP EIR, previously placed undocumented fill, and/or underlying soft clays may be subject to compressibility under the proposed loads of the project. Therefore, remedial site preparation, stiffened foundations, deep foundation, and other recommendations included in the design-level geotechnical investigation may be required see standard permit condition for a) above.

The project, with the implementation of standard engineering practices and geotechnical study, would not result in significant soil impacts from erosion or expansive soils. **(Same Impact as Approved Project [Less Than Significant Impact with Mitigation])**

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

The project does not propose the use of septic tanks or alternative wastewater disposal systems as the project sites are currently served with sanitary service provided by the City of San José. The proposed redevelopment of the site will maintain the existing sanitary service. **(Same Impact as Approved Project [No Impact])**

4.6.4 Conclusion

The project, with the implementation of standard engineering practices and standard permit conditions, would not result in new or more significant geologic and seismic related hazards than identified in the DSAP EIR. **(Same Impact as Approved Project [Less Than Significant Impact])**

4.7 GREENHOUSE GAS EMISSIONS

As previously described, the City of San José approved the Addendum to the DSAP EIR for two projects referenced as 740/750 and 777/815 West San Carlos Street Mixed-Use Projects in June 2016. The June 2016 EIR Addendum included greenhouse gas emissions calculations that are contained in Appendix C for informational purposes. Since the 2016 Addendum was adopted, the project at 777/815 West San Carlos has been approved. The revised project evaluated in this Addendum eliminates the 740 West San Carlos Street property and consists of 56 residential units on 750 West San Carlos Street site, resulting in a net reduction of 39 residential units and 2,735 square feet s.f. of commercial space compared to the previous 740/750 project.

4.7.1 Setting

4.7.1.1 *Background Information*

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

4.7.1.2 *Existing On-Site GHG Emissions*

The project site is currently developed with commercial uses. Existing uses generate GHG emissions from the combustion of fossil fuels (oil, natural gas, and coal) for energy production. The energy is used in various ways, directly and indirectly, ranging from electricity used to operate heating, ventilation, and air conditioning, to the fuel used to transport employees and customers to and from the sites.

4.7.1.3 *Applicable Plans, Policies and Regulations*

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

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long-term objective to reduce GHG emissions to 90 percent below 1990 levels by 2050. On May 29, 2015, Governor Brown issued Executive Order B-30-15, which furthers the goal of Executive Order S-3-05 by setting a mid-term target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The Order also directs the California Air Resources Board to update the Climate Change Scoping Plan to

include the 2030 target. The California Environmental Protection Agency (CalEPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and recommendations. The First Update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.[10]

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[11] The four major requirements of SB 375 are:

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

MTC and ABAG adopted *Plan Bay Area* in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks,

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

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

recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project sites are located within a PDA.[12]

BAAQMD CEQA Guidelines and the Bay Area 2010 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) identifies thresholds of significance for operational GHG emissions from land-use development projects in its 2011 CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Under the BAAQMD CEQA Air Quality Guidelines, if a project would result in operational-related GHG emissions of 1,100 metric tons (MT) of carbon dioxide equivalents (CO_2e) (also called the brightline threshold) and/or exceed 4.6 MT per service population of CO_2e per year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change.

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

City of San José General Plan and GHG Reduction Strategy

The Envision San José 2040 General Plan includes a Greenhouse Gas Reduction Strategy (Reduction Strategy) that was developed in accordance with the BAAQMD CEQA Guidelines. On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report (SEIR) to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. In November 2016, the City of San José approved an Addendum to the 2040 GP FEIR and SEIR during the General Plan Four-Year Review, which is the most up to date analysis of the GHG Reduction Strategy. This Strategy document provides: 1) an overview of current climate science and background information on GHG emissions; 2) a summary of the State of California's and the San Francisco Bay Area Region policy frameworks for regulation of GHGs; and 3) the City's approach to establishing a GHG reduction target within the overall policy context, including reduction measures and actions/land use policies largely contained in the Envision San José 2040 General Plan. The GHG Reduction Strategy provides a path to determine environmental clearance for required analysis of GHG impacts of proposed development as required by the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5.

[12] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). *Plan Bay Area.* 2013. Available at: http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/0-Introduction.pdf. Accessed February 7, 2015.

City of San José Municipal Code

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

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

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

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

4.7.2 Greenhouse Gas Emissions Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	2,10,13
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	2,10,13

Diridon Station Area Plan EIR – Greenhouse Gas Emissions Conclusions

The DSAP EIR disclosed that implementation of the DSAP would not result in a significant impact related to GHGs through 2020. The buildout of the DSAP would not make a considerable contribution to the significant unavoidable cumulative impact to global climate change.

4.7.3 Impacts Evaluation

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

As described previously, in jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA and adopted by the decision makers, compliance with the GHG Reduction Strategy would reduce a project's contribution to cumulative GHG emission impacts to a less than significant level. On December 15, 2015, the San José City Council certified a SEIR to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. In November 2016, the City of San José approved an Addendum to the 2040 GP FEIR and SEIR during the General Plan Four-Year Review, which is the most up to date analysis of the GHG Reduction Strategy. Projects that conform to the City's General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy. The project is consistent with the General Plan designation for the site and, therefore, complies with the City's re-adopted GHG Reduction Strategy.[13] For this reason, the project is considered to have a less than significant impact related to GHG emissions.

Construction Emissions

GHG emissions would occur during demolition of the existing buildings and hardscape, excavation of the underground parking garage, grading, and construction of the proposed expansion. Although there are no established thresholds of significance for GHG emissions resulting from construction, BAAQMD recommends that construction emissions be quantified.

Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Based on CalEEMod modelling, it is estimated that construction activities associated with the project would result in GHG emissions totaling approximately 1,985 MT CO_2e from construction equipment and construction workers' personal vehicles traveling to and from the construction sites (based on the 2016 Air Quality Assessment).

Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Measures that were incorporated into the project to reduce construction-related particulate and diesel emissions would also incrementally reduce construction

[13] The 750 site is currently designated as *Transit Residential (65-250 dwelling units/acre (du/ac))* and the 777/815 site is designated *Urban Residential (30-95 du/ac)* and *Mixed Use Commercial* in the General Plan.

GHG emissions. Project construction would be temporary (approximately 12 months) and would not result in a permanent increase in emissions. The project, therefore, would not prevent the City of San José or state of California from meeting the statutory emissions reduction targets set forth in AB 32, S-3-05, or B-30-15. Construction-related GHG emissions would constitute a less than significant contribution to the cumulative global effects of GHG emissions. **[Same Impact as Approved Project (Less than Significant Impact)]**

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project is consistent with the General Plan designation for the site. The project, therefore, will not contribute to significant global GHG emissions. For the purposes of tracking the proposed project's consistency with the City's Strategy, the measures below are identified as mandatory or voluntary.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)

    - Solar Site Orientation
    - Site Design
    - Architectural Design
    - Construction Techniques
    - Consistency with City Green Building Ordinance and Policies
    - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)

3. Pedestrian/Bicycle Site Design Measures

    - Consistency with Zoning Ordinance
    - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)

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

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

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

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

The proposed project is consistent with the General Plan designations set for the site in the Land Use/Transportation Diagram. New structures would be constructed to comply with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Code (CALGreen).

Voluntary Criteria

Table 4.7-1 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Measure	Project Conformance/ Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	Solar panels are not proposed as part of the project.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Conformance/ Applicability**
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	There are no recycled water lines in the vicinity of the project.	☐ Required/ Proposed ☒ Not Proposed or ☐ Not Applicable
TRANSPORTATION AND LAND USE		
Limit parking above code requirements TR-8.4	The project includes a PD Rezoning of the site, and therefore the proposed parking would not be above code requirements.	☒ Project is Parked at or below Code Requirements ☐ Project is Parked above Code Requirements or ☐ Not Applicable
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	The project applicant will provide dedicated parking spaces to car sharing services.	☒ Proposed ☐ Not Proposed or ☐ Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The project applicant will provide dedicated parking spaces to car sharing services.	☒ Proposed ☐ Not Proposed or ☐ Not Applicable

The proposed project is consistent with the San José GHG Reduction Strategy as well as a number of the voluntary criteria. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.4 Conclusion

Development of the proposed project, in conformance with applicable plans and policies including the City's GHG Reduction Strategy, Municipal Code including the Green Building Ordinance, and General Plan policies, would not result in new or more significant GHG emissions impacts than identified in the DSAP EIR. The proposed project would be consistent with applicable GHG plans, policies, and regulations. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (September 1, 2017) and Supplemental Subsurface Investigation (October 5, 2017), both prepared by *PES Environmental, Inc.* These reports are contained in Appendix D.

4.8.1 Setting

4.8.1.1 *Overview*

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

4.8.1.2 *Current/Historical Use*

The project site contains a single-story commercial building with a mezzanine constructed prior to 1950; the remaining portions of the site consist of a yard area and driveway. The site is currently occupied by Good New Wood Salvation, a wood salvage recycling business.

According to the Phase I Assessment, the project site was vacant in 1884. A Sanborn map from 1915 shows a lumber company on the property. According to the City directory search, several canning and dried fruit businesses, a grocery and liquor business, and several lumber companies occupies the site between 1930 and 1955. A billboard company also occupied the property from at least 1940 to at least 1957. During the 1960s and 1970s, tenants at the site included building and masonry contractors, an accountant, a roofing contractor, a property management business, and a furniture and upholstery shop. City Canvas, an awning manufacturer, operated on the site from at least 1985 until circa 2016.

From at least 1915, the project site has been developed, with railroad tracks present at the southern subject property boundary. The property east of the project site at 740 West San Carlos Street has been utilized for commercial purposes since at least 1915. A Sanborn map from 1915 shows two fuel oil tanks and four crude oil tanks present at this property. A Sanborn map from 1956 shows structures labelled “wood tanks” and “fuel oil tank” on the property east of the project. Across the railroad tracks (south of the project property), the area was commercially developed, primarily by fruit canneries, until the 1950s when the area was used primarily as warehouses. By 2009, the existing multi-family residential development to the south was present. From at least 1915 to at least

the 1980s, the property west of the site was in use as a lumber planing mill and lumber storage. A commercial/residential mixed use development is currently under construction on that property. The area north of the site across West San Carlos Street has been a mix of residential and commercial uses since at least 1915.

4.8.1.3 *Potential Contamination Sources*

On-Site Contamination Sources

Database Records Search: A regulatory database search was completed as part of the Phase I (September 2017) to determine whether there is potential for hazardous materials contamination that could affect the project site. The project site is not listed on any of the environmental databases searched.

Observed On-Site Conditions: A gas powered generator was observed in the southwestern portion of the on-site building; however, no staining or indications of a release were observed in the vicinity of the generator. In addition, several containers of debris, paints, and automotive-related fluids were observed on the site as well as containers of compressed propane gas and five automotive batteries. Some *de minimis* staining was observed on the concrete floor of the existing building on the site in the vicinity of the batteries, tractor hydraulic fluid, maintenance fluids, and used motor oil. The Phase I Assessment concluded that this staining did not represent a recognized environmental concern.

Due to the age of the building on the project site, there is potential that asbestos, lead-based paint, and fluorescent lighting (containing PCBs) may be present in the structure.

Supplemental Subsurface Investigation (2017): A subsurface soil investigation was performed by PES on for the project site on September 21, 2017 and consisted of collecting four soil vapor and soil samples as follows:

- Soil gas samples were collected from two temporary soil gas borings (SG-3 and SG-4) at five and 10 feet below ground surface (bgs) near the project boundary with 740 West San Carlos Street to the east, to assess soil gas conditions.

- Soil samples were collected from two borings (SB-1 and SB-2) that were advanced near former soil vapor testing on the site (see additional discussion below regarding the 2016 Soil Vapor Study).

Soil samples were collected and analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and metals. No petroleum hydrocarbons, VOCs, or metals were detected at or above the RWQCB Tier 1 environmental screening level (ESLs) with the exception of arsenic. All four soil samples contained concentrations of arsenic above the ESL. The RWQCB background levels for arsenic is also above the ESL. One soil sample contained arsenic at a concentration slightly higher than the background level; however, the average concentration of arsenic in the four samples is below the background level. In addition, studies of California soils have identified background concentrations that range from 0.6 to 42 mg/kg for arsenic. The maximum and average arsenic concentrations detected in the site soils are below these levels and considered representative of background conditions. Finally, the four soil vapor samples were analyzed for VOCs, and none were detected at or above the ESLs.

Off-Site Contamination Sources

Database Records Search: A database search was completed of surrounding sites within a one mile radius of the project to identify potential off-site sources of environmental concern. Refer to Appendix D for a list of databases reviewed, a description of sources, and a radius map showing the location of reported facilities relative to the project sites. Several sites were listed on regulatory agency databases but are not likely to impact the project site based on one or more of the following:

1. The site has received case closure by the appropriate regulatory agency;
2. The site is either cross-gradient or down-gradient of the subject property with respect to the groundwater flow direction;
3. The site is listed as a soils-only affected case; and
4. The listed site is located at too great a distance to represent a significant environmental condition with respect to the subject property.

The only exception is the adjacent property to the east of the project site at 740 W. San Carlos Street, which formerly contained underground fuel tanks. This site is described below.

740 West San Carlos Street: This property previously contained fuel tanks. Several studies were conducted between 2015-2017 to characterize the property, including subsurface investigations that identified the presence of petroleum hydrocarbons and associated constituents in soil, soil gas, and groundwater. Borings advanced approximately 65 and 32 feet east of the project site identified free product in groundwater. A Corrective Action Plan (CAP) has been prepared for the 740 West San Carlos site and has been approved by the Santa Clara County Department of Environmental Health.

2016 Soil Vapor Study: A soil vapor study for the project site was conducted in 2016 by PES. This consisted of collecting soil vapor samples at depths of five and ten feet bgs at two locations, for a total of four samples. Aromatic hydrocarbons of benzene, toluene, ethylbenzene, and /or xylenes (collectively BTEX compounds) were detected in the samples. While the sources of the BTEX compounds were not known, the results were consistent with the residual levels of petroleum hydrocarbon contamination, possibly from historical releases at off-site properties. The BTEX concentrations detected were below the applicable screening levels for vapor intrusion concerns.

However, supplemental sampling was conducted in September of 2017 to confirm soil and soil vapor conditions on the project site. The results found arsenic in the soil samples, generally at background levels as described earlier in this section, and no additional study or remediation measures were recommended.

4.8.1.4 *Other Hazards*

Airport Hazards

Norman Y. Mineta San José International Airport (Airport) is located more than two miles north of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is not located within the Airport Influence Area, a composite of areas surrounding the airport that are affected by noise, height, and safety considerations.[14]

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR, Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any proposed structure height greater than approximately 55-60 feet above ground level is required under FAR Part 77 to be submitted to the FAA for review. The project site is not located in the vicinity of a private airstrip.

Wildfire Hazards

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

[14] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Norman Y. Mineta San Jose International Airport.* May 2011. Available at: http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Documents/ALUC_20110525_SJC_CLUP.pdf. accessed February 9, 2015.

4.8.1.6 *Applicable Plans, Policies and Regulations*

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Envision San José 2040 Relevant Hazardous Material Policies

Policy	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.8.2 Hazards and Hazardous Materials Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	14, 15
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐	1, 14, 15
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,14,15
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	14
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2,5
f. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	4,5
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1,4

Diridon Station Area Plan EIR – Hazards and Hazardous Materials Conclusions

With implementation of General Plan policies, appropriate clean-up actions, and precautionary measures, development under the DSAP would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. Development under the DSAP would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions. The project would not create a significant impact associated with the handling of hazardous materials during demolition and construction activities or safety hazards for people residing or working in the DSAP area. Implementation of the DSAP would not create a significant impact associated with emergency response or wildland fires.

4.8.3 Impacts Evaluation

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

The proposed project is the construction of new residential development and would not require the routine transport, use, or disposal of hazardous materials. Any hazardous materials used on the site in the future would be associated with landscaping and minor construction repairs (pesticides, herbicides, paint, etc.) over time and would be used and stored on the sites in accordance with all pertinent local, state, and federal regulations.

A supplemental surface investigation was performed at the project site in September 2017. This included the collection of soil and soil vapor samples to assess subsurface

conditions potentially affected by conditions on an immediately adjacent property and from previous site uses. The soil vapor sampling was conducted at locations on the eastern portion of the site to assess potential vapor intrusion concerns. Soil samples were collected from the soil vapor borings as well as locations of prior soils vapor sampling to assess soil conditions in the center and western portions of the site.

The results of the investigation found no petroleum hydrocarbons, VOCs, or metals at or above the RWQCB Tier 1 environmental screening level (ESLs) with the exception of arsenic. All four soil samples contained concentrations of arsenic above the ESL. The RWQCB background levels for arsenic is also above the ESL. One soil sample contained arsenic at a concentration slightly higher than the background level; however, the average concentration of arsenic in the four samples is below the background level. In addition, studies of California soils have identified background concentrations that range from 0.6 to 42 mg/kg for arsenic. The maximum and average arsenic concentrations detected in site soils were found to be below these levels and are considered representative of background conditions. Finally, the four soil vapor samples were analyzed for VOCs, and none were detected at or above the RWQCB Tier 1 ESL.

In conclusion, the subsurface investigation determined that further characterization or remediation at the project site is not warranted or recommended.

Hazardous materials in the existing building to be demolished could expose construction workers or the environment to hazardous materials. This impact will be avoided with implementation of standard permit conditions identified below.

DSAP EIR Measures Required to be Included in the Project: Consistent with current requirements, future projects in the DSAP would be subject to the following standard permit conditions during demolition and construction activities.

Standard Permit Conditions

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of BAAQMD. Demolition and disposal of ACM will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2.

- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and

safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the CALIFORNIA CODE OF REGULATIONS will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

As stated in the DSAP EIR, with implementation General Plan policies, appropriate clean-up actions, and precautionary measures, development of the project sites would not expose construction workers, the public, or the environment to significant hazards related to soil or groundwater contamination. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

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

Refer to b) above. The project would not result in the release of hazardous materials with implementation of mitigation and standard permit conditions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project site is not listed on the Cortese List. The existing building on the site would be removed according to all pertinent local, state, and federal regulations. The proposed project would result in the on-site use of common types of hazardous materials associated with landscaping and minor construction repairs and would not create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is not located within the Airport Influence Area of Mineta San José International Airport, which lies over two miles north of the project site. However, the proposed height for the building (up to 85 feet above ground) is required under federal regulations to be submitted to the FAA for airspace safety review. Subsequent FAA

issuance of a "Determination of No Hazard" for the proposed structure's high points, and compliance with any conditions set forth by the FAA in its determinations, would ensure that project development would not be a potential aviation hazard.

The site is not located in the vicinity of a private airstrip. The proposed project would not result in a safety hazard for people residing or working in the project vicinity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The development and design of the proposed project would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. The project site is not located near an urban wildland interface and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.4 Conclusion

With implementation of General Plan policies, permit conditions, and mitigation, development of the project site would not expose construction workers, the public, or the environment to new or more significant hazards or hazardous material impacts than those identified in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

The project site is located within the alluvial plains of the Santa Clara Valley, bounded by the Santa Cruz Mountains to the west and the Diablo Range to the east. The project site is in the Los Gatos Creek watershed. Stormwater runoff from the project site drains to Los Gatos Creek, which is located approximately 500 feet east of the project. Los Gatos Creek ultimately flows north to the Guadalupe River and then to San Francisco Bay. The project site is not located in a Flood Hazard Zone or in an area that would be subject to seiche, tsunami, or mudflow.[15] The project area, as well as most of San José, is located with the dam failure inundation zone for Leniham Dam at Lexington Reservoir and Anderson Dam at Anderson Reservoir.

Recent geotechnical investigations conducted on the project sites encountered groundwater at approximately 26-27 fbg (feet below ground). Fluctuations in groundwater levels may occur due to variations in rainfall, underground drainage patterns, and other factors. The project site is not located within a floodplain.

Under existing conditions, approximately 100 percent (or 18,015 square feet) of the project site is covered with impervious surfaces.

4.9.1.4 *Applicable Plans, Policies and Regulations*

Clean Water Act and Porter-Cologne Water Quality Control Act

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

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

[15] City of San José. Final Program Environmental Impact Report for the Diridon Station Area Plan (DSAP). August 2014.

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

State Water Quality Control Board Nonpoint Source Pollution Program

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

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

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

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under the provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 s.f. of impervious surface, or 5,000 s.f. of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires post-construction stormwater runoff to be treated by numerically sized Low Impact Development (LID) treatment controls, such as bio-treatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to receiving any LID Reduction Credits, the project must first establish the infeasibility of treating 100% of the amount of runoff with LID treatment measures. A narrative must be submitted to the City that describes why and how implementation of 100% LID treatment measures is not feasible in accordance with the NPDES Permit.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit as discussed above.

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

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

Based on the Santa Clara Permittees Hydromodification Management Applicability Map for the City of San José, the project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious.[16]

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to hydrology and water quality and are applicable to the proposed project.

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

[16] Santa Clara Valley Urban Runoff Water pollution Prevention Program. *Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements.* 2011. Available at: http://www.scvurpppw2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf. Accessed February 7, 2015.

Policy	Description
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

4.9.2 Hydrology and Water Quality Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1,3
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,3,4
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on or off-site?	☐	☐	☐	☒	☐	1,3,4

		New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1,3,4
e.	Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1,3,4
f.	Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,3,4
g.	Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	4
h.	Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	4
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	3,4
j.	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,4

Diridon Station Area Plan EIR – Hydrology and Water Quality Conclusions

The DSAP EIR concluded that upon implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not expose people or structures to a significant risk of loss, injury or death involving flooding. Impacts related to construction related and long-term drainage or water quality and groundwater quality would also be less than significant.

4.9.3 Impacts Evaluation

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

Construction-Related Water Quality Impacts

Construction of the proposed project, including demolition, grading, and excavation activities, may result in temporary impacts to surface water quality. Surface runoff that flows across the sites may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would not disturb more than one acre of soil and, therefore, is not required to comply with the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities.

All development projects in San José shall comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

The Municipal Regional Permit and City Council Policy 8-14 require regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and area located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations.

DSAP EIR Measures Required to be Included in the Project: Consistent with current requirements, future projects will be subject to the following standard permit conditions consistent with the DSAP EIR mitigation.

Standard Permit Conditions

- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San José,

California, 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

    1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
    2. Utilize on-site sediment control BMPs to retain sediment on the project site;
    3. Utilize stabilized construction entrances and/or wash racks;
    4. Implement damp street sweeping;
    5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
    6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

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

Post-Construction Water Quality Impacts

Under existing conditions, the project site is approximately 100 percent impervious. Upon completion of the proposed redevelopment, the site would be approximately 93 percent impervious. The proposed project would decrease the amount of impervious surfaces on the site by approximately 1,328 square feet (13 percent).

The project must comply with the City of San José's Post-Construction Urban Runoff Policy 6-29. The project proposes to utilize flow-through planters to treat runoff from the roofs and impervious areas. Stormwater runoff will drain into the treatment area prior to entering the storm drainage system.

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

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

Groundwater has been encountered on the project site at approximately 26-27 feet below ground. It is not anticipated that demolition or construction activities would encounter groundwater during construction or operation of the project. Water for the project will be obtained from the San Jose Water Company via existing infrastructure in the project area and will not deplete groundwater supplies.

The project does not include installation of new groundwater wells or use of groundwater supplies at greater rates than anticipated in the San José Municipal Water System 2010 Urban Water Management Plan or that otherwise could lead to draw-down of the groundwater aquifer. Groundwater recharge will not be substantially affected as such facilities are not located on the project site or in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

There are no watercourses on or adjacent to the project site and project construction would not result in the alteration of the course of a stream or river. See discussion a) above. The project will not result in substantial erosion or siltation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project would not significantly alter the existing drainage patterns on the site. The site is currently connected to existing storm drain inlets on surrounding streets and would continue to connect to existing storm drain inlets once redeveloped. The proposed project is also required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29. Compliance with these as permit conditions would ensure that that the project does not alter the drainage pattern of the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project will decrease impervious surfaces on-site. As described in the DSAP EIR, water quality could be affected as a result of non-point source pollution

typical of urban development. Measures, including consistency with General Plan policies, are included in the EIR to reduce stormwater runoff and water quality impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is not located in a Flood Hazard Zone. Therefore, the project would not place housing or any structures in a flood zone.

As previously described, the project area is located within a dam failure inundation zone. As described in the DSAP EIR, mapping assumes complete failure of full reservoirs that would be emptied completely. The extent and depth of inundation should a dam fail is dependent on the volume and storage in the reservoir at the time of failure. The Santa Clara Valley Water District, which owns and operates the dams, is studying corrective measures that are needed to ensure public safety and has imposed storage restrictions at Anderson Dam. They expect to have completed seismic retrofits of the dams by 2018. **[Same Impact as Approved Project (Less Than Significant Impact)]**

j. *Would the project expose the project to inundation by seiche, tsunami, or mudflow?*

The project site is not subject to seiche, tsunami, or mudslide hazards. The California Department of Conservation provides tsunami inundation maps for the Bay Area. Based on the review of the maps for Santa Clara County, the project site is not mapped in an affected area. The project area is not located in proximity to any large bodies of water or hillsides. **[Same Impact as Approved Project (No Impact)]**

4.9.4 Conclusion

The proposed project, with the implementation of the above permit conditions and consistency with General Plan policies, would not result in new or more significant impacts associated with hydrology and water quality on or off the site than previously identified in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The project site (APN 264-15-003) is currently covered with commercial uses and associated storage. The project site is located on the south side of West San Carlos Street, east of Sunol Street and south of a frontage road parallel to West San Carlos Street. Dupont Street, northeast of the site, provides access to the frontage road. Existing Light Rail Transit (LRT) System tracks are located directly adjacent to the southeast boundary of the site.

4.10.2.2 *Surrounding Land Uses*

The project site is located in an urban, developed area with a mix of residential, light industrial, and commercial land uses. Surrounding land uses include light industrial and commercial uses to the north and east, light rail tracks and multi-family residential to the south, and mixed use to the west (under construction).

4.10.2.3 *General Plan and Zoning Designations*

Envision San José 2040 General Plan

The project site is designated as *Transit Residential (65-250 dwelling units/acre (du/ac))* in the San José 2040 General Plan.

Zoning Ordinance

The project site is located in the *Heavy Industrial – HI* Zoning District as described in Chapter 20.40 in the City of San José Code of Ordinances.

4.10.2.4 *Santa Clara Valley Habitat Plan*

The project site is located within the study area of the Santa Clara Valley Habitat Plan. The Habitat Plan is a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is designated as *Urban-Suburban* land use and is considered a covered activity under the plan.

4.10.2 Land Use Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Physically divide an established community?	☐	☐	☐	☒	☐	2,3,4
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	2,3,4
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	12

Diridon Station Area Plan EIR – Land Use Conclusions

The DSAP EIR concluded that development under the DSAP would not result in significant land use conflicts nor would it significantly impact established communities upon implementation of the DSAP Design Guidelines, General Plan policies, and zoning ordinance. The EIR also concluded that implementation of the DSAP would not conflict with the General Plan, HCP/NCCP, zoning ordinance or other applicable adopted plans and policies.

4.10.3 Impacts Evaluation

a. Would the project physically divide an established community?

The project site is surrounded by a variety of development ranging from a mix of industrial, commercial, retail, office uses, to multi-family and single-family residential uses. The project proposes to build a seven-story residential building. The proposed use and density are consistent with what is envisioned for the project area in the DSAP. The DSAP is intended to revitalize the area by creating a transit-oriented, pedestrian/bicycle friendly environment with a vibrant urban character. The project would not introduce a new or incompatible use to the area.

The project includes design features to integrate the project with the surrounding neighborhood and existing development. The DSAP EIR concluded that with implementation of the DSAP Design Guidelines, General Plan policies, Zoning Ordinance, and other applicable regulations, future development under the DSAP would not result in a significant impact on an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is currently designated as *Transit Residential* in the City of San José's General Plan, which allows residential development at high intensities (65-250 du/ac). The project site would be developed with a seven-story residential building containing 56 dwelling units on 0.44 acres. The project proposes a density of approximately 127 du/ac.

The project would be consistent with the existing General Plan land use designation for the site. The project proposes a Planned Development (PD) rezoning to allow the construction of the seven-story residential structure and bring the zoning into conformance with the General Plan land use designation. The PD zoning would also allow the zoning to be fine-tuned to the particular characteristics of the project. The project would be consistent with the General Plan and PD zoning requirements. The DSAP EIR concluded that with implementation of DSAP Design Guidelines, General Plan policies, Zoning Ordinance, and other applicable regulations, future development under DSAP would not result in significant land use conflicts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is located within the study area of the Santa Clara Valley Habitat Plan, an adopted Habitat Conservation and Natural Community Conservation Plan. The project site is designated as *Urban – Suburban* land cover and redevelopment of the site is considered a covered activity under the plan. Based on the existing developed nature of the site, the proposed project would not have direct impacts to any species covered by the Habitat Plan.

The Habitat Plan requires projects that will generate new vehicle trips to pay a fee that will be used to off-set nitrogen impacts by conserving and managing serpentine habitat for the Bay checkerspot butterfly. The project site is less than two acres and, therefore, is not a covered project under the Habitat Plan; however, the project will pay nitrogen deposition fees to reduce its contribution to cumulative nitrogen deposition impacts to a less than cumulatively considerable level and would not conflict with the provisions of the Habitat Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.4 Conclusion

The project would not physically divide an established community or conflict with plans, policies, or regulations adopted for the purpose of avoiding an environmental impact. Implementation of the proposed project would not result in new or more significant land use impacts than disclosed in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The only area in San José designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 is Communications Hill in central San José, approximately six miles south of the project site.

4.11.2 Mineral Resources Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,3
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,3

Diridon Station Area Plan EIR – Mineral Resources Conclusions

The DSAP EIR does not disclose any mineral resource impacts that would result from future development under DSAP. Implementation of the DSAP would not result in the loss of availability of a known mineral resource.

4.11.3 Impacts Evaluation

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

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

4.11.4 Conclusion

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

4.12 NOISE

4.12.1 Setting

4.12.1.1 *Background Information*

Fundamentals of Noise

Noise may be defined as unwanted sound. It is usually objectionable because it is disturbing or annoying, which is affected by the sound's pitch and loudness. Noise is measured in "decibels" (dB) which is a numerical expression of sound levels on a logarithmic scale. A noise level that is 10 dB higher than another noise level has 10 times as much sound energy and is perceived as being twice as loud. Sounds less than five dB are just barely audible and, even then, only in absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments. An "A-weighted decibel" (dBA) filters out some of the low and high pitches which are not as audible to the human ear and, thus, is commonly used in noise impact analyses.

Since excessive noise levels can adversely affect human activities (such as conversation, sleeping and human health), federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, including: L_{eq}, DNL, or CNEL.[17] Using one of these descriptors is a way for a location's overall noise exposure to be measured. It is important to recognize that there are specific moments when noise levels are higher (e.g., when a jet is taking off from Norman Y. Mineta San José International Airport or a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows or in the middle of the night).

Fundamentals of Vibration

Railroad and light rail operations and construction activities are potential sources of substantial ground vibration depending on the distance, type and speed of trains, type of railroad track, and type of construction activity and/or equipment being used. Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints.

[17] L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. Generally, where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

The two primary concerns with vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Structural damage can be classified in two ways: cosmetic damage, like minor cracking of a building I, or integrity damage, which can threaten the safety of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

4.12.1.2 *Existing Noise Environment*

The predominant sources of noise affecting the project include vehicle traffic, rail operations, and aircraft over-flights associated with Mineta San José International Airport. Commercial and office noise sources such as parking lot activities and delivery loading/unloading activities are also audible on the project site. The ambient noise conditions have not changed substantially since the certification of the DSAP EIR. Noise levels in the Diridon Plan area currently range from 60 to 75 DBA L_{dn}.[18]

Light and heavy rail lines run through the Diridon Plan area and adjacent to the 750 site along the southeast border. Noise levels near rail stations and corridors depend on the number, timing and duration of train passby events, and if trains must sound their warning horns or whistles.[19] Day-night average noise levels commonly range from 60 to 75 dBA DNL at land uses adjoin adjoining a railroad right-of-way (within approximately 350 feet). Development located adjacent to at-grade rail crossings are subject to a maximum instantaneous noise levels (L_{max}) from train warning whistles that range from approximately 90 to 110 dBA L_{max}. LRTs do not sound horns at the at-grade crossings of Sunol Street and Auzerais Avenue. Therefore, within the Diridon Plan area, LRT is not considered a substantial source of noise relative to vehicle traffic and rail operations.

[18] City of San José. *Fairfield at West San Carlos Project. Environmental Impact Report Addendum*. September 2014.

[19] Railroad trains are required to use their warning horn when approaching other passenger or freight trains, a passenger station, "at-grade" crossing, curves, or other points where views are obstructed.

4.12.1.3 *Sensitive Receptors*

Sensitive receptors nearest to the project site are townhouses south of the site across the Light Rail tracks.

4.12.1.4 *Applicable Plans, Policies, and Regulations*

State of California Noise Standards for Residential Uses

Title 24, Part 2 of the California Code of Regulations specifies a maximum interior Ldn of 45 dBA in new multi-family housing. An acoustical analysis is required for projects that are exposed to an exterior Ldn of 60 dBA or greater to show how the interior noise level requirement would be achieved. Title 24 standards are enforced through the building permit process in the City of San José

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[20]

The Zoning Ordinance limits noise levels at any property line of residential, commercial, or industrial properties, as shown in Table 4.12-1 unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by standby/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.

Table 4.12-1: City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Level in Decibels at Property Line
Commercial or industrial uses adjacent to a property used or zoned for residential purposes	55
Commercial or industrial uses adjacent to a property used or zoned for commercial or other non-residential purposes	60
Industrial use adjacent to a property used or zoned for industrial or other use other than commercial or residential purposes	70

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

Envision San José 2040 General Plan

The Noise Element standards specify an exterior noise limit of 60 dBA L_{dn} for residential uses affected by transportation-related noise sources; and a limit of 45 dBA L_{dn} is specified for interior noise-sensitive spaces. The standards also require that new residential uses impacted by rail related noise include mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

The following 2040 General Plan policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-2.

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policies	Description
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-1.9	Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.
Policy EC-1.13	Update noise limits noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.
Policy EC-1.14	Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
Policy EC-2.1	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Table 4.12-2:
Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)

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

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

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

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

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

4.12.2 Noise Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	2,4,5,15
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	2,4,5,15
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	2,4,5,15
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,4,5,15
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	2,4
f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

Diridon Station Area Plan EIR – Noise Conclusions

The DSAP EIR identified that supplemental noise analysis would need to be conducted for individual projects, and that design features, noise reductions measures and implementation of General Plan policies and other applicable regulations would ensure that future development allowed under the DSAP would not be exposed to interior and exterior noise levels in excess of City standards. Additionally, the DSAP EIR concluded that development under the DSAP would not expose people residing or working in the DSAP area to excessive noise levels associated with aircraft operations and would not conflict with Comprehensive Land Use Plan for the Mineta San José International Airport.

Development under the DSAP would, however, result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Julian Street (Stockton Avenue to Guadalupe River Trail), Park Avenue (from Hedding Street to I-880), which are located outside of the DSAP, and San Carlos Street (Almaden Boulevard to Market Street) due to substantial increases in traffic noise. Residences located along the Julian Street segment are designated for redevelopment with industrial/commercial uses under the DSAP. Although these residences are planned for replacement, they could remain under full or partial buildout of the DSAP and be exposed to traffic noise increases. The DSAP does not propose to implement any noise reduction measures (e.g., replacement of roadway surfaces with pavement that produces reduced noise, installation of new or larger noise barriers to shield sensitive outdoor use areas) along these affected roadway segments. In the future, noise reduction measures may be proposed for residences along Park Avenue segment as a part of a capital improvement program.

4.12.3 Impacts Evaluation

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis.

Based on the applicable noise standards and policies for the site, a substantial permanent noise increase would occur if the noise level increase resulting from the project is three (3) dBA DNL or greater at noise-sensitive receptors, with a future noise level of 60 dBA DNL or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA CNEL or greater would be considered significant. Additionally, a noise impact would occur if the project causes the noise level to exceed 55 dBA DNL at the property line adjacent to noise sensitive residential uses. Construction noise impacts would be considered significant when the duration of noisy activity lasts for more than one year and hourly average noise levels exceed 60 dBA Leq-hour and are at least five dBA above the ambient noise environment at nearby residential uses.

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

Construction Noise

Noise impacts from construction activities depend on the various pieces of construction equipment, the timing and length of noise generating activities, the distance between the noise generating construction activities and receptors that would be affected by the noise, and shielding. Construction activities for individual projects are typically carried out in stages.

Construction of the proposed project would involve demolition of the existing building, removal of existing pavement, excavation to create the parking lot and to lay new foundations, building erection, paving, and landscaping. Construction is anticipated to take place for an approximate 12-month period.

Construction is expected to require the use of graders, dozers, haul trucks, and other heavy equipment. Typical hourly noise levels associated with this type of equipment is estimated between 80 and 85 dBA at a distance of 50 feet from the operation equipment. Each doubling of the sound sources with equal strength increased the noise level by 3 dBA. Assuming that each piece of construction equipment operates as an individual noise source, the worst-case composite noise level during construction would be approximately 91 dBA L_{max}, measured at 50 feet from equipment.[21]

The closest sensitive receptors to the project site are townhouses located approximately 100-feet south of the site across the light rail tracks. Noise levels would be elevated at nearby noise sensitive uses during busy construction periods and residents could be intermittently exposed to high levels of noise through the construction period. The DSAP EIR included measures to reduce the impacts of short-term noise related to construction. The proposed project would be required to implement the following measures during all phases of construction activity as standard permit conditions.

Standard Permit Conditions

The following measures would be implemented as part of a Construction Noise Logistics Plan to reduce construction noise and vibration levels consistent with the City of San José GP Policy EC-1.7.

[21] City of San José. *Fairfield at West San Carlos Project Environmental Impact Report Addendum*. September 2014.

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A "noise disturbance coordinator" shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
- If pile driving is necessary, multiple-pile drivers shall be considered to expedite construction. In addition, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.

As stated in the DSAP EIR, with implementation of GP Policy EC-1.7 and Municipal Code requirement, the proposed project would not result in a significant short-term noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise

Potential long-term operation noise from the project would be generated by air conditioning equipment, vehicle trips, outdoor activities, and garbage service providers. Parking activities, such as people conversing or doors slamming, would generate approximately 60 dBA to 70 dBA L_{max}, at approximately 50 feet away. The proposed parking structure would be located in the interior of the project site, therefore noise levels at off-site receptors would be reduced to less than 55 dBA due to shielding from building and distance attenuation.[22]

[22] City of San José. *Fairfield at West San Carlos Project Environmental Impact Report Addendum*. September 2014.

Garbage pick-up activities would be temporary and would not be a permanent noise generating use. Noise levels would be similar to what is currently experienced at adjacent commercial, light industrial, and residential properties in the vicinity. Noise from these activities would not result in a substantial increase in ambient noise levels compared with noise levels without the project and would not exceed the City of San José Municipal Code Zoning Ordinance performance standards.

Disturbances to nearby residences may also result from noise-generating activities and functions associated with retail, such as outdoor dining areas, nightclubs or bars, truck loading areas, and public address systems. Retail would be incorporated to minimize noise at nearby receptors, in combination with restriction on operating hours. Therefore, the mixing of retail uses with residential uses would not be expected to expose residences to excessive noise levels. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Project-Generated Traffic Noise

Project-related traffic would not be expected to result in a perceptible increase in existing traffic noise levels along roadways near the project site, including West San Carlos Street. The traffic assessment prepared for the DSAP evaluated traffic noise based on the build-out of maximum development levels under the DSAP. The increase in traffic noise along the portion of West San Carlos Street adjacent to the project was calculated to be two dBA DNL or less at full build out. Therefore, project generated traffic would not substantially increase noise levels in the vicinity of the project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Compliance with General Plan Policies Regarding Noise Exposure to Future Residents

In December 2015, the California Supreme Court issued an opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future residents of the project is not considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences and other sensitive receptors, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits. The analysis of noise exposure for future project residents below discloses information on the project's compliance with General Plan Policy EC-1.1.

Interior Noise Exposure. According to the DSAP EIR, exterior noise from the LRT corridor adjacent to the project site would be approximately 67 dBA L_{dn} at a distance of 10 feet from the corridor. Exterior traffic noise levels along West San Carlos Street range up to 70 dBA L_{dn}.

Interior noise levels will vary depending on the design of the building (relative window area to wall area) and construction materials and methods. Standard construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. In order to achieve interior noise levels of 45 dBA L_{dn} the project would need to incorporate an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems, which would allow windows to remain closed.

To assure consistency with the General Plan Policy EC-1.1, the following standard permit conditions will be incorporated into the project.

Standard Permit Conditions

- Residential units shall include an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems so that windows can remain closed.

As described previously, the DSAP EIR identified that for future projects, design features, noise reductions measures and implementation of General Plan policies and other applicable regulations will ensure that future development would not be exposed to interior noise levels in excess of City standards. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

Exterior Noise Exposure. The project includes a swimming pool and common open spaces/courtyards on the third floor within the interior of the project site. A rooftop sky deck/garden with open space is also included in the project. The future noise environment at the project site would continue to consist of street traffic along West San Carols and rail operation along the LRT corridor. The proposed common area would be located approximately 50 to 100 feet from West San Carlos Street, and would be shielded from traffic noise by the proposed building, which would provide approximately 15 dBA reduction in exterior noise. Therefore, noise levels for the outdoor use common areas would meet the City's noise requirements of 60 dBA L_{dn} for exterior noise in active use areas. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Construction activities would include demolition of the existing building, pavement removal, site preparation work, excavation, foundation work, and new building erection.

Demolition and removal of the existing building may at times produce substantial noise and vibration. Project construction activities such as the use of jackhammers, hoe rams, and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Construction of the project is not anticipated to be a source of substantial vibration; pile driving is not anticipated for the project.

The project is located adjacent to roadways and LRT tracks. Although light rail, heavy buses, and trucks are considered sources of vibration, ground-borne vibration levels are not generally perceptible at adjacent uses. Future development within 100 feet of heavy trail track has the most potential to be exposed to excessive ground-borne vibration. The project site is located directly adjacent and within 100 feet of a light rail lines.

The City of San José uses the FTA's vibration impact criteria for evaluating land use development near rail lines. Consistent with GP Policy EC-2.1 and identified in the DSAP, new development within 100 feet of heavy or light rail lines must demonstrate that vibration experienced by residents and vibration-sensitive uses would not exceed FTA guidelines.

DSAP EIR Measures Required to be Included in the Project: The following standard permit conditions would be implemented to reduce ground-borne vibration levels consistent with GP Policy EC-2.1 and the mitigation measures in the DSAP EIR.

Standard Permit Conditions

- The project shall demonstrate consistency with GP Policy EC-2.1, which requires reduction of ground-borne vibration levels to 75 VdB or less. Measures could incorporate design elements such as trenching, joist reinforcement, stiffening, and/or other design techniques to reduce ground-borne vibration levels to 75 VdB or less.

As stated in the DSAP EIR, with implementation of GP Policy EC-2.1, the proposed project would not expose persons to excessive ground-borne vibration or noise. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The onsite operational noise impacts of the project are analyzed in Impact (a) above. Stationary noise sources such as air conditioning and parking activities would generate noise levels similar to those already existing in the project vicinity and would not result

in a perceptible increase in ambient noise. No substantial increase in ambient noise levels is expected as a result of project implementation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Construction activities related to the development of the proposed project may cause temporary increases in ambient noise levels. Implementation of a construction noise logistics plan and standard permit conditions to ensure compliance with Policy EC-1.7 of the City of San José General Plan, discussed above, would reduce temporary construction noise impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

e-f. *For a project located within an airport land use plan or, where such a plan has not yet been adopted, within 2 miles of a public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

Mineta San José International Airport is located approximately two miles north of the project. According to the City's current and projected noise contours for the airport, the project is exposed to aircraft noise levels less than 60 dBA CNEL. Therefore, the proposed project would not expose persons residing in the project area to excessive noise levels from aircraft operations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.4 Conclusion

With implementation of General Plan policies, mitigation measures, standard permit conditions, and required measures, development of the project sites would not result in new or more significant noise and/or vibration impacts than identified in the DSAP EIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

Based on information from the Department of Finance, the City of San José population was estimated to be approximately 1,016,479 in January 2015[23] and had an estimated total of approximately 327,652[24] housing units. The Association of Bay Area Governments (ABAG) projects that there will be approximately 409,800 households in the City by 2035.[25] The average number of persons per household in San José for 2015 was estimated at 3.17.[26] The City estimates that there are approximately 1,430 residents and 1,680 employees within the DSAP boundaries in 2009.[27]

4.13.1.2 *Applicable Plans, Policies, or Regulations*

Envision San José 2040 General Plan

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

[23] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. May 1, 2015. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>. Accessed April 21, 2016.
[24] State of California, Department of Finance. E-5 City/County Population and Housing Estimates – January 1, 2011 -2015 with 2010 Benchmark. May 1, 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php. Accessed April 21, 2016.
[25] Association of Bay Area Governments. *Projections and Priorities 2013*. December 2013.
[26] State of California, Department of Finance. E-5 City/County Population and Housing Estimates – January 1, 2011 -2015 with 2010 Benchmark. May 1, 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php. Accessed April 21, 2016.
[27] Diridon Station Area Plan. Page 4-26.

4.13.2 Population and Housing Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1,2,4
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,4
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,4

Diridon Station Area Plan EIR – Population and Housing Conclusions

The DSAP EIR disclosed that future development under the DSAP would not induce substantial population growth in San José nor displace substantial amounts of existing housing or people. Implementation of the DSAP would not result in significant population and housing impacts. Development under the DSAP would, however, make a substantial contribution to the significant unavoidable impact related to the City's jobs/housing imbalance.

4.13.3 Impacts Evaluation

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

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

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

According to the DSAP EIR, the development of 2,588 dwelling units is allowed in the Plan area. The project site would include 56 units, creating housing for approximately 173 residents. Proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what is anticipated from buildout of the General Plan or the DSAP.

For these reasons, the proposed development would not result in a significant impact on population or housing. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project will not displace any housing or people. The DSAP EIR concluded that because the DSAP includes the replacement of existing residential uses with high density residential uses, future development under the DSAP would not displace substantial amounts of existing housing or people, necessitating the construction of replacement housing elsewhere. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.4 Conclusion

Implementation of the proposed project would not induce substantial unplanned growth or result in significant adverse impacts to the existing housing supply. This conclusion is consistent with the analysis in the DSAP EIR. **[Same as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire and Police Protection Services*

Fire protection service for the project is provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 30, located at 454 Auzerais Avenue, approximately 0.50 miles east of the project.

Police protection service for the project site is provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street approximately 1.75 miles northwest of the project. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

4.14.1.2 *Schools*

The project sites are located in the San José Unified School District (SJUSD). Students in the project area would likely attend Gardner Elementary School, Hoover Middle School, and Lincoln High School.[28] The Sunol Community School, which is operated by the County of Santa Clara Alternative Education Department, is located at 258 Sunol Street.

4.14.1.3 *Parks*

Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. A number of existing park and open space facilities are located near the project. Cahill Park, located approximately 0.32 miles north of the site, is the closest recreational facility. O'Connor Park is located approximately 0.45 miles to the southwest. The Los Gatos Creek Trail is located approximately 200 feet east of the project. The Guadalupe River Park and Trail and associated recreational areas are approximately 0.65 miles east of the project site.

4.14.1.4 *Libraries*

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries. The closest library to the project is the Rose Garden Library, located at 1580 Naglee Avenue, approximately 1.25 miles northwest of the project site.

[28] San José Unified School District. *Boundary Maps*. Last modified March 27, 2014. Available at: http://www.schvision.com/schoolfinder2/SJUSD/maps.asp. Accessed: February 2, 2014.

4.14.1.5 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to public services and are applicable to the proposed project.

Envision San José 2040 Relevant Public Service Policies

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

Policies	Description
Policy PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile 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 the project design.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. New residential developments are required to conform to the PDO and/or PIO. The acreage of parkland required is based upon the current schedule of Fees (Resolution 77153) and the Acreage Dedication Formula outlined in the PDO and PIO.[29]

4.14.2 Public Services Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	2,4,5
Police Protection?	☐	☐	☐	☒	☐	2,4,5
Schools?	☐	☐	☐	☒	☐	2,4,5
Parks?	☐	☐	☐	☒	☐	2,4,5
Other Public Facilities?	☐	☐	☐	☒	☐	2,4,5

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

Diridon Station Area Plan EIR – Public Services Conclusions

While implementation of the DSAP would incrementally increase the demand for public services, the DSAP EIR concludes that compliance with General Plan and applicable regulations related to reducing impacts on police and fire services, parks and recreation, schools, and libraries would result in a less than significant impact on public services.

4.14.3 Impacts Evaluation

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

Fire Protection

The General Plan FEIR concluded that planned growth under the General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned. In addition, the proposed project is consistent with planned growth identified in the Diridon Station Area Plan. The DSAP EIR concluded that while the growth proposed in the DSAP would result in an increase in demand for fire services, the increased growth would not result in the need for construction of new fire services in excess of those currently planned.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the General Plan and DSAP. The proposed project would not preclude the SJFD from meeting its service goals. The proposed project would be adequately served by existing resources and no new additional fire personnel or equipment would be required.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan to avoid unsafe building conditions and to promote public safety. The proposed development would not require new fire stations to be constructed or existing fire stations to be expanded to serve the proposed development. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Police Protection

The General Plan FEIR concluded that planned growth under the General Plan would increase the population of the City, which would require an increase in police services. While the overall service area would not increase, additional police officers and equipment would be needed to serve the larger population. The increase in police personnel required for General Plan buildout may require the expansion of existing police facilities.

The proposed project is consistent with planned growth identified in the Diridon Station Area Plan. The DSAP EIR concluded that growth proposed in the downtown area of San José would result in an increase in demand for police services. The project represents a small fraction of the total growth identified in the General Plan and DSAP, and would not trigger the need for new or expanded police facilities. The project would be constructed in accordance with current building codes and would be maintained in accordance with applicable City policies to promote public and property safety. The project would not require new police stations to be constructed or existing police stations to be expanded to serve the development. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Schools

Planned growth under the General Plan will generate approximately 11,079 new students in the SJUSD. Future residential development under the DSAP would generate approximately 688 additional students. The project is part of planned growth in the City and would not increase students in the SJUSD beyond what was anticipated in the General Plan and DSAP. The proposed 56-unit residential development will generate approximately 15 new students: 7.5 in grades K-5; 3.2 in grades 6-8, and 3.9 in grades 9-12.[30] The project would be required to pay school impact fees pursuant to Government Code Sections 65996 to 65998.

While the project would increase the number of students attending local schools, the DSAP EIR concluded that implementation of applicable General Plan policies and programs and payment of impact fees would reduce impacts to local schools to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Parks

Development under the DSAP would contribute to the increased demand for parkland and recreational facilities. The project would provide housing for approximately 173

[30] San Jose Unified School District, *Development Fee Justification Study*, April 2014.

residents. The DSAP EIR concluded that the City's PDO/PIO would be satisfied through a combination of several means including: dedication of parkland, payment of in-lieu or mitigation fees (based upon the unit count of the project), credit for qualifying recreational amenities (based on project design), and improvement of existing parkland or recreational facilities. The PDO/PIO fees can be used to fund the design and construction of the future park identified in the DSAP EIR to be located at the San José Fire Training Facility site. New residential development in the DSAP is also required to incorporate outdoor spaces and recreational amenities, in accordance with GP Policy PR-1.9 and the DSAP Design Guidelines.

The DSAP EIR concluded that planned development under the DSAP 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. The combination of existing, planned, and proposed recreational facilities within and adjacent to DSAP would meet the community needs. Because the proposed 56 residential units have been accounted for in the DSAP and the project would comply with the PDO requirements, the project would not adversely impact park facilities. In addition, the project proposes on-site community terraces and courtyards that would be available to future residents for passive recreational use. These spaces are anticipated to help offset some of the demand on existing park and recreational facilities as urban open space and private recreational amenities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Other Public Facilities

The 2040 General Plan FEIR concluded that existing and planned library facilities in the City would provide approximately 0.68 s.f. of library space per capita for anticipated population growth under buildout of the General Plan by the year 2035, which is above the City's General Plan service goal of 0.59 s.f. of library space per capita (General Plan Policy ES-2.2).

The project would generate approximately 173 new residents, which would incrementally increase the demand on neighborhood libraries, primarily the Rose Garden Library. The population growth resulting from the project is anticipated in the General Plan and, therefore, the project would not require new or expanded library facilities beyond what is already planned in the City or result in new or more significant impacts to library facilities than disclosed in the 2040 General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.4 Conclusion

Implementation of the proposed project would not result in significant public service impacts. This conclusion is consistent with the analysis in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The City of San José owns and maintains approximately 3,491 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 12 community center hubs, and 42 neighborhood reuse centers. Other recreational facilities include seven public skate parks, five swimming pools, joint use facilities, and over 55 miles of trails.

As discussed in *Section 4.14 Public Services,* nearby City park facilities include Cahill Park, 0.32 miles north of the project, and O'Connor Park, 0.45 miles to the southwest of the project. The Los Gatos Creek Trail is located approximately 200 feet east of the project and the Guadalupe River Park and Trail and associated recreational areas are approximately 0.65 miles east of the project site.

Hoover Community Center is approximately 0.8 miles northwest and Gardner Community Center is approximately 0.65 miles southeast of the project site.

4.15.1.1 *Applicable Plans, Policies, and Regulations*

Envision San José 2040 General Plan Policies

The following 2040 General Plan policies are specific to recreational resources and are applicable to the proposed project.

Envision San José 2040 Relevant Recreation Policies

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

Policy	Description
Policy PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile 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 the project design.

Parkland Dedication Ordinance/Park Impact Ordinance

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the current schedule of Fees (Resolution 77153) and the Acreage Dedication Formula outlined in the PDO and PIO.[31]

4.15.2 Recreation Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	2,3,4
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	2,3,4

Diridon Station Area Plan EIR – Recreation Conclusions

As disclosed in the DSAP EIR, future development under the DSAP would contribute to demand for parkland and recreational facilities in the Central/Downtown Planning area of the General Plan, implementation of the DSAP would not result in significant impacts. Construction or expansion of

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

parkland and recreational facilities as a result of development under the DSAP would have less than significant environmental effects.

An eight-acre new community park will be developed under the DSAP. The existing San José Fire Department Training Facility located at 255 South Montgomery Street (approximately one-quarter mile west of the project site) and the adjacent car wash business properties would be removed/relocated to accommodate the new eight-acre park. The park will include a range of active and passive recreation activities such as playgrounds, picnic areas, multi-use lawns, and/or sports fields/courts. The new community park will also incorporate a portion of the planned Los Gatos Creek Trail. This Los Gatos Creek trail provides a link to the Guadalupe River Trail, the City's trail network, enhances access to parks, recreation and open space in the City of San José.

4.15.3 Impacts Evaluation

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

Future residents of the project would incrementally increase the demand and use of existing recreational facilities, including local parks and trails. As discussed in *Section 4.14 Public Services,* the project is subject to the PDO/PIO and required to dedicate parkland and/or pay in-lieu fees to offset the demand on parkland created by the project's future residents. New residential development in the DSAP is also required to incorporate outdoor spaces and recreational amenities, in accordance with GP Policy PR-1.9 and the DSAP Design Guidelines.

Consistent with the conclusions in the DSAP EIR, it is not anticipated that the project's incremental increase in demand for recreational facilities would result in the substantial deterioration of existing facilities or require new or expanded facilities on-site provided that the project would fully conform with the PDO/PIO and applicable General Plan policies. The project also includes on-site community terraces for tenants and guests, which would likely offset some of the project's demand on existing recreational facilities in the area. The project would not result in a new or more significant impact to recreational facilities than disclosed in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15.4 Conclusion

Implementation of the proposed project would result in a less than significant impact on recreational facilities, consistent with the certified DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16 TRANSPORTATION

The original project (Sites I and II) had a Transportation Impact Analysis (TIA) prepared by Hexagon Transportation Consultants (April 2016). Two subsequent memoranda were prepared for the proposed 56-unit project in accordance to Council Policy 5-3 as follows:

- A Supplemental Traffic Memo (STM) that compared the trip generation of the original project and the current project (Hexagon, January 2017)
- A Traffic Operations Analysis (TOA) prepared by the City's Public Works Department (February 2017)

The STM and TOA are attached to this Initial Study Addendum as Appendix E.

Since adoption of the June 2016 EIR Addendum, the 777/815 West San Carlos Street project (Site II) has been approved. The 740/750 West San Carlos Street project (Site I) has been modified to eliminate development on the 740 West San Carlos parcel and reduces the project to 56 residential units with no retail component.

The original TIA prepared for the June 2016 Addendum considered the development of 244 residential units and 6,035 s.f. of commercial retail use for Sites I and II combined. The TIA did not contemplate independent development of 740 or 750 West San Carlos Street as individual projects.

The Supplemental Traffic Memo includes a trip generation comparison to the original project and the proposed 56-unit project and concluded that the project would generate fewer trips during the AM and PM peak hours compared to the previously proposed development at 740/750 West San Carlos. Public Works staff, therefore, determined that a TOA was required for the project to comply with Council Policy 5-3.

4.16.1 Setting

4.16.1.1 *Existing Roadway Network*

Regional Access

Regional access to the project site is provided by State Route 87 (SR 87) and Interstate 280 (I-280). SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation in the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US Highway 101 (US 101). Access to the project site to and from SR 87 is provided via Auzerais and Park Avenues.

I-280 extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of downtown San José. Site access to and from I-280 is provided via freeway ramps at Parkmoor Avenue, Race Street, Meridian Avenue, and Bird Avenue.

Local Access

Local access to the project site is provided via West San Carlos Street, Park Avenue, Meridian Avenue, Race Street, Lincoln Avenue, Sunol Street, Bird Avenue, Auzerias Avenue, and McEvoy Street. Direct access to the project site is from a frontage road (Dupont) between West San Carlos Street and McEvoy Street, under the West San Carlos Street overpass. The existing roadway network is shown on Figure 8.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian facilities consist mostly of sidewalks along the streets in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at the West San Carlos Street/Sunol Street intersection. The existing network of sidewalks has good connectivity and provides pedestrians with safe routes to transit services in the area.

Class II bicycle lanes are located on Race Street between Auzerais and Parkmoor Avenue, and Park Avenue along Sunol and Montgomery Streets. Class II county-designated bike lanes are bike lanes specifically for bicyclists typically located alongside outer vehicle traffic lanes. Diridon Station is located less than 2,000 feet walking distance from the project site and bicycles are allowed on the LRT trains and Caltrain.

A connection to the northern segment of the Los Gatos Creek Trail system, which travels north and south of the site with access to the Guadalupe River Trail system, is located adjacent to the project site with access provided via Dupont Street.

4.16.1.3 *Existing Transit Service*

Existing transit service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. VTA currently operates the 42-mile light rail line that is adjacent to the project site. The light rail line provides service between downtown Mountain View, downtown San José, and Winchester Boulevard in Campbell and is accessible to the project area from Diridon Station. The VTA bus lines that operate within the study area are local routes 23, 65, 81, and 323 along West San Carlos Street.

Caltrain, Altamont Commuter Express, and Amtrak service can all be accessed from Diridon Station. These rail lines provide service to San Francisco and Gilroy, Stockton, and Auburn via Sacramento, respectively.

Source: Hexagon Transportation Consultants, Inc, 2017

Roadway Network

Figure
8

4.16.1.4 Applicable *Plans, Policies, and Regulations*

Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy	Description
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single family detached residential product types in growth areas.

San José Bicycle Master Plan

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

City Council Policy 5-3:

As established in the City Council Policy 5-3 "Transportation Impact Policy" (2005), a transportation analysis shall be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips in either peak hour are presumed to have a less than significant impact on the Level of Service (LOS) of local intersections that would carry project traffic.

4.16.2 Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1,16,17
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1,16,17
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1,16,19
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1,16,17
e. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1,16,17
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1,16,17

Diridon Station Area Plan EIR – Transportation Conclusions

Buildout of the DSAP would not result in a significant impact related to transportation hazards, emergency access, or air traffic patterns. Implementation of the DSAP would, however, result in significant unavoidable impacts to freeway segments and intersection levels of service when compared to existing conditions.

4.16.3 Impacts Evaluation

4.16.3.1 *Project Trip Generation Estimates*

Trips generated by any new development can be estimated based on counts of existing development of the same land use type. The City of San José has used count data of existing development that has been collected over the years to derive a list of trip generation rates for the most common land uses. The trip generation rates that have been developed can be applied to new development within the City to help predict future traffic increases that would result from new development. These recommended rates are detailed in the *San José Traffic Impact Analysis Handbook*, November 2009.

The 2017 supplemental traffic memo shows that the new smaller 750 W. San Carlos Street project would generate 29 net trips (9 inbound and 20 outbound) during the AM peak hour and 33 net trips (23 inbound and 10 outbound) during the PM peak hour. Thus, the new project would generate 30 fewer trips during the AM peak hour and 33 fewer trips during the PM peak hour compared to the originally proposed project on 740/750 West San Carlos (refer to Appendix E).

Table 4.16-4: Project Trip Generation Comparison

					AM Peak Hour				PM Peak Hour		
Land Use	**Size**	**Daily Rate**	**Daily Trips**	**Rate**	**In**	**Out**	**Total**	**Rate**	**In**	**Out**	**Total**
740/750 W. San Carlos – Street - Previous Project											
Residential[1]	95 units	7.5	713	0.8	25	46	71	0.8	46	25	71
Commercial[2]	2,885 sf	40.0	115	1.2	2	1	3	3.6	5	5	10
Gross Project Trips			*828*		*27*	*47*	*74*		*51*	*30*	*81*
Trip Reductions											
Mixed-use Reduction[3]			-35		0	0	0		-1	-1	-2
Transit Reduction[4]			-64		-2	-4	-6		-4	-2	-6
Pass-by Reduction[5]			-20		0	0	0		-1	-1	-2
Existing Site Trips[6]			-70		-5	-4	-9		-1	-4	-5
740/750 W. San Carlos – Previous Project Net New Trips:			*639*		*20*	*39*	*59*		*44*	*22*	*66*

Table 4.16-4: Project Trip Generation Comparison

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour Rate	AM In	AM Out	AM Total	PM Peak Hour Rate	PM In	PM Out	PM Total
750 W. San Carlos Street – Current Project											
Residential[1]	56 units	7.5	420	0.8	15	27	42	0.8	27	15	42
Trip Reductions											
Transit Reduction[4]		-38			-1	-3	-4		-3	-1	
Existing Site Trips[6]		-70			-5	-4	-9		-1	-4	-5
750 W. San Carlos Street – Current Project Net New Project Trips :		*312*			*9*	*20*	*29*		*23*	*10*	*33*
Difference in Trips (Previous Project – Current Project)		**-327**			**-11**	**-19**	**-30**		**-21**	**-12**	**-33**

Notes:

1 Based on "Single Family Attached" rates contained in the San José TIA Handbook, November 2009.

2 Based on "Specialty Retail/Strip Commercial" rates contained in the San José TIA Handbook, November 2009.

3 A 15% residential/retail mixed-use trip reduction was applied to the projects per the Santa Clara VTA TIA Guidelines. The 15% trip reduction was first applied to the smaller trip generator (retail). The same number of trips were then subtracted from the larger trip generator (residential) to account for both trip ends.

4 A 9% transit reduction was applied to the residential component of the projects, since the project sites is located within 2,000 feet of an LRT station. (Santa Clara VTA TIA Guidelines)

5 A pass-by trip reduction of 25% was applied to the retail component of the projects.

6 Existing AM and PM peak hour trip credits based on 3/12/2015 driveway counts. Existing daily trips were estimated.

4.16.3.2 *Project Trip Distribution and Assignment*

a. – b. *Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

As determined by Public Works Department in their Traffic Operations Analysis (TOA) memo, as a condition of approval, the project applicant shall acquire reciprocal ingress/egress easement through the adjacent parcel east of the project site to secure

public street access. As a result, the project will be in compliance with City Council Policy 5-3. The proposed project, therefore, would not conflict with any plan, ordinance, or policy, and it would meet the required transportation standards. Impacts to traffic and circulation would be less than significant. **[Same Impact as Approved Project (Less than Significant Impact)]**

c. *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

Norman Y. Mineta San José International Airport is located approximately 2.2 miles north of the project site. The proposed project would not interfere with existing air traffic patterns. See *Section 4.8 Hazards and Hazardous Materials* for a discussion of the project's compliance with federal aviation regulations. **[Same Impact as Approved Project (No Impact)]**

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

Site Access

Proposed site access was considered in the 2017 supplemental traffic memo. Access would be provided by one driveway on Dupont Street. The driveway would be 26 feet wide, measured at the throat. W. San Carlos Street provides access to and from the project site via its intersections with Dupont Street and McEvoy Street. The current configuration of W. San Carlos Street/Dupont Street/ McEvoy Street would remain intact with development of the project. Thus, the project would have convenient direct access to and from West San Carlos Street under current conditions. Alignment from reconstruction of the future bridge, however, would no longer allow public street access to the project site via West San Carlos Street. Additionally with a condition of approval, the project applicant shall acquire reciprocal ingress/egress easement through the adjacent parcel east of the project site to secure public street access in order to alleviate site access issues resulting from the future West San Carlos Street Bridge Reconstruction Project.

The project, therefore, is not expected to increase hazards due to a design feature or result in inadequate emergency access. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Transit Facilities

As described previously, existing transit service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. VTA currently operates the 42-mile light rail line that is adjacent to the 750 site. The VTA bus lines that operate within the study area are local routes 23, 65, 81, and 323 along West San Carlos Street. Caltrain, Altamont Commuter Express, and Amtrak service can all be accessed from Diridon Station. These rail lines provide service to San Francisco and Gilroy, Stockton, and Auburn via Sacramento, respectively.

The San José Diridon Station is served by LRT trains and provides Caltrain, ACE, and Amtrak services. In addition, the existing bus stop located on West San Carlos Street at Sunol Street would remain. It is estimated that potential new riders from future residents from the project could be accommodated by the current available capacities of the LRT, commuter rail, and bus services in the area.

Bicycle Facilities

Although only two short segments of roadway in the vicinity of the project site include Class II County-designated bike lanes (Race Street between Auzerais Avenue and Parkmoor Avenue, and Park Avenue between Sunol Street and Montgomery Street), bicyclists are allowed on any City street, whether or not there are bike lanes. Bicycles also are allowed on LRT trains and Caltrain. The San José Diridon station is served by Caltrain and is located less than 2,000 feet from the project site.

A connection to the northern segment of the Los Gatos Creek Trail system is located adjacent to the project site with access provided via Dupont Street. The off-street trail begins at San Carlos Street and extends south. From San Carlos Street, the Guadalupe River multi-use trail system can be accessed. The Guadalupe River trail system is an 11-mile trail that runs through the City of San José along the Guadalupe River and is shared with pedestrians and separated from motor vehicle traffic. The Guadalupe River trail is a continuous Class I bikeway from Curtner Avenue in the south to SR 237 in the north.

According to the San José Bike Master Plan map, there are plans to connect the short northern segment of the Los Gatos Creek Trail to the rest of the trail system to the south via new bike lanes and bike routes. Class II bicycle facilities (striped bike lanes) also are planned along the following roadways in the future:

- Lincoln Avenue, between Malone Road and Park Avenue
- Race Street, between Fruitdale Avenue and San Carlos Street
- Auzerais Avenue, between Meridian Avenue and Woz Way
- Park Avenue, between Market Street and Race Street

The City's General Plan identifies the bicycle commute mode split target as 15 percent or more for the year 2040. This calculates to approximately 10 new bicycle trips during both the AM and PM peak hours for the project site. Given the bicycle facilities in the area, this level of bicycle mode share is attainable for the proposed project.

Pedestrian Facilities

The project is proposing to widen the existing sidewalk along its frontage on Dupont Street, as well as construct new sidewalk along the western boundary of the site. The new sidewalk along the western boundary of the site would provide a connection to the potential future LRT station platform. The improvements to the existing narrow sidewalks on Dupont Street would enhance pedestrian safety and walkability in the immediate vicinity of the project site by bringing the sidewalks up to current City standards. The project is also proposing to add a crosswalk to the west leg of the McEvoy Street/West San Carlos Street intersection, which would further enhance pedestrian facilities in the area.

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

4.16.4 Conclusion

The project would not result in new or more significant transportation impacts than those identified in the DSAP EIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Service*

Water service to the project site is provided by the San Jose Water Company. The project is served by existing water lines in West San Carlos Street. On-site water use is associated with the existing commercial use.

4.17.1.2 *Wastewater/Sanitary Sewer System*

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) in Alviso, formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP). The City of San José generates approximately 69.8 million gallons per day (mgd) of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[32]

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. Existing sewer line that serves the project site includes a 10-inch sewer line in West San Carlos Street.[33]

4.17.1.3 *Storm Drainage*

The City of San José owns and maintains storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation, and are installed, rehabilitated, and replaced by the Department of Public Works. The storm drain line serving the project consists of a 33-inch diameter storm drain in West San Carlos Street.[34] As discussed in *Section 4.9 Hydrology and Water Quality,* under existing conditions approximately 100 percent (18,015 square feet) of the project site is currently covered with impervious surfaces.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to

[32] City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* November 2011.
[33] City of San Jose Department of Public Works. Stormwater, water, and sanitary sewer maps. Available at: https://cpms.sanjoseca.gov/emap/. Accessed February 11, 2015.
[34] City of San Jose Department of Public Works. Stormwater, water, and sanitary sewer maps. Available at: https://cpms.sanjoseca.gov/emap/. Accessed February 7, 2015.

the IWMP, the County has adequate disposal capacity beyond 2026.[35] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL) through December 31, 2020 with the option to extend the contract as long as the landfill is open. The City has an annual disposal allocation for 395,000 tons per year. As of March 2014, NISL had approximately 20.1 million cubic yards of capacity remaining.[36]

GreenTeam of San José provides all recycling and garbage collection service to all apartment and condominium complexes in San José. GreenWaste Recovery provides yard trimmings and street sweeping services to all households in the City.

4.17.1.5 *Applicable Plans, Policies, and Regulations*

Assembly Bill 939

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

California Green Building Standards Code

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

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

[35] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* May 2011.
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Envision San José 2040 General Plan

The following 2040 General Plan policies are specific to utilities and service systems and are applicable to the proposed project.

Envision San José 2040 Relevant Utilities and Service System Policies

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

San José Zero Waste Strategic Plan/Green Vision

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

growth, environmental sustainability, and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

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

4.17.2 Utilities and Service Systems Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2,3,4, 5
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2,3,4, 5
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2,3,4, 5
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1,2,3,4, 5

		New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1,2,3,4, 5
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2,3,4, 5
g.	Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2,3,4, 5

Diridon Station Area Plan EIR – Utilities and Service Systems Conclusions

The DSAP EIR concluded that although the DSAP would require the construction, expansion, or replacement of storm drain, water distribution, and sanitary sewer lines in the Plan area, the completion of these activities as part of future development or transportation projects would not cause significant environmental effects upon implementation of construction BMPs and General Plan policies.

4.17.3 Impacts Evaluation

a.-b. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

As described in Section *4.13 Population and Housing*, the project would serve approximately 173 residents. It is estimated that the project would generate approximately 17,300 gallons per day (gpd) of sewage.[37]

[37] Based on 100 gallons of water per person per day. Sewage rate is based on estimates used for the recently approved multifamily residential tower at Post and San Pedro Street. Consistent with analyses completed for the Post and San Pedro Street high density residential project (which included up to 10,000 s.f. of commercial space), wastewater from the retail/commercial component proposed by the project is assumed to be minimal. [City of San Jose. *Post and San Pedro Tower Project Initial Study/Addendum to the Envision San Jose Downtown Strategy Plan and Downtown Strategy Plan. September 2014].*

Given the City's existing remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity to accommodate project's wastewater flows. The DSAP EIR concluded that future development under DSAP would not require new or expanded wastewater treatment capacity or cause the RWF to exceed the RWQCB limit. The proposed project is consistent with development anticipated in the DSAP. Moreover, the 2040 General Plan FEIR concludes that sewage generated from buildout of the General Plan (including the Downtown Area) would not exceed the City's allocated capacity at the RWF.

The project would require a connection to the existing sewer lines in West San Carlos Street. Per City requirements, a sanitary sewer capacity analysis would be completed to determine whether there is sufficient capacity in existing sanitary sewer facilities to accommodate projected flows from the project. Sewer upsizing may be required after further analysis is conducted. The improvements for the sanitary sewer connection would occur on-site and within existing right-of-way and, therefore, are not anticipated to result in significant environmental impacts.

Based on the above discussion, there is adequate capacity at the RWF to serve the project. With completion of a sanitary sewer capacity analysis, the project would not result in any new or more significant impacts to the sanitary sewer system than discussed in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The 2040 General Plan FEIR found that although new development could increase impervious surfaces, planned improvements to the City storm drainage system would avoid significant impacts to the service system.

Under existing conditions, approximately 100 percent (18,015 square feet) of the project site is covered with impervious surfaces. Redevelopment of the sits would decrease impervious surfaces. The project includes installation of flow-through planters to treat stormwater run-off before entering the storm drain system. In addition, the project would be required to comply with all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater, as detailed in Section *4.9 Hydrology and Water Quality*.

The proposed project would not result in any new or more significant impacts to the City's storm drainage system than discussed in the DSAP EIR or the 2040 General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The certified 2040 General Plan FEIR concluded that with the implementation of existing regulations and 2040 General Plan policies, water demand would not exceed water supply. The DSAP EIR states that new or expanded entitlements for water supplies would not be required to serve future development under the DSAP.

The project proposes 56 residential units, which is consistent with planned growth in the 2040 General Plan and the DSAP. The project would comply with CalGreen and the City's Private Sector Green Building Policy by incorporating a variety of design features including water conservation measures such as planting drought tolerant landscaping.

The project would serve approximately 173 residents. It is estimated that the project would have a water demand of approximately 19,895 gallons per day (gpd).[38] While the project would require a connection to the existing water mains in West San Carlos Street, it would not require new or expanded water facilities.

Adequate water supply is available to serve the project, and the project would not result in any new or more significant impacts on the City's water service or supply systems than discussed in the DSAP EIR and the 2040 General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

As previously discussed, given the City's existing, remaining treatment capacity at the RWF (38.8 mgd), there is sufficient capacity to accommodate the project's wastewater flows. The DSAP EIR concluded that future development under DSAP would not require new or expanded wastewater treatment capacity or cause the RWF to exceed the RWQCB limit. The proposed project is consistent with the development anticipated in the DSAP. Moreover, the 2040 General Plan FEIR concludes that sewage generated from buildout of the General Plan would not exceed the City's allocated capacity at the RWF. **[Same Impact as Approved Project (Less Than Significant Impact)]**

f. – g. *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state and local statues and regulations related to solid waste?*

[38] Project water demand is based on the estimated sewage generation of 17,300 gpd. Sewage demand is typically 85 percent of a project's water demand. The project's water use is based on the proposed number of residences.

The 2040 General Plan FEIR concluded the increase in waste generated from buildout of the General Plan would not exceed the capacity of existing landfills that serve the City. The DSAP EIR concluded that buildout of the DSAP would not generate new waste above projected levels and would not exceed the capacity of the existing landfills.

Future increases in solid waste generation from development allowed under the DSAP would be minimized with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that buildout of the DSAP would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The project would intensify the uses on the site and increase the amount of solid waste generation compared to existing conditions; however, the project is consistent with the development assumed in the DSAP and General Plan. It is estimated that the proposed project would generate approximately 1,674 pounds of solid waste per week.[39] Given NISL's existing, remaining capacity (20.1 million cubic yards), the City's contract with NISL, the existing amount of waste the City disposes at the landfill, and the amount of waste the project is estimated to generate, there is sufficient capacity within the City's contract with NISL to serve the proposed project.

The proposed project would not result in any new or more significant impacts on solid waste disposal capacity than discussed in the DSAP EIR and the 2040 General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.4 Conclusion

The project would not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. The project would not result in new or more significant impacts than those identified in the DSAP EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[39] Consistent with the waste generation rate used for the Post and San Pedro Street residential project, the project's solid waste generation is based on the multi-family solid waste generation rate of 29.9 pounds per unit per week and the commercial solid waste generation rate of 0.322 pounds per square foot per week. A portion of the solid waste generated is diverted from landfills through recycling and composting.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Mandatory Findings Environmental Checklist

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐	1-19
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐	1-19
c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1-19
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-19

4.18.2 Project Impacts

As discussed in the individual sections of this EIR Addendum, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources,* the project would not impact sensitive habitats or species with mitigation. While there is a potential for buried archaeological and paleontological resources onsite, implementation of identified standard permit conditions in *Section 4.5 Cultural Resources*, would avoid or reduce impacts to cultural resources to a less than significant level.

As discussed in *Section 4.8 Hazards and Hazardous Materials*, with implementation of identified standard permit conditions, the project would not result in significant hazards or hazardous materials impacts. The project would not result in new or more significant impacts to the environment than identified in the certified DSAP EIR and 2040 General Plan FEIR.

4.18.3 Cumulative Impacts

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

The project was evaluated as part of planned development proposed in the DSAP and 2040 General Plan. When combined with other projects included in these two land use plans, the proposed project would contribute incrementally to significant and unavoidable impacts related to air quality, transportation, noise, cultural resources, and biological resources. Cumulative effects from buildout of the DSAP and 2040 General Plan were addressed within the respective EIRs, and the project would not result in any new or more significant environmental impacts than evaluated in the EIRs. Per Section 15152(f) of the CEQA Guidelines, the contribution of the project to the cumulative effects from buildout of the DSAP and 2040 General Plan is not considered significant or cumulatively considerable.

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

The project site is currently developed with commercial structures. The project proposes to redevelop the site with a seven-story residential building for 56 residential units, consistent with the long-term goals of the site outlined in the 2040 General Plan, and as described in the DSAP. Construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. It is anticipated that short term effects resulting from construction would be substantially off-set by meeting the long-term goals for these parcels, including the placement of high-density residential development near transit and other community amenities. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy, Municipal Code including the Green Building Ordinance, and General Plan policies. As such, the project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use, conserve water.

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

4.18.5 Direct or Indirect Adverse Effects on Human Beings

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

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CHAPTER 5.0 REFERENCES

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