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ADDENDUM/INITIAL STUDY TO THE DOWNTOWN STRATEGY 2040 ENVIRONMENTAL IMPACT REPORT

LOT E PARKING STRUCTURE

File No.: ER20-011

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

STARBIRD
Consulting

December 2021

ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127)

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

ER20-011 – Lot E Parking Structure. The proposed project is to relocate the existing home at the 160 N. Montgomery Street and to construct a 1,200-space multi-level public parking garage on an approximately 2.3-acre site north of St. John Street between Barack Obama Blvd. and N. Montgomery Streets in the Diridon Station Area Plan area of Downtown San José. The proposed parking structure would be approximately 398,000 square feet in size. It is anticipated that the structure would have one level below grade, one at-grade level, and up to six levels above grade. The height of the structure would be no more than 70 feet. Prior to construction of the structure, the proposed project site may be used as an interim public surface parking lot with approximately 270 spaces. Access locations and setbacks would be similar to those proposed as part of the parking structure project.

Location: Approximately 2.3-acre project site is located north of W. St. John Street and the SAP Center, between Barack Obama Boulevard (previously N. Autumn Street) and N. Montgomery Street in the Diridon Station Area of Downtown San José.

Assessor's Parcel Number: 259-29-001, -002, -003, -004, -005, -026, -027, -028, -029, -091
Council District: 3

The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: "The Downtown Strategy 2040 Final Environmental Impact Report," adopted by City Council Resolution No. 78942 on December 18, 2018. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the EIR cited above:

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

BACKGROUND

Downtown Strategy 2040

In December 2018, the City of San José certified the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). Downtown Strategy 2040 FEIR is necessary to respond to changed environmental circumstances and conditions since Downtown Strategy 2000 was adopted by the City Council in 2005 (as described above).

The Downtown Strategy 2040 is an update and replacement of the Strategy 2000: San José Greater Downtown Strategy for Development (Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown capacity available now. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development.

ANALYSIS

The project is construct a new parking structure to replace nearby parking for the operation of the arena. Prior to construction of the structure, the proposed project site may be used as an interim public surface parking lot with approximately 270 spaces. Access locations and setbacks would be similar to those proposed as part of the parking structure project. the parking structure is expected to be built and operational by 2040. As analyzed in the attached Initial Study, the project has conducted project-level analysis and disclose potential project-level impacts. Consistent with the Downtown Strategy 2040 EIR, the project will implement conditions and mitigation measures to reduce all potential impacts to a less than significant level.

The scale and scope of the project is within the development capacity analyzed in the Downtown Strategy 2040 EIR. No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2040 FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FEIR been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the FEIR. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2040 FEIR, and addenda thereto has been prepared for the proposed project.

The attached Initial Study provides background on the project description, specific project-level impacts, and the relationship between previous mitigation measures and the revised project. This addendum (including Initial Study) will not be circulated for public review, but will be attached to the Downtown Strategy 2040 FEIR pursuant of CEQA Guidelines §15164(c).

Christopher Burton, Director
Planning, Building and Code Enforcement

1/20/2022

Date

Deputy

Environmental Project Manager:
Thai-Chau Le

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY/ADDENDUM

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

This Initial Study (IS)/Addendum has been prepared by the City of San José as the Lead Agency, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations/policies of the City of San José, California.

1.2 BACKGROUND

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final Environmental Impact Report (DTS 2040 FEIR, Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms.

The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program level.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. This IS/Addendum provides that subsequent project-level environmental review for the proposed Lot E Parking Structure.

1.3 PURPOSE OF THE PROJECT

For many years, the Diridon Station area of Downtown San José has been planned for extensive redevelopment consistent with the City's General Plan in addition to the extension of BART and construction of a BART Station. As a result of such redevelopment, many of the existing at-grade parking lots will ultimately be replaced with office, commercial, and residential development. These parking locations are used extensively by patrons of the SAP Center, which is owned by the City and leased to San José Arena Management LLC (SJAM) pursuant to an

Arena Management Agreement (AMA). The AMA, which requires SJAM to operate the SAP Center as an arena for the benefit of the community, also require the City to ensure that a minimum number of public parking spaces will be available within a 1/3- and 1/2-mile radius to support its continuing operations (as shown in Appendix E, Local Transportation Analysis).

As a part of that long-term planning for substantial development around the SAP Center that would eliminate surface parking, the City envisioned public parking on properties immediately north of the SAP Center. This intent was stated in the Diridon Station Area Plan (DSAP) adopted in June of 2014, which identified the Lot E project site as the location for a future multi-level parking structure (A6) to include at least 900 parking spaces.[1] Further, the DSAP Final Program Environmental Impact Report (DSAP FPEIR 2014) provided program- and project-level (traffic and traffic-related air quality and noise impacts) environmental review for the anticipated public parking garage.[2]

On August 15, 2018, the City and SJAM executed an agreement that extended the term of the AMA until 2040. Consequently, the City's obligation to assure a supply of parking within 1/3- and 1/2-mile of the SAP Center remains in effect. In light of the fact that many surface parking lots will be closed to make way for redevelopment, and in order to meet its obligations, the City needs to continue to acquire privately-owned parcels for the construction of the proposed public parking garage.

1.4 PREPARATION OF THIS ADDENDUM

While the proposed parking structure was evaluated at a program-level in the DTS 2040 FPEIR, the purpose of this addendum is to analyze the project-level impacts which may result from the construction of the parking structure north of the SAP Center (see Section 2.0, *Project Description*).

Criteria for preparation of an addendum to the previous EIR and CEQA determination California Environmental Quality Act (CEQA) Guidelines, Sections 15162 and 15164, provide that an addendum to a previously certified EIR can be prepared for a project and no subsequent EIR shall be prepared for that project unless the Lead Agency determined, 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;

[1] Page 4-23 and Figure 4-2-1.
[2] Pages 41, 65, and Figure 2-2.

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

CEQA Guidelines Section 15164 states 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.

This IS/Addendum evaluates and documents the environmental impacts that might reasonably be anticipated to result from the construction of the proposed parking structure as described in Section 3.0 *Project Description*. Further, the project includes all necessary mitigation measures identified in the DTS 2040 FPEIR to reduce impacts to a less than significant level. On the basis of the analysis provided in the following sections, the City of San José has determined that none of the conditions described above calling for preparation of a subsequent EIR for the proposed parking structure have occurred and therefore, an Addendum to the DTS 2040 FPEIR is the appropriate environmental document.

1.5 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.0 PROJECT TITLE

Lot E Parking Structure, File Number ER20-011

2.1 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

Thai-Chau Le
Supervising Planner
City of San José Department of Planning, Building & Code Enforcement
200 East Santa Clara Street, San José CA 95112
Thai-Chau.Le@sanJoséca.gov
(408) 535 - 5658

2.2 PROJECT LOCATION

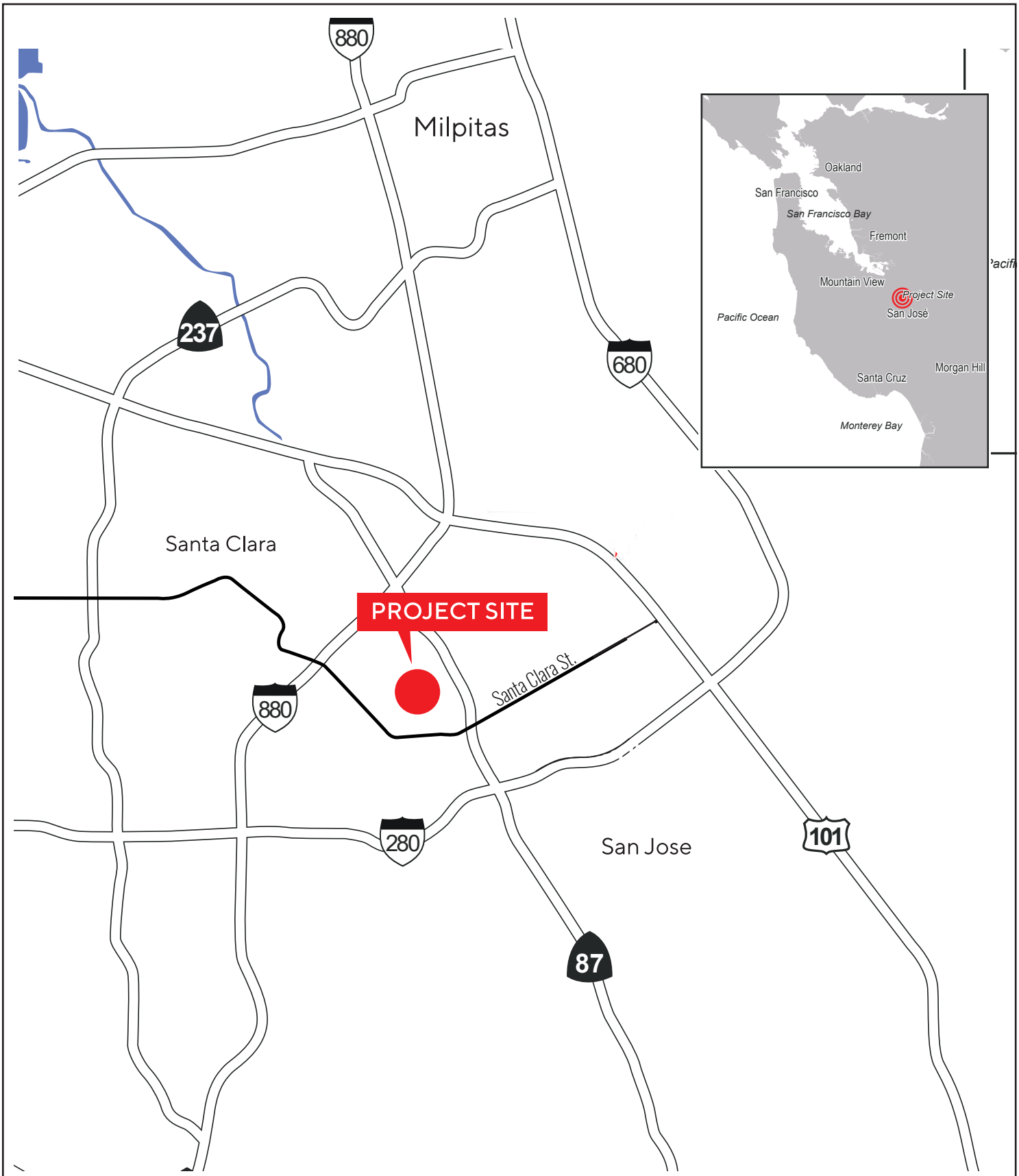
The approximately 2.3-acre project site is located north of W. St. John Street and the SAP Center, between N. Autumn Street (north of Barak Obama Boulevard) and N. Montgomery Street in the Diridon Station Area of Downtown San José. Regional and vicinity maps of the project site are provided on Figures 1 and 2, respectively. An aerial photograph of the project site is provided on Figure 3.

2.3 ASSESSOR'S PARCEL NUMBERS AND ADDRESSES

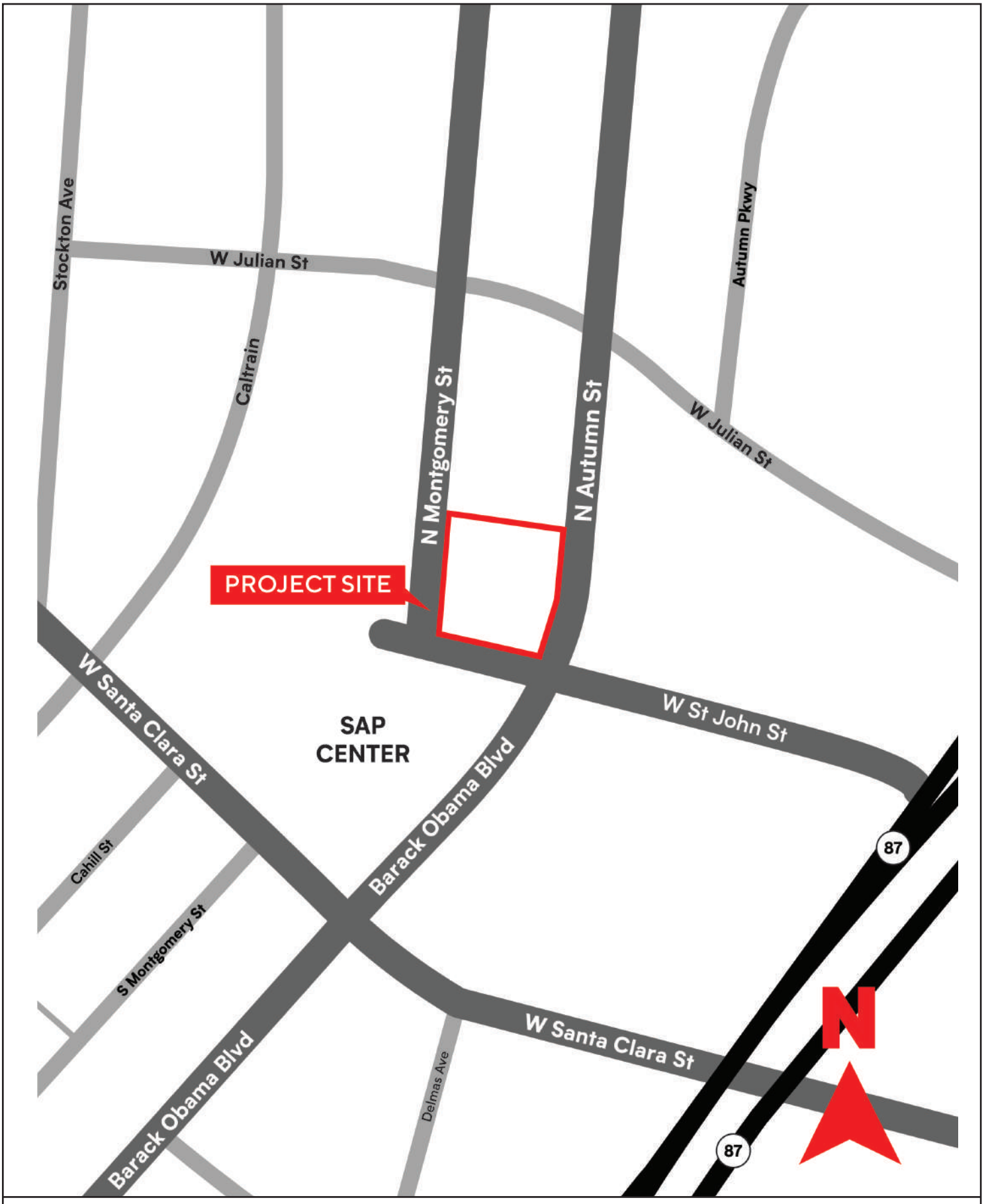
TABLE 2.0-1: PARCELS INCLUDED IN THE PROJECT

APN Number	Address	Size (in acres)	Current Owners
259-29-001	525 West St. John Street	0.42	City of San José
259-29-002	140 N. Montgomery Street	0.18	City of San José
259-29-003	150 N. Montgomery Street	0.17	Jimenez
259-29-004	160 N. Montgomery Street*	0.13	TC Agoge Associates (Google)
259-29-005	170 N. Montgomery Street*	0.14	Bamburg
259-29-026	151 N. Autumn Street*	0.14	SJAM[@]
259-29-027	147 N. Autumn Street *	0.15	SJAM[@]
259-29-028	143 N. Autumn Street	0.15	SJAM[@]
259-29-029	139 N. Autumn Street	0.38	SJAM[@]
259-29-091	517 W. St. John Street*	0.44	Thorson
Total		**2.3**	

*Structures are currently located on these parcels.
[@]San José Arena Management



REGIONAL MAP **FIGURE 1**



VICINITY MAP **FIGURE 2**

AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES **FIGURE 3**

2.4 PROJECT PROPONENT'S NAME AND ADDRESS

City of San José Department of Economic Development
Contact: Nanci Klein
200 E. Santa Clara Street, San José, CA 95112
Nanci.klein@sanJoséca.gov

City of San José Department of Transportation
Contact: Jessica Zenk
200 E. Santa Clara Street, San José, CA 95112
Jessica.zenk@sanJoséca.gov

2.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation: *Downtown*

Zoning District: *Downtown Primary Commercial*

2.6 SURROUNDING LAND USES

North: *Residential* on N. Autumn Street, *Residential* and *Industrial* on N. Montgomery Street
South: *Public/Quasi-Public (SAP Center)*
East: *Industrial*
West: *Parking for Public/Quasi-Public uses (SAP Center)*

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: *Urban – Suburban*
Development Zone: *Area 4: Urban Development Equal to or Greater than Two Acres*
Fee Zone: *Urban Areas (No land cover fee)*
Burrowing Owl Conservation Zone: *N/A*

SECTION 3.0 PROJECT DESCRIPTION

The proposed project is the construction of a 1,200-space multi-level public parking garage on an approximately 2.3-acre site north of St. John Street between N. Autumn Street and N. Montgomery Street in the Diridon Station Area Plan area of Downtown San José. The project is proposed to replace existing parking that either has been or will soon be removed as a result of new development in the project area.

The project site includes 10 parcels and construction would require the demolition of four main structures, approximately two garages and sheds, and associated pavement. Each particular parcel is described in detail in *Section 4.7 Hazards and Hazardous Materials*.

The proposed parking structure would be approximately 398,000 square feet in size. It is anticipated that the structure would have one level below grade, one at-grade level, and up to six levels above grade. The height of the structure would be no more than 70 feet.

There is a potential that the below grade level would not be constructed; therefore, the number of levels above grade would be as described above to allow for a structure with 1,200 parking spaces. If the below grade level (basement) is constructed, the structure may not include all six above grade levels, as shown in Figures 4-10. The third through sixth floors of the structure would be similar in configuration for the scenario that does not include a basement level. The project evaluated in this IS/Addendum takes into account the maximum size of the structure to encompass all potential design scenarios.

The proposed structure would contain electric vehicle (EV) charging stations, and bicycle and motorcycle parking, consistent with the existing zoning requirements. Elevators would provide access to the below grade and above grade levels of the parking structure. Other features would include, but are not be limited to, an emergency diesel generator, ventilation, stairs, striping, lighting, solar panels, and signage as required by applicable laws and City design standards.

Vehicle access to and from the parking garage would be provided on N. Autumn Street and N. Montgomery Street at the northern end, and on W. St. John Street on the southern end of the structure, as shown on Figures 4 and 5. The approved Downtown West project includes a reorientation of N. Montgomery Street to include its closure to vehicular traffic with fire truck turnarounds at each end of the roadway in the long-term. Therefore, it is planned that the western side of the parking structure would encroach approximately 20 feet into existing N. Montgomery Street along its frontage, narrowing the street while still allowing for vehicle traffic in the short-term. All sidewalks on the east, south, and west sides of the structure would be 10 feet wide.

The project would include a setback of a minimum of 10 feet from the residential structures north of the project site, as required by the Municipal Code. The only trees on-site are those associated with the residential structure located at 160 N. Montgomery Street. Some trees

along this northern boundary may be retained within the 10-foot setback. Additional trees and landscaping may also be installed along the west, south, and east frontages. Any trees that require removal to facilitate project construction will be replaced per City of San José requirements. The project will also to include all stormwater quality measures as required by the City of San José.

Prior to construction of the structure, the proposed project site may be used as an interim public surface parking lot with approximately 270 spaces. Access locations and setbacks would be similar to those proposed as part of the parking structure project, as shown on Figures 4 and 5.

3.1 RELOCATION OF POTENTIAL CITY OF SAN JOSÉ CANDIDATE CITY LANDMARK STRUCTURE

The project site includes a parcel located at 160 N. Montgomery Street on which there is an 1880s Queen Anne style house identified in the Envision San José 2040 General Plan FPEIR, DTS 2040 FPEIR, and DSAP FPEIR as an Identified Structure [noted in the inventory as (IS)] requiring further review. Therefore, a Historic Resources Project Assessment was prepared for the project site (Appendix B) that determined that the house appears to be eligible for listing on the San José Historic Resources Inventory as a Candidate City Landmark and on the California Register of Historical Resources based on its architectural significance.

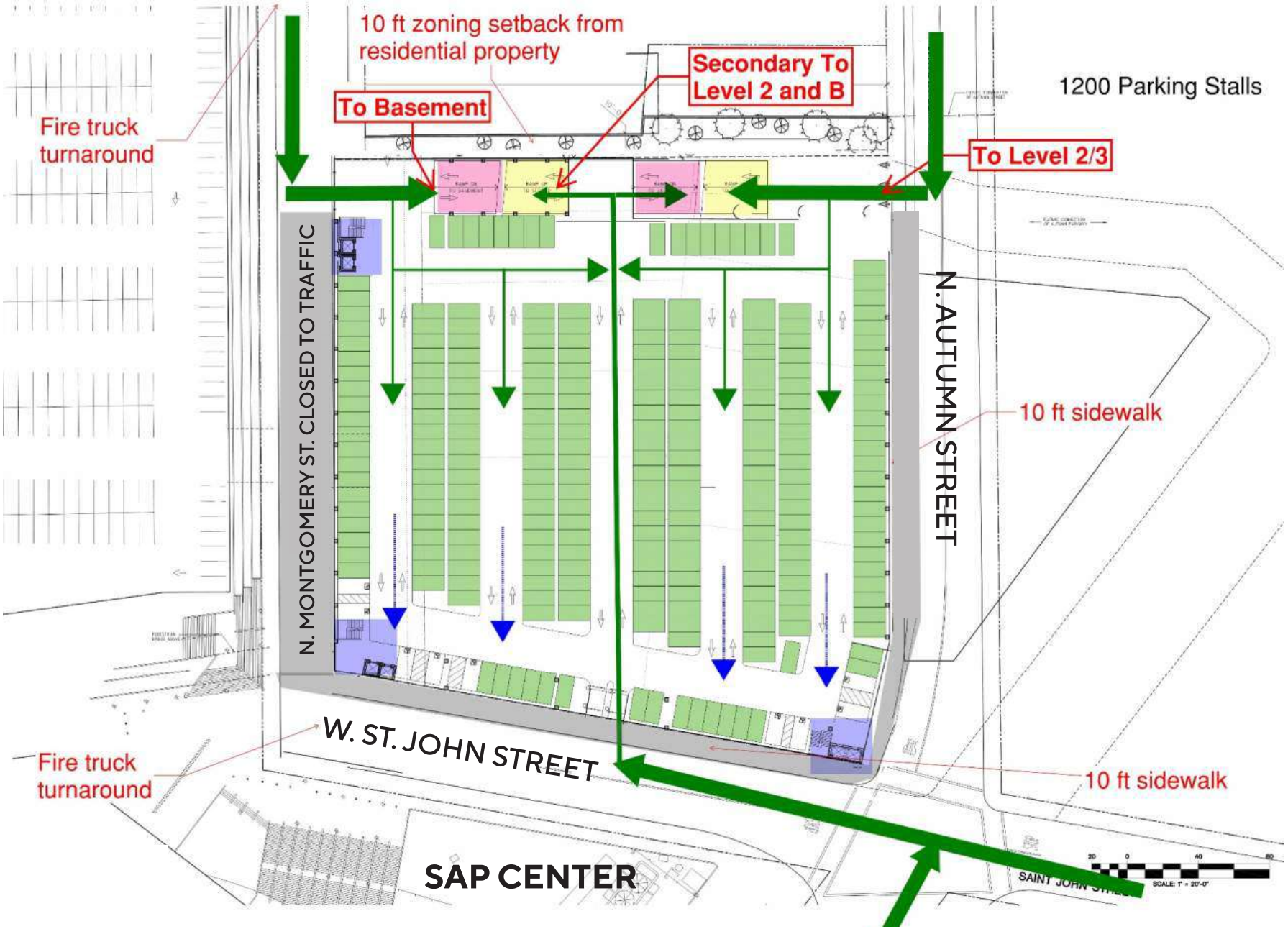
The project proposes to relocate the house to an off-site location and to rehabilitate the building. The identified receiver site is located at 430 Park Avenue. The site is approximately 0.46 miles southeast of its current location and just south of the Lakehouse Historic District. Additionally, if a private developer came forward to relocate the structure, the City would work with that developer to secure an appropriate site, consistent with City requirements and Mitigation Measures MM CUL-1.1-1.3 of this Addendum which are consistent with the findings of the DTS 2040 FPEIR.

The relocation of the house could require, at least, the following actions: temporary street closures during relocation, utility relocation, street improvements, and tree removal.

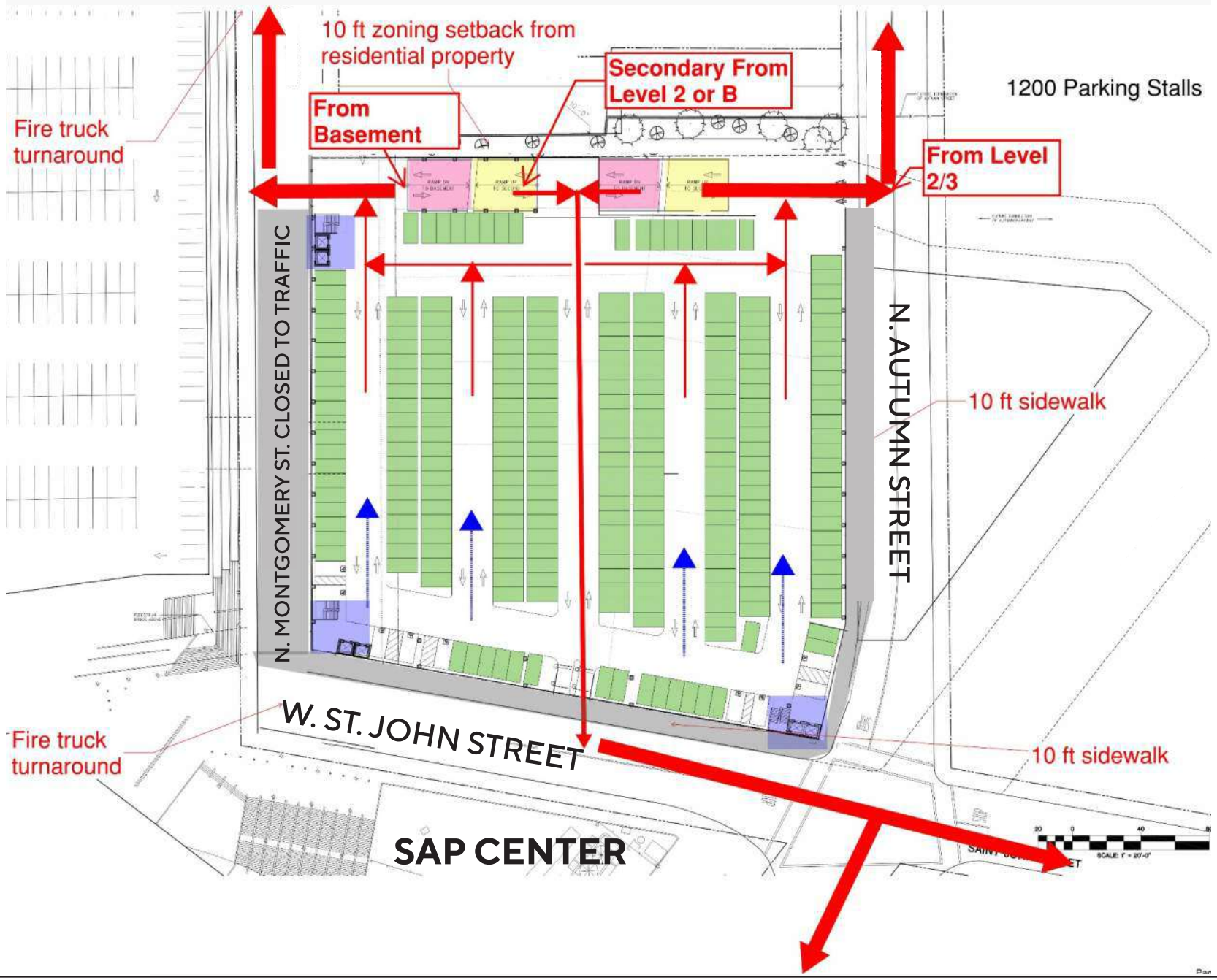
3.2 CONSTRUCTION

The evaluation of impacts includes one level below grade, one at-grade level, and up to six levels above grade to ensure the determination of maximum construction impacts. The amount of excavation expected for the one level below grade is 51,000 cubic yards of soil.

Construction of the structure is anticipated to take approximately 16 months. A truck haul route for the removal of soils will be determined during final design; however, it is anticipated that haul routes will be restricted to major streets and highways in the project area to the extent possible to reduce the potential for residential streets and neighborhoods to be adversely affected. It is anticipated that the construction of the interim surface lot would take approximately six months.



GROUND LEVEL SITE PLAN - ENTERING **FIGURE 4**

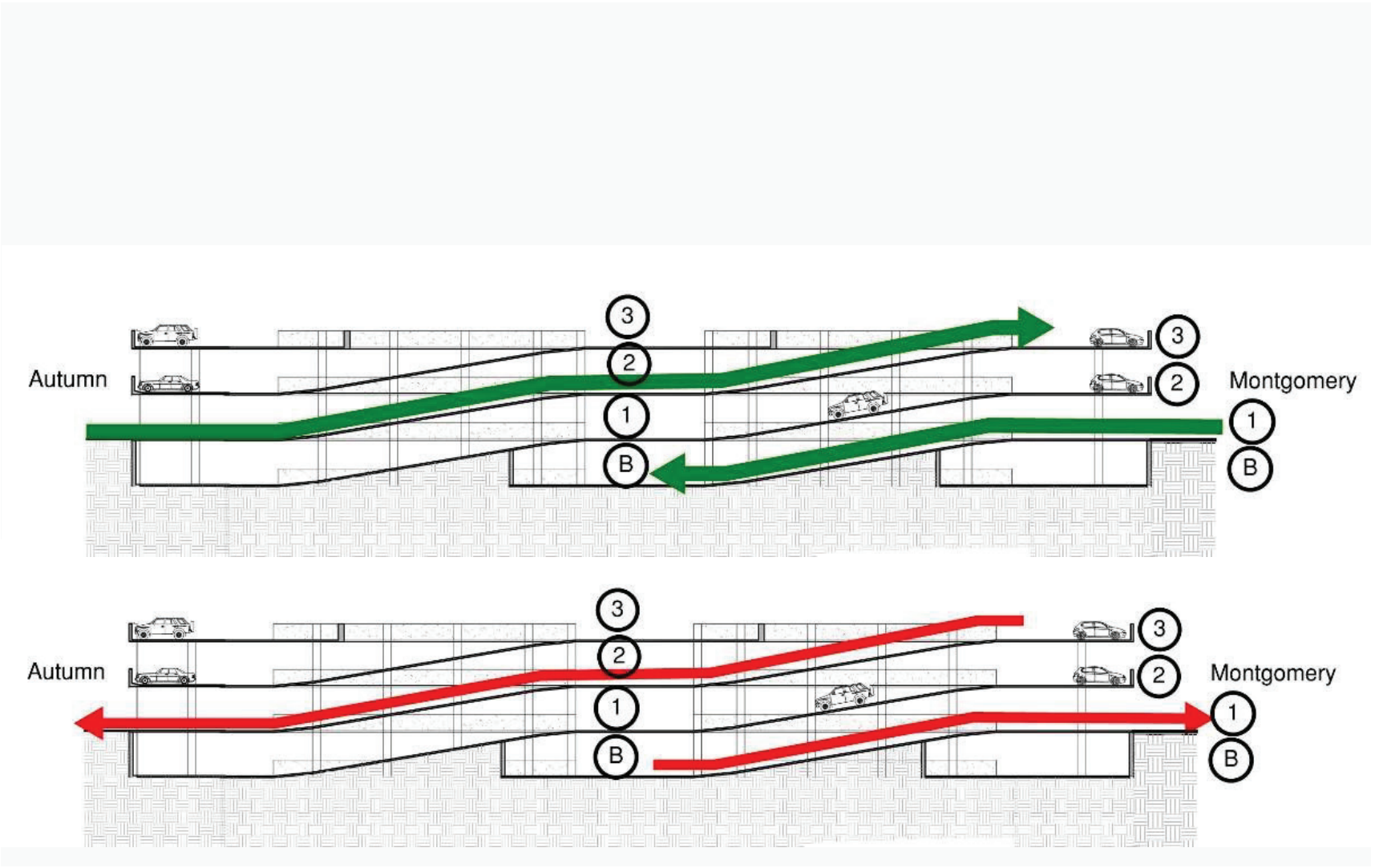


GROUND LEVEL SITE PLAN - EXITING **FIGURE 5**

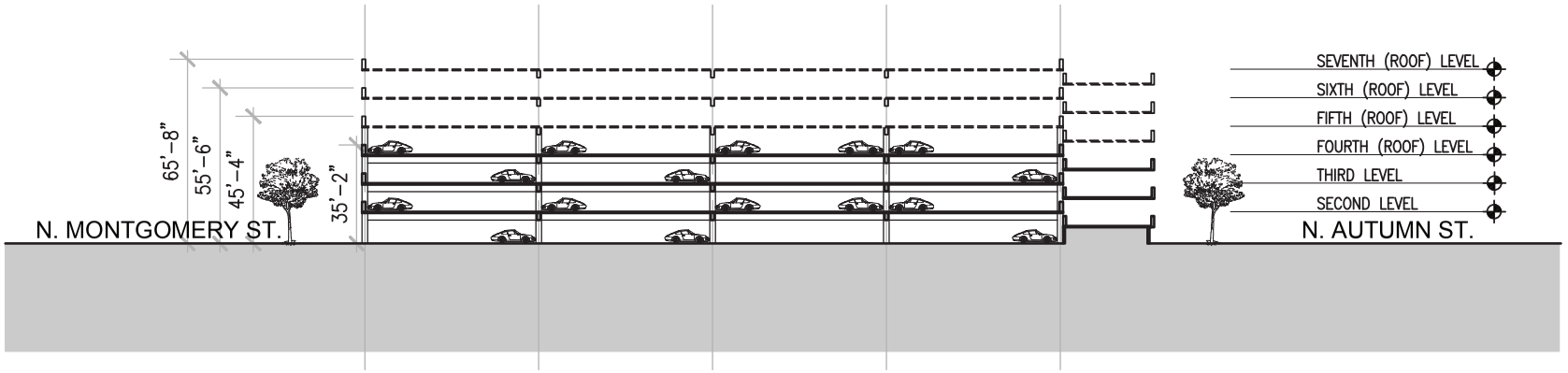
SECOND LEVEL PLAN **FIGURE 6**

THIRD LEVEL PLAN **FIGURE 7**

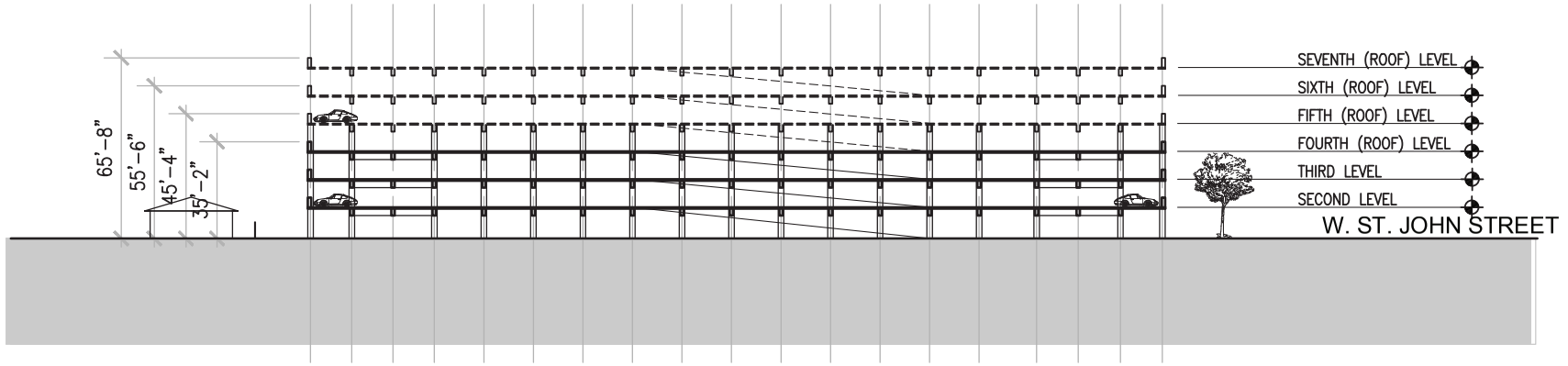
BASEMENT LEVEL PLAN **FIGURE 8**



SECTIONS WITH BASEMENT **FIGURE 9**



CROSS SECTION



LONGITUDINAL SECTION

SIX-STORY STRUCTURE SECTIONS

FIGURE 10

REPRESENTATIVE PARKING STRUCTURE ELEVATIONS **FIGURE 11**

SECTION 4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 BASIS OF ANALYSIS

The project is the construction of a parking structure to replace parking that either has been lost or will be lost as a result of redevelopment in the project area. The structure was identified in the Diridon Station Area Plan and has been anticipated as part of that environmental review as well as that for the Downtown Strategy 2040 Plan.

Therefore, the structure was evaluated at a program-level for all impacts and at a project-level for transportation and transportation-generated air quality and noise. As a result, for several resource areas, the discussion of impacts from the proposed project would be the same as was included in those documents. The following resource areas would not experience measurable changes between the project's level of impacts from the impacts identified in the DTS 2040 FPEIR and are not evaluated further in this IS/Addendum for the reasons described below.

- Agricultural and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire
- Tribal Cultural Resources

Agricultural and Forestry Resources

Related to agriculture and forestry resources, the project site is not located in an area identified as prime farmland or forestry area, nor is the area being used for or zoned for agricultural or forestry uses. Therefore, the proposed project will not result in a significant impact on the City's or region's agricultural or forestry resources. The proposed project would not result in any new or substantially more severe agricultural or forestry impacts than previously identified in the DTS 2040 FPEIR.

Energy

Regarding energy, the proposed project, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project would be required to be built to LEED Certification pursuant to Council Policy 6-32, comply with appropriate BAAQMD best management practices as discussed for air quality above, the California Building Code Standards Title 24, California Green Code requirements, and the Green Building Ordinance to comply with existing state and local energy standards and minimize wasteful energy use.

The project site is in proximity to VTA bus routes 22, 23, Rapid 522, and Rapid 523 on E. Santa Clara Street and Routes 64A and 64B on W. Julian Street. It is also along the future Silicon Valley BART extension to Diridon Station, with a station planned. As a result, the project would not result in a substantial increase on transportation-related energy use assumed in the

General Plan FEIR. Adherence to General Plan policies, existing regulations, and adopted plans and policies would reduce possible energy consumption and ensure that future development at the project site would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Mineral Resources

Related to mineral resources, the area of Communications Hill in central San José is the only area in the city designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. The project site is not located on or near Communications Hill, and therefore, would result in no impacts to mineral resources, as previously identified in the DTS 2040 FPEIR.

Population and Housing

The proposed project is the construction of a parking structure that will replace either lost parking or parking that will soon be lost as a result of redevelopment in the project area. It would not affect the population of San José or displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere. The project will remove a structure previously used as housing and one duplex. This does not constitute a loss of a significant amount of housing.

Public Services

The proposed project is the construction of a parking structure that will replace either lost parking or parking that will soon be lost as a result of redevelopment in the project area. It is replacing a small amount of industrial and residential uses on the project site with a parking structure. Fire turn-around areas are sufficiently provided adjacent to the project site. New governmental facilities will not be required as a result of the proposed project to maintain acceptable service ratios, response times, or other performance objectives for fire or police protection, schools, parks, or other public facilities.

Recreation

The project is the construction of a parking structure. It would not increase the use of existing neighborhood or regional parks, including the nearby Arena Green or Guadalupe River Park. The project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Tribal Cultural Resources

General Plan Policy ER-10.2 states, “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.”

General Plan Policy ER-10.3 states, "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." Under these two policies, new development would not change the areas of the City in which new development or redevelopment would occur or change policies or requirements for avoiding and/or reducing impacts to mandatory, presumed, or discretionary historic resources or archaeological resources. The proposed project, therefore, would not result in any new or substantially more severe tribal cultural resources impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addendum thereto.

Wildfire

Regarding potential wildland fires, the project site is located in a developed, urban area and surrounded by urban development and is not located within a Very-High Fire Hazard Severity Zone. The project is the construction of a parking structure and would not include any General Plan land use changes that would result in any changes to the City's current growth. Therefore, there would be no measurable change in population/housing, public services, recreation, or utilities relative to the proposed project.

Utilities and Service Systems

The proposed project is the construction of a parking structure that will replace either lost parking or parking that will soon be lost as a result of redevelopment in the project area. Utilities and service systems that will be required by the parking structure will be minimal. While the project may include an emergency generator, it would not require significant amounts of water, or generate significant wastewater or solid waste.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)* confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

4.1 AESTHETICS

Environmental Setting

The approximately 2.3-acre project site is located in a densely developed urban area of Downtown San José, as shown in Photos 1-7. The site is located in an area known as the Downtown West/Diridon Station Area Plan area, north of the San José Arena and West St. John Street, between N. Autumn Street and N. Montgomery Street. Sources of light and glare are abundant in the urban environment of the project site and project area, including but not limited to streetlights, vehicular headlights, internal/external building lights, security lights, and reflective building surfaces and windows.

Primary land uses on-site include storage and operational uses for the San José Arena, vacant parcels where buildings were once located, and two residential structures, one of which is vacant. Thus, views from the project site include views of the immediate, surrounding development. Partial views of the eastern foothills (Diablo Range), are obscured by trees and multi-storied structures in Downtown.

The site is partially visible from northbound State Route 87, which is approximately 933 feet east of the project site. The site is also visible from Arena Green West, a City of San José Park within the Guadalupe River Park (refer to Figure 3 and Photo 9) located southwest of the project site across the intersection of N. Autumn Street/Barack Obama Blvd. and W. St. John Street. The site is not visible from Interstate 280. The nearest natural scenic resources are the Guadalupe River and Los Gatos Creek, located approximately 340 and 520 feet east and southeast, respectively, of the site. No other natural scenic resources, such as outcroppings, are present on-site or within the project area.

Land uses in the immediate project area include the San José Arena and associated parking to the west, south, and east. Immediate land uses on the eastern side of the project site also include industrial uses (primarily auto repair related). Land uses adjacent to the northern boundary of the site are residential; however, one of the two structures is vacant. Further north, land uses include multi- and single-family residential and industrial, with residential uses also located to the northeast on Autumn Court. The Julian Street Inn, an emergency mental health shelter, is located to the north of the site on W. Julian Street.

Regulatory Framework

State

The State Scenic Highways Program[3] is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

[3]Streets and Highway Code, Sections 260 through 263

Photo 1: Photo of structure located at the northeastern corner of the site at 151 N. Autumn Street.

Photo 2: Mid-block portion of the site looking from N. Autumn Street to the southwest. SAP Center can be seen in the background of the photo.

Photo 3: Southeastern portion of the site looking northwest from the intersection of N. Autumn Street/Barack Obama Blvd. and W. St. John Street.

Photo 4: View of the southern portion of the site along W. St. John Street, looking to the northwest.

Photo 5: The vacant southwestern portion of the site looking to the northwest from W. St. John Street. San José Foundry and Metal Shop was located in this area of the site.

Photo 6: View of the project site taken from N. Montgomery Street looking to the southeast. The SAP Center can be seen in the background of the photo to the right.

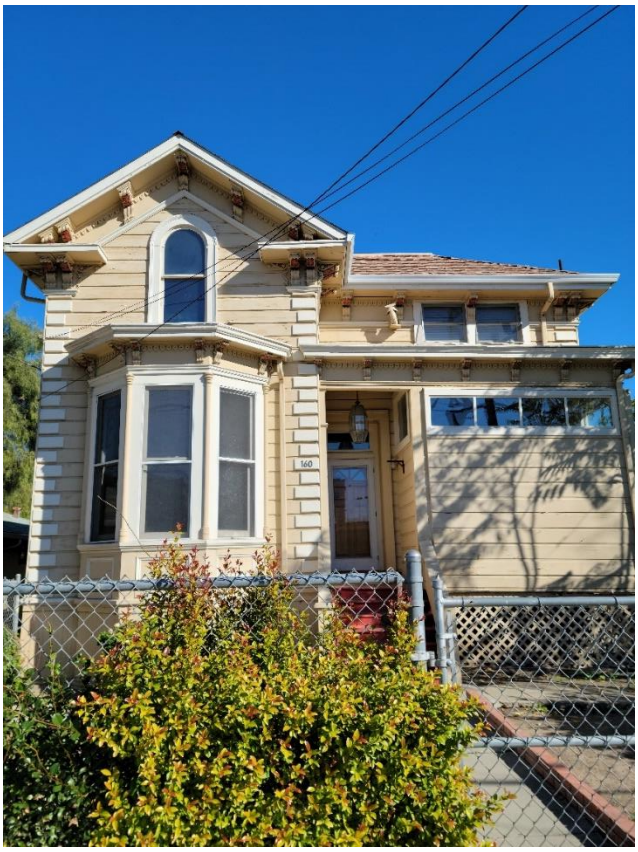


Photo 7: The historic Victorian residence located at 160 N. Montgomery Street which would be relocated as part of the proposed project.

Photo 8: The duplex located at 170 N. Montgomery Street in the northwestern corner of the site.

Photo 9: View of Arena Green from the southeastern corner of the project site at the N. Autumn Street/Barack Obama Boulevard and W. St. John Street intersection.

There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway. Therefore, this project site is not located near any designated scenic highways.

City of San José

Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote scenic beauty of the city. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting and lighting facilities to be reflected away from residential use so that there will be no glare.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with

adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review and approval of development in San José, including Downtown/Historic and Downtown Design Guidelines.

City Council Policy 4-2: Lighting

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

City Council Private Outdoor Lighting Policy 4-3

Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow. The downtown area is exempt from this policy.

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

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.

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.

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 block 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.

CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

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

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

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.

CD-1.24 Within new development projects include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

CD- 4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent

building scale, building materials, and orientation of structures to the street).

CD- 8.1 Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories.

Aesthetics Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1-7
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1-7
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒	1-7
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1-7

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the DTS 2040 FPEIR. Similar to the capacity build out evaluated in the DTS 2040 FPEIR, the proposed project would result in less than significant aesthetics impacts, as described below.

Impacts Evaluation

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

Scenic resources and views in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the baylands and the urban skyline, particularly high-rise development. Other natural resources, such as trees and rivers, are also considered a scenic resource. An impact to a scenic resource or vista would occur if a project modifies a scenic feature, such as a hillside, woodland, or bayland areas, or scenic skyline or built environment.

Due to the project site's location on the valley floor and presence of surrounding development, views of the project site are limited to the immediate area. Views of the Santa Cruz Mountains and Diablo Range from the project area are already obstructed by existing surrounding development, SR-87, and trees. Development of the proposed project would, therefore, not substantially hinder existing views. The view of the project site is not an integral part of a scenic vista and is not located in an area considered to be a scenic vista.

Implementation of the proposed project could result in the removal of existing trees in the southeast corner of the site. However, existing trees to be removed would be replaced in accordance with the City's Tree Protection Ordinance (refer to Section 3.4 *Biological Resources* for a complete discussion of the project's impacts on trees). Views of the Guadalupe River and Los Gatos Creek, east and southeast of the site, respectively, would not be affected by the proposed project due to the distance to the river and the presence of development and tall trees between the river and the structure.

There are no rock outcroppings on or near the site; however, individual homes listed on the City's Historic Inventory are located adjacent to and north of the proposed project. The structure will be designed according to the Downtown Design Guidelines to reduce potential impacts to such structures to the extent possible as described in the DTS 2040 FPEIR. The project site is not located along a state-designated scenic highway or City of San José scenic gateway or rural scenic corridor.

Based on the above discussion, the project would not substantially damage scenic resources. The construction of an up to six-story parking structure would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a state scenic highway. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project proposes to redevelop an existing commercial/industrial/residential property to construct a parking structure. The project would include the demolition of the existing structures and asphalt and the removal of trees on the site. The project area is currently developed with uses similar to those that currently exist on the site. The proposed development would be similar in massing and height to the San José Arena to the south and would be constructed in accordance with the existing zoning of the site.

The height of the proposed structure would be approximately 70 feet, which is taller than the development adjacent to the northern boundary of the site; however, the project is consistent with the Municipal Code for the *Downtown Primary Commercial* zoning district and Special or Conditional Use Permits are not required.

The parking structure would have an architectural design comprised of stucco, steel panels, painted concrete, and/or wood composite materials, as shown on Figure 11, consistent with the visual character of the project area. The project would be required to be consistent with the City's Downtown Design Guidelines, resulting in conformance to current architectural and landscaping standards. For these reasons, construction of the proposed project would not substantially degrade the existing visual character or quality of public views of the site and surrounding area. **[Same Impact as DTS 2040 FPEIR (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 site is located in an urbanized area within Downtown. As mentioned above, existing sources of light and glare in the urban environment include street lights and reflective building surfaces and windows. Development of the proposed project would incrementally increase nighttime light in the surrounding area due to the net increase in nighttime and security lighting. The project does not propose to use highly reflective construction material (e.g., mirrored glass) and instead uses stucco, steel panels, painted concrete, and/or wood composite materials; therefore, the project would not create substantial glare.

The proposed project would comply with adopted plans, policies (including the City's Outdoor Lighting on Private Development Policy), and regulations to avoid substantial light and glare impacts. The project would go through a design review process and would be reviewed for consistency with the City's Design Guidelines and other applicable codes, policies, and regulations. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

Conclusion

The project would not result in new significant aesthetic impacts when compared to the conclusions of the DTS 2040 FPEIR. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

4.2 AIR QUALITY

The following section is based upon an Air Quality and Greenhouse Gas Emission Assessment prepared by *Illingworth & Rodin* (November 15, 2021). This assessment is contained within Appendix A of this document.

Background

Air quality is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The Santa Clara Valley is bounded by the San Francisco Bay to the north and by mountains to the east, south and west. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin. 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 utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD.

Criteria Pollutants

Ambient air quality standards have been established at both the state and federal level. The ambient air quality in a given area depends on the quantities of pollutants emitted within the area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, as well as the surrounding topography of the air basin. Air quality is described by the concentration of various pollutants in the atmosphere.

As required by the federal Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), ozone (O3), particulate matter, sulfur oxides, and lead. Pursuant to the California Clean Air Act, the State has established the California Ambient Air Quality Standards (CAAQS).

The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM2.5) and state standards for respirable particulate matter (PM10). The area is considered attainment or unclassified for all other pollutants.[4]

[4]Particulate matter is assessed and measured in terms of respirable and fine particulate matter. PM10 and PM2.5 are particles that have a diameter of 10 and 2.5 micrometers or less, respectively.

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

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

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM10) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM2.5). Elevated concentrations of PM10 and PM2.5 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.

Long-term and short-term exposure to TACs and PM2.5 can cause a wide range of health effects. Common stationary sources of TACs and PM2.5 include gasoline stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Sensitive Receptors

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

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical

plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors.

Environmental Setting

The closest sensitive land uses are residences located adjacent to the northern property boundary and northeast of the project site. The project site is in an area of predominantly industrial, public/quasi-public, and residential uses and is not located near large facilities that produce substantial odors.

Regulatory Framework

Federal

The US Environmental Protection Agency (USEPA) sets nationwide emission standards for mobile sources, which include on-road (highway) motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The USEPA also sets nationwide fuel standards, including diesel engine emission standards and diesel fuel requirements. The federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

State

To address the issue of diesel emissions in the state, CARB developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter (DPM) emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the Diesel RRP involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. CARB has also adopted and implemented regulations to reduce DPM and NOx emissions from in-use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, buses, etc.). These regulations accelerate the rate at which older diesel vehicles are replaced with cleaner vehicles or retrofitted to meet more stringent standards, significantly reducing DPM and NOx emissions.

Regional

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion. BAAQMD Air Quality Significance Thresholds are shown in Table 4.2-1, below.

Table 4.2-1: BAAQMD Air Quality Significance Thresholds

Criteria Air Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
ROG	54	54	10
NOx	54	54	10
PM10	82 (exhaust)	82	15
PM2.5	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards	**Single Sources within 1,000-foot Zone of Influence**	**Combined Sources (Cumulative from all sources within 1,000-foot Zone of Influence)**	
Excess Cancer Risk	>10.0 per one million	>100 per one million	
Hazard Index	>1.0	>10.0	
Incremental Annual PM2.5	>0.3 ug/m^3	>0.8 ug/m^3	
Greenhouse Gas Emissions			
Land Use Projects -Direct and Indirect Emissions	Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons annually or 4.6 metric tons per capita (for 2020)*		

Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 um (micrometers) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5 um or less. GHG = greenhouse gases.
*BAAQMD does not have a recommended post-2020 GHG threshold.

Local

Envision San José 2040 General Plan

The General Plan includes policies for avoiding or mitigating air quality impacts from planned development projects in the City, with overall goals to minimize emissions from new development and exposure of people to air pollution and toxic air contaminants. In addition, goals and policies throughout the General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian and bicycle improvements, and parking strategies. A reduction in vehicle miles traveled reduces air pollutant emissions. The following policies are applicable to the proposed project:

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

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

MS-10.5 In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.

MS-11.2 For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternately, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

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.

MS-13.2 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.

Air Quality Environmental Checklist

Where available, the significance criteria established by BAAQMD may be relied upon to make the following determinations. Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	1,3,4,6,13
b. 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?	☐	☐	☐	☒	1,3,4,6,13
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	1,3,4,6,13
d. Result in other emissions such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒	1,3,4,6,13

Impacts Evaluation

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

The proposed project, which is consistent with the City's existing General Plan Land Use/Transportation Diagram, would not conflict with the 2017 CAP because it would not have operational emissions that exceed BAAQMD significance thresholds as described in b., below. Because the project would not exceed the BAAQMD thresholds for operational criteria air pollutant, it is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, the project is only replacing parking that has been or will soon be lost as a result of project area redevelopment.

The project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Bicycle parking and EV charging stations will be provided per City Code and the structure would be constructed in accordance with the City's Green Building Ordinance. The project is located in proximity to multiple transit services.

Any trees to be removed would be replaced in accordance with City Code and at least 75 percent of construction waste generated by the project would be recovered and diverted from landfills. For these reasons, the project is consistent with the applicable 2017 CAP applicable control measures. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

b. 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?

The Downtown Strategy 2040 FEIR concluded that build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. 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.

To confirm that the project would not exceed identified thresholds for criteria pollutants, the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The CARB EMission FACtors 2021 (EMFAC2021) model was used to predict emissions from construction traffic, which includes worker travel, vendor trucks, and haul trucks.

Operational Emissions of Criteria Pollutants

Operational air emissions from the project would be generated primarily from vehicles driven by visitors of the project and power for the elevators. There would also be operational air emissions associated with energy and water usage, solid waste generation, as well as an emergency generator. CalEEMod was used to estimate emissions from operation of the proposed project in year 2025, the earliest date of full operation.

The proposed land use was input into CalEEMod to determine annual emissions. The daily emissions were calculated assuming 365 days of operation and the fact that the project would not generate new vehicle trips because it is replacing parking that was recently or will soon be removed.

The proposed emergency generator is a stationary source of GHG emissions that would require a Permit to Operate from BAAQMD. BAAQMD assesses stationary sources separate from other project-related emissions. The 200-kilowatt generator was assumed to be operated primarily for testing and maintenance purposes for approximately 50 hours each year. The generator's emissions were also modeled using CalEEMod.

Operational emissions were determined in terms of annual emissions in tons per year and average daily emissions in pounds per day. Table 4.2-2, below, shows average daily emissions of ROG, NOX, total PM10, and total PM2.5 during operation of the project. The operational period emissions would not exceed the BAAQMD significance thresholds and impacts would be less than significant.

Table 4.2-2: Operational Emissions

Scenario	ROG	NOx	PM10	PM2.5
Annual Emissions				
2023 Project Operational Emissions (tons/year)	0.05	0.03	<0.01	<0.01
BAAQMD Thresholds (tons/year)	10 tons	10 tons	15 tons	10 tons
Exceed Threshold?	*No*	*No*	*No*	*No*
2023 Project Operational Emissions (*lbs/day*)	0.3	0.2	<0.01	<0.01
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Note: Assumes 365-day operation.				

Construction Emissions

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (an air toxic contaminant due to its potential to cause cancer), TACs from all vehicles, and PM2.5, which is a regulated air pollutant. A detailed air quality assessment was completed to address construction air quality impacts from the proposed project (Appendix A).

Average daily emissions were computed for construction of the proposed project and average daily construction emissions of ROG, NOX, PM10 exhaust, and PM2.5 exhaust during construction of the project were determined. As indicated in Table 4.3-3, below, predicted construction period emissions would not exceed the BAAQMD significance thresholds.

Table 4.2-3: Construction Period Emissions

Year	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Construction Emissions Per Year (Tons)				
2023	0.23	2.09	0.11	0.08
2024	0.10	0.54	0.03	0.02

Average daily emissions (pounds/day)				
2023 (260 construction workdays)	1.79	16.11	0.82	0.62
2024 (65 construction workdays)	2.89	15.51	0.76	0.56
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form or PM10 and PM2.5. 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. As shown in Table 4.2-3, predicted annualized project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction. Therefore, impacts are less than significant and not further analysis of construction-related emissions of criteria pollutants is required per the DTS 2040 FPEIR.

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. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. Nearby land uses, particularly sensitive receptors to the north and northeast of the project site, could be affected by dust generated during construction activities.

BAAQMD considers impacts from construction dust to be less than significant if best management practices are employed. Consistent with the DTS 2040 FPEIR, Standard Conditions would apply to the project including the following.

Standard Conditions: During any construction period ground disturbance, the project proponent shall ensure that the project contractor implements the following Standard Conditions to control dust and exhaust, which are required for all projects:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Approval of the proposed project would allow for the construction of an approximately 1,200-space parking garage to provide parking that has been or will soon be lost as a result of redevelopment in the project area. The project, by itself, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment.

The project would alone would not result in any additional air quality impacts when compared to those identified in the DTS FPEIR. The project would further reduce or avoid additional impacts associated with criteria pollutants with the implementation of the above Standard Conditions to control dust, minimize erosion, and control exhaust. **[Same Impact as DTS 2040 FPEIR (Significant Unavoidable Impact)]**

c. Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential or daycare/preschool 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 project would not introduce new sensitive receptors; however, it would increase local automobile traffic and introduce a diesel-powered generator, which could affect nearby sensitive receptors, including residential uses to the north, northeast, and west (on Stockton Avenue).

There are several existing sources of TACs and localized air pollutants in the vicinity of the project. The impact of these existing sources was also assessed in terms of the cumulative risk

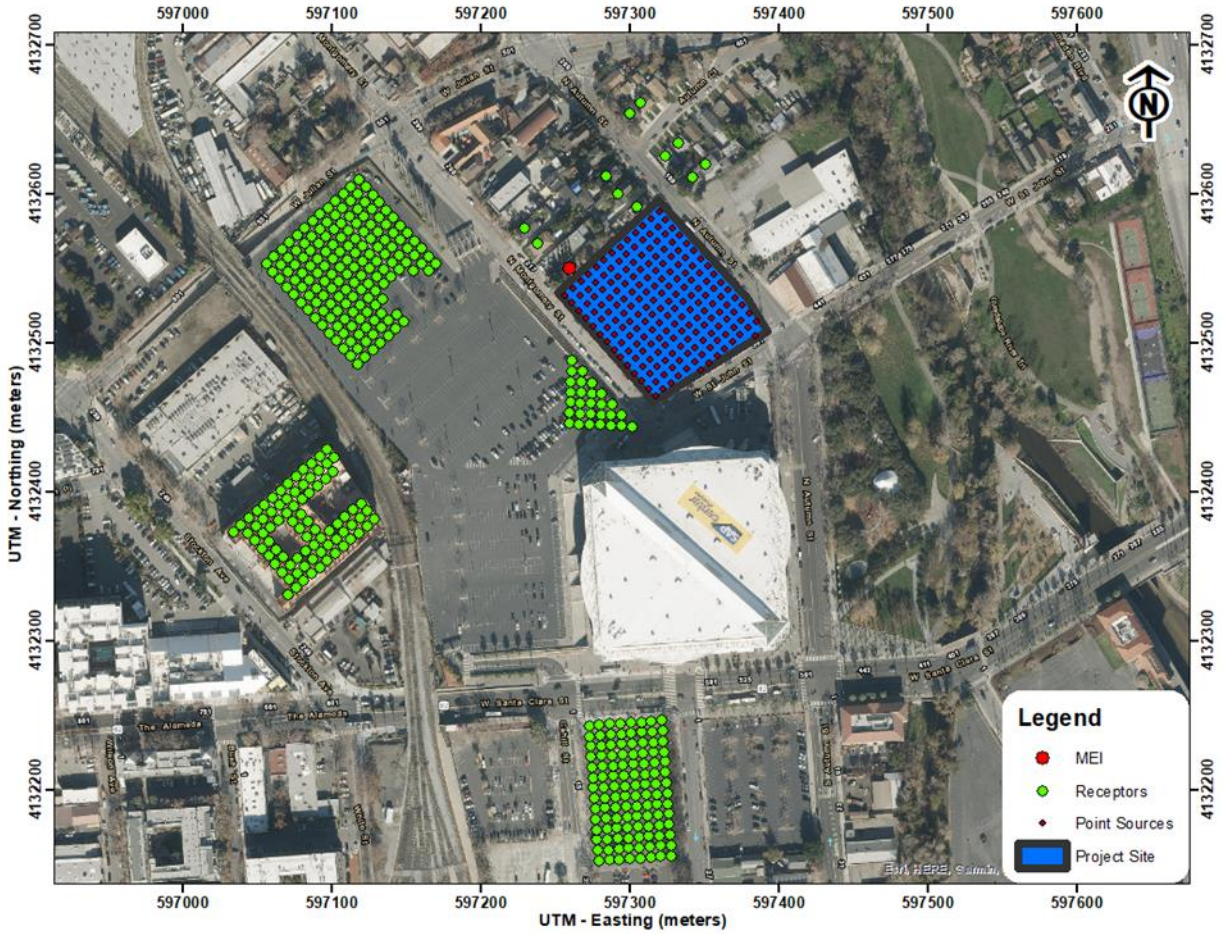
which includes the project contribution. This cumulative analysis also included the future Google West development approved for the project area to the west, northwest, and south of the project site, as shown on Figure 12.

Construction Community Health Risk Impacts

Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. The risk impacts from the project are the combination of risks from construction and operation sources. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified.

Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding existing and future residents as shown in Figure 12, below. The primary community risk impact issue associated with construction emissions are cancer risk and exposure to PM2.5. Diesel exhaust poses both a potential health and nuisance impact to nearby sensitive receptors. Therefore, a health risk assessment of the project construction activities was prepared to evaluate potential health effects to nearby sensitive receptors from construction emissions of DPM and PM2.5.

FIGURE 12: Locations of Existing and Future Off-Site Sensitive Receptors



The CalEEMod and U.S. EPA AERMOD dispersion models were used to predict the off-site and on-site concentrations of PM10, DPM, and PM2.5 resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. The construction maximum exposed individual (MEI) was located on the first floor (five feet above ground) of adjacent single-family homes north of the project site (as seen in Figure 12).

The maximum increased cancer risks and maximum PM2.5 concentration from construction did not exceed their respective BAAQMD single-source thresholds of greater than 10.0 per million for cancer risk and greater than 0.3 µg/m^3 for PM2.5 concentration. The maximum cancer risks, PM2.5 concentrations, or Hazard Index values from project construction and generator testing would not exceed the BAAQMD single-source thresholds or expose sensitive receptors to significant pollutant concentrations, as shown in Table 4.2-4, below.

To obtain an estimate of potential cancer risks and PM2.5 impacts from operation of the emergency generator, the U.S. EPA AERMOD dispersion model was used to calculate the maximum annual DPM concentration at off-site sensitive receptor locations (nearby residences). The same receptors, breathing heights, and BAAQMD San José International

Airport meteorological data used in the construction dispersion modeling were used for the generator models. Stack parameters (exhaust flow rate, and exhaust gas temperature) for modeling the generator were based on BAAQMD default parameters for emergency generators[5]. Annual average DPM and PM2.5 concentrations were modeled assuming that generator testing could occur at any time of the day (24 hours per day, 365 days per year).

Table 4.2-4
Construction Risk Impacts at the Off-site Residential MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction Unmitigated	8.01 (infant)	0.08	0.01
Project Operation (with 200kw Diesel Generator)	0.16	<0.01	<0.01
Total Project (Construction + Operation)	8.17	<0.09	<0.02
BAAQMD Single-Source Threshold	***10.0***	***0.3***	***1.0***
Exceed Threshold?	*No*	*No*	*No*

Cumulative Community Risks of all TAC Sources at the Off-site MEI

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site (i.e., influence area). These sources include rail lines, highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area and based on traffic information for a past nearby project indicated that three roadways (State Route 87, Julian Street, and W. Santa Clara Street) within the influence area would have traffic exceeding 10,000 vehicles per day. A review of the project area indicates that Zone 4 of the Caltrain line passes through the influence area. A review of BAAQMD's stationary source geographic information systems (GIS) map tool identified five stationary sources with the potential to affect the project site and MEI.

To estimate TAC and $PM_{2.5}$ emissions over the 30-year cumulative exposure period used for calculating the increased cancer risks for sensitive receptors at the MEI and project site, the CT-EMFAC2017 model was used to develop vehicle emission factors for the year 2023 (estimated project construction start year). Year 2023 emissions were conservatively assumed as being representative of future conditions over the time period that cancer risks are evaluated since,

[5] The San Francisco Community Risk Reduction Plan: Technical Support Document, BAAQMD, San Francisco Dept. of Public Health, and San Francisco Planning Dept., December 2012

overall vehicle emissions, and in particular diesel truck emissions, will decrease in the future. Additional details of the modeling and community risk calculations are included in Appendix A.

As shown in Table 7 of Appendix A, the cumulative community maximum cancer risks and PM2.5 concentration would not would exceed the BAAQMD single-source thresholds of greater than 100 per million for cancer risk, 0.8 µg/m^3 for PM2.5 concentration, or 10.0 Hazard index values. Furthermore, installation of any generators shall be coordinated and approved by the BAAQMD consistent with their permitting process wherein, BAAQMD could set limits for DPM emissions (e.g., more restricted engine operation periods).

Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally will not be considered to have a significant air quality community risk impact. Therefore, with the implementation of the Standard Conditions above and Conditions of Approval, below, as identified in the DTS 2040 FPEIR, potential air quality impacts to nearby sensitive receptors will be further reduced and avoided. Impacts would be less than significant.

Condition of Approval: The proposed generator would be larger than 50 horsepower; therefore, prior to its installation, the project proponent shall obtain a permit from BAAQMD to ensure that all applicable best available control technology for toxics (BACT) are met and the generator passes the toxic risk screening level of less than ten in a million. The risk assessment would be prepared by BAAQMD. Depending on results, BAAQMD would set limits for DPM emissions (e.g., more restricted engine operation periods). The engine would also be required to meet CARB and EPA emission standards and consume commercially available California low-sulfur diesel fuel.

The proposed project would result in a less than significant project-level and cumulative operational and construction criteria pollutant impact as discussed previously. Therefore, the project would result in a less than significant health impact to sensitive receptors. **([Same Impact as DTS FPEIR (Less Than Significant Impact)]**

d. Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Odors are general considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. The redevelopment of an existing commercial site with hotel uses would not typically generate objectionable odors. Therefore, consistent with the findings of the DTS 2040 FPEIR, the proposed project would not create objectionable odors affecting a substantial number of people. **[Same Impact as DTS FPEIR (Less Than Significant Impact)]**

Conclusion

While build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards both by the

project and cumulatively, the proposed project would not make a significant contribution towards those impacts.

With the implementation of Standard Conditions and Conditions of Approval and the findings of the DTS 2040 FPEIR, the project would not expose sensitive receptors to substantial pollutant concentrations or odors. **[Same Impact as DTS FPEIR (Significant Unavoidable Impact)]**

4.3 BIOLOGICAL RESOURCES

The following discussion is based on information contained in the DTS 2040 FPEIR.

Environmental Setting

The project site is in an area of industrial, public/quasi-public, and residential uses and is surrounded by existing development. While the southwestern portion of the site is currently vacant due to a fire, the remainder of the site is covered with asphalt and structures; therefore, biological resources are very limited.

The previously developed southwestern portion of the site has been overtaken by the invasive species, Tree of Heaven, most of which do not meet the City's definition of a tree.[6] The majority of trees are located on the residential parcels in the northwestern portion of the site. These sites are currently privately owned and were not accessible during site reconnaissance.

There are no street trees located on the project site boundary. Based on the tree survey, there is one Tree of Heaven that meets the City's definition for an ordinance size. This tree is located along N. Montgomery Street on the western boundary of the site and is described as shown in Table 4.3-1, below.

Table 4.3-1: Ordinance-Size Tree On-Site

Tree No.	Species	Size (in circumference)	Health
1.	Tree of Heaven – Non-native – Multi-trunked	48, 36, 38	Fair – compromised by proximity to sidewalk

The tree on-site is multi-trunked and in fair condition. The tree is ordinance-size (defined by the City as trees over 38 inches in circumference measured at a height of 54 inches above natural grade). The tree on-site is not a Heritage tree, as defined by the City of San José.[7]

The project site is located on land cover designated as *Urban-Suburban*, which as defined by the Habitat Plan is land that has been cleared for residential, commercial, industrial, or other urban developments, and is defined as having one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land cover is usually in the form of landscaped residences, planted street trees, and parklands. Most of the vegetation on-site is composed of non-native or cultivated

[6] "Tree" means any live or dead woody perennial plant characterized by having a main stem or trunk which measures thirty-eight (38) inches or more in circumference at a height of fifty-four (54) inches above natural grade slope. A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of fifty-four inches above natural grade slope. (Municipal Code Section 13.32.020).

[7] City of San José Heritage Tree List, 2014, accessed October 20, 2021.

plant species. The project site is not located within any other potential fee zones, plant or wildlife survey areas, or other areas that would be subject to specific Habitat Plan conditions such as stream setbacks.

Furthermore, a final tree inventory will be completed after the site is acquired by the City and access to the entire project site is allowed.

Regulatory Framework

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under State and Federal Endangered Species Acts are considered 'special-status species.' Federal and State "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations.

Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under State and Federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protections

Federal and State laws also protect most bird species. The Federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code. The Code states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." 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 nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. USEPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As previously described, the project site is located within the Habitat Plan study area and is designated as *Urban-Suburban*. The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), US Fish and Wildlife Service (USFWS), and CDFW.

The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Local

Riparian Corridor and Bird-Safe Building Policy 6-34

The City of San José's Riparian Corridor and Bird Safe Building Policy, adopted in September 2016, provides guidance consistent with the goals, policies, and actions of the 2040 General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within Riparian Corridor setbacks to minimize flooding from urban runoff and control erosion; and 3) encouraging bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of State Route 237. It supplements the regulations for riparian corridor protection in the Council-adopted Santa Clara Valley Habitat Plan, the Zoning Code (Title 20 of the San José Municipal Code), and other existing City policies that may provide for riparian protection and birdsafe design. The general guidelines for setbacks and lighting apply

to development projects within 300 feet of riparian corridors. Bird-safe design guidance for buildings and structures includes avoidance of large areas of reflective glass, transparent building corners, up-lighting, and spotlights.

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 biological resources and are applicable to the proposed project:

ER-4.4 Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

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.

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

ER-6.5 Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

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.

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

MS-21.6 As a condition of new development, require 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.

CD-1.24 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not

feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

CD-1.25 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Biological Resources Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	1,2-4,6,11
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 CDFW or USFWS?	☐	☐	☐	☒	1,2-4,6,11
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,2-4,6,11
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?	☐	☐	☐	☒	1,2-4,6,11
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1,2-4,6,11

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?	☐	☐	☐	☒	1,2-4,6,11

Impacts Evaluation

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

Trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW Code Sections 3503, 3503.5, and 2800. Consistent with federal, state, and local policies and the DTS2040 FPEIR, the project shall implement the following measure.

IMPACT BIO-1: Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. **[Same Impact as the DTS 2040 FPEIR (Significant Impact)]**

Mitigation and Avoidance Measures

In accordance with the Migratory Bird Treaty Act, CDFW, General Plan policies, and findings of the DTS 2040 FPEIR, the project will implement the following Mitigation Measures, to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter preconstruction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area

that will be disturbed by construction, the ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to any tree removal, or ground disturbance activities, the project proponent shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

With implementation of Mitigation Measure BIO-1.1, the project's impact to nesting birds and raptors would be less than significant. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact with Mitigation Incorporated)]**

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?

Due to the urban nature of the site, there are no sensitive, riparian, or wetland habitats on-site. Sensitive natural communities (i.e., riparian and aquatic habitat) in the vicinity of the Downtown area are located within the Los Gatos Creek and Guadalupe River. The project site is located approximately 340 and 520 feet west and southwest of the Guadalupe River and Los Gatos Creek, respectively. The Downtown Strategy 2040 FEIR concluded that implementation of applicable General Plan policies and existing regulations would reduce direct and indirect impacts to riparian habitat from increased human activity. As a result, implementation of the project would not adversely affect any riparian habitat or other sensitive natural community. **[Same Impact as DTS 2040 FPEIR (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?

There are no federally protected wetlands on-site or in the project area, as defined by Section 404 of the Clean Water Act, that could be affected by the proposed project. The project would not have a substantial adverse effect on any wetland habitat. **[Same Impact as DTS 2040 FPEIR (Less Than Significant 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?

There are no waterways located on or adjacent to the project site; therefore, the project would not interfere with migratory fish species. Given the developed nature of the project site and adjacent area, the project site does not act as a wildlife corridor. **[Same Impact as DTS 2040 FPEIR (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?

Development of the proposed project would result in the removal of at least one ordinance-sized tree on-site. Once access is allowed on the entire site, a final assessment of trees to be removed and retained will be completed. Trees that are within the project work area and anticipated to be removed for the purpose of the currently proposed project, shall be replaced in accordance with the City's standard tree replacement ratios summarized in Table 4.3-2 below.

Standard Conditions: The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.3-2 below, as amended.

Table 4.3-2: Tree Replacement Ratios

Circumference of Tree to be Removed[8]	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family, Commercial and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter

A 24-inch box tree = two 15-gallon trees

As previously described, at least one non-native tree is located on-site and would be removed as part of the project. Based on the size and species of the existing tree, it would be replaced with four 15-gallon tree at a ratio of 4:1 for a total of eight trees. If 24-inch box trees are proposed, four trees would be required. Additional trees may also be removed that would require replacement to be determined during the final tree survey for the site.

Some trees along the northern, inaccessible portion of the site may be retained as part of the project and no off-site trees would require any tree protection during construction. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

[8] As measured at 4.5 feet above ground level.

***In-lieu Mitigation*:** In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's Designee, at the development stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees to be planted on the project site, at the development stage.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to any tree removal activities, in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

The Downtown Strategy 2040 FEIR concluded that compliance with local laws, policies and guidelines would reduce impacts to the urban forest to a less than significant level. **[Same Impact as DTS 2040 FPEIR (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 Santa Clara Valley Habitat Plan (Habitat Plan) area and has a land cover designation of *Urban-Suburban*. The Urban-Suburban designation is for land that has been identified for residential, commercial, industrial, or other urban development, and is defined as having one or more structures per 2.5 acres. The proposed parking structure development, therefore, is consistent with the land use assumptions for the site in the Habitat Plan. The proposed project would not impact any of the Habitat Plan's covered species and would implement the following Standard Condition.

Standard Condition: The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior any ground disturbance. The project proponent shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form[9] to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to any ground disturbance activities.[10] **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

Conclusion

The project, with the implementation of Mitigation Measures and Standard Conditions identified above, would result in less than significant biological resource impacts, consistent with the findings of the DTS 2040 FPEIR. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Incorporated)]**

[9] https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=

[10] The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

4.4 CULTURAL RESOURCES

The following discussion is based upon information contained in the DTS 2040 FPEIR and a Historic Resources Project Assessment (July 26, 2019) prepared for the site by Archives & Architecture (December 6, 2021). A Relocation Analysis for the building at 160 N. Montgomery Street was also prepared by *Archives & Architecture* (October 19, 2021). Archaeological information was obtained These reports is on file with the City of San José's Department of Building, Planning and Code Enforcement.

Environmental Setting

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

Subsurface Resources

The project site is located in the Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans (specifically the Ohlone/Costanoan populations) resided in the area that encompasses the project site. The San Francisco Bay Area's favorable environment during the prehistoric period included bay marshes, valley grasslands, mountainous uplands and open coastal environments that provided an abundance of wild food and other resources.

Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. The project site is located approximately 310 feet east of the Guadalupe River and 405 feet southeast of Los Gatos Creek. According to the Envision San José 2040 General Plan, the site is considered to be archaeologically sensitive.

Historic Resources

The project site includes 10 parcels and project implementation would require the demolition of four buildings and accessory structures, including approximately two garages and sheds, and associated pavement. The four buildings are located at 160 N. Montgomery Street, 170 N. Montgomery Street, 517 W. St. John Street and 151 N. Autumn Street.

Site Historic Context

Much of the area west of the confluence of the Guadalupe River and Los Gatos Creek was originally part of the grazing lands and fields of Mission Santa Clara to the northeast. The Spanish Mission was originally founded in January 1777, and later that year in November 1777, the Pueblo de San José de Guadalupe was founded on the east side of the Guadalupe River near present day Hobson Street. About 1795, Father Catalá laid out The Alameda adjacent to a canal, joining the pueblo of San José and the Santa Clara Mission. The canal had been dug by Mission Indians to drain water to the Mission fields, originating from a spring located near the

present-day Hanchett Park area in San José. In 1795, this canal was continued from the spring to the confluence of the Guadalupe River and Los Gatos Creek. The alignment of The Alameda between Los Gatos Creek and Race Street follows the location of this historic, but no longer extant, channel.

Secularization of Mission Santa Clara took place on December 27, 1836. At that time, excess mission lands became part of the public domain, and were later granted to private individuals. Rancho El Potrero de Santa Clara was granted to James Alexander Forbes by Mexican Governor Micheltorena in 1844. The rancho, which included the subject parcels, was bounded on the south and west by The Alameda, on the east by the Guadalupe River, and on the north by the present-day Brokaw Road.

In 1847, Forbes sold Rancho El Potrero de Santa Clara to Commodore Robert F. Stockton who held the position of military governor of California until January 1847. Stockton managed his property from the East Coast after leaving California. In 1850, he ordered mapping of the property for a subdivision called The Alameda Gardens, although it does not appear that any of the property was developed at that time. It was also at this time that the governing authority of San José first established the urban boundaries of the new American town, boundaries that would remain in place until 1911. The western boundary was a north/south line that encroached into the rancho that Stockton had recently purchased. That line bisects the project site.

The decade of the 1860s saw the introduction of railroad transportation into Santa Clara County, which had a significant impact on the later development of Rancho El Potrero de Santa Clara. In 1860, a company called the San Francisco & San José Railroad was formed in San Francisco with the goal of building a railroad to San José. The first train arrived in San José on January 16, 1864, greatly affecting the future development of the city and county. The tracks were laid through the Stockton Ranch, and the station facilities were established on Bassett Street east of the Guadalupe River. In late 1877, the South Pacific Coast Railroad had laid tracks in San José and extended their line southward to Los Gatos further splitting the south end of the original rancho lands. Later the Southern Pacific extended along this southerly alignment to reach the industrial areas west and southwest of the downtown and the New Almaden mines until their mainline bypass opened in 1935, shifting their primary route through San José from Fourth Street to a new southeasterly alignment through the Willow Glen neighborhoods.

By the mid-1860s, portions of the Stockton Ranch began to be sold for development and fruit packing and shipping operations were developed in the project area. By 1876, the primary lands of ranch had been platted into the University Grounds subdivision, and the southern ends of the ranch, as well as city lands at its western boundary, had been divided into both small and moderate-sized subdivisions. This western district of San José initially developed residentially, with the largest planned tract being Bradlee's Subdivision that was located north of West Julian Street.

The proximity of this area to the railroad alignment influenced the evolving land uses adjacent to and within this district. Fruit packing and shipping operations began to spring up near the northern ends of this area at Cinnabar Street. In 1877, Garden City Gas Company organized, establishing the first Lowe water-gas processing plant on the Pacific Coast at the western end of San Augustine Street. By 1888, Garden City had been folded into San José Gas Company at the site, including construction of the first gas holders at the site. The company continued to change ownership until the forerunner of PG&E, United Gas and Electric Company, took ownership in 1902 becoming a part of PG&E in 1908. Subsequently, the first of the two large gas holders were built, and in 1925 the large 3,000,000 cubic foot holder was built. Gas production continued at the site until 1934 at which time the tanks were used for natural gas storage until at least 1951. The tanks were demolished in the 1980s.

By the 1920s, the Southern Pacific Company began buying up more right-of-way, widening their yards. It was also during this period of the 1920s that the City of San José began expanding to the northwest. This area west of the city limits was annexed into the city on July 1, 1924 as a part of the Stockton District Annexation. The presence of new industrial uses in the vicinity gradually eliminated much of the earlier housing built during the nineteenth century resulting in the patchwork of residential and industrial buildings and uses that exists today.

During the early part of the century, both Pacific Gas & Electric, Chase Lumber Company, and San José Ice & Cold Storage Company had redeveloped large sites in the vicinity for their industrial facilities. In the mid-1930s, the underpass for the Southern Pacific was completed at West Julian and Senter Streets. By this time, most of the area to the south and west of the subject property had developed with industrial uses, and other uses such as San José Foundry and Metal Shop had replaced residential uses at the south end of the block.

This land conversion continued into the later parts of the twentieth century. By the mid-twentieth century, San José Market Box Company had taken over the remaining south end of the block, although most of this block continued to be populated by early houses from the nineteenth century. Infill with industrial uses and some replacement houses continued during the second half of the twentieth century.

Evaluation of Historic Significance

<u>160 North Montgomery Street</u>

160 N. Montgomery Street is the earliest building on the project site and was constructed in 1889. The one and one-half story house was built in the Italianate style and maintains a high level of historic integrity. The property was purchased in 1882 by Dr. James Bradford Cox. At the time of the purchase, the property included the lot to the northwest. Dr. Cox died in March 1884 and the ownership of the house went to his wife, Ella M. Cox (née Irish), who rented it out. The house remained a rental property almost continuously since its construction over 130 years ago.

The property is listed in San José Historic Resources Inventory as an Identified Structure. The historic significance of the property was evaluated in by *Archives & Architecture* and the house was found to be eligible for listing eligible for listing in the CRHR under Criterion 3 and as a Candidate City Landmark under Criteria 1, 4, and 6 of the Historic Preservation Ordinance. The DPR 523 series forms documenting the property are included as Appendix C.

The property, as well as many of the surrounding properties, was originally developed as a part of a residential neighborhood in the 1880s and 1890s and is now located almost directly adjacent to the SAP Center, a multipurpose entertainment venue. A large portion of the former neighborhood in which the parcel is located was cleared of structures in the late-1980s when the arena was constructed. This property now exists as a remnant of the former neighborhood, within a small two block enclave consisting of both residential and commercial structures.

It does not appear that the property would qualify for listing on the NRHP Criterion A or CRHR Criterion 1 under events or patterns of development. The property is primarily associated with Ella M. Cox, who is not a significant personage at the local, state, or federal level; additionally, a review of known tenants and landlords associated with the property has not identified anyone of significance.

The structure would not qualify under NRHP Criterion B or CRHR Criterion 2. The house does, however, have architectural merit. It is a fairly rare example of an early Victorian architecture in Downtown San José and retains sufficient integrity in its form and detailing to adequately represent its original design. An architect or builder has yet to be identified for the building, but it appears to either be architect designed, or built by a trained craftsman who was proficient in architectural ornament.

The house is a distinctive representative of the Victorian architecture from the 1880s. The enclosure of the porch and addition or windows has reduced the integrity somewhat, although these changes, except for the loss of the original porch railing, are reversible. The building was determined to be eligible for listing in the CRHR under Criterion 3. It was also determined that the property is eligible as a Candidate City Landmark under Criteria 1, 4, and 6 of the Historic Preservation Ordinance. Therefore, the property is considered a historical resource under CEQA. A current photograph of the house is shown below.

170-172 North Montgomery

The property contains a one-story duplex constructed in 1962 by King Homes Inc. for Antoinette Keller, the owner at that time of the house to the immediate north. Typical of post-World War II duplexes that were commonly constructed in the downtown frame area, this wood framed structure is clad in stucco and topped by a hipped roof covered in asphalt composition shingles.

The building lacks any articulation other than a pattern of applied boarding centered on the two front garage doors. The site is mostly paved with concrete, with a wide concrete driveway apron that leads to the two garages facing the street. A concrete pathway follows the north interior property line to the unit entries. This property was determined ineligible for the CRHR and as a Candidate City Landmark. A current photo of the building is shown below.

517 West St. John Street

The property contains a one-story stucco-clad industrial building which was moved onto the site in late 1959. Although the L-shaped building is clad on the south and east elevations with stucco, the original cladding, visible on the north and west elevations, is corrugated sheet metal. The San José Market Box Company acquired the building from Chase Lumber Company after a large fire had destroyed much of the lumber company facility in 1958. The relocated building was expanded in 1960 and 1967 according to City permits, and various industrial tenants occupied the building after Market Box ceased operations in the 1960s.

Typical of vernacular buildings of this genre, the roof is also corrugated sheet metal, and original openings are similar fabricated metal on horizontal rollers. The window openings on the south and east elevations are also metal. The roll-up doors appear to have been added during expansions during the 1960s. By the end of the 1960s, San José Friction Materials (a brake and clutch shop) had been established on the site. This property was determined ineligible for the CRHR and as a Candidate City Landmark. Current photos of the building, with additions, is shown below.

151 North Autumn Street

The property contains a one-story industrial building constructed around 1932, based on Sanborn Fire Insurance Company maps and Polk Company City Directories. The building was likely constructed by the building and contracting firm, Lance & Kooser, which was the first occupant of the property. It appears to have been used as a storage warehouse for the construction company. The original front door has been replaced with a painted wood, flush slab door. Flanking both sides of the entry door are large, fixed steel sash multi-lite windows with no trim and simple brick sills. A large roll-up metal garage door has been added to the north-east corner, and projecting canvas awnings have been installed over the windows.

The main sloped roof beyond the parapet consists of wood truss with a metal panel roof surface. Along the side elevations the walls are built with a lesser appearance quality brick, a metal fascia gutter runs the length of the building and elevations have no windows. The

industrial building was designed with a modest unadorned storefront and as such, is not identified with any specific style.

Nineteenth century buildings with stepped parapets in their facades were often called Western Falsefront variants of the National style. However, the use of stepped parapets in twentieth century vernacular commercial and industrial buildings is more a result of building construction techniques where the stepped parapet was intended to shield the roof gable and ridge to its rear.

The historic resource evaluation concluded that no significant events are associated with the property, nor is the property representative of significant patterns of development in the area. As such, the property is not eligible for the CRHR under Criterion 1. The property is not associated with significant personages at the local, state, or federal level. The property is not eligible for the CRHR under Criterion 2. The design of the building is not distinctive within the context of local industrial architecture. It is a vernacular building without distinctive form or detailing. The property would, therefore, not qualify for listing in the CRHR under Criterion 3. The evaluation also determined that the property is not eligible as a Candidate City Landmark because it does not meet any of the eight criteria for designation. A current photo of the building is shown below.

Historic District Evaluation

The project site is not a City Landmark District or Conservation Area identified in the DTS 2040 FPEIR. The project site was originally located within a residential neighborhood largely developed with housing beginning in the 1860s through the 1880s. The residential character of the neighborhood remained intact until sometime around 1910 when PG&E built the first two large gas holders, the larger sized to hold 3 million cubic feet. They were used for natural gas

storage from 1934 to 1951 and were demolished in the 1980s prior to construction of the SAP Center.

Nearby industrial uses expanded in the twentieth century to include Chase Lumber Company and San José Ice & Cold Storage. San José Foundry replaced residential uses on the south portion of the block adjacent to the subject property in the late 1920s along with San José Market Box Company in the late 1930s. The SAP Center was completed in 1993, and two historic houses near the rear of the subject property along N. Autumn Street were removed during the 2000s.

The San José Foundry was destroyed by fire in recent years and the site was cleared. The only remaining original residential context lies to the northeast, with Victorian-era houses facing N. Autumn Street. Further north on N. Montgomery Street, there is one vernacular house that dates to the 1870s-1880s, two 1920s Craftsman houses (one having its building envelope covered or replaced), one post-World War II-era duplex, and several small industrial uses. The original neighborhood no longer retains historic integrity and is not eligible for listing in the NRHP or CRHR as a historic district, nor is it eligible for listing in the San José Historic Resources Inventory as a Candidate Landmark District.

Regulatory Framework

Federal

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance in terms of 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHP (Public Resources Code Section 5024.1(d)(1)).

The context types to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and state significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

2. It is associated with the lives of persons important to local, California, or national history; or

3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or

4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Assembly Bill 52 – Tribal Cultural Resources

A tribal cultural resource can be a site, feature, place, or 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. It also must be either on or eligible for the California Historic Register, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a tribal cultural resource. Assembly Bill (AB) 52, which amends the Public Resources Code, requires lead agencies to participate in formal consultations with California Native American tribes during the CEQA process, if requested by any tribe, to identify tribal cultural resources that may be subject to significant impacts by a project.

Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required

until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that agreement cannot be reached.

Local

City of San José's Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory (HRI), preserve historic properties using a Landmark Designation process, require Historic Preservation Permits for alterations of properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

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

City Council's Development Policy on the Preservation of Historic Landmarks

The City Council's Development Policy on the Preservation of Historic Landmarks (as amended May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. The City also has various historic design guidelines that suggest various methods for the restoration or rehabilitation of older/historic structures and establish a general framework for the evaluation of applications involving historic preservation issues. The City offers a number of historic preservation incentives, including use of the State Historic Building Code, Mills Act/Historical Property Contracts, and various land use and zoning incentives.

Envision San José 2040 General Plan

The General Plan includes policies for 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:

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.

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.

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.

LU-13.2 Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

LU-13.4 Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

LU-13.6 Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

LU-13.15 Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

Cultural/Tribal Cultural Resources Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	1,2-4,6,12,21,22
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	1,2-4,6,23

c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒	1.2-4,6,23
d. 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: 1. 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 2. 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 (c) of Public Resources Code Section 5024.1. In applying these criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☐	☒	1.2-4,6,22, 23

Impacts Evaluation

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

As previously described, the house located at 160 N. Montgomery Street is eligible for listing in the CRHR under Criterion 3 and as a Candidate City Landmark. When constructed in 1889, the house was located within a residential neighborhood largely developed with housing beginning in the 1860s through the 1880s. The railroad right-of-way to the west had first appeared in the late 1870s, but was separated from this house by a row of houses across the street on the west side of N. Montgomery Street.

Industrial uses were located between those houses and the railroad. The residential character of the neighborhood remained intact until sometime around 1910 when PG&E built the first to two large gas holders, which were demolished in the 1980s prior to construction of the SAP Center in 1993. Two historic houses near the rear of the subject property were removed during the 2000s.

The house at 160 N. Montgomery Street is no longer directly associated with the original residential context in which it was built. The original neighborhood is mostly gone, and the building's relationship to similar circa 1880s/1890s residential buildings on N. Autumn Street is tertiary due to their differing orientations and lack of visual connection.

160 North Montgomery Street has lost historic integrity of feeling and setting in relation to the former nineteenth century residential neighborhood that surrounded the property. In addition, the property does not maintain integrity of association because it is significant for its architectural design, not any significant historical associations with important people or events. However, because the house appears to be eligible for the California Register and as a San José Candidate City Landmark, it is considered a historic resource under CEQA.

Therefore, the project proposes to relocate the house to a compatible location in the general project area. The receiver site identified by the City is located at 434 Park Avenue, on the southwest corner of Park Avenue and Sonoma Street. This site is approximately 0.43 miles southwest of the project site and south of the Lake House City Landmark District (see photo below).

The receiver site is vacant land located at the southwest corner of Park Avenue and Sonoma Street (previously known as Walnut Street) within a planning area known as Delmas Park. The receiver site is just south of the Lake House City Landmark District (District) designated in the late 2000s as a project under the Strong Neighborhoods Initiative.

The District is generally bounded on the north by West San Fernando Street, on the east by State Highway 87 and the VTA Light Rail right-of-way, on the west by Los Gatos Creek, and on

the south by the rear property lines of lots on the north side of Park Avenue, and on the southeast by Sonoma Street and Lakehouse Avenue. The boundaries of the District extend to Park Avenue immediately across the street from the target site, and contain a concentration of one-story, Queen Anne style houses along with Craftsman and Period Revival style houses constructed from 1885-1925.

The original square-shaped corner parcel of the receiver site was created circa 1877 when it is shown on the McClory Tract subdivision of Lot No. 1 of the Sunol Addition. By 1884, a small dwelling was located on the receiver site, but it had been removed by 1915 and replaced by a larger house on the western half of the parcel. By then, the neighborhood had been annexed into the City of San José under the 1911 Gardner Annexation.

The area remained primarily residential in character until the mid-twentieth century. Following World War II, the neighborhood maintained most of its original residential character, but many residential properties along Park Avenue and West San Carlos Street were replaced with commercial and some industrial uses.

Despite neighborhood change, the receiver site retains greater residential character than the existing house site at 160 N. Montgomery Street. The receiver site at Park Avenue and Sonoma Street has nearby residential uses. The Lake House Historic Landmark District extends to Park Avenue across from the target site, and other more recent multi-family residential buildings have been constructed on the north side of Park Avenue, such as 411 Park Avenue.

Other low density residential buildings are located on the north side of Park Avenue further west of Gifford Avenue, although many of the properties on both the east and west sides of Gifford Avenue on the north side of Park Avenue have been redeveloped for newer low-profile commercial, industrial, and multi-family use. Itinerant buildings have long been a part of residential neighborhoods, with some larger buildings moved in San José as early as the late 1860s. Consequently, the residential character of the City's downtown neighborhoods has always been a diverse mix of building styles, dates of construction and uses.

The placement of the house on the receiver site provides sufficient context for its reuse at the identified location, either as a residential or commercial property. The larger district between Park Avenue and West San Carlos Street remains mixed-use and has been redeveloped with medium-density residential buildings. Intensification of use and density on nearby properties through redevelopment will continue to diversify the character of Downtown with a mix of architectural styles and construction dates. For these reasons, it has been determined that the receiver site is an appropriate site for the house currently located at 160 N. Montgomery Street.

It is anticipated that the City would relocate the structure to the Park Avenue receiver site. However, there is also potential that a private developer could determine a different receiver location for the house that meets the requirements described in the DTS 2040 FPEIR. Regardless of who ultimately moves the house, the receiving site would be evaluated according

to the requirements of the City and as described in the DTS 2040 FPEIR. Rehabilitation of the house, whether for residential or commercial purposes, would adhere to the Secretary of the Interior Standards for the Treatment of Historic Properties as required by the City and CEQA.

IMPACT CUL-1: Relocation of the historical resource at 160 N. Montgomery Street could impair the structural integrity and/or damage the character-defining features of the building. **[Same Impact as DTS 2040 FPEIR (Significant Impact)]**

Mitigation and Avoidance Measures

In accordance with the findings of the DTS 2040 FPEIR, the following mitigation measures shall be implemented by the project to reduce impacts related to the moving of the historic resource located on-site.

MM CUL-1.1: Prior to the relocation of the building or any ground disturbance activities (whichever occur first), the project proponent shall retain a qualified historic preservation architect meeting the Secretary of the Interior's professional standards to prepare an existing conditions report of the building prior to relocation to establish baseline conditions.

The report shall include written descriptions and visual illustrations to determine those physical characteristics of the resource to be protected and recommendations for preservation. The report shall also include a detailed shoring/relocation plan prepared by a qualified structural engineer that includes measures to protect the structural integrity of the building during the move. The draft report shall be submitted to the Supervising Environmental Planner and the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement for review and approval.

MM CUL-1.2: To protect the historic resource during relocation, the project proponent shall engage a qualified building mover who has experience moving similar historic structures. The name and qualifications of the mover shall be provided to the Supervising Environmental Planner and the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to initiation of any relocation work.

MM CUL-1.3: Only authorized persons shall have access to the building during preparation of the building for relocation, and during rehabilitation until such time as rehabilitation is complete. Protective fencing and other methods shall be used to protect the building from damage and deterioration during this process. If the historic preservation architect or structural engineer observes any new damage prior to, during or after relocation, or during the rehabilitation process, assessment shall be made by such of the severity and repairs shall be undertaken, if necessary. This assessment shall be provided within five days

after discovery of the damage to the Supervising Environmental Planner and the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement. Construction materials, whether on the project site or the receiver site, shall be stored a minimum of 100 feet from the structure.

MM CUL-1.4: Once moved, the building shall be repaired and rehabilitated by the project proponent in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features. Upon completion of the repairs, a qualified architectural historian or architect meeting the Secretary of the Interior's professional standards shall document and confirm that the rehabilitation was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The project proponent shall submit a memo report to the Supervising Environmental Planner and the City's Historic Preservation Officer of the Department of Planning, Building and Code Enforcement for review and approval.

Mitigation measures CUL 1.1-1.4 are included in the proposed project and consistent with the findings of the DTS 2040 FPEIR. Therefore, the project would result in a less than significant impact to historic resources. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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

Per the DTS 2040 FEIR, most prehistoric archaeological sites have been found along or very near fresh water sources, adjacent to the major Native American trails, and near stone sources in the foothills. The subsurface sensitivity is moderate to high within the Downtown Strategy 2040 area. The site is located approximately 310 feet west and 405 feet southeast of Los Gatos Creek and the Guadalupe River, respectively. The Envision San José 2040 General Plan identified the site as archaeologically sensitive. Even with implementation of the Mitigation Measures and Standard Conditions described below, the project could result in disturbance of archaeological resources during construction activities. This would constitute a significant impact requiring mitigation.

IMPACT CUL-2: The project site is archaeologically sensitive. Excavation for a below grade parking structure could encounter sensitive archaeological materials during construction. **[Same Impact as DTS 2040 FPEIR (Significant Impact)]**

Mitigation and Avoidance Measures

In accordance with findings of the DTS 2040 FPEIR, the following mitigation measures shall be implemented by the project to reduce impacts to subsurface archaeological resources.

MM CUL-2.1: Preliminary Investigation. Prior to any ground disturbance for the construction of a below grade parking structure, a qualified archaeologist who is trained in both local prehistoric and historical archaeology, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall complete a subsurface exploration of the project site commensurate with proposed disturbances to sample the historically sensitive areas and sample the deeper native soils that could contain the remains of Native American resources. The exploration work shall be conducted by a qualified archaeologist after the demolition of the any structures, buildings, or removal of asphalt. To explore for potential Native American resources, deeper trenches shall be placed beyond the areas considered sensitive for historic-era resources and dug to a depth commensurate with proposed impacts, or until the soils and sediments are determined to be reliably culturally sterile. Archaeological monitoring may be necessary to examine deeper impacts. If any ground-disturbing activities are required for other environmental concerns or for potholing to identify previous utilities, utility removal, or any grading prior to subsurface archaeological explorations, an archaeological monitor shall be required. Based on the findings of the subsurface testing, an archaeological resource treatment plan as described in MM CUL-1.2 shall be prepared by a qualified archaeologist, if necessary.

A memo documenting the results of the preliminary investigation shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the Municipal Environmental Compliance Officer.

MM CUL-2.2: Treatment Plan. If MM CUL-1-1 is applicable, the project proponent shall prepare a treatment plan, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, that reflects detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any ground disturbance. The Treatment Plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). • Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL 2-3: Evaluation and Documentation. The project proponent shall notify the City of San José Director of Planning, Building and Code Enforcement or Director's designee of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Informative center (NWIC), and/or equivalent.

Furthermore, there is still a potential for on-site discovery even with the implementation of MM CUL 1-1 to 1-3. The Downtown Strategy 2040 FEIR determined that future development under the Downtown Strategy 2040 would not result in significant impacts to archaeological resources upon implementation of measures in accordance with General Plan policies. Therefore, consistent with the 2040 General Plan Policies ER-10.2 and ER-10.3, and the DTS 2040 FPEIR, the following conditions are included to minimize impacts to subsurface cultural resources to reduce impacts to subsurface cultural resources to a less than significant level.

Standard Conditions:

Subsurface Cultural Resources

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to continuing with ground disturbance activities.

  Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per AB 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project proponent shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the project proponent shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
- The MLD identified fails to make a recommendation; or
- The landowner or their authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of the Mitigation Measures and Standard Conditions described above, the proposed project will result in a less than significant impact to subsurface archaeological resources. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact with Mitigation Incorporated)]**

d. Cause a substantial adverse change in the significance of a tribal cultural resource?

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

In 2017, the City sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. No tribes have requested notice of projects within the geographic area of the project site from the City of San José except for in Coyote Valley (approximately five miles southeast of the site). Due to the distance of the project site from Coyote Valley, the project would not have an impact on tribal cultural resources. To date, the tribe has not initiated formal consultation for this project.

The project will include Mitigation Measures and Standard Conditions to reduce potential impacts to tribal resources to a less than significant level. For this reason, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

Conclusion

The project, with the implementation of Mitigation Measures, Standard Conditions, 2040 General Plan Policies, and existing regulations, would not result in significant impacts to cultural resources/tribal cultural resources, or historic resources. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Incorporated)]**

4.5 GEOLOGY AND SOILS

The following discussion is based on the geological information contained in the DTS 2040 FEIR as well as the Phase I and Phase II Environmental Site Assessments (ESAs) prepared for the project site (Appendix C).

Environmental Setting

The project site is located in Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. Geologic information for the area indicates the site is underlain by Pleistocene-age alluvial fan and fluvial deposits. These alluvial fan and fluvial deposits are generally expected to consist of dense, gravelly and clayey sand or clayey gravel that becomes finer grained upward transitioning into sandy clay.

The project property is an essentially level lot with an elevation of approximately 84 feet above mean sea level. Topography in the vicinity of the site slopes downward gently to the northeast towards the San Francisco Bay. Regional soil type is Clay loam. Based on the *City Monitored Site Naturally Occurring Asbestos Areas Map*, the site is not located within a naturally-occurring asbestos (NOA) area.

Surface soils in the project area have been mapped as Yolo association soils, which have a slow infiltration rate and a moderate shrink-swell (expansion) potential.[11] Soil type encountered in the borings consisted of clayey silt to silty clay to approximately 11 feet bgs followed with sand and gravelly sand to bottom of borings at 20 feet bgs.[12] Expansive soils occur where a sufficient percentage of certain clay materials are present in the soil. These soil conditions can impact the structural integrity of buildings and other structures.

While fluctuations in the level of groundwater can occur due to variations in rainfall, landscaping, surface and subsurface drainage patterns, and other factors, based on the findings from the Phase I for 525 W. St. John Street, it is believed that the ground water depth at the site is between 15.09 feet to 18.14 feet below ground surface with a northeasterly flow direction.

Artificial Fill

The Downtown area likely contains artificial fill, often referred to as undocumented or man-made fill, which includes materials that were placed to fill in naturally low areas or to create building pads and roadways. In some cases, older, non-engineered fills have been placed without standards for fill materials or compaction. Building on non-engineered fills can result in

[11] United States Department of Agriculture Soil Conservation Service. *Soil Survey of Santa Clara County, California*. 1958.
[12] Envirocom, *Phase II Environmental Site Assessment, 525 W. St. John Street and 140 N. Montgomery Street*, December 9, 2019, Appendix C.

excessive settlement of structures, pavements, and utilities. Artificial fills placed using current engineering practices, however, are likely to avoid impacts from excessive or differential settlement.

Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most active seismic regions in the United States. Earthquakes in the region result from strain energy constantly accumulating because of the northwestward movement of the Pacific Plate relative to the North American Plate. On average about 1.6-inches of movement occur per year.

Historically, the Bay Area has experienced large, destructive earthquakes in 1838, 1868, 1906, and 1989. The closest active fault to the Downtown area is the Hayward fault zone, located approximately six miles to the east of the project site. Other potentially active faults within ten miles include the San Andreas, Monte Vista-Shannon, and Calaveras faults. There are no active faults in the project area.

In the future, the subject property will undoubtedly experience severe ground shaking during moderate and large magnitude earthquakes produced along the Hayward and San Andreas Faults or other active Bay Area fault zones. Using information from recent earthquakes, improved mapping of active faults, ground motion prediction modeling, and a new model for estimating earthquake probabilities, a panel of experts convened by the U.S. Geological Survey (USGS) have concluded there is a 72 percent chance for at least one earthquake of Magnitude 6.7 or larger in the Bay Area before 2043. The Hayward fault has the highest likelihood of an earthquake greater than or equal to magnitude 6.7 in the Bay area, estimated at 33 percent, while the likelihood on the San Andreas and Calaveras faults is estimated at approximately 22 and 26 percent, respectively.

Seismic activity can also result in hazards from several forms of ground failure, including fault rupture, soil liquefaction, lateral spreading, and differential settlement. Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. Much of the Santa Clara Valley, including the Downtown area, is located within a Liquefaction Hazard Zone.[13] 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. Seismically induced ground failure can cause damage to structures and paved areas.

[13] City of San José. *San José Downtown Strategy 2040 FPEIR*. 2018.

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an 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.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

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.

Envision San José General Plan Policies

Policies and actions in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts resulting from development projects. Policies applicable to the project are presented below.

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.

EC-3.2 Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

EC-3.10 Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.

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

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. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]

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

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.

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

EC-4.12 Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.

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.

Geology and Soils Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	1-4,6,15,16
ii) Strong seismic ground shaking?	☐	☐	☐	☒	1-4,6
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	1-4,6
iv) Landslides?	☐	☐	☐	☒	1-4,6
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1-4,6
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	1-4,6
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒	1-4,6
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?	☐	☐	☐	☒	1-4,6
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	1-4,6,15

Impacts Evaluation

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides?

Although the project site is not located on a known, active fault and is not located in an Alquist-Priolo Earthquake Fault Zone, the project site is in a seismically-active region and would be subject to strong shaking in the event of seismic activity. Due to the distances to known earthquake faults, fault rupture is not a significant geologic hazard at the site.

The site is not located within both state- and county-designated Liquefaction Hazard Zones. The project site and surrounding areas are relatively flat and the probability of landslides and lateral spreading occurring on-site during a seismic event is low. The site is located within an area with moderate to very high soil expansion potential. Consistent with the Downtown Strategy 2040 FEIR, the project proposes to implement the following Standard Condition to reduce significant seismic and seismic-related impacts.

Standard Conditions: The project shall complete a design-level geotechnical investigation to verify compliance with applicable regulations. The geotechnical report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, and retaining and drainage recommendations. The report shall be submitted to the City of San José Public Works Department for review prior to issuance of any ground disturbance. The following shall be included in the geotechnical report:

- Techniques that may be used to minimize hazards include: replacing problematic soils with properly conditioned/compacted fill and designing structures to withstand the forces exerted during shrink-swell cycles and settlements.
- Foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement.

The project shall be constructed in accordance with the standard engineering and seismic safety design practices in the California Building Code, as adopted by the City of San José. Review and approval from the San José Department of Public Works shall be required prior to any ground disturbance activities. These standard practices would ensure that the future building on the site is designed to properly account for any seismic and soils-related hazards on the site.

The existing seismic conditions discussed above would not be exacerbated by the project such that it would impact (or worsen) off-site seismic conditions. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

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

The project site is flat with some areas that are developed as well as areas that were previously developed. Ground disturbance would be required for removal of the existing pavement and excavation, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion, loss of topsoil, and sedimentation at the site until construction is complete. As further discussed in *Section 4.6 Hydrology and Water Quality*, the project is required to minimize soil erosion hazards through compliance with the NPDES General Permit for Construction Activities, and implementation of an Erosion Control Plan with Best Management Practices (BMPs).

The DTS 2040 FPEIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City will comply with all applicable City regulatory programs pertaining to construction-related erosion including the following Standard Conditions for avoiding and reducing construction related erosion impacts.

Standard Conditions: Standard erosion control measures and grading best management practices (BMPs) will be implemented during construction to prevent substantial erosion from occurring during site development. The BMPs shall be included on all construction documents.

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A review and approval from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building is designed to properly account for soils-related hazards on the site.

The project, with the implementation of the Standard Condition as outlined above, would not result in significant soil erosion impacts. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

c. 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?

As discussed above, the project site does not have a high potential for liquefaction impacts during a regional earthquake and the potential for differential compaction and lateral spreading is low. The project would be required to implement the recommendations of the site-specific geotechnical report and implement identified Standard Conditions. The site would not be subject to impacts from other seismically-induced soil hazards including slope instability or landslides due to the flat topography of the site. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

d. Would the project be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?

The project site contains moderately expansive surface soils, which could damage future buildings and development on-site. Differential settlement, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of expansive soils are not considered during project design and construction.

The project, with implementation of the Standard Conditions as outlined above, including preparation of a design-level geotechnical investigation, would not result in significant expansive soil impacts. **[Same Impact as the DTS 2040 FPEIR (Less Than Significant Impact)]**

e. Does the site 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 site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the project does not propose the use of septic tanks or alternative wastewater disposal systems. **[Same Impact as the DTS 2040 FPEIR (Less Than Significant Impact)]**

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Soil on-site has been previously disturbed during construction of the existing development. The project site is not in an area of paleontological sensitivity; therefore, the proposed development is not expected to encounter paleontological resources. Although not anticipated, construction activities associated with the proposed project could impact paleontological resources. There are no known unique geologic features in the Downtown area.

Standard Conditions: Consistent with General Plan policy ER-10.3, the project shall implement the following to reduce or avoid impacts to paleontological resources to a less than significant level:

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement or Director's

designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee.

The project, with the implementation of the above Standard Conditions, would not result in significant impacts to paleontological resources. **[Same Impact as the DTS 2040 FPEIR (Less Than Significant Impact)]**

Conclusion

The project, with the implementation of the above Standard Conditions, would not result in significant geology and soil impacts. **[Same Impact as the DTS 2040 FPEIR (Less Than Significant Impact)]**

4.6 GREENHOUSE GAS EMISSIONS

The following discussion is based on an Air Quality and Greenhouse Gas Analysis completed by *Illingworth & Rodkin* on November 15, 2021. This report is included as Appendix A of this Initial Study.

Background

Gases that trap heat in the atmosphere, Greenhouse Gases (GHGs), regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities.

Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend.

Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

Environmental Setting

The project site is currently developed with industrial and residential uses. These uses currently generate traffic and include lighting, heating, and cooling sources that generate GHG emissions. The purpose of the project is to replace parking that has been or will soon be removed as a result of the redevelopment of the project area.

Regulatory Framework

State

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as AB 32, CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan. The plan identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

On September 8, 2016, Governor Brown signed Senate Bill 32 (SB 32) into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB adopted the State's updated Climate Change Scoping Plan in December 2017. The updated plan provides a framework for achieving the 2030 target.

Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions 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.[14]

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS

[14] 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.

is referred to as Plan Bay Area. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Other Implementing Laws and Regulations

There are a number of laws that have been adopted as part of the State's efforts to reduce GHG emissions and their contribution to climate change. State laws and regulations related to growth, development, planning and municipal operations in San José include, but are not limited to:

- California Mandatory Commercial Recycling Law (AB 341)
- California Water Conservation in Landscaping Act of 2006 (AB 1881)
- California Water Conservation Act of 2009 (SBX7-7)
- Various Diesel-Fuel Vehicle Idling regulations in Chapter 13 of the California Code of Regulations
- Building Energy Efficiency Standards (Title 24, Part 6)
- California Green Building Code (Title 25, Part 11)
- Appliance Energy Efficiency Standards (Title 20)

Regional

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of San José Municipal Code

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

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

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

City of San José Climate Smart Plan

In 2018, the City of San José City Council unanimously adopted Climate Smart San José - a plan to reduce air pollution, save water, and create a stronger and healthier community. The Plan focuses on three pillars and nine key strategies to encourage the City and community to actively engage in charting a course to reduce greenhouse gas emissions. Strategies include, but are not limited to transitioning to renewable energy in the future, creating local jobs to reduce vehicle miles travelled, and developing an integrated, accessible public transport infrastructure.

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS)[15] is a comprehensive update to the City of San José's original GHGRS and builds on the Envision San José 2040 General Plan and Climate Smart San José [2018], which expanded the City's Green Vision to advance the City towards urban sustainability and reduce GHG emissions through a combination of City initiatives. It was prepared by the City to build on the goals of the previous GHGRS and to further the strategies embedded in other City plans to align with the state's 2030 GHG target (SB 32) and with consideration for the state's long-term emissions goal.

The 2030 GHGRS proposes strategies designed to reduce the City's GHG emissions levels to 40 percent below 1990 levels by the year 2030 to meet the long-term target of carbon neutrality by 2045 [Executive Order B-55-18]. The 2030 GHGRS does not have a specific metric ton GHG threshold for project-level construction or operation. The 2030 GHGRS did develop an interim emissions reduction target of 2.94 MT CO_2e/SP by 2030, which was derived through guidance from the Air Resources Board (ARB) and the Office of Planning and Research (OPR) to

[15] City of San José. *2030 Greenhouse Gas Reduction Strategy*. August 2020. Web: https://www.sanJoséca.gov/Home/ShowDocument?id=63605

demonstrate consistency with the state's adopted 2030 GHG target (SB 32). Service population (SP) is defined as the number of residents plus the number of people working within San José.

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are also incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Implementation of the policies in the Envision San José 2040 General Plan as a part of the City's development permitting and other programs provides for meeting building standards for energy efficiency, recycling, and water conservation, consistent with State laws and regulations designed to reduce GHG emissions. Multiple policies and actions in the General Plan also have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

The following policies are specific to greenhouse gas emissions and are applicable to the proposed project:

MS-1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

CD-2.5 Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

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

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

Greenhouse Gas Emissions Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	1-4,6,10,13
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	1-4,6,7,10,13

a.& b. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Significance Thresholds

The 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The Attachment A Development Compliance Checklist serves to apply the relevant General Plan and 2030 GHGRS policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. Conformance of the Development Compliance Checklist would mean the project plans to include GHG reduction measures as part of the project, complying with the City's GHG reduction goals, and would then not have an exceedance of GHG emissions. Attachment 6 of Appendix A includes the 2030 GHGRS Development Compliance Checklist for the proposed project.

Construction Emissions

The proposed development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions were input into the CalEEMod model to estimate GHG emissions during the construction period. The project would generate approximately 881 MT of CO2e total during construction period (refer to Appendix A for the GHG emissions model).

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. However, BAAQMD encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. Best management practices

that will be incorporated into construction of the proposed project include but are not limited to: using local building materials of at least 10 percent and recycling or reusing at least 50 percent of construction waste or demolition materials. Because project construction would be temporary and occur over a relatively short period of time (approximately 16 months), it is concluded that the project's construction-related GHG emissions would be less than significant.

The DTS 2040 FPEIR concluded that, consistent with the Envision San José General Plan FPEIR, build-out of the DTS 2040 would result in significant GHG emissions, including cumulative impacts. The project would not make a significant contribution to those impacts; however, the impacts remain significant and avoidable. **[Same Impact as DTS 2040 FPEIR (Significant Unavoidable Impact)]**

Operational Emissions

The General Plan FPEIR disclosed that, in order to meet the State's SB 32 2030 emissions target, buildout of the General Plan post-2020 would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips – especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control and, therefore, could not be relied upon as feasible mitigation strategies the City could implement. The General Plan FPEIR, therefore, concluded that the buildout of the General Plan would result in significant and unavoidable greenhouse gas emissions.

The project would be operational post-2020. At a project-level, to meet the State's 2030 GHG emissions target, the project would be compared to the threshold of 2.6 MT per service population. The service population efficiency rate is based on the number of full-time commercial and retail employees. Modeling was completed to estimate the project's GHG emissions and accounts for the project's density, trip generation, and proximity to transit.

The results of the modeling show that the project would generate approximately 177 MT of CO2e in 2025 and 177 MT of CO2e in 2030 (refer to Table 4.6-1, below). This would not exceed the 2030 operational annual emissions bright-line threshold of 660 MT CO2e/year needed to meet the State's SB 532 2030 GHG emission target.

Table 4.6-1: Annual Project GHG Emissions (CO_2e) in Metric Tons		
Source Category	**Proposed Project in 2025**	**Proposed Project in 2030**
Area	0.02	0.02
Energy Consumption	176.49	176.49
Mobile	0.00	0.00
Solid Waste Generation	0.00	0.00
Water Usage	0.00	0.00
Total (MT CO_2e/year)	**176.51 MT CO_2e/year**	**176.51 MT CO_2e/year**

Given the uncertainties about the feasibility of achieving the substantial 2040 emissions reductions, the City's contribution to climate change for the 2040 timeframe is conservatively determined to be cumulatively considerable. Based on this conclusion, the City found that build-out of the 2040 General Plan would have a significant and unavoidable GHG emissions impact beyond 2020, as identified in the General Plan FEIR (as supplemented). Furthermore, the City adopted a statement of overriding considerations for the significant and unavoidable GHG impact assumed for development under the General Plan.

The project is consistent with the development assumptions in the General Plan and therefore, would not cause the City to exceed projected post-2030 GHG emissions described in the General Plan FEIR (as supplemented). This significant unavoidable impact was previously disclosed in the certified Envision San José 2040 General Plan and DTS 2040 FPEIRs. **[Same Impact as DTS 2040 FPEIR (Significant Unavoidable Impact)]**

Emergency Generator

The proposed emergency generator is a stationary source of GHG emissions that would require a Permit to Operate from BAAQMD. BAAQMD assesses stationary sources separate from other project-related emissions. The generator is anticipated to emit five (5) metric tons per year of CO2e.[16] Compared to BAAQMD's threshold of 10,000 metric tons per year for permitted stationary sources, the emergency generator would not produce emissions that would result in a significant impact.

Consistency with the City's Greenhouse Gas Reduction Strategy

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy (GHGRS) that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified GHGRS, it can be presumed that the project would not have significant GHG emissions under

[16] Email correspondence with James Reyff, Illingworth & Rodkin, November 18, 2021.

CEQA.[17] The City's 2030 GHGRS was adopted by the City Council on November 17, 2020 and serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA.

The project is replacing existing parking that has been or will soon be removed as a result of project area redevelopment. The project is consistent with the *Downtown* General Plan designation and planned growth from build-out of the General Plan. The parking structure is allowed under the current designation and, as a result, the project would be consistent with the existing General Plan designation. The project is also consistent with the site's existing zoning designation of *Downtown Primary Commercial*.

The proposed project would be required to comply with Policy 6-32, the City's Green Building Ordinance, and CBC requirements as well as General Plan Action MS-2.11 which requires development to incorporate green building practices through construction, architectural design, and site design techniques. The project would be required to comply with the City of San José's bicycle parking requirement.

As shown in Appendix A (Attachment 6), the project complies with the major GHGRS Strategy as it would enroll into the San José Clean Energy program (GHGRS #1). San José Clean Energy is estimated to be approximately 655,104 MTCO2e/year reduction (page 55 of the GHGRS), or approximately 55 percent of the total emissions reductions per year for the City. While consistency with all seven strategies is the goal, as noted previously in this response, compliance with GHGRS #1 is the primary criterion to ensure that the project is consistent with the City's reduction targets.

The project is not expected to use natural gas, consistent with GHGRS #2. The building may be solar-ready if required by the Municipal Code, consistent with GHGRS #3. The project would also comply with GHGRS #5 as it would comply with the green building ordinance for waste diversion during construction activities. The project would require minimal water during operations as a parking structure and reclaimed water may be used for irrigation of drought-tolerant, climate appropriate landscaping, consistent with GHGRS #7.

Implementation of the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Consistent with the DTS 2040 FPEIR, any development under the DTS 2040 FPEIR would be required to comply with the City's GHGRS. Therefore, the project is consistent with all applicable plans, policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases**. [(Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

[17] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines.* May 2017.

Conclusion

The proposed project would not result in new or more significant greenhouse gas emissions than previously disclosed in the certified Envision San José General Plan FPEIR or DTS 2040 FPEIR. **[Same Impact as DTS 2040 FPEIR (Significant Unavoidable Impact)]**

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on multiple Phase I and Phase II Environmental Site Assessments (ESAs) prepared for the project site by both the City of San José and *Envirocom* in 2019 and 2020. These reports are included as Appendix C of this Initial Study.

Background

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and State laws. Key federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the USEPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the Santa Clara County Department of Environmental Health (SCCDEH) have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

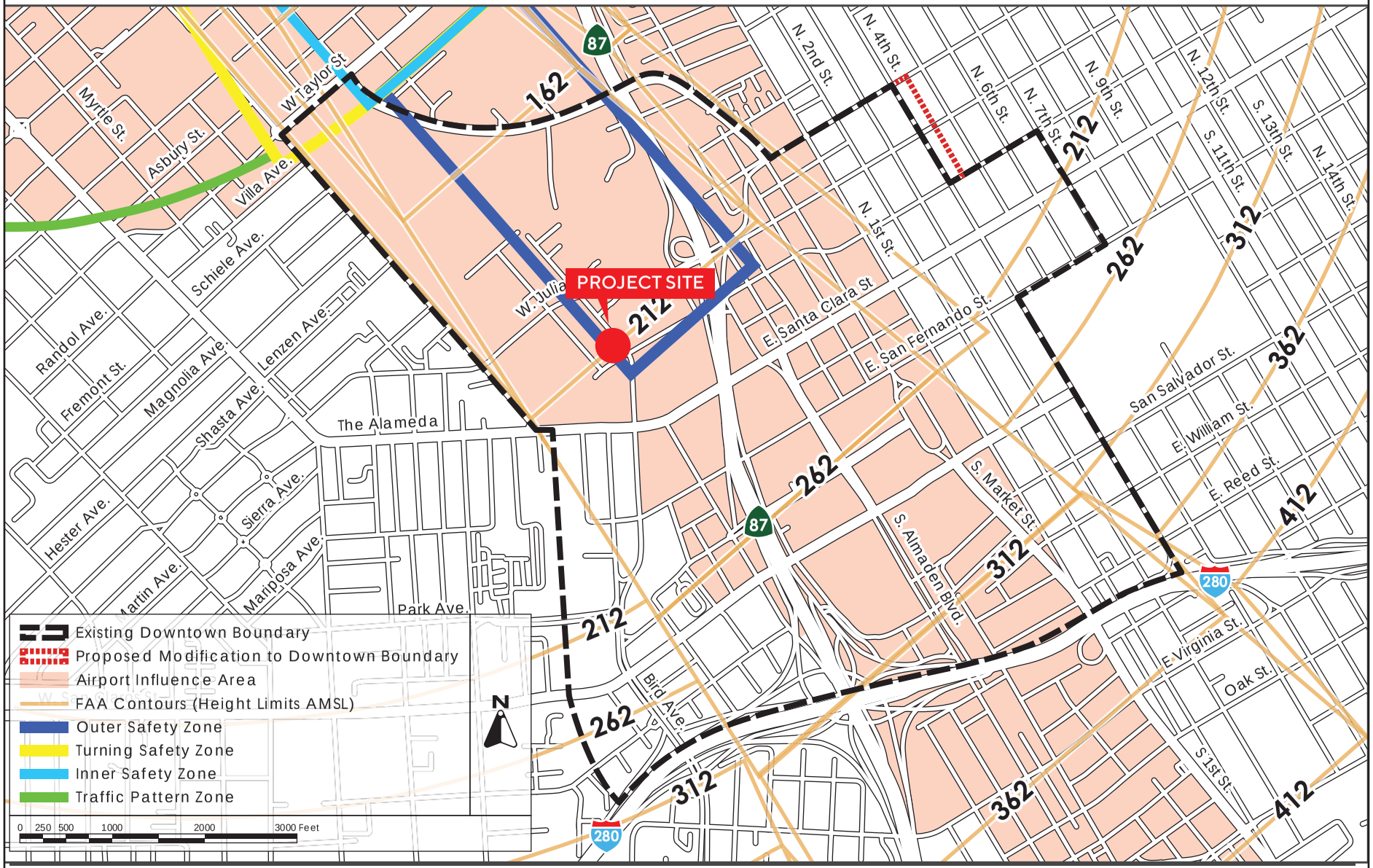
Other regional agencies are responsible for programs regulating emissions to the air, surface water, and groundwater include BAAQMD, which has oversight over air emissions, and the Regional Water Quality Control Board (RWQCB) which regulates discharges and releases to surface waters and groundwater.

Oversight over investigation and remediation of sites impacted by hazardous materials releases can be completed by State agencies, such as the Department of Toxic Substances Control [(DTSC) a division of CalEPA)], regional agencies, such as the RWQCB, or local agencies, such as SCCDEH. The SCCDEH oversees investigation and remediation Leaking Underground Storage Tank (LUST) sites in the City of San José. Other agencies that regulate hazardous materials include the California Department of Transportation and California Highway Patrol (transportation safety), and California Occupational Safety and Health Administration (Cal/OSHA).

Environmental Setting

Mineta San José International Airport

Norman Y. Mineta San José International Airport is located approximately 1.4 miles northwest of the project site. As shown on Figure 12, per the elevation restrictions prescribed under Federal Aviation Regulations Part 77 (14 C.F.R. Part 77), as amended, heights on the site are limited to approximately 212 feet. The project site is partially within the Outer Safety Zone of the airport, also as shown on Figure 13 and 65 dBA CNEL boundary, as discussed in Section 4.10, *Noise and Vibration*.



ALUC BOUNDARIES AND FAA CONTOURS **FIGURE 13**

Hazardous Materials

The Phase I and Phase II ESAs were completed on the site in accordance with American Society for Testing and Materials (ASTM) requirements to determine the presence or likely presence of any hazardous substances or petroleum products in, on, or at the property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

The Phase I ESAs included site reconnaissance and observations of surrounding properties, and review of regulatory databases and readily available information on file at selected governmental agencies and hazardous materials management practices. All readily available maps and aerial photographs were reviewed and persons reportedly knowledgeable about the site were interviewed to determine potential recognized environmental conditions.

<u>140 N. Montgomery Street and 525 W. St. John Street</u>

These two parcels are located adjacent to each other in the southwestern portion of the site. The approximately 0.18-acre parcel at 140 N. Montgomery was originally developed with a residence from approximately 1884 until 1982 when the structure was demolished. Since then, the parcel has been vacant, but its use may have been associated with the metal foundry located at 525 W. St. John Street. Therefore, site conditions were concluded to be similar on these two parcels as described below.

This parcel is located at the southwest corner of the project site. It was formerly used as a metal foundry and machine shop, possibly since the 1930s. The structures on this parcel were removed in 2018 as a result of a fire. During the Phase I, it was determined that due to the historical use of the site, heavy metals and/or volatile organic compounds (VOCs) were considered a recognized environmental condition (REC).

A review of historical documents showed a 500-gallon underground storage tank (UST) containing gasoline was removed in 1987 from beneath the sidewalk adjacent to the site near the corner of N. Montgomery Street and W. St. John Street. Soil and groundwater sampling showed signs of leaking and a deed restriction was requested by the Santa Clara Valley Water District (now Valley Water) after they issued a regulatory case closure for the site. The deed restriction was lifted in 2014 after site remediation was completed and the site received a case closure from the San Francisco Regional Water Quality Control Board (SFRWQCB).

A revised Phase II was completed on the site by Envirocom due to the historical use of the site as a metal foundry and the previous existence of the leaking gasoline UST. It was determined that petroleum hydrocarbons detected were associated with the leaking UST. While levels were within the typically accepted closure criteria, it was difficult to determine the extent of off-site migration and the extent to which soil vapor intrusion was present. Further analysis of the site in December 2019 did not detect VOCs or gasoline in the soil, soil vapor, or groundwater in excess of ESLs.

Elevated concentrations of metals were determined to not extend to a depth of 10 feet below ground surface (bgs), however, further investigation of metal concentrations in groundwater were recommended**.**

After the metal foundry was demolished after the 2018 fire, demolition activities commenced and materials were stockpiled for testing to profile the segregated waste for disposal and appropriate facilities. Materials included concrete, asphalt, soil, brick, metal debris, filters, stucco, and mixed debris. According to the January 19, 2019 report for waste profiling completed by Envirocom (Appendix C), stockpiles were tested for lead, asbestos, PCBs, and VOCs. Results found ACMs and soil/mixed debris stockpiles failed federal and state limits for lead.

Envirocom also reviewed federal and state lists of properties known for soil or groundwater contamination within 1 mile of the site, including the remaining properties that comprise the site. Few properties were identified and case closures have been issued to all the listed properties; however, the proposed project may include extending the parking structure into N. Montgomery Street. Therefore, it should be noted that SAP Center and the associated parking lots A, B, and C were built on a formerly historically industrial area of Downtown San José. Previous uses included a Pacific Gas & Electric (PG&E) coal gasification plant, various automotive repair and service businesses, gas stations and miscellaneous light industries.

During Arena site development, many sources of hazardous waste were identified including polycyclic aromatic hydrocarbons (PAHs) due to former PG&E coal gasification, petroleum hydrocarbons and BTEX due to USTs and oil/water clarifiers. Remediation of the identified hazardous waste included the removal of over 30 USTs and oil/water clarifiers and a slurry wall constructed around the perimeter of the arena installed to a depth of 35 bgs (on the west side of N. Montgomery Street). In addition, the approximately 20,000 cubic yards of PAH impacted soil was re-used on site and encapsulated beneath the paved parking lot to the north and west of the Arena.

The petroleum impacted soil, approximately 100,000 cubic yards, was treated through a vapor extraction system and then reused on site. Following the completion of remediation activities, a deed restriction was placed on the property restricting land uses to commercial, industrial, parks, and/or open space use only. No residences, hospitals, schools or day care centers for children, agricultural or crops for farm animal feed, or drilling for water, oil, or gas is allowed on-site. Furthermore, any disturbance of the cap during future site improvements requires notification of the California Department of Toxic Substance Control (DTSC).

<u>517 W. St. John Street</u>

This parcel, which is located in the southeast corner of the project site, was used for residential purposes from at least 1884 until the late 1940s when the parcel was redeveloped for light industrial uses. Historical records show the parcel has been occupied by manufacturing, metal fabrication, automobile parts distribution, and tile shops. The northern two warehouses are

still located on the parcel and operated by a stone and tile contractor (Thorson Tile). The San José Sharks lease portions of the parcel for operations and storage. No evidence of hazardous materials releases or spills were observed during site reconnaissance.

The only Historical RECs on the site were two 2,000-gallon UST that were removed in 1993. The tanks contained gasoline and when excavated, appeared to be in good condition. Testing of the soil following the removal of the tanks showed low levels of gasoline. The contamination soil was aerated on site and the soil was disposed of off-site and clean fill was used to backfill the excavation area.

The parcel received a case closure status from Valley Water in May 1996 due to low levels of detected petroleum hydrocarbons beneath the tanks and over-excavation and replacement of soils. There is no evidence that any of the environmental conditions on any surrounding parcels, including those on 525 W. St. John Street and the San José Arena site, have affected conditions on 517 W. St. John Street.

139 N. Autumn Street

This approximately 0.36-acre parcel was developed with a residence and stable in the late 1800s. The buildings were demolished between 2009 and 2012. Currently, the parcel is a vacant lot used for storage of equipment and materials. Two, 55-gallon drums of anti-freeze and several 5-gallon containers of hydrochloric acid. No evidence of stains, spills, or release of hazardous material/waste or petroleum hydrocarbon products. No USTs or above-ground storage tanks (ASTs) were observed during the Phase I investigation and the site is not listed on any regulatory agency database.

Subsequent soil testing on this parcel (as well as 143 and 147 N. Autumn Street) determined that low levels of petroleum-related contaminants and VOCs were encountered; however, the level of contamination was below maximum contaminant levels (MCLs) for drinking water. No benzene, toluene, ethyl benzene, or xylenes were encountered in any of the borings. Because no structures are located on this parcel, ACMs, transformers, polychlorinated biphenyls (PCBs), radon, and lead-based paints are not an issue.

Several Leaking Underground Fuel Tank (LUFT) properties were identified with historical soil and groundwater contamination within 1/4-mile radius of the Site. Case closures have been issued to these properties by oversight regulatory agencies indicating they pose no significant risk to human health and the environment and requiring no further actions.

143 N. Autumn Street

This approximately 0.15-acre of land was also developed with a residential structure and stable in the late 1800s, which were demolished between 2009 and 2012. The site was vacant at the time of investigation and no evidence of USTs, stains, spills, or release of hazardous materials or petroleum hydrocarbons were observed. The site is not listed on any regulatory agency database associated with adverse environmental conditions.

As determined during the subsurface investigation of 139, 143, and 147 N. Autumn Street, the level of contamination was below maximum contaminant levels (MCLs) for drinking water. No benzene, toluene, ethyl benzene, or xylenes were encountered in any of the borings. Because no structures are located on this parcel, ACMs, transformers, polychlorinated biphenyls (PCBs), radon, and lead-based paints are not an issue. Case closures on surrounding properties pose no significant risk to human health and the environment and require no further actions.

147 N. Autumn Street

This approximately 0.15-acre of land was also developed with a residential structure and stable in the late 1800s, which were demolished between in the 1980s or 1990s. The parcel is occupied by a light industrial wood and steel frame structure. No evidence of USTs, stains, spills, or release of petroleum hydrocarbons were observed during site reconnaissance. Deteriorated paints, possibly containing lead and fluorescent light ballast, possibly containing PCBs were observed. The site is not listed on any regulatory agency database associated with adverse environmental conditions.

As determined during the subsurface investigation of 139, 143, and 147 N. Autumn Street, the level of contamination was below maximum contaminant levels (MCLs) for drinking water. No benzene, toluene, ethyl benzene, or xylenes were encountered in any of the borings. Radon and vapor migration do not appear to be issues on this parcel. Case closures on surrounding properties pose no significant risk to human health and the environment and require no further actions.

It is recommended that the site be investigated for ACMs, PCBs, and lead-based paint prior to demolition.

151 N. Autumn Street

Located at the northeast corner of the project site, this approximately 0.14-acre parcel is currently utilized as a warehouse that was constructed in approximately 1932.[18] The building has historically been used by many trades including roofing material, pipe covering, auto repair, and mechanic shops. It is currently used by the Sharks for storage and office space for Arena operations.

The site was previously listed in Hazardous Waste Tracking System (HWTS), Facility and Manifest Data (HAZNET), Certified Unified Program Agency (CUPA Santa Clara), and Bay Area Air Quality Management District (BAAQMD). One HWTS list involved the hazardous waste manifest of 1.5 cubic yards of asbestos waste generated by Milligan News in 2000, which occupied sites across N. Autumn Street. The remaining HWTS, HAZNET, and CUPA lists were in regards to hazardous waste generation and disposal/recycling of unspecified oxygenated solvent mixtures (acetone, butanol, ethyl acetate, etc.) by The Professionals, Body Dynamics,

[18] Historic Resources Project Assessment, Appendix B of this Addendum.

and A.C.E Auto body shops from 1986 to 2004. In addition, The Professionals and A.C.E Auto body shops were listed in CUPA Santa Clara as generators. Furthermore, from 1987 to 2004, the Site had been listed in the US Environmental Protection Agency (EPA) air Emission Inventory System (EIS), and overseen by BAAQMD as emitting 2 tons each per year of total organic hydrocarbon gases and reactive organic gases.

Due to the presence of a trench drain system that was connected to three sumps, remediation activities occurred on the parcel in 2006. Silty material left over from the previous "wet-sanding" of automobiles was removed from the drain system and found to contain motor oil and silty waste that exceeded California hazard waste criteria for lead and zinc. The waste was stored in eight 55-gallon drums and transported to a hazardous waste treatment, storage, and disposal facility.

Because the existing structure covers the majority of the parcel and the previous uses and remediation work already performed, Envirocom recommends that a completed rather than limited Phase II be completed. Historical activities of concern on the parcel include the disposal and/or recycling of unspecified oxygenated solvents mixtures and asbestos, as well as emission of total organic hydrocarbon and reactive organic gases. ACMS and lead-based paint should also be investigated.

<u>150, 160, and 170 N. Montgomery Street</u>

These parcels are contiguous and adjacent to each other in the northeastern portion of the project site. They range between 0.14 and 0.17 acres in size and were originally used for residential purposes with windmills dating from 1884 to 1966. While remnants of water wells and ASTs were not found during site reconnaissance, they may have been abandoned and/or buried outside of the regulatory process.

While 150 N. Montgomery Street is vacant, the residential structures at 160 and 170 N. Montgomery Street remain. The wooden structure at 160 N. Montgomery Street dates back to 1889 and the 1962 stucco duplex on the 170 N. Montgomery Street dates back to 1962. There also appears to be an ancillary wooden structure located behind the building at 160 N. Montgomery Street with a dirt driveway separating the structures.

Field observations were limited to the outside of the structures and property lines. No evidence of spills or releases of hazardous materials, including stains, unnatural discoloration, stressed vegetation, etc., were observed. Due to the vacant and residential nature of these parcels, materials suspected of containing PCBs are not expected, but should be appropriately removed if found during demolition.

Given their age, ACMs and lead-based paint may be contained within the existing structures on-site. While ACMs were associated with disposal tracking information for 150 N. Montgomery Street, because there is no structure located on this parcel, ACMs are not an issue. Radon and vapor intrusion are not expected on these parcels. Review of federal and state lists of the

parcels found no known and/or groundwater contamination on or within a one-mile radius of these parcels or other parcels that comprise the project site.

Regulatory Framework

Federal and State

Federal Aviation Regulations Part 77

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

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC, State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle). The project site is not on the Cortese List.

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles and vinyl asbestos floor tiles. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and

dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Local

Envision San José 2040 General Plan

The General Plan includes the following policies and actions for the purpose of reducing or avoiding impacts related to hazards and hazardous materials:

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.

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.

EC-7.3 Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

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-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

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

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

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.

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

Hazardous Materials Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	1-4,6,10, 15,16, 17,18
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?	☐	☐	☐	☒	1-4,6,15, 16,17,18,19
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1-4,6,15, 16,17,18
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1-4,6,10, 15,16,17,18

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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	1-4,6,15, 16,17,18,20
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1-4,6
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒	1-4,6

Impacts Evaluation

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project is the construction of a parking structure with underground parking and an emergency diesel-powered generator. The diesel would be stored outdoors adjacent to the generator and would be used primarily for generator testing per all BAAQMD requirements, including the required Permit to Operate. Any hazardous materials (e.g., any debris or soil containing hazardous materials) removed from the site during project construction would be disposed of according to all applicable federal, state, and local regulations. No other routine transport, use, or disposal of hazardous materials would occur as a result of the project. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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?

The Phase I and Phase II ESAs prepared for the project site did not identify any evidence of significant environmental concerns related to past or present on-site or off-site activities. However, the parcel at 525 W. St John St. was a former metal foundry with soil and groundwater contamination and a leaking underground tank that was investigated and closed with residual contamination remaining.

As previously described, the project site was historically used for industrial purposes and the removal of existing structures and excavation for the structure could expose construction workers to ACMs, PCBs, and other hazardous materials. Therefore, while the interim parking lot option would not require substantive excavation or evaluation, the full development of the parking garage would have the potential for hazardous materials to be present in the soil which could lead to impacts to construction workers during construction.

IMPACT HAZ-1: The proposed construction of a below grade parking structure could result in impacts to construction workers during construction due to potentially hazardous soil containing PCBs and VOCs resulting from the previous industrial uses on the site. Building demolition could also encounter ACMs and lead-based paint. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Measures Incorporated)]**

Mitigation and Avoidance Measures

In accordance with findings of the DTS 2040 FPEIR, the following measures are included in the project to reduce and avoid impacts related to hazardous materials.

MM HAZ-1.1: Prior to any ground disturbance for a below grade parking structure, the project proponent shall complete any additional soil sampling required to determine levels of PCB and VOC contamination. If residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH), Regional Water Quality Control Board (RWQCB), or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required. If residual contaminants are found and are above regulatory environmental screening levels, the City shall enter into the Santa Clara County Department of Environment Health (SCCDEH) Site Cleanup Program (SCP), or equivalent oversight agency, to obtain regulatory oversight. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination as required for parking lot uses. If required, remediation may include a Remedial Action Workplan, Operations and Maintenance Program, a Soil Management Plan, and/or Health and Safety plan. A report of the findings and of applicable regulatory oversight shall be provided to the Supervising Planner of the Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

MM HAZ-1.2: Prior to demolition of existing structures for either a surface lot or below grade parking structure, the following mitigation measures, consistent with the findings of the DTS 2040 FPEIR, shall be implemented:

- 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.

With implementation of MM HAZ-1.1 and 1.2, redevelopment of the project site would not expose construction workers to any contamination sources. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact with Mitigation Incorporated)]**

As previously described, building materials on-site are suspect for asbestos, PCBs, and lead-based paint. Because these compounds could be disturbed during construction, the project shall conform to the following Standard Conditions to reduce the likelihood of release of hazardous materials into the environment.

Standard Conditions:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site building to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The Downtown Strategy 2040 FPEIR concluded that conformance with regulatory requirements, General Plan policies, appropriate clean-up actions, and precautionary measures would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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

The project site is not located within 1/4-mile of private daycare/preschool centers. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials. Standard Conditions included in the project to reduce impacts due to ACMs, PCBs, and lead-based paint in the existing buildings would ensure that potentially contaminated materials are properly handled to avoid chemical releases into the environment. For these reasons, hazardous waste handling would have a less than significant impact. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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?

The project site is not listed on any other Government listing including the Cortese List and the UST previously located at 525 W. St. John Street has been removed, remediated, and the case has been closed by SFRWQCB. With the Mitigation Measure described above, which is part of the proposed project, the project would not create a significant hazard to the public or the environment. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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

The project site is partially located within the Outer Safety Zone and CNEL dBA 65 Contour Line for Mineta San José International Airport. The proposed project is the construction of a parking structure, which is not considered to be a noise sensitive use. The structure would be up to 70 feet tall, well below that allowed in the Outer Safety Zone, and would not require FAA airspace review. not located within an airport land use plan area and would not result in a safety hazard or expose workers at the project site to excessive noise. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The project would not interfere with any adopted emergency or evacuation plans. The project would comply with all City of San José Municipal Code and Fire Department requirements related to driveway widths and emergency access. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The project would not expose people or structures, either directly or indirectly, to risk from wildland fires because it is located in a highly urbanized area that is not prone to such events. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

Conclusion

With the Mitigation Measures and Standard Conditions described above, the proposed project would not result a significant impact related to hazards and hazardous materials. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Incorporated)]**

4.8 HYDROLOGY AND WATER QUALITY

The following section is based on analysis and conclusions contained in the DTS 2040 FPEIR and the Phase I and II ESA reports prepared for the project site (Appendix C).

Environmental Setting

The project site lies within the Santa Clara Groundwater Sub-basin made up of two aquifers. Regionally, groundwater flow is generally towards the northwest, towards the San Francisco Bay. The depth to groundwater at the project site has historically ranged from approximately 12 to 20 feet below ground surface (bgs), although when borings were taken as part of the Phase II in 2019 in the southern portion of the site, groundwater was encountered at approximately 14 feet bgs. It should be noted that fluctuations in the level of groundwater can occur due to variations in rainfall, landscaping, surface and subsurface drainage patterns, and other factors.

The approximately 2.3-acre project site does not contain any natural drainages or waterways and is partially covered with structures and paving, with the southwestern corner including remnants of a building that was destroyed by fire. The nearest waterway is Guadalupe River, located approximately 310 feet east of the project site. The river's confluence with Los Gatos Creek is located approximately 405 feet to the southeast of the site.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA)[19] indicate that the project site is not located in the floodplain. The nearest floodplain is contained within the Guadalupe River and Los Gatos Creek channels to the east and southeast of the project site and would therefore, not affect the project site.

Based on the Valley Water dam failure inundation maps, the project site, is located within the inundation zone for failure at Anderson Dam and Lexington Reservoir.[20] As stated in the DTS 2040 FPEIR, the majority of San José is within a dam failure inundation zone for one or more reservoirs. The mapping of inundation zones assumes complete failure of the dams with a full reservoir that is completely emptied. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. Since 1950, there have been nine dam failures in the state.

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche, which is the oscillation of water in an enclosed lake or bay. The site, which is

[19]FEMA, Flood Map Panel 06085C0234H, effective 5/18/09, https://msc.fema.gov/portal/search?AddressQuery=525%20W.%20St.%20John%20Street%20San%20José%20CA#searchresultsanchor, accessed 10/14/2021.
[20] Valley Water. Local Dams and Reservoirs, https://fta.valleywater.org/dl/f0uHPXKX7E, accessed October 15, 2021.

located in the flat basin of Santa Clara Valley, would also not be affected in the event of a tsunami or mudflow from a mountain.[21]

Regulatory Framework

Federal, State, and Regional

Water Quality Overview

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the USEPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. USEPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan." The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

[21] Association of Bay Area Governments, Tsunami Maps and Information, http://resilience.abag.ca.gov/tsunamis/, accessed March 25, 2020.

Municipal Regional Stormwater NPDES Permit/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP 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. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, into tidally-influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that will be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood. The SFHA is the area where the NFIP floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Dam Safety Act

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state levels. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations

Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Local

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also establishes specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. The proposed project meets this threshold.

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

The City of San José's Policy 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

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

Floodplain Ordinance – Municipal Code 17.08

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

Envision San José 2040 General Plan

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

IN-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.

IN-3.7 Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

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.

MS-3.5 Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

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

ER-8.4 Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

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

EC-5.2 Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.

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.

EC-5.11 Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.

EC-5.16 Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Hydrology and Water Quality Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface groundwater quality?	☐	☐	☐	☒	1-4,6,7
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	1-4,6,7
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:					
i. result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	1-4,6,7
ii. substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒	1-4,6,7
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	☐	☐	☐	☒	1-4,6,7
d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?	☐	☐	☐	☒	1-4,6,7
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	☐	☐	☐	☒	1-4,6,7

Impacts Evaluation

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

During Construction

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

However, all development projects in San José must 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 ground disturbance for grading activity occurring during the rainy season (October 1 to April 30), the project proponent is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the BMPs that shall be implemented to prevent the discard of stormwater pollutants.

Standard Conditions: The proposed project must comply with the City's Grading Ordinance, which includes submitting an Erosion Control Plan including, but not limited to, the following:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project proponent shall comply with the City of San José Grading Ordinance, including implementing 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.

In addition, the project will be required to implement the following measures, consistent with the DTS 2040 FPEIR.

Required Downtown Strategy 2040 FEIR Measures:

- **Construction General Permit Requirements.** Prior to initiating grading activities, the project proponent will file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to commencement of construction. The project's SWPPP shall include measures for soil stabilization, sediment and erosion control, non-stormwater management, and waste management to be implemented during all demolition, site excavation, grading, and construction activities. All measures shall be included in the project's SWPPP and printed on all construction documents, contracts, and project plans. The following construction BMPs may be included in the SWPPP:
    - Restrict grading to the dry season or meet City requirements for grading during the rainy season.
    - Use effective, site-specific erosion and sediment control methods during construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
    - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff with secure plastic sheeting or tarps.
    - Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
    - Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
    - Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

The SWPPP shall also include a Post-Construction Stormwater Management Plan that includes site design, source control, and treatment measures to be incorporated into the project and implemented following construction.

When the construction phase is complete, a Notice of Termination (NOT) will be filed with the RWQCB and the DTSC, in conformance with the Construction General Permit requirements. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a Post-Construction Stormwater Management Plan is in place, as described in the SWPPP for the site.

Dewatering

Dewatering of the subsurface could be required for construction of below-ground structures (including some foundation elements). Dewatering activities that lower the groundwater level would increase the effective stress on the underlying sediments, potentially resulting in ground settlements and damage to structures, roadways, and/or utilities.

Consistent with mitigation measures identified in the DTS 2040 FPEIR, individual future development projects that involve dewatering will be required to implement the following measure:

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

The project, with implementation of the above Standard Conditions and required DTS 2040 FPEIR measures, would not result in significant construction-related water quality impacts. **[Same Impact as DTS FPEIR (Less Than Significant Impact)]**

Post-Construction

Implementation of the project would replace over 10,000 square feet of impervious surfaces and would be required to comply with the RWQCB Municipal Regional NPDES permit and City of San José's Post-Construction Urban Runoff Policy 6-29. To meet these requirements, the project includes stormwater Treatment Control Measures, Site Design Measures, and Source Control Measures as required by the permit and policy.

Stormwater runoff from the Treatment Control Measures and Site Design Measures would drain into the treatment areas on-site prior to entering the storm drainage system. Details of specific Site Design, Pollutant Source Control, and Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), will be required prior to finalization of the project and ground disturbance activities.

In compliance with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the Municipal Regional Stormwater NPDES Permit (MRP), the project shall design and construct low impact development (LID) stormwater treatment control measures to treat runoff from impervious surfaces. Stormwater from project impervious surfaces will drain into the treatment area prior to entering the storm drainage system. Consistent with the NPDES requirements, the proposed treatment facility will be numerically sized and will have sufficient capacity to treat the runoff generated by the proposed project, prior to entering the storm drainage system. Details of specific site design, pollutant sources control, and stormwater treatment control measures demonstrating compliance with the MRP will be included in the

project design to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's Designee prior to any ground disturbance.

The proposed project would increase the impervious surface area on-site, therefore increasing stormwater runoff. With implementation of stormwater control measures consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **[Same Impact as DTS FPEIR (Less Than Significant Impact)]**

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed project is the construction of a parking structure which would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. With the exception of the southwest corner, the project site is developed with paving and structures; thus, minimal groundwater recharge is occurring on-site.

The depth of groundwater in the site vicinity is expected to be between 12 and 20 feet below current grade (Appendix C). The excavation depth for one level of below grade parking would be up to approximately 12.5 feet, exclusive of footings. Therefore, excavation may encounter groundwater.

As stated in the DTS 2040 FPEIR, the MRP and City Council Policy 6-29 limit the use of infiltration treatment measures for the purpose of groundwater protection, stating that infiltration devices must:

- be implemented at a level appropriate to protect groundwater quality;
- not cause or contribute to degradation of groundwater quality;
- be adequately maintained to maximize pollutant removal capabilities;
- maintain a vertical distance between the base of the infiltration device and seasonal high groundwater of at least 10 feet; and
- be located a minimum of 100 feet horizontally from any known water supply wells.

Further, the project does not include the use of groundwater for operation. For these reasons, with implementation of existing regulations and 2040 General Plan policies, the proposed project would not result in a significant impact to groundwater quality. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:

i. result in substantial erosion or siltation on- or off-site?

The project does not include altering any drainage patterns of the site or area that would involve the alteration of a stream or river. The only drainage pattern that would be altered/improved, would be that of the existing site, which is currently primarily developed. The Treatment Control Measures incorporated above in the Standard Conditions and SWPPP for the site will be implemented in conformance with all City and state requirements. Runoff would be collected in the storm drain system and conveyed to bioretention facilities on-site prior to outfall to the Guadalupe River. The increase in runoff would not result in substantial erosion or siltation on- or off-site. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

ii. substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

The project will result in a marginal overall increase in impervious surfaces on-site, due to the fact that some portions of the site are not paved. The project is not located within any flood hazard zones and would not result in a significant increase in impervious surfaces on-site. Therefore, the project would not result in a substantial increase in surface runoff that could lead to flooding on- or off-site or impede or redirect flood flows. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

The project proposes to connect to the City's existing storm drainage system. Surface runoff from the site may contain urban pollutants. Runoff from the parking and driveway areas could include oil, grease, and trace metals. The project could also generate urban pollutants related to the use of fertilizers, pesticides, and herbicides on landscaped areas. Runoff will be collected in a storm drain system and conveyed to a bio-retention facility, where it will be treated prior to discharging into City's existing storm drainage system. The project is not expected to contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff because the increase in impervious surface on-site would be minimal. See also a., ci., and cii. above. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

The proposed project is not located in a flood hazard, tsunami, or seiche zone**.** Therefore, there is no risk of release of pollutants due to project inundation. The project site, along with the entire Downtown area would be subject to inundation should the Anderson or Lexington Reservoir Dams fail. The proposed project is the construction of a parking structure with one

below grade level; therefore, the project would not result in the release of pollutants should either of the dams fail. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

As described above, the proposed project would be required to comply with the City of San José Grading Ordinance, C3 provisions, the approved SWPPP, as well as standard BMPs during construction. Based on these required measures, the proposed project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

Conclusion

With the Standard Conditions above as well as other City and state requirements, the proposed project would not result in a significant impact to hydrology or water quality when compared to those identified in the DTS 2040 FPEIR. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

4.9 LAND USE

Environmental Setting

The approximately 2.3-acre project site is located in a highly developed area of primarily industrial, public/quasi-public, and residential uses in the DSAP area of Downtown San José, as shown on Figure 3. The site, which includes 10 parcels (APNs 259-29-001, -002, -003, -004, -005, 026, 027, -028, -029, and 091), is currently developed with paving and structures, although a fire destroyed the structure that previously occupied the southwestern portion of the site, as shown in Photos 1-7.

The project site has a General Plan Land Use Designation of *Downtown* and a zoning designation of *Downtown Primary Commercial*. Off-street parking establishments are permitted within the *Downtown Primary Commercial* zoning designation.[22]

The project site is bounded by W. St. John Street on the south, N. Montgomery Street on the west, and Barak Obama Boulevard on the east. SAP Center (also referred to as the San José Arena), a public sports and concert venue, is located on the other side of W. St. John Street. Parking for the Arena is located on the west side of N. Montgomery Street. Arena Green, a City of San José Park that contains the confluence of the Guadalupe River and Los Gatos Creek, is located southeast of the site. The Guadalupe River, River Street City Landmark Historic District (also referred to as Little Italy), and State Route 87 are located approximately 340 feet, 575 feet, and 1,000 feet to the east/northeast respectively.

Land uses to the east of the site are primarily industrial with residential uses to the northeast. The northern side of the project block includes a mix of single- and multi-family residential and industrial uses with the Julian Street Inn, an emergency mental health shelter, is located on the northern end of the block along W. Julian Street.

Norman Y. Mineta San José International Airport is located approximately 1.4 miles northwest of the project site. As shown on Figure 13, per the elevation restrictions prescribed under Federal Aviation Regulations Part 77 (14 C.F.R. Part 77), as amended, heights on the site are limited to approximately 212 feet. The project site is partially within the Outer Safety Zone of the airport, also as shown on Figure 13.

Regulatory Framework

Airport-related Plans and Regulations

The Norman Y. Mineta San José International Airport (SJC) is owned and operated by the City of San José. It is regulated by various federal, state, and local laws, including the Code of Federal

[22] Table 20-140, *Chapter 20.70 - Downtown Zoning Regulations of the San José Municipal Code*, accessed October 18, 2021.

Aviation Regulations. Part 77 of the Federal Aviation Regulations regulate obstructions to navigable airspace, as described in *Section 4.7 Hazards and Hazardous Materials*.

The Santa Clara County Airport Land Use Commission (ALUC), under State of California mandate, has adopted a Comprehensive Land Use Plan (CLUP) for SJC. The CLUP contains policies applicable to new development or redevelopment of existing land uses within the Airport Influence Area (AIA). These policies address compatibility between airports and future nearby land uses by focusing on noise, over-flight safety, and airspace protection concerns for the airport over a 20-year horizon. Noise contours indicate general areas of likely community response to noise generated by aircraft activity and serve as the basis for land use compatibility determinations. Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of an airport by imposing density and use limitations within these zones.

The CLUP also establishes a Height Restriction Area, based on federal regulations. As shown on Figure 13, the project site is located within the AIA, with the eastern portion being located inside the outer safety zone of SJC. Height limits on the site are approximately 212 feet. All areas within the AIA should be regarded as potentially subject to aircraft over-flights and are subject to CLUP policies. As described in Section 4.10 *Noise*, the project site is located between the 2027 65 and 70 CNEL noise contour for Mineta San José International Airport.

Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in Section 4.3, *Biological Resources* of this Initial Study, 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 on approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

City of San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;

- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

Per the San José Municipal Code (SJMC) Title 20 (Zoning Ordinance), the proposed project is a permitted use and would comply with all required development standards.

Envision San José 2040 General Plan

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

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

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.

CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise style architecture is strongly discouraged.

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

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.

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

1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.
3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.
4. Locate retail and other active uses at the street level.
5. Create easily identifiable and accessible building entrances located on street frontages or paseos.
6. Accommodate the physical needs of elderly populations and persons with disabilities.
7. Integrate existing or proposed transit stops into project designs.

CD-2.11 Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.

CD-3.4 Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to

transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

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

CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

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

LU-3.5 Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrian, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

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.

Land Use Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Physically divide an established community?	☐	☐	☐	☒	1-4,6
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	1-4,6,7

Impacts Evaluation

a. Would the project physically divide an established community?

The project proposes to redevelop the site to construct a 70-foot tall, 1,200 space parking structure with one level of underground parking, consistent with the site's zoning and General Plan land use designations. The project site does not include any physical features that would physically divide the community (e.g., blocking of sidewalks, construction of roadways, etc.). For these reasons, the project would not physically divide an established community. **[Same Impact as DTS 2040 FPEIR (Less Than Significant Impact)]**

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As previously described, the project is consistent with the City of San José zoning and General Plan designations of the site. The proposed project includes Standard Conditions, Conditions of Approval, and Mitigation Measures to reduce all environmental impacts to a less than significant level, thus complying with all applicable land use plans, policies, and regulations. For this reason, the project would not result in a significant environmental impact due to a conflict with policies, plans, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The project is consistent with the height limit of 212 feet prescribed under Federal Aviation Regulations Part 77 (14 C.F.R. Part 77), as amended. Because San José is in the northern hemisphere, maximum shading would occur in the winter months during the morning and afternoon hours. Shadows from the 70-foot-tall structure would be cast primarily to the north over residential and industrial development. Arena Green Park to the southeast would not be

subjected to shade from the proposed structure. In addition, the proposed project, which is consistent with the zoning of the site would be setback from adjacent development consistent with Code requirements in the Downtown area and would therefore, not result in visual intrusion/privacy impacts. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

Conclusion

With the Standard Conditions, Conditions of Approval, and Mitigation Measures identified in this Initial Study, as well as other City requirements, the proposed project would not result in a significant land use impact, including shading public open spaces. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

4.10 NOISE AND VIBRATION

The following discussion is based on a Noise and Vibration Assessment prepared by *Illingworth & Rodkin* on November 15, 2021 and included in Appendix D.

Background

Noise Fundamentals

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB. Leq is the equivalent noise level or average A-weighted noise level during the measurement period.

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

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method used is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the 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 annoyance.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against

different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level. Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building.

Most buildings are included within the categories ranging from "Historic and some old buildings" to "Modern industrial/commercial buildings". 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.

Environmental Setting

The proposed project site is located in area of primarily industrial, public/quasi-public, and residential uses. The nearest noise sensitive receptors are the residential uses located to north and northeast of the project site, opposite N. Autumn Street. To the west on Stockton Avenue, across the existing surface parking lot of the SAP Center and railroad tracks, is a multi-family residential building and other commercial and light industrial.

Based on the existing noise contours from the *Downtown San José Strategy Plan 2040 EIR*, which are shown on Figure 14, below, ambient noise levels range from 60 to 65 dBA DNL. This range in noise levels would represent the existing ambient environment during daytime hours, assuming peak hourly average noise levels would be within 1 to 2 dBA of the day-night average noise level. The project site is located between the 2027 65 and 70 CNEL noise contour for Mineta San José International Airport.

There are structures located within the project area that on are the City's Historic Resource Inventory. A Queen Anne house is located approximately 10 feet from the northeastern property line and an industrial building (Forman's Arena) is located approximately 55 feet to the east on the Milligan parking lot site. The City's Historic Resource Inventory also identified some structures that were previously located on the eastern portion of the site along N. Autumn Street.

An Italianate home is currently located on the northwestern portion of the site on N. Montgomery Street, as described in Section 4.4 *Cultural Resources*. This structure would be relocated to an off-site location approximately 0.46 miles south of the project site.

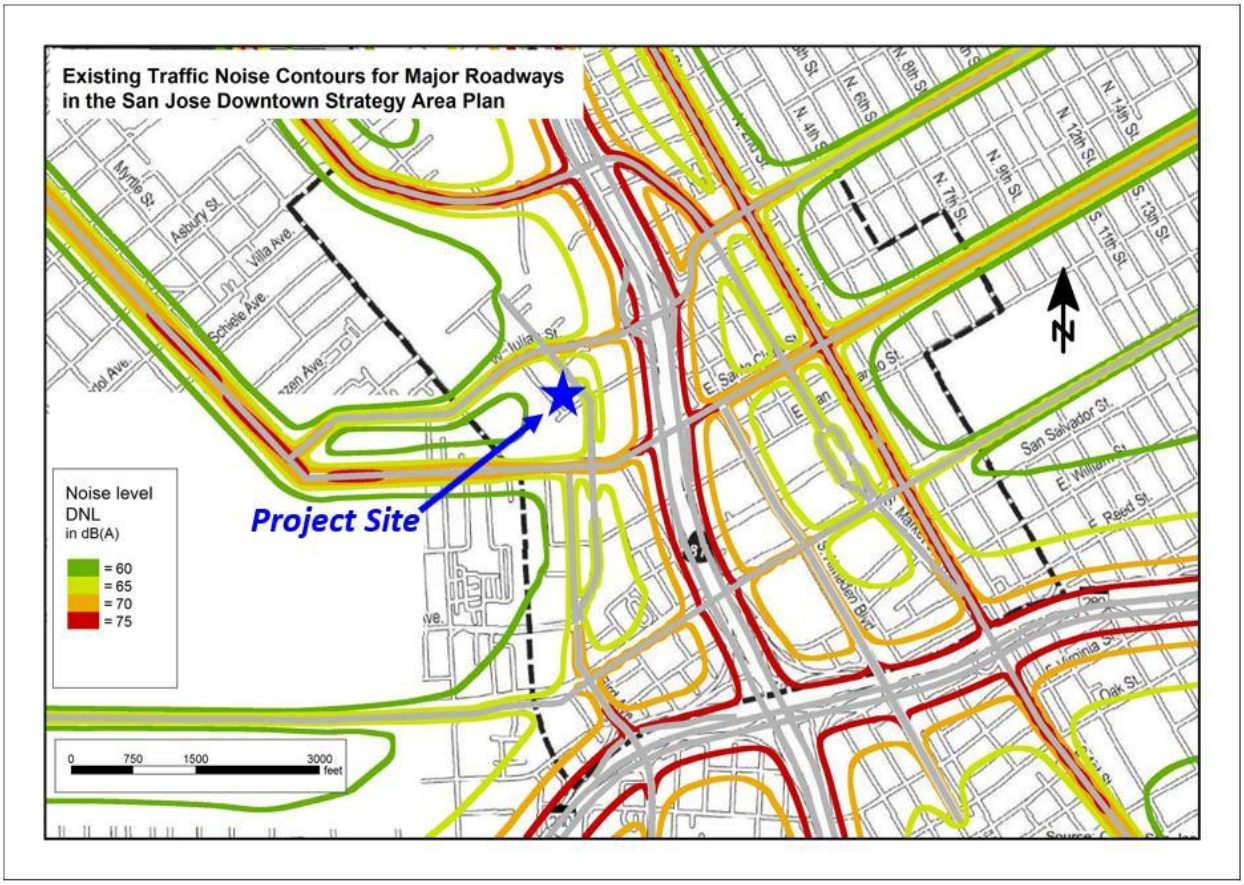


Figure 14: Existing Traffic Noise Contours for Major Roadways in the San José Downtown Strategy Plan Area.

Regulatory Framework

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.10-1 below. There are established criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day). These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

State

California Building Code

The California Building Code (Title 24) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2019 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment.

Local

Envision San José 2040 General Plan

The City's Envision San José 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

Table 4.10-1:
General Plan Land Use Compatibility Guidelines (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						

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

Normally Acceptable (White):

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 (Gray):

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

Unacceptable (Black):

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.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.10-1, above.

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

Interior Noise Levels

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

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below
  - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and

structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments

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

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) 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.

EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

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.

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.

EC-1.11 Continue to require safe and compatible land uses within the Norman Y. Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous 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 continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use Permit as provided in Chapter 20.100.

Table 4.10-2: City of San José Zoning Ordinance Noise Standards

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

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Noise and Vibration Environmental Checklist

Would the project result in:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	1-4,6,14
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	1-4,6,14
c. For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1-4,6,20,14

Impacts Evaluation

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction of the project would involve demolition, grading, excavation, foundation placement, building development, and paving. The hauling of excavated and construction materials would generate truck trips on local roadways. The project does not propose any pile driving.

While construction-related noise levels drop off at a rate of about six dBA per doubling of distance between the source and the receptor, the use of multiple pieces of equipment simultaneously would add together as a collective noise source. While every piece of equipment per phase would likely be scattered throughout the site, the noise-sensitive receptors surrounding the site would be subject to the collective noise source generated by all equipment operating at once.

Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and vary within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 105 dBA L_{max} at a distance of 50 feet from the equipment, as shown in Table 4 of Appendix D.

Hourly average noise levels generated by construction are about 65 to 89 dBA L_{eq} for a parking garage, measured at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Although the project would be constructed in phases, the analysis assumes a worst-case scenario during which hourly average noise levels were estimated at the property line of each surrounding land use. The collective worst-case hourly average noise levels were positioned at the geometrical center of the site and propagated to the nearest property line of the surround land uses and does not assume any reductions due to the presence of existing buildings or barriers.

As shown in Table 4.10-3, below, ambient levels at the surrounding uses would potentially be exceeded by five dBA L_{eq} or more at various times throughout construction, with the exception of land uses located on Stockton Avenue. Project construction is expected to last for a period of approximately 16 months. Since project construction would last for a period of more than one year and the project site is within 500 feet of existing residential uses and within 200 feet of existing industrial and commercial uses, this temporary construction impact would be considered significant in accordance with Policy EC-1.7 of the City's General Plan, consistent with the findings of the DTS 2040 FPEIR.

IMPACT NOI-1: The proposed construction of a below grade parking structure would result in a significant temporary construction-related noise impact to surrounding residential, commercial, and industrial uses for more than 12 months. **[Same Impact as DTS 2040 FPEIR (Significant Impact)]**

TABLE 4.10-3: Estimated Construction Noise Levels at Nearby Land Uses										
Phase of Construction	**Time Duration**	**Construction Equipment (Quantity)**	**Calculated Hourly Average Noise Levels, L_{eq} (dBA)**							
			Ambient Noise Levels = 60-65 dBA L_{eq}							
			North Res. (225ft)		**NW Res. (240ft)**		**East Comm. & Ind. (200ft)**		**West Res., Comm. & Ind. (740ft)**	
			L_{eq}, dBA	**Exceeds Amb. by 5+ dBA?**	**L_{eq}, dBA**	**Exceeds Amb. by 5+ dBA?**	**L_{eq}, dBA**	**Exceeds Amb. by 5+ dBA?**	**L_{eq}, dBA**	**Exceeds Amb. by 5+ dBA?**
Demolition	15 days	Rubber-Tired Dozer (1) TLB (1)	69	No	68	No	70	Yes	59	No
Site Preparation	7 days	Grader (1) Rubber-Tired Dozer (1) TLB (2) Off-Highway Truck (1)	73	Yes	73	Yes	74	Yes	63	No
Grading/ Excavation	60 days	Excavator (2) Grader (1) TLB (2) Off-Highway Truck (13)	75	Yes	75	Yes	76	Yes	65	No
Trenching/ Foundation	100 days	TLB (2)	70	Yes	69	No	71	Yes	60	No
Building – Exterior	180 days	Crawler Tractor (2) Forklift (4) Generator Set (1) TLB (1) Welder (1) Air Compressor (1)	73	Yes	73	Yes	74	Yes	63	No
Building – Interior/ Architectural Coating	120 days	Air Compressor (1) Aerial Lift (2)	61	No	60	No	62	No	50	No
Paving	30 days	Paver (1) Paving Equipment (1) Roller (1) TLB (1)	72	Yes	72	Yes	73	Yes	62	No
TLB = Tractor/Loader/Backhoe										

Mitigation and Avoidance Measures

In accordance with the findings of the DTS 2040 FPEIR, the following mitigation measures shall be implemented by the project to reduce significant temporary noise impacts to a less than significant level.

MM NOI-1.1: In accordance with Policy EC-1.7 of the Envision San José 2040 General Plan, a construction noise logistics plan shall be developed for the proposed project.

Construction Noise Logistics Plan: Prior to any ground disturbance activities, the project proponent shall submit and implement a Construction Noise Logistics Plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be prepared, submitted to, and approved by the Director of Planning, Building, and Code Enforcement or Director's designee prior to any ground disturbance activities.

As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.
- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted for longer hours. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).
- Construct temporary noise barriers, where feasible, around the perimeter of the construction site. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate all stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

With implementation of Mitigation Measure MM NOI 1.1, the project would have a less than significant temporary construction noise impact. **[Same Impact as DTS 2040 FPEIR (Significant Impact)]**

Operational Noise

The proposed project is the construction of a parking structure with one level below grade. The structure would include an emergency generator. Operational noise would be generated by traffic, testing of the emergency generator, and mechanical equipment.

Traffic Generation

The proposed parking garage would be replacing existing industrial, commercial, and residential land uses. While more parking spaces would be added to the site, the parking spaces would be distributed on multiple levels with the parking structure. Individual vehicles operating near the northern edge of the parking structure may be audible at times at the nearby receptors; however, the collective noise source would be distributed throughout each parking level and would be mostly shielded by the parking structure and the elevation of each level. Therefore, the overall noise generated within the parking garage would be included in the existing ambient noise environment and would not be expected to exceed the City's thresholds.

In addition, the proposed project is replacing parking that has been or will soon be removed as a result of project area redevelopment. Therefore, the noise related to vehicle trips in the area would be similar to recent and existing conditions in the project area.

The number of vehicles accessing the parking structure from N. Montgomery Street and N. Autumn Street, however, would increase substantially with direct line-of-sight to the surrounding land uses. While a traffic study was not completed for this project, it is assumed that all 1,200 spaces of the parking structure would be used for a special event at the SAP

Center. Assuming half the vehicles would access the parking structure from each roadway, any individual receptor surrounding the project site would be exposed to a maximum of 600 vehicles entering and exiting the parking structure within the same 24-hour period. This is a worst-case scenario given that cars would also be able to exit onto W. St. John Street with traffic leaving to the east away from the residential uses in the project area, further reducing traffic noise generated after events.

Assuming the vehicles arrive over a two-hour period during daytime hours before the event and exit within the same hour after the event during nighttime hours, the nearest adjacent receptors, which would be located approximately 35 feet from the centerline of the driveway, would be exposed to day-night average noise levels of 51 dBA DNL. This would meet the City's threshold for residential land uses. All other receptors would be farther from the driveways and would be exposed to lower noise levels. The City's General Plan and Municipal Code thresholds would be met and impacts would be less than significant, consistent with the findings of the DTS 2040 FPEIR.

Mechanical Equipment

A 200 kW emergency backup generator room is expected to be located at the ground level at the southeastern corner of the parking structure. Generators of this size typically produce noise levels of 89 dBA at 23 feet if a weather-proof enclosure is included or ranging from 75 to 81 dBA at 23 feet if a Level 1 or Level 2 sound enclosure is included. The project includes at least a weather-proof enclosure and that assumption has been used in the analysis.

During emergency situations, the noise produced by the operation of generators would be exempt from City noise restrictions; however, generators are typically tested for a period of one to two hours every month. During these testing periods, ambient noise levels would temporarily increase and would be required to meet the 55 dBA DNL threshold at nearby residential land uses. Assuming the emergency generator would run continuously during a two-hour period up to 50 times per year, the day-night average noise level at 23 feet would be 75 dBA DNL, assuming a weather enclosure, or would range from 61 to 67 dBA DNL with a Level 1 or Level 2 sound enclosure. However, the location of the generator on the interior of the building, the proposed parking structure would provide at least 10dBA of shielding.

The nearest residential property line would be at least 320 feet north of the emergency generator, assuming the generator will be located along the southern façade of the structure. At this distance and assuming a conservative 10 dBA reduction, the day-night average noise level would be 42 dBA DNL with a weather enclosure or would range from 28 to 34 dBA DNL with a Level 1 or Level 2 sound enclosure. Therefore, testing the 200 kW emergency generator would not be expected to exceed the City's 55 dBA DNL threshold at the nearest residential property line.

Other mechanical equipment noise due to parking structures would include elevator noise, which would not be audible at off-site receptors, and ventilation noise, which would be caused

by fan and exhaust noise. Details regarding specific equipment, location of equipment, and noise level information were not available at the time of this study. When operating at full speed, typical noise levels from fans could be up to 76 dBA at a distance of five feet and up to 65 dBA at five feet when operating at 35% speed. While it is not expected for the fans to be operating at full speed, these noise levels would represent the worst-case scenario. Assuming the fans cycle on and off continuously during a 24-hour period, the ventilation noise generated at the parking garage would be up to 82 dBA DNL at five feet under full speed and up to 71 dBA DNL at five feet under 35% speed.

Assuming potential ventilation outlets would be located on the upper level of the garage at each corner of the structure, the nearest residential property line would be at least 50 feet north of the nearest ventilation outlet. At this distance and assuming a conservative 10 dBA reduction due to the parking structure and elevation, the day-night average noise level would be 52 dBA DNL, which would be below the City's 55 dBA DNL threshold.

It is expected that mechanical equipment and generator noise for the proposed project would meet the City's applicable General Plan noise limits at the property lines of the nearest residential land uses. While the City's Municipal Code thresholds at receiving commercial properties would potentially be exceeded by testing of the emergency generator, this impact would not be considered a significant impact due to the distance to commercial land uses.

Furthermore, in accordance with the Downtown Strategy 2040 FEIR, the proposed project would be required, as a Standard Condition, to implement the following measure.

Standard Conditions:

- Prior to finalization of parking garage equipment, mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirement at the nearby noise sensitive land uses. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as along the building façades farthest from the nearest residences), where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning or Director's designee for review and approval prior to ground disturbance.

Parking Garage Noise

The proposed parking garage would be replacing existing industrial, commercial, and residential land uses. While more parking spaces would be added to the site, the parking spaces would be

distributed on multiple levels with the parking structure. While individual vehicles operating near the northern edge of the parking structure may be audible at times at the nearby receptors, the collective noise source would be distributed throughout each parking level and would be mostly shielded by the parking structure and the elevation of each level. Therefore, the overall noise generated within the parking garage would be included in the existing ambient noise environment and would not be expected to exceed the City's thresholds. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. While pile driving equipment can cause excessive vibration, it is not expected to be required for the proposed project.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. As shown in Table 7 of Appendix D, typical vibration levels that could be expected from construction at a distance of 25 feet could generate substantial vibration in the immediate vicinity of the historical buildings.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the historic buildings northeast of the project site. As shown in Tables 7 and 8 of Appendix D, the 0.08 in/sec PPV threshold would potentially be exceeded within approximately 60 feet of the boundary of the project site.

Two historic residences are located within 60 feet of the northeastern boundary of the project site (195 and 199 N. Autumn Street). In addition, the Forman's Arena building on West St. John Street is located approximately 55 feet from the western boundary of the project site. Therefore, the use of construction equipment would potentially exceed the City's threshold at these locations. All non-historical buildings in the project vicinity located more than 25 feet from the project site would not be subject to vibration levels of 0.2 in/sec PPV or more.

While pile driving is not anticipated for construction of the proposed parking structure, cosmetic damage at the surrounding historic buildings northeast and east of the project site could occur during project construction. As stated in the DTS 2040 FPEIR, for projects that produce vibration levels exceeding the thresholds, construction vibration has the potential to cause damage, depending on the age and fragility of the affected buildings.

IMPACT NOI-2: The proposed project could result in a significant temporary construction-related vibration impact to surrounding historical structures. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

Mitigation and Avoidance Measures

Implementation of the following measures, consistent with the findings of the DTS 2040 FPEIR, will be required prior to any ground disturbance or demolition for the project to ensure vibration impacts to historic structures from construction are less than significant.

MM NOI-2.1: The following best available controls shall be implemented:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g. tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.
- A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after pile driving. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California (and a Historic Architect if the affected structures are historic resources) and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
    - Identification of sensitivity to ground-borne vibration of nearby structures. A vibration survey (generally described below) would need to be performed.
    - Completion of a pre-construction photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any pile driving activity, in regular interval during pile driving, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
    - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration

monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the 2040 General Plan such as Policy EC-2.3.

- If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- The results of all vibration monitoring shall be summarized and submitted in a report to the City's Supervising Environmental Planner assigned by the City to the project review, shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Because the project includes the implementation of the above-listed measures to reduce vibration impacts to adjacent historic properties, consistent with the findings of the DTS 2040 FPEIR, impacts would be less than significant. **[Same Impact as DTS 2040 FPEIR (Less Significant Impact)]**

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

The project site is located between the 2027 65 and 70 CNEL noise contours for the Mineta San José International Airport and is not a sensitive land use. The site is not located in the vicinity of a private airstrip. The project, which is the construction of a parking garage, would not expose people residing or working in the project area to excessive noise levels. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

Conclusion

The project would have result in less than significant impacts related to long-term operations and short-term construction noise and vibration. The incorporation of identified measures to reduce and avoid impacts as included in the DTS FPEIR would ensure that potential noise impacts would be less than significant level. **[Same Impact as the DTS 2040 FPEIR (Less than Significant Impact)]**

4.11 TRANSPORTATION

The following discussion is based on a Local Transportation Analysis (LTA) prepared for the project by *Hexagon Transportation Consultants* (December 17, 2021). This study is contained in Appendix E.

Environmental Setting

Existing Roadway Network

As shown on Figures 3 and 15, regional access to the project site is provided by SR-87. Local access to the project site is provided via Julian Street, The Alameda, Stockton Avenue, N. Montgomery Street, N. Autumn Street, Barack Obama Boulevard (previously Autumn Street), and St. John Street. These facilities are described below. For streets with no posted speed limits, 25 mph was assumed.

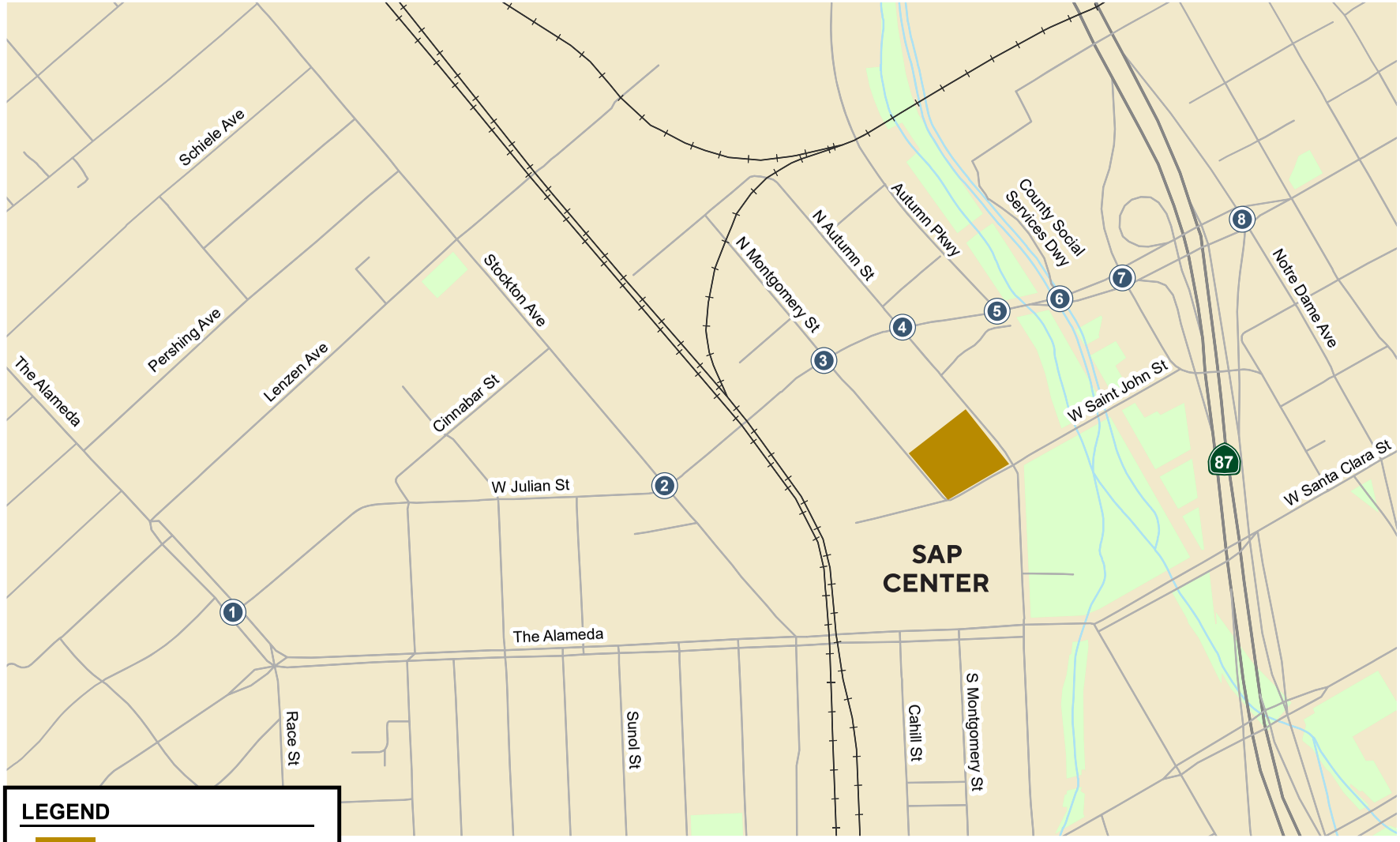
SR 87 is a six- to eight-lane freeway that extends from US 101 to SR 85 in San José. SR 87 provides access to the project site via an interchange at Julian Street.

Julian Street is a two- to four-lane roadway that runs in an east-west direction. Julian Street extends eastward to State Route 87, where it transitions into St James Street, and westward to The Alameda. Julian Street includes sidewalks on both sides of the street and has a posted speed limit of 30 mph near the project site. On-street parking is permitted on both sides of the street west of Stockton Avenue and on the north side of the street between N. Montgomery Street and N. Autumn Street. Bike lanes are provided on Julian Street between The Alameda and Stockton Avenue. Julian Street provides access to the project site via N. Montgomery Street and N. Autumn Street.

The Alameda/Santa Clara Street is a four-lane roadway that runs in a generally east-west direction in San José from its interchange with Interstate 880 in the west to Stockton Avenue in the east, where it transitions into Santa Clara Street. The Alameda/Santa Clara Street includes sidewalks on both sides of the street and has a posted speed limit of 35 mph near the project site. On-street parking is permitted on both sides of the street. The Alameda/Santa Clara Street provides access to the project site via Barack Obama Boulevard.

Stockton Avenue is a two-lane roadway that runs in a north-south direction. Stockton Avenue extends northward, where it transitions to Emory Street and southward to The Alameda, where it transitions to White Street. Stockton Avenue has sidewalks on both sides of the street and has a posted speed limit of 30 mph. On-street parking is permitted and bike lanes are located on both sides of the street. Stockton Avenue provides access to the project site via Julian Street.

N. Montgomery Street is a two-lane roadway that runs in a north-south direction. N. Montgomery Street extends northward to its end at Cinnabar Street, and southward, where it



STUDY INTERSECTIONS **FIGURE 15**

transitions to St John Street. N. Montgomery Street has sidewalks on both sides of the street and has a speed limit of 25 mph. On-street parking is permitted on both sides of the street. N. Montgomery Street provides access to the project site via a full-access driveway.

Barack Obama Boulevard (previously N. Autumn Street) is a north-south roadway that extends from W. St. John Street in the north and Interstate 280 in the south. There are two lanes of traffic between Santa Clara Street and W. St. John Street and four lanes south of Santa Clara Street. There are sidewalks on both sides of the street, which has a speed limit of 25 mph.

N. Autumn Street is a two-lane street between W. St. John and north of W. Julian Street with sidewalks on both sides of the street and a posted speed limit of 25 mph. On-street parking is permitted on both sides of the street near the project site. N. Autumn Street provides access to the project site via a full-access driveway.

Autumn Parkway is a four-lane roadway that runs in a north-south direction between W. Julian Street in the south and Coleman Avenue in the south. Autumn Parkway has sidewalks on both sides of the street and has a speed limit of 25 mph. On-street parking is prohibited on both sides of the street. Bike lanes are provided along both sides of Autumn Parkway. Autumn Parkway provides access to the project site via Julian Street.

W. St. John Street is a two-lane roadway that runs in an east-west direction. St. John Street extends eastward to 18th Street and westward to N. Montgomery Street, where it transitions to N. Montgomery Street. St. John Street includes sidewalks and on-street parking on both sides of the street and has a speed limit of 25 mph near the project site. Bike sharrows are provided on St. John Street. St. John Street provides access to the project site via a full-access driveway.

Existing Pedestrian Facilities

A complete network of sidewalks is present along the streets in the vicinity of the project site, including Julian Street, The Alameda, Stockton Avenue, N. Montgomery Street, N. Autumn Street/Barack Obama Boulevard, Autumn Parkway. Marked crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes from the project site to the SAP Center.

Existing Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site, as shown on Figure 4 of Appendix E. Bicycle facilities are divided into the following three classes of relative significance:

Class I Bikeway (Bike Path). Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. The Guadalupe River Trail is located in the project area and is a continuous multi-purpose pathway for pedestrians and bicycles that is separated from motor vehicles. It begins at Camden Avenue in the south and

continues to Alviso in the north. A connection to the Guadalupe River Trail system is located along St. John Street east of N. Autumn Street. The Los Gatos Creek Trail is also located in the project area and also provides a multi-purpose pathway for pedestrians and bicycles. The trail expands between St John Street and Santa Clara Street and connections to the Los Gatos Creek Trail is located along St. John Street east of N. Autumn Street and along Santa Clara Street near Delmas Avenue.

Class II Bikeway (Bike Lane). Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- Santa Clara Street, between The Alameda and Almaden Boulevard
- Autumn Street, between Santa Clara Street and San Carlos Street
- Stockton Avenue, between Emory Street and Santa Clara Street
- Autumn Parkway, between Coleman Avenue and Julian Street

Class III Bikeway (Bike Route). Class III bikeways are bike routes on roadways that share the road with bicycles and motor vehicles and are marked with shared roadway bicycle markings (sharrows). Within the vicinity of the project site, bike routes are present on the following roadway segments:

- St John Street, between Montgomery Street and Almaden Boulevard
- Montgomery Street, between Julian Street and St John Street

Class IV Bikeway (Separated Bikeway). Class IV bikeways are separated bikeways on roadways that are protected bikeways with a physical barrier between bicycles and motor vehicles. Within the vicinity of the project site, bike routes are present on the following roadway segments:

- Autumn Street, between St John Street and Santa Clara Street
- Cahill Street, between Santa Clara Street and San Fernando Street

Existing Transit Services

Existing Transit Services Existing transit services in the study area are provided by the VTA and are shown on Figure 5 of Appendix E.

VTA Bus Service. The project site is primarily served by seven VTA bus routes (Local Routes 22, 64A, 64B, 68, 500, 522, 568) and light rail. The nearest bus stops to the project site serve routes 22, 64A, 64B, and 522 and are located along both sides of Santa Clara Street, approximately 800 feet west of the project site. Headways range between 15 and 30 minutes and weekday hours of operation are between 4:35 am and 12:35 am shown in Table 2 of Appendix E. The San José Diridon Station is located approximately ¼ mile from the project site, which provides connections to Caltrain, Amtrak, Altamont Corridor Express (ACE), Santa Cruz Metro, and Monterey-Salinas Transit.

Regulatory Framework

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Santa Clara County Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of San José

Diridon Station Area Plan

In 2014, the City approved the Diridon Station Area Plan (DSAP) project and certified the Final Program Environmental Impact Report (SCH #2011092022, August 2014), which establishes a vision for Diridon Station and the surrounding area in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José.

Council Policy 5-1 Transportation Impact Policy

In 2018, consistent with State Senate Bill 743, the City Council adopted Council Policy 5-1 to use vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. According to the policy, an employment (e.g., office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements. The VMT policy does not negate Area Development Policies (ADPs) and Transportation Development Policies (TDPs) approved prior to adoption of Policy 5-1.

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the project are presented below.

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).

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

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.

TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

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.

TR-8.2 Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages auto use**.**

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.

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

TR-8.7 Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

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.

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.

CD-3.3 Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Transportation Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒	1-4,6,24

b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒	1-4,6,10,14
c.Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	1-4,6,14
d. Result in inadequate emergency access?	☐	☐	☐	☒	1-4,6,14

Impacts Evaluation

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The magnitude of traffic produced by the proposed parking structure and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections.

The proposed project would not add any trips to the study area because it is replacing existing and recently removed parking utilized by the San José Arena. However, trips within the study area would be rerouted from the parking lots previously and currently used to the proposed Lot E Parking Structure. A 325-space parking lot is also proposed on W. St. John Street, across N. Autumn Street on what is known as the Milligan property. The assessment of circulation during and after Arena event included both projects.

The percentage of vehicles arriving within a specified time period was determined based on the Fehr & Peers memorandum (dated 5/14/2021)[23]. Applying the arrival pattern that was observed, it is estimated that 60 percent of attendees would arrive one hour or less before the game start time (6:00 to 7:00 PM). The remaining attendees are expected to arrive more than one hour before the game start time or after the game start time. Based on the percentages of the attendees, there would be 720 attendees arriving in the busiest hour, which would be 6:00 to 7:00 PM.

[23] https://www.sanJoséca.gov/home/showdocument?id=72951

The trip distribution pattern for the project was estimated based on the location of access points to the SAP Center/project area. The peak-hour vehicle trips associated with the project were added to the roadway network in accordance with the trip distribution pattern, the roadway network connections, and the locations of the project driveway. The project trips would enter and exit the project site via the full-access driveways on Montgomery Street, St. John Street, and Autumn Street. The majority of trips are expected to arrive and depart via the freeways serving the immediate vicinity (approximately 60 percent via SR 87).

Traffic operations were evaluated for three event scenarios: existing event conditions (no project), event conditions with the Lot E parking garage, and event conditions with the Lot E parking garage plus the Milligan lot (325 spaces). Existing event conditions without the project include traffic using existing Arena parking lots A, B, and C that are adjacent to the SAP Center and have access off of W. Julian Street. Event conditions with the project include using the Milligan parking lot and exclude Lots A, B, and C, which are not expected to be operating at the time the Lot E parking structure is operational. During the PM peak hour, the added inbound traffic from the proposed Lot E parking garage and the proposed Milligan parking lot would be 720 and 195 trips, respectively.

Vehicular Access and Circulation

The project generated traffic would access the site via three full-access driveways on W. St. John Street, N. Autumn Street, and N. Montgomery Street.

Driveway Operations Before Events

Based on the trip distribution estimates, 25 percent of the entering vehicles (177 vehicles) would enter the parking garage using the N. Montgomery Street driveway, and 75 percent (531 vehicles) would enter the parking garage using the N. Autumn Street driveway. It was assumed that the W. St. John Street driveway would not be used before games, but if it were, that would reduce the volume entering the other driveways.

It is expected that the greatest number of project trips would use the N. Autumn Street driveway since it provides access from SR 87 via W. Julian Street. Project trips at this driveway equate to an average of approximately seven vehicles per minute, or nine seconds per vehicle. Gate control should be designed to accommodate this volume of entering vehicles. Project trips coming from west of the project site would use the N. Montgomery Street driveway to enter the parking garage. Trips at this driveway equate to an average of approximately six vehicles per minute. It is assumed that gates would be open for free-flow exiting vehicles after events.

Driveway Operations After Events

It is anticipated that at the end of a game or event, all fans would exit the Arena at the same time and seek to exit the parking lots. The Lot E garage could exit to Montgomery Street, St.

John Street, or Autumn Street. The Milligan parking lot could exit to Autumn Street or to St. John Street.

Added together, the amount of traffic that could exit toward W. Julian Street is 1,525 (1,200+325) vehicles, which is beyond the hourly capacity of the intersections along Julian Street. The capacity of the intersections along Julian Street can be assumed to be about 1,500 vehicles per hour with police control to direct the traffic flow out of the parking structures to maintain a steady flow of traffic out of the area.

In order to account for any ambient traffic on W. Julian Street after events, it is prudent to assume that 1,000 vehicles per hour of Arena traffic could be accommodated at each intersection. It is also assumed that ambient traffic on W. Julian Street is no more than 500 vehicles per hour after events (10 pm). Thus, the following is recommended and shown on Figure 16:

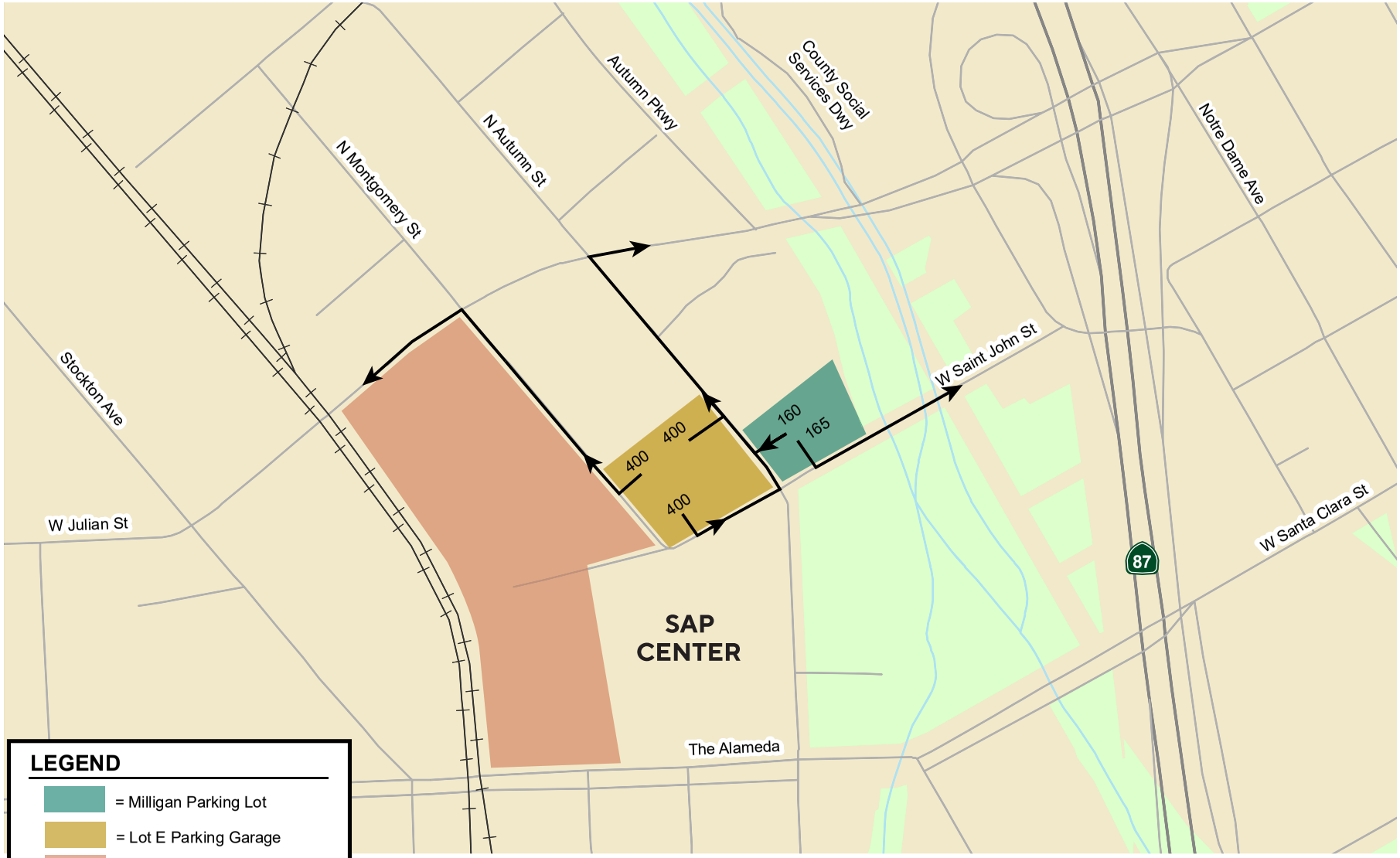
- A portion of the Lot E garage traffic be assigned to N. Montgomery Street and required to turn left at W. Julian Street (400 vehicles).
- The remainder of traffic from the proposed Lot E garage be assigned to N. Autumn Street and required to turn right on W. Julian Street (800 vehicles).
- A portion of traffic from the Milligan lot be required to exit to W. St. John Street toward the east (165 vehicles); and
- The remainder of traffic from the Milligan lot be required to exit to N. Autumn Street and required to turn right on W. Julian Street (160 vehicles).

It is possible that the interim surface 270-space parking lot anticipated on the project site could be operational at the same time as Lots A, B, C. However, based on existing conditions and due to the small number of additional vehicles leaving the surface lot in three different locations (90 at each exit of the garage) after events, operational issues would be less than significant.[24]

On-Site Circulation

On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards. The project would have three full-access driveways on N. Autumn Street, N. Montgomery Street, and W. St. John Street that connect to the proposed parking structure. In the parking garage, there would be a two-way drive aisle that leads to the parking spaces. The garage would have 90-degree perpendicular parking spaces. According to the site plan, the drive aisle would be approximately 26 feet, which would meet or exceed the San José Municipal Code requirement of 26 feet. The site plan also shows ramps leading to other floors of the parking structure.

[24] Email conversation with Gary Black, President, Hexagon Transportation Engineers. December 3, 2021.



DRIVEWAY OPERATIONS AFTER EVENTS **FIGURE 16**

There would be two speed ramps provided on the north side of the parking garage. The ramp width, approximately 26 feet, would provide sufficient space for vehicles to travel up and down the ramps. Some drivers with larger vehicles may have difficulty navigating the sharp right-turns necessary to access the speed ramps and would encroach into the opposing lane. The garage design should be sufficiently open to allow vehicles making turning movements to see each other. Generally, the proposed plan would provide vehicle traffic with adequate connectivity through the parking areas.

The City of San José Off-Street Parking Design Standards for Uniform-size Car Spaces require that standard 90-degree parking stalls be a minimum of 8.5 feet wide by 17 feet long. Currently, the site plan does not show any parking dimensions. Therefore, it is recommended that the site plan include parking stalls meet the City of San José Off-Street Parking Design Standards.

Pedestrian, Bicycle, and Transit Access

Pedestrian facilities consist of crosswalks and sidewalks in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections in the study area. Sidewalks are present between the parking garage and the SAP Center. Pedestrians would exit the parking lot and walk along W. St. John Street to the north side of the SAP Center. In general, the broader existing network of sidewalks exhibits good connectivity. Access to transit would not be affected by the proposed project.

The proposed project would provide electric vehicle (EV) charging stations per the City of San José Final Reach Code Ordinance 30311 to equal 10% of total parking or 120 spaces. Short-term and long-term bicycle parking would be provided per Cal Green Building Code taking into account the number of bicycle parking spaces currently provided at the Arena. Motorcycle parking would be included per Municipal Code, which requires up to 60 motorcycle parking spaces.

The project would provide short- and long-term bicycle parking consistent with Cal Green and City requirements. Motorcycle parking would also be provided per City requirements. The project would not result in a significant impact to pedestrian, bicycle, and transit facilities and services.

Construction Impacts

Typical activities related to the construction of any development could include lane narrowing and/or lane closures and sidewalk closures. In the event of any type of street closure, clear signage (e.g., closure and detour signs) must be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. The project would be required to submit a construction management plan for City approval that addresses schedule, closures/detours, staging, parking, and truck routes. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

In adherence to Senate Bill (SB) 743, the City of San José adopted Council Policy 5-1 in March 2018. The policy replaced its predecessor (Council Policy 5-3) and established the thresholds for transportation impacts under the CEQA based on VMT instead of LOS.

The proposed project is required to replace Arena parking lost or parking that will be lost due to approved and future development in the project area. The trips generated as part of the parking structure are currently traveling to and from the site and are not new vehicle trips. Therefore, the project would not increase VMT within the City of San José it would not result in changes to the uses permitted in Downtown West and DSAP. Traffic-related air quality, greenhouse gas emissions, and noise impacts would be the same as those identified in the DTS 2040 FPEIR. Therefore, a VMT analysis was not required.

Implementing the land use density and diversity as envisioned in the Downtown Strategy 2040 Plan facilitates VMT reduction. Based on the above, the project would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

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

The proposed project would not substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses. Based on the site plan, adequate sight distance would be provided at the project driveways on N. Montgomery Street, N. Autumn Street, and W. St. John Street. This would ensure that vehicles can see pedestrians on the sidewalks as well as vehicles and bicycles on the streets. All the proposed driveways meet the City's standards for width.

Sidewalks are present between the parking garage and the SAP Center. Pedestrians would exit the parking lot and walk along St. John Street to the north side of the SAP Center. In general, the broader existing network of sidewalks exhibits good connectivity.

The site plan shows adequate ramp and drive aisle widths and ramps should have slopes no greater than a 20 percent grade with transition grades of half the maximum grade, or 10 percent. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact)]**

d) Would the project result in inadequate emergency access?

The City's fire code requires driveways to provide at least 26 feet for fire access. Drive aisles at driveways and within the structure would be 26 feet wide, providing adequate emergency access on-site.

The City of San José Fire Department additionally requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line along all sides of the building. Based on the site plan, the project would meet the

six-foot clearance requirement. The project would also meet the 150-foot fire access requirement. The impacts to emergency access would be less than significant. **[Same Impact as Approved Project (Less than Significant Impact)]**

Operational Issues Not Addressed Under CEQA

Queuing

A queuing analysis was also completed for the project which evaluated storage capacity at left-turn movements of three intersections in the project area. These issues are the result of rerouting existing traffic to the proposed structure during events at SAP Center.

- Southbound left-turn from The Alameda to Julian Street
- Southbound left-turn from Stockton Avenue to W. Julian Street
- Westbound left-turn from W. Julian Street to N. Autumn Street
- Left-turn from the SR 87 northbound off-ramp to W. Julian Street
- Westbound left-turn from W. Julian Street to N. Montgomery Street

The results show that the vehicle queue for the southbound left-turn lane at The Alameda to W. Julian Street intersection currently exceeds the existing vehicle storage capacity during the 6-7 PM peak hour during events. The existing left-turn lane provides approximately 200 feet of vehicle storage, which can accommodate eight vehicles. The project and Milligan parking lot would increase the vehicle queue by one vehicle. There is no room in the median to lengthen this left-turn pocket.

The queuing analysis indicates that the vehicle queue for the westbound left-turn lane at the N. Autumn Street to W. Julian Street intersection would exceed the vehicle storage capacity during the 6-7 PM peak hour during events with the addition of project traffic. The existing left-turn lane provides approximately 125 feet of vehicle storage, which can accommodate five vehicles. The project and Milligan parking lot would increase vehicle queue by 12 vehicles. There is no room in the median to lengthen the left-turn pocket.

The vehicle queue for the freeway off-ramp left-turn lanes on the SR 87 northbound ramp at W. Julian Street currently exceeds the existing vehicle storage capacity during the peak hour of traffic during events. Each of the two left-turn lanes provides approximately 300 feet of vehicle storage, which can accommodate 12 vehicles. The project and Milligan parking lot would increase the vehicle queues by one vehicle during the event peak hour. While the queue would extend beyond the striped lanes, it would not back up onto the freeway mainline.

The queuing analysis indicates that for the westbound left-turn lane at the N. Montgomery Street and W. Julian Street intersection currently exceeds the vehicle storage capacity during the 6-7 PM peak hour during events. The existing left-turn lane provides approximately 125 feet of vehicle storage, which can accommodate five vehicles. The project and Milligan parking lot would decrease the 95th percentile vehicle queue by 10 vehicles, but the queue would still

exceed the vehicle storage capacity by one vehicle. There is no room in the median to lengthen the left-turn pocket.

Conclusion

The proposed project would have a less than significant impact on transportation when compared to the DTS 2040 FPEIR**. [Same Impact as Approved Project (Less than Significant Impact)]**

4.12 MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	Same Impact	Checklist Source(s)
a. Have the potential to substantially 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, substantially 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?	☐	☐	☐	☒	1-4,6,11, 12,21,22
b. 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 the past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☐	☒	1-24
c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1-24

Impacts Evaluation

a. Would the project have the potential to substantially 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, substantially 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?

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Conditions, Conditions of Approval, and Mitigation Measures.

As discussed in Section 4.2 *Air Quality*, the proposed project would be required to implement the identified Standard Conditions during all phases of construction to reduce dust and other particulate matter emissions. In addition, implementation of Mitigation Measure MM AQ-1 would reduce single-source community risk impacts from construction of the project to a less than significant level.

As discussed in Section 4.3 *Biological Resources*, the project would not impact sensitive habitats or species. With implementation of Mitigation Measures MM BIO-1.1 – 1.4, the project would not impact nesting raptors or migratory birds and Standard Conditions are included in the project to replace trees per City standards. The proposed project is consistent with the activity described in Section 2.3.2 of the SCVHP and would require discretionary approval by the City. The project would be subject to all applicable SCVHP conditions and fees prior to the issuance of any ground disturbance activities. In addition, all projects in the City, including the proposed project, would be required to pay the cumulative nitrogen deposition fees.

Earthmoving activities on-site may result in the loss of unknown subsurface cultural resources. Implementation of the identified Standard Conditions in Section 4.4 *Cultural Resources* would avoid or reduce impacts to cultural resources to a less than significant level. The project would also implement the identified Standard Conditions listed in Section 4.5 *Geology and Soils* to reduce construction-related erosion impacts. As described in Section 4.6 *Greenhouse Gas Emissions*, because the project is consistent with the General Plan Land Use Designation for the site, it would not result in an additional significant impact related to GHG emissions when compared to those identified in the General Plan FEIR, as supplemented.

With implementation of MM HAZ-1.1 and the Standard Conditions identified in Section 4.7 *Hazards and Hazardous Materials*, the proposed project would reduce impacts to construction workers and the public from residual soil contamination from industrial operations and ACMs, PCBs, and lead based paint related to building demolition. Standard Conditions are also included in the project to reduce the potential to affect water quality during construction as identified in Section 4.8 *Hydrology and Water Quality*.

As discussed in Section 4.10 *Noise and Vibration*, the project would be required to implement Mitigation Measures MM NOI-1.1 and MM NOI-1.2 and Standard Conditions to reduce construction noise levels at the nearby daycare/preschool facilities and residences. The project would also be required to implement Mitigation Measure MM NOI-2.1 to reduce construction-related groundborne vibration impacts to the adjacent commercial buildings to the south.

The proposed project would require the removal of at least one ordinance-size tree. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to substantially 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, substantially 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. Standard Conditions and Conditions of Approval are identified for potential biological, air quality, archaeological, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and noise impacts which will reduce these impacts to a less than significant level. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Incorporated)]**

b. Would 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 the past projects, the effects of other current projects, and the effects of probable future projects).

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."

Based on the analysis provided in this Initial Study/Addendum, the project would not significantly contribute to cumulative impacts, because the proposed project is the redevelopment of an existing industrial and residential site with a parking structure. The project site and the surrounding area are considered existing urban development that is designated for *Downtown Primary Commercial* and industrial uses in the City's General Plan and Zoning Ordinance.

Land uses in the project area are just now starting to be redeveloped from what was originally constructed in the 1900-1932. Mitigation Measures, Standard Conditions, and Conditions of Approval identified in this Initial Study/Addendum are consistent with the findings of the DTS 2040 FPEIR and would reduce environmental impacts to a less than significant.

The DTS 2040 FPEIR determined that build-out of the Downtown Strategy 2040 would result in significant unavoidable impacts related to air quality, cultural resources, greenhouse gas emissions, noise, and the jobs/housing imbalance. As identified in this IS/Addendum, the proposed project would not make a significant contribution to these impacts or to any cumulative impacts. While the project includes Mitigation Measures, Standard Conditions, and Conditions of Approval to reduce all project-related impacts to a less than significant level, implementation of the entire DTS 2040 Plan would still occur and therefore, impacts continue to be significant and unavoidable. [Same Impact as DTS 2040 FPEIR **(Significant Unavoidable Impact)**

c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Based on the analysis provided in this Initial Study/Addendum, the proposed project includes all necessary Mitigation Measures, Standard Conditions, and Conditions of Approval consistent with the DTS 2040 FPEIR to reduce potential direct and indirect impact on human beings, including hazardous materials, noise, and air quality. Therefore, the project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. **[Same Impact as DTS 2040 FPEIR (Less than Significant Impact with Mitigation Incorporated)]**

Conclusion

With the implementation of all identified Mitigation Measures, Standard Conditions, and Conditions of Approval consistent with the DTS 2040 FPEIR, the project would have less than significant impacts related to the CEQA mandatory findings of significance. Build-out of the DTS 2040 would still result in significant unavoidable impacts related to air quality, cultural resources, greenhouse gas emissions, noise, and the jobs/housing imbalance. The proposes project would not make a significant contribution towards the impacts previously identified in the DTS FPEIR. **[Same Impact as DTS 2040 FPEIR (Significant Unavoidable Impact)]**

CHECKLIST SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as review of project plans.
2. City of San José. *Envision San José 2040 General Plan*. November 2011.
3. City of San José. *Envision San José 2040 General Plan Final Program EIR*. November 2011.
4. City of San José. *Envision San José 2040 Final Supplemental Program Environmental Impact Report*. September 2015.
5. City of San José. *Downtown Strategy 2040*. December 18, 2018.
6. City of San José. *Downtown Strategy 2040 Final Program Environmental Impact Report*. December 18, 2018.
7. City of San José. *Municipal Code*. June 2, 2015.
8. City of San José. *Diridon Station Area Plan*. June 2014.
9. City of San José. *Diridon Station Area Plan Final Program Environmental Impact Report*. June 2014.
10. California Environmental Quality Act Statutes and Guidelines. 2021.
11. Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.
12. City of San José. *Historic Resources Inventory*. September 23, 2014.
13. Illingworth & Rodkin, Inc. *City Parking Garage Air Quality and Greenhouse Gas Emission Assessment*. November 15, 2021.
14. Illingworth & Rodkin, Inc. *City Parking Garage Noise and Vibration Assessment.* November 15, 2021.
15. Envirocom. *Phase I Environmental Site Assessments for 525 West St. John Street (*August 5, 2019*), 140* (August 5, 2019*), 150, 160, and 170 N. Montgomery Street (*March 23, 2020*), and 139 (*August 16, 2019*), 143 (*August 16, 2019*), 147 (*August 16, 2019*), and 151 N. Autumn Street (*March 25, 2020*).*
16. Envirocom. *Phase II Environmental Site Assessment for 525 W. St. John Steet and 140 N. Montgomery Street.* December 9, 2019.
17. Envirocom. *Waste Profiling, Former San José Foundry, 525 W. St. John Street.* January 16, 2019.

18. AEI Consultants. Limited Phase II Subsurface Investigation, 525 W. St. John Street September 15, 2017.

19. City of San José Environmental Services Department. Phase I Environmental Site Assessments for 517 W. St. John Street. July 19, 2017.

20. AEI Consultants. *Limited Phase II Subsurface Investigation, 525 W. St. John Street*. September 15, 2017.

21. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County Norman Y. Mineta San José International Airport*. November 16, 2016.

22. Archives & Architecture. *Historic Resources Project Assessment*. December 9, 2021.

23. Archives & Architecture. *Relocation Analysis for Building at 160 N. Montgomery Street*. December 6, 2021.

24. Holman & Associates. *Proposed San José Area Locations Archaeological Review*. June 17, 1987 (on-file at the City of San José Department of Planning, Building & Code Enforcement).

25. Hexagon Transportation Consultants, Inc. *Lot E Parking Garage Development Transportation Analysis*. December 9, 2021.

SECTION 5.0 REFERENCES

AEI Consultants. *Limited Phase II Subsurface Investigation, 525 W. St. John Street*, September 15, 2017.

Archives & Architecture. *Historic Resources Project Assessment*. December 9, 2021.

Archives & Architecture. *Relocation Analysis for Building at 160 N. Montgomery Street*. December 6, 2021.

California Environmental Quality Act Statutes and Guidelines. 2021.

CalFire. *Fire Hazard Severity Zone Santa Clara County*. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed April 9, 2020.

City of San José. *Diridon Station Area Plan*. June 2014.

City of San José. *Diridon Station Area Plan Final Program Environmental Impact Report*. June 2014.

City of San José. *Downtown Strategy 2040*. December 18, 2018.

City of San José. *Downtown Strategy 2040 Final Program Environmental Impact Report*. December 18, 2018.

City of San José. *Envision San José 2040 General Plan*, adopted November 2012 and updated through 2017.

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

City of San José. *Envision San José 2040 Final Supplemental Program Environmental Impact Report*. September 2015.

City of San José. *Historic Resources Inventory*. September 23, 2014.

City of San José. *Municipal Code*. https://library.municode.com/ca/san_José/codes/code_of_ordinances

City of San José Environmental Services Department. *Phase I Environmental Site Assessment for 517 W. St. John Street*. July 19, 2017.

Envirocom. *Phase I Environmental Site Assessment for 525 W. St. John Steet.* August 5, 2019.

Envirocom. *Phase I Environmental Site Assessment for 140 N. Montgomery Street.* August 5, 2019.

Envirocom. *Phase I Environmental Site Assessment for 139 N. Autumn Street.* August 16, 2019.

Envirocom. *Phase I Environmental Site Assessment for 143 N. Autumn Street.* August 16, 2019.

Envirocom. *Phase I Environmental Site Assessment for 147 N. Autumn Street.* August 16, 2019.

Envirocom. *Phase I Environmental Site Assessment for 151 N. Autumn Street.* March 25, 2020.

Envirocom. *Phase I Environmental Site Assessment for 150, 160, and 170 N. Montgomery Street.* March 23, 2020.

Envirocom. *Phase II Environmental Site Assessment for 525 W. St. John Steet and 140 N. Montgomery Street.* December 9, 2019.

Envirocom. *Waste Profiling, Former San José Foundry, 525 W. St. John Street.* January 16, 2019.

Hexagon Transportation Consultants, Inc. *Lot E Parking Garage Development Local Transportation Analysis*. December 9, 2021.

Holman & Associates. *Proposed San José Area Locations Archaeological Review*. June 17, 1987 (on-file at the City of San José Department of Planning, Building & Code Enforcement).

Illingworth & Rodkin, Inc. *City Parking Garage Air Quality and Greenhouse Gas Emission Assessment*. November 15, 2021.

Illingworth & Rodkin, Inc. *City Parking Garage Noise and Vibration Assessment*. November 15, 2021.

San José Clean Energy (SJCE). Available at https://www.sanJosécleanenergy.org/your-choices. Accessed April 8, 2020.

Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. November 16, 2016.

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

State of California. 2018. *2018 State Hazards Mitigation Plan*. Accessed: December 13, 2021. Available at: http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.

Valley Water. Local Dams and Reservoirs, https://www.valleywater.org/yourwater/local-dams-and-reservoirs, accessed October 20, 2021.

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