Addendum

Stevens Creek Promenade

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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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 certified 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.

In August 2018, the City of San José certified the 4300 Stevens Creek Blvd. Mixed-Use Project's Final Environmental Impact Report (FEIR). The FEIR analyzed a Planned Development Rezoning and a Planned Development Permit (PDC16-036 and PD17-014) for the demolition of all existing buildings on-site (comprised of a group of three two-story and one one-story office buildings, and a one-story commercial building), existing surface parking lots, ancillary structures, relocation of utilities and public street (Lopina Way), removal of all trees and other landscaping; and development of approximately 315,000 square feet of office/commercial space (including 15,000 to 22,000 square feet of ground-floor retail) and up to 582 residential units with a six-story office/commercial building (Building A) and two eight-story residential buildings (Building C and Building D), one with up to 15,000 square feet of ground floor retail, and a six-level parking garage (Building B).

The intent and purpose of the FEIR was to provide project-level environmental review for the mixed-use project. This initial study tiers from the certified FEIR and provides analysis for the proposed changes to the project, including a slight reduction in residential units, removal of the office use, addition of a new hotel use, and reduction of on-site retail use, and assesses the differences of the project with the previously analyzed design.

CEQA Guidelines Section 15162 states that when an Environmental Impact Report has been certified or a Negative Declaration adopted for a project, 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;
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 or the Negative Declaration was adopted, shows any of the following:

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

The Lead Agency shall prepare an initial study tiering from a previously certified FEIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent FEIR have occurred.

This initial study analyzes the Stevens Creek Promenade Project under Section 15162 to determine whether any of the proposed project changes would result in new or substantially more severe impacts than were previously disclosed in the certified EIR. The proposed modified project would demolish three on-site buildings to develop the approximately nine-acre site located at 4300 Stevens Creek Boulevard (APNs 296-38-013, 296-380-14, 296-40-009) with three residential buildings, a hotel, and open space park area. The residential buildings would provide a total of 580 units with a mix of affordable and market rate housing, and the hotel would provide 250 guest rooms. The parking would be provided in podium levels under each of the structures. The differences in project design are summarized below:

Land Use	Approved Project	Proposed modified project
Buildings to be Demolished	5	3
Residential	582 total units	580 total units
Affordable Units	87	173
Market Rate Units	495	407
Office	233,000 to 300,000 square feet	0
Retail	15,000 to 22,000 square feet	10,846 square feet
Hotel	0	250 rooms
Parking	1,665	704
Maximum Building Height	100 feet	89.5 feet
Project Site Size	9.27 acres	9.07 acres
Days of Construction	550 days	664 days

Based on the proposed modified project description and knowledge of the project site (based on the environmental review prepared for the FEIR), the City has concluded that the proposed modified project would not result in any new impacts not previously disclosed in the FEIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the FEIR. For these reasons, an initial study tiering from the FEIR has been prepared for the proposed modified project.

This initial study, along with a copy of the FEIR that is being tiered from, is available at the City of San José City Hall at 200 East Santa Clara Street, San José, CA 95113, during normal business hours, or on the City's website at this link.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Stevens Creek Promenade Project (File No. PDC20-021, PD20-012, ER21-006)

2.2 LEAD AGENCY CONTACT

City of San José

2.3 PROJECT APPLICANT

MPG Stevens Creek Owner, LLC

2.4 PROJECT LOCATION

4300 Stevens Creek Boulevard, San José California 95129; See Regional, Vicinity and Aerial Figures 2.4-1, 2.4-2, and 2.4-3 respectively.

2.5 ASSESSOR'S PARCEL NUMBER(S)

296-38-013, 296-38-014, 296-40-009

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

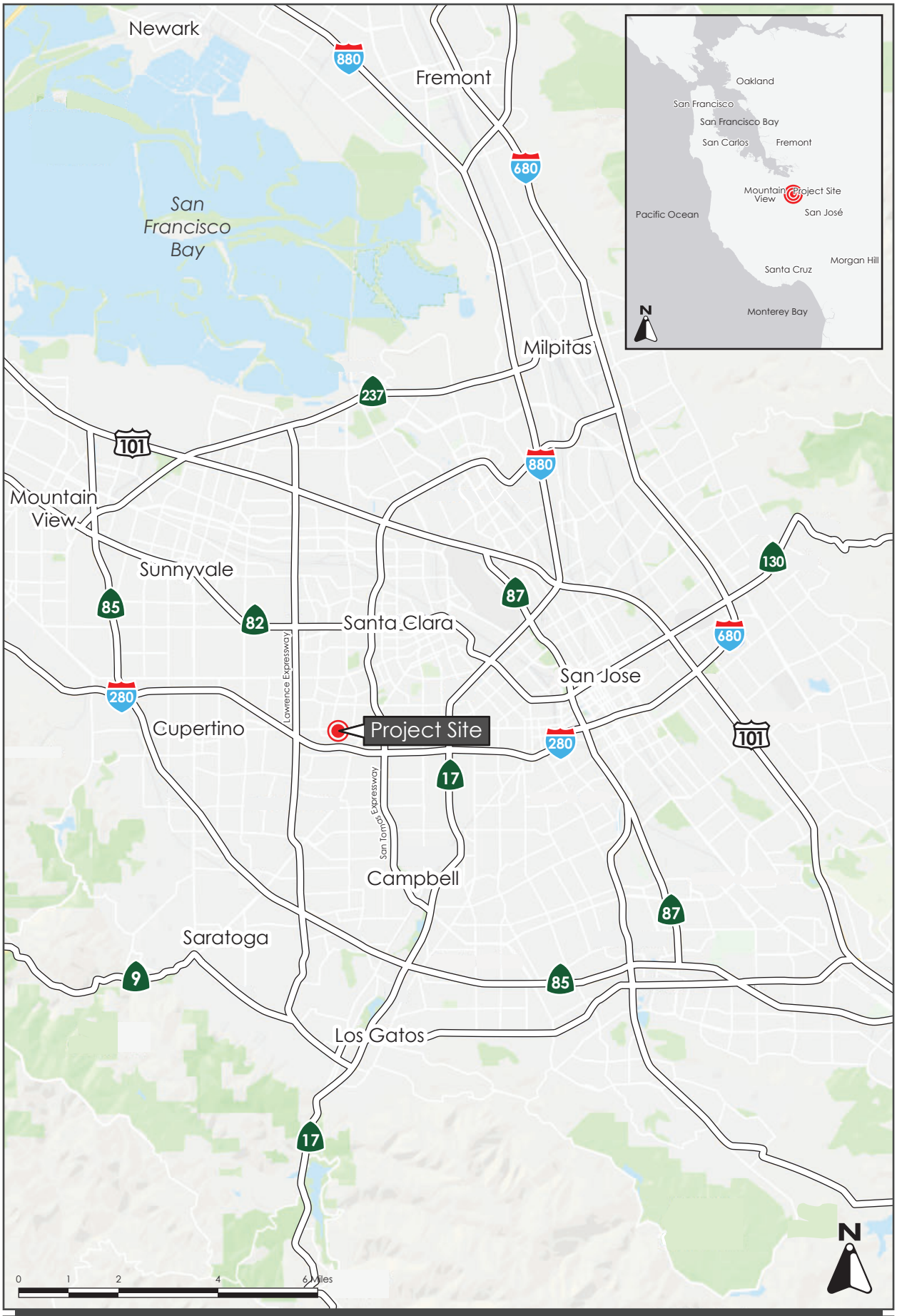
General Plan Designation: Urban Village
Zoning District: CG – Commercial General

2.7 HABITAT PLAN DESIGNATION

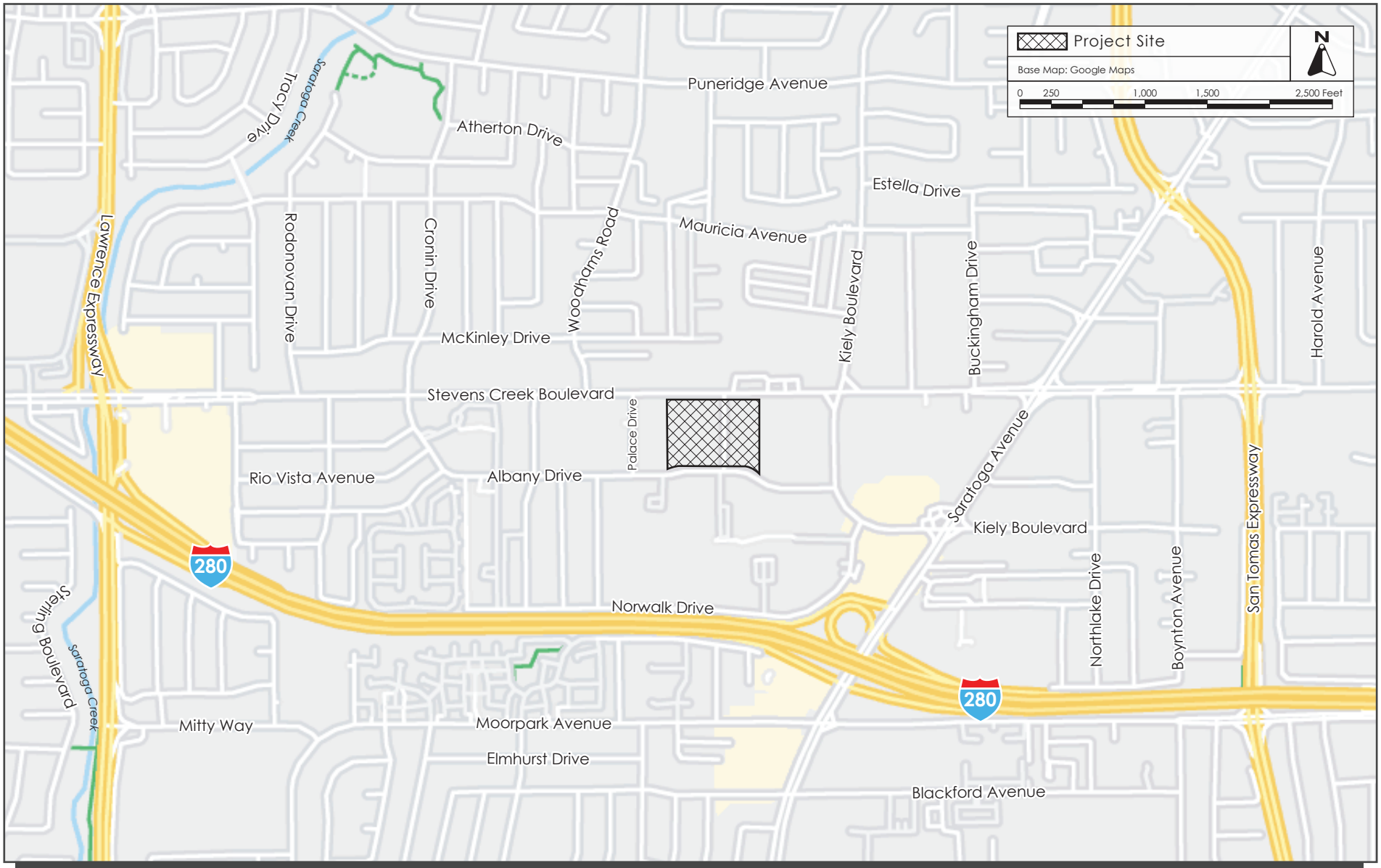
Urban Development

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planned Development Rezoning
- Planned Development Permits
- Planned Tentative Map
- Tree Removal Permit
- Issuance of Demolition, Grading, Building, Encroachment, Utility, and Occupancy Permits
- Street vacation and dedication of a new public right-of-way for Lopina Way
- Other applicable Public Works Clearances

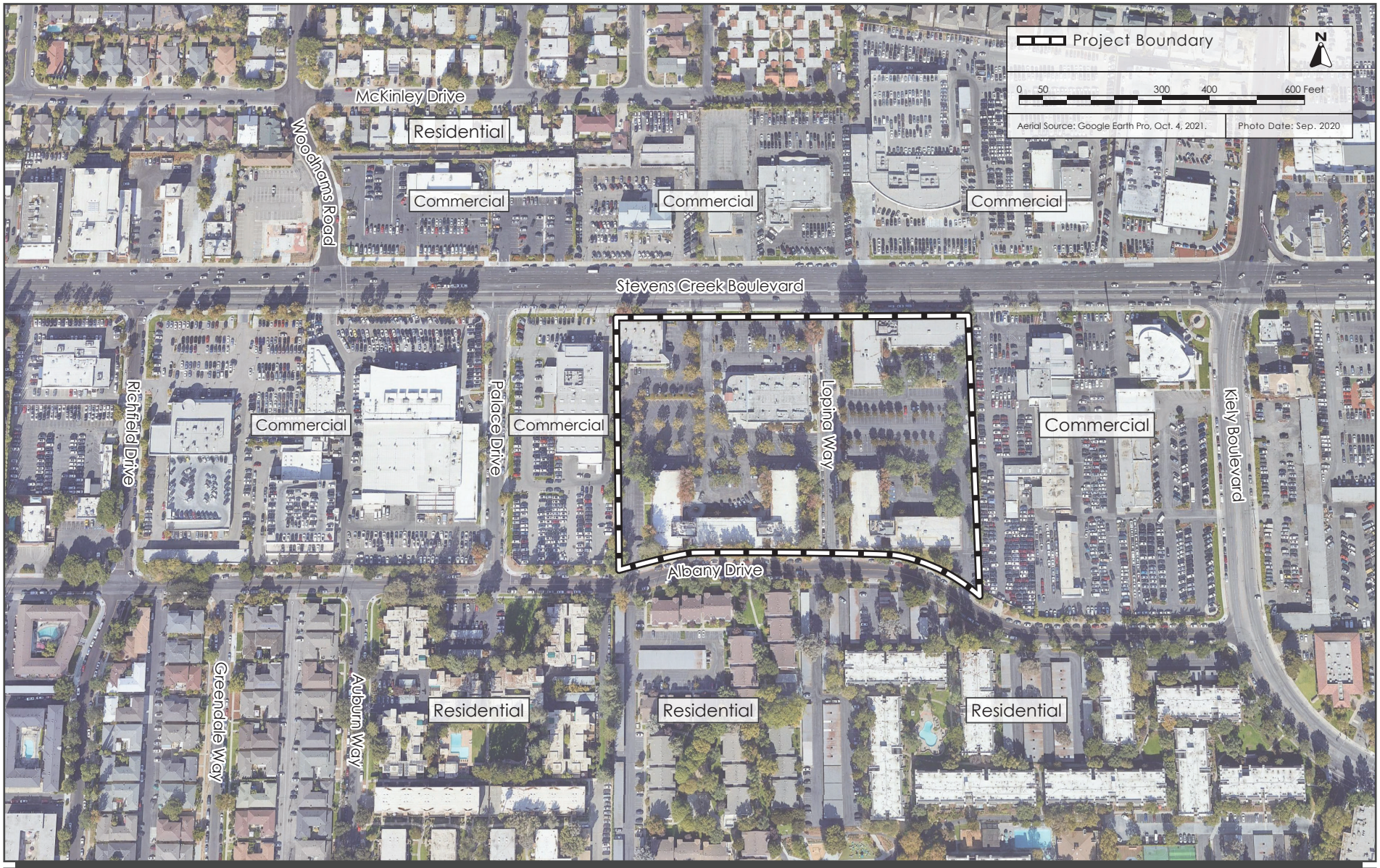


REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 APPROVED PROJECT

The approved project (approved February 26, 2019, File Nos. PDC16-036 and PD17-014) allows for the demolition of all five existing buildings on-site (comprised of a group of three two-story and one one-story office buildings, and a one-story commercial building), existing surface parking lots, ancillary structures, relocation of utilities and public street (Lopina Way), removal of all trees and other landscaping; and development of approximately 315,000 square feet of office/commercial space (including 15,000 to 22,000 square feet of ground-floor retail) and up to 582 residential units with a six-story office/commercial building (Building A) and two eight-story residential buildings (Building C and Building D), one with up to 15,000 square feet of ground floor retail. A six-level parking garage (Building B) is also included as described below.

The 582 residential units would be located on the west side of the project site. The project site would have a density of 110 dwelling units per acre (du/ac). At least 15 percent of the proposed residential units would be affordable (i.e., below market rate). On the east side of the site, an approximately 233,000 to 300,000 square foot office building and a six-level parking garage was proposed.

Building A, located along Stevens Creek Boulevard at the northeast corner of the site, would have a maximum height of approximately 91 feet to the parapet and 100 feet to the top of the mechanical screening. Of the 233,000 to 300,000 square feet of office space, up to 7,000 square feet could be optional retail space.

Residential parking would be provided on-site within parking garages in both Building C and Building D. The garages would be located within the centers of the buildings, wrapped by the residential units. Building C would have eight levels of above-grade parking and two levels of below-grade parking, with approximately 375 parking spaces for residences and 50 parking spaces for retail. Building D would have eight levels of above-grade parking and one level of below-grade parking, with approximately 382 residential parking spaces.

The parking structure, Building B, would serve the proposed office and retail uses, and would be located along Albany Drive at the southeast corner of the site. The parking structure would have five levels of above-grade parking and one level of below-grade parking. The structure would have a maximum height of 42 feet (60 feet to the top of the elevator enclosure) and approximately 858 parking stalls.

The existing driveways on Stevens Creek Boulevard would be removed and replaced with driveways at the northwest and northeast corners of the project site along Stevens Creek Boulevard. In addition, the approved project also proposed two new driveways along Albany Drive that would provide access to the Building B (from Lopina Way) and Building D.

Building C, located along Stevens Creek Boulevard at the northwest corner of the site, would have up to 289 residential units and up to approximately 10,000 to 15,000 square feet of ground floor retail. Building C would be up to approximately 95 feet tall.

Building D, located along Albany Drive at the southwest corner of the site, would have up to 293 residential units. The building would be approximately 84 to 95 feet tall to the rooftop along the north façade, stepping down to between 21.5 and 52 feet tall along Albany Drive.

The previously approved project would vacate the existing Lopina Way and relocate it to the eastern property line. The existing Lopina Way area would be replaced with an approximately 1.4-acre landscaped promenade which would operate as privately owned, publicly accessible open space.

3.2 PROPOSED MODIFIED PROJECT

Since approval of the original project in February 26, 2019, the applicant proposes modifications to the project, which are outlined below.

The modified project proposes to demolish the three two-story office buildings, retain the one-story office building and one-story commercial building (4360 and 4400 Stevens Creek Boulevard), and develop three residential buildings with a total of 580 residential units and a 250-room hotel with 8,530 square feet of retail space. The modified project does not propose a new office building or a new stand-alone parking garage, as were approved for the original project. Two of the new residential buildings would provide 407 market rate units, and the third new residential building would provide 173 below market rate (BMR) units. Vehicle parking would be provided in a parking garage within each new building (described below), and 101 of existing surface parking spaces would remain adjacent to the buildings being retained. The project would provide a similarly sized open space area of approximately 1.4-acres. Figures 3.2-1 and 3.2-2 show the project design and building heights. The details of the buildings included in the proposed modified project are described below:

- Building A
    - Five floors and one level of podium parking, 77 feet and six inches in height
    - 173-unit Affordable (Residential Building 155,845 square feet, podium 43,270 square feet)
    - 87 parking spaces (9 EV stalls)
    - 44 bike parking spaces

- Building B
    - Five floors and two levels of podium parking, 89 feet and six inches in height
    - 191-unit Market Rate (Residential Building 200,715 square feet, podium 95,827 square feet)
    - 191 parking spaces provided (19 EV stalls)
    - 48 bike parking spaces

- Building C
    - Five floors and two levels of podium parking, 89 feet and six inches in height
    - 216-unit Market Rate (Residential Building 216,925 square feet, podium 107,940 sf)
    - 216 parking spaces provided (22 EV stalls)

- 54 bicycle parking spaces

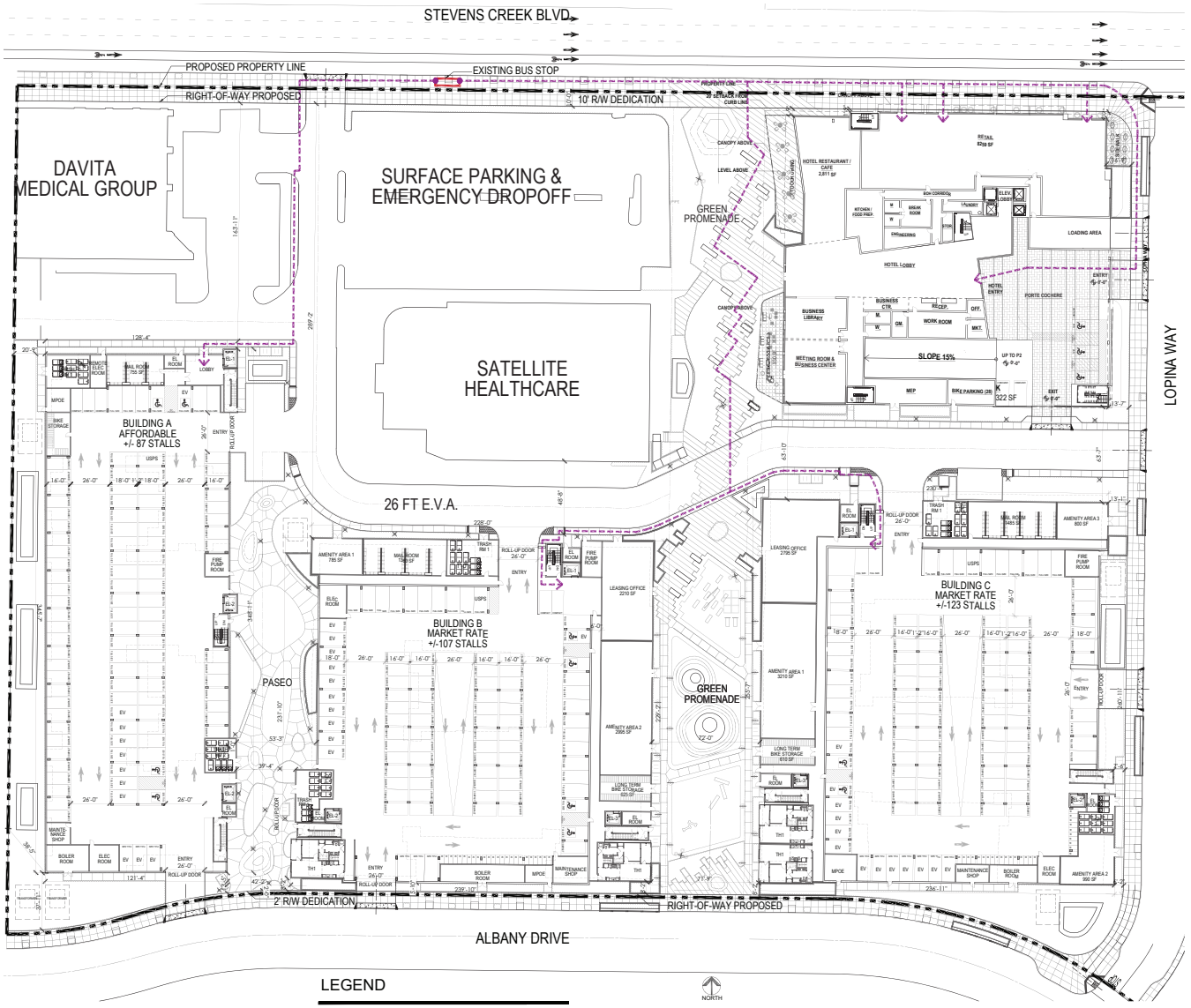
- Hotel
  - Five floors, a ground floor lobby, and two levels of podium parking, 85 feet in height
  - 250 Rooms
  - 8,530 square feet commercial area, 2,811 square feet of restaurant space, 155,242 square feet of hotel space
  - 210 parking spaces provided (17 EV stalls)

The proposed project would remove the "pork-chop" islands, eliminate the uncontrolled slip right-turn lanes, and tighten the corner radii at the southwest and northeast corners of the Kiely Boulevard and Stevens Creek Boulevard intersection. The traffic signal at the intersection would be updated in conjunction with the geometry improvements. Lopina way would be relocated to the east side of the project site, consistent with the approved project.

Table 3.2-1 below shows a comparison of the approved and proposed modified project.

Table 3.2-1: Comparison of Approved and Proposed Modified Project

Land Use	Approved Project	Proposed Modified Project
Buildings to be Demolished	5	3
Residential	582 total units	580 total units
Affordable Units	87	173
Market Rate Units	495	407
Office	233,000 to 300,000 square feet	0
Retail	15,000 to 22,000 square feet	10,846 square feet
Hotel	0	250 rooms
Parking Spaces	1,665	704
Maximum Building Height	100 feet	89.5 feet
Project Site Size	9.27 acres	9.07 acres
Open Space	1.4 acres	1.4 acres
Lopina Way Relocation	Yes	Yes
Days of Construction	550 days	664 days



Source: HMH, August 20, 2021.

SITE PLAN

FIGURE 3.2-1

BUILDING A

WEST ELEVATION

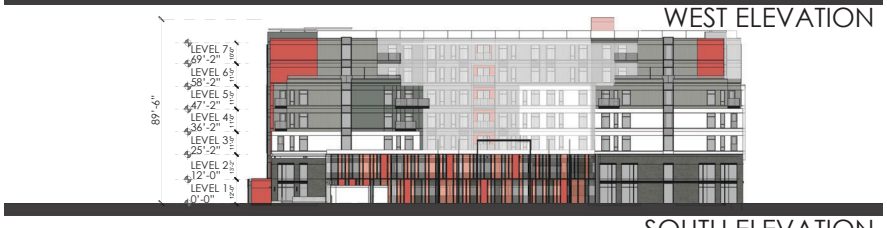
SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

BUILDING B

WEST ELEVATION



SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

BUILDING C

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

Source: HMH, August 20, 2021.

PROJECT ELEVATION, BUILDINGS A-C

FIGURE 3.2-2

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

The discussion below describes the environmental impacts of the proposed modified project compared to the impacts of the approved 4300 Stevens Creek Boulevard Mixed-Use Project. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR. This Addendum only addresses those resource areas which could potentially have new impacts or impacts of greater severity (specific to the project site) than were addressed in the FEIR. Based on the project's consistency with the development assumptions and General Plan and zoning designations, the proposed modified project would have the same impacts as the approved project with regard to the following environmental issues as they relate to site conditions, such as ground disturbance during construction or the removal of trees, that would not vary depending on the ultimate use of the site:

- Agriculture and Forestry Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Mineral Resources

All relevant best management practices, Standard Permit Conditions, Conditions of Approval, and relevant aspects of Mitigation Measures identified in the approved 4300 Stevens Creek Boulevard Mixed-Use Project FEIR for these resource areas are incorporated by reference and would be required of the proposed modified project. For example, the proposed modified project would continue to be required to replace all trees proposed to be removed based on the latest tree replacement ratio established by the City, incorporate accidental cultural resources discovery conditions for earth moving activities, and complete additional soil sampling and enrollment in oversight agency as appropriate for residual agricultural soil contamination. Additionally, the modified project would incorporate consolidated mitigation measures derived from the approved mitigation measures. For example, mitigation measures (MM) AIR 1-1 included as part of the proposed modified project combines the relevant language from MM AIR 1-1, 1-2 and 1-3 of the approved project. However, no new or expanded mitigation measures have been proposed.

Compared to the approved project, the proposed modified project would reduce the height of the new structures on-site, replace the office building with a hotel, remove the originally-approved parking garage, and retain two structures on-site. This Addendum analyzes the impacts of the proposed modified project and consistency with the FEIR regarding the following environmental issues:

- Aesthetics
- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Since completion of the 2018 FEIR, the CEQA Guidelines were updated to include the resource areas of Tribal Cultural Resources and Wildfires. As a result, this Addendum also addresses those resource areas, which were not included in the original analysis.

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 EXISTING SETTING

The 9.07-acre project site is comprised of three parcels (APN #296-38-013, 296-380-14, 296-40-009) located between Stevens Creek Boulevard and Albany Drive. The site is bisected by Lopina Way. The project site is currently occupied by five commercial buildings totaling 105,980 square feet of floor area, and associated parking lots. There has been no development or other changes to the existing environmental setting since approval of the 4300 Stevens Creek Boulevard Mixed-Use Project in 2018.

4.2 AESTHETICS

The changes to the approved 2018 project relevant to aesthetics are the height, number, and massing of the proposed structures. The following analysis addresses the aesthetic impacts that would result from construction of the proposed modified project.

4.2.1 Findings of the Previously Certified FEIR

4.2.1.1 *Consistency with Plans and Policies*

The approved project was determined to be required to go through architectural review and comply with design standards established by the City. The approved project would not have visible parking structures from Stevens Creek Boulevard, and the residential parking structures would be completely enclosed within Buildings C and D. The office parking structure would be visible from Albany Drive, but there would be limited views from the nearby apartments due to existing street trees on the south side of Albany Drive that will remain, and proposed landscaping along the project street frontage. The FEIR concluded that the project would substantially increase open space, and that the proposed promenade would provide an attractive pedestrian environment that would support pedestrian movement through the site and from the residential area to Stevens Creek Boulevard. Additionally, the project would be visually compatible with the surrounding development. For these reasons, the FEIR concluded that the project would be consistent with General Plan Policies CD-1.1, CD-1.12, CD-1.17, CD-4.9, and CD-10.2 and the urban design policies and standards of the Stevens Creek Boulevard Urban Village Plan (Chapter 4).

4.2.1.2 *Visual and Aesthetics Impacts*

The proposed development on-site would be visible from Stevens Creek Boulevard, Albany Drive, Lopina Way (relocated), and the surrounding properties. The FEIR determined that, while there are intermittent views of the peaks of the Santa Cruz and Diablo Mountains from Stevens Creek Boulevard, the project area is relatively flat and prominent views, other than buildings, are limited. Additionally, there are no City, County, or state-designated scenic vistas, highways, or other scenic resources within the project area.

The approved project included demolition of all the existing buildings on-site and constructing two eight-story residential buildings, a six-story office building, and a five-level parking structure. The approved buildings on-site would range in height from 21.5 to 90 feet. The FEIR determined that the project may further block skyline views for a limited number of off-site residences, however, private views are not protected scenic resources under CEQA and it is not a significant environmental impact

for a structure to be visible in an existing urban setting. All new structures, by their existence, change the appearance of their location and immediate setting.

The FEIR also determined that, in compliance with the General Plan FEIR, the project would implement applicable policies and regulations (including the City's Design Guidelines) to avoid substantial degradation of the visual character of the City. As a result, the project would not degrade the visual character of the area, and would not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area.

4.2.1.3 *Light and Glare*

The FEIR concluded that the project would go through a design review process, prior to issuance of planning and building permits, and would be reviewed for consistency with the City's Design Guidelines, including guidelines on building lighting and materials. The General Plan FEIR concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare; however, implementation of the General Plan policies and existing regulations and adopted plans would avoid substantial light and glare impacts.

4.2.2 Impacts Resulting from Proposed Modified Project

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[1] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒	☐

[1] Public views are those that are experienced from publicly accessible vantage points.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Except as provided in Public Resources Code Section 21099, would the project:					
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐

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

As previously stated, the project area has minimal to no scenic views due to the existing built environment and no natural scenic resources, such as rock outcroppings, are present on-site or in the project area. The project area is developed with commercial and residential land uses ranging from one to two stories.

The proposed modified project would construct three, five-story residential buildings and a five-story hotel on the project site with a comparable height and massing to the approved project. Consistent with the approved project, the buildings would not obstruct views of scenic vistas or scenic resources. Additionally, the proposed modified project would not impact natural scenic resources because the site does not contain these resources. Therefore, the proposed modified project would not result in new or more significant impacts on scenic vistas than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed modified project is located 5.1 miles away from the nearest scenic highway, SR-9. Additionally, the proposed modified project would not result in damage to existing scenic resources because the project site does not contain these natural features. Therefore, the proposed modified project would not result in new or more significant impacts to scenic resources within a state scenic highway corridor than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) In non-urbanized areas, would the project 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?

As stated above, the proposed modified project would not include features conflicting with policies or zoning ordinances for the project site. Consistent with the approved project, the proposed modified project would implement applicable policies and regulations (including the City's Design Guidelines) to avoid substantial degradation of the visual character of the City. As a result, the project would not

degrade visual character of the area, and would not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area. The proposed modified project would not result in new or more significant impacts to visual quality or character compared to the approved project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Consistent with the approved project, the proposed modified project would go through a design review process, prior to issuance of planning and building permits, and would be reviewed for consistency with the City's Design Guidelines, including guidelines on building lighting and materials. The General Plan FEIR concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare; however, implementation of the General Plan policies and existing regulations and adopted plans would avoid substantial light and glare impacts. Therefore, the proposed modified project would not result in new or more severe impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3 AIR QUALITY

This section is based in part on the Air Quality Assessment prepared by Illingworth and Rodkin on May, 2022. This report is included as Appendix A of this document. The changes to the approved 2018 project relevant to air quality are the changes to the construction schedule, an increase in number of construction days, and trip generation compared to the approved project.

4.3.1 Findings of the Previously Certified EIR

4.3.1.1 *Consistency with Plans and Policies*

The approved project included transportation, energy, and natural and working lands measures and was consistent with the population projections in the 2017 Clean Air Plan (CAP). The project was also consistent with the City's General Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2017 CAP.

Additionally, the approved project included mitigation measures, Best Management Practices (BMPs), and Standard Permit Conditions to reduce and/or avoid significant emissions impacts. Therefore, the project was consistent with Policies MS-10.1, MS-10.2, MS-11.1, MS-13.1, and MS-13.2.

4.3.1.2 *Operational Impacts to Regional and Local Air Quality*

As shown in Table 4.3-1 below, the average operational emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust associated with the proposed project would not result in criteria pollutant emissions above the established thresholds.

Table 4.3-1 Operational Criteria Pollutant Emissions from the Approved Project

Description	ROG	NO_X	PM_{10}	$PM_{2.5}$
Annual Project Emissions (tons per year)	5.87	7.07	5.46	1.54
Existing Emissions (tons per year)	1.02	1.34	1.01	0.29
Total Net Project Emissions (tons per year)	4.85	5.73	4.445	1.25
BAAQMD Thresholds	**10**	**10**	**15**	**10**
Total Project Emissions (pounds per day)	26.6	31.4	24.4	6.8
BAAQMD Thresholds	**54**	**54**	**82**	**54**
Impact	No	No	No	No

4.3.1.3 *Construction Impacts – Criteria Pollutants*

Construction of the approved project would involve the demolition of five buildings and associated surface parking lots, excavation for the underground parking, site grading, trenching, paving, building construction, and architectural coating. The emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust associated with construction of the approved project were determined to not exceed the BAAQMD significance thresholds and, therefore, would not result in a significant impact from construction emissions.

Construction activities on-site were also determined to generate dust and other particulate matter that could temporarily impact nearby sensitive receptors. Sensitive receptors in the project vicinity were determined to be adversely affected by dust generated during construction activities, particularly $PM_{2.5}$ which is a known toxic air contaminant (TAC). The approved project included Standard Permit Conditions (listed below) consistent with BAAQMD dust control measures as a condition of project approval. With implementation of these measures, the approved project would not emit significant levels of criteria air pollutants or dust that would affect local and regional air quality or nearby off-site sensitive receptors.

Standard Permit Conditions

1. Water active construction areas at least twice daily or as often as needed to control dust and emissions.
2. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
3. 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 sweepers is prohibited.
4. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
5. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
6. Lay building pads as soon as possible after grading unless seeing or soil binders are used.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
9. 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 the California Code of Regulations). Provide clear signage for construction workers at all access points.
10. Maintain and properly tune construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
11. Post a publicly visible sign with the telephone number and a person to contact at the lead agency regarding dust complaints.

4.3.1.4 *Community Risk Impacts – Construction*

Construction of the approved project was determined to result in a temporary community risk impact from TACs in exceedance of BAAQMD thresholds. The approved project includes mitigation measures (listed below) to reduce exhaust emissions by five percent and dust emissions by 50 percent which would reduce the impacts from TACs to a less than significant impact. The proposed modified project would incorporate the mitigation measure below that includes all relevant aspects of the mitigation measures for air quality from the approved project.

MM AIR-1.1: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's designee. The plan shall be accompanied by a

letter signed by an qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for NO_x and PM (PM_{10} and $PM_{2.5}$).
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB verifiable diesel emission control devices that altogether achieve a 50 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment.
- Use of alternatively fueled or electric equipment may be used in combination with or in place of diesel- powered equipment to achieve the same percentage reduction in particulate matter exhaust.
- Use of electrical or non-diesel equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.

Alternatively, the project applicant could develop a plan that reduces on- and near-site construction diesel particulate matter emissions by a minimum of 50 percent or greater. The plan shall be reviewed and approved by the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

4.3.1.5 *Odors*

The approved project was determined to generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions would be noticeable from time to time by adjacent receptors; however, they would be localized and are not likely to affect people off-site. Therefore, it was determined that the approved project was would not result in long-term odors after construction.

4.3.2 Impacts Resulting from Proposed Modified Project

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒	☐

4.3.2.1 *Project Impacts*

Consistent with the FEIR, this analysis is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2017 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-2.

Table 4.3-2: Project-Level Significance Thresholds

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)

Table 4.3-2: Project-Level Significance Thresholds			
Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	
Note: μ/m^3 = micrograms per cubic meter.			

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

2017 Clean Air Plan

The proposed modified project would not conflict with the 2017 Clean Air Plan (CAP) because it was consistent with the adopted General Plan, is considered urban infill, and would be located near employment centers and near regional transit. Based on the construction and operational emissions calculated for the proposed project (see Tables 4.3-4 and 4.3-5 below) the proposed modified project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-2. Thus, the project is not required to incorporate the project-specific control measures listed in the 2017 CAP and included below in table 4.3-3. Furthermore, implementation of 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. Therefore, the proposed modified project would comply with the 2017 Clean Air Plan.

Table 4.3-3: Applicable Control Measures	
Transportation Measures	
TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The proposed modified project would include bicycle parking consistent with City standards. In addition, the project site has been designed to be pedestrian oriented with ground floor retail uses. The existing pedestrian facilities would provide future occupants with a safe connection between the project site and the surrounding land uses. Lopina Way would be vacated and replaced with a landscaped promenade, which would also provide existing residences to the south and future site occupants with a safe connection through the project site and to the surrounding land uses. The project is consistent with this measure.
TR13 - Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	The proposed modified project will comply with parking ordinances and restrictions provided by the City. Therefore, the proposed modified project would be consistent with this control measure.
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The proposed modified project would be constructed with energy efficient appliances and other energy saving features. Therefore, the proposed modified project would be consistent with this control measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional	The proposed modified project would be required to comply with the City's Green Building Ordinance and the most recent California Building Code which would increase building efficiency over standard construction. Currently, there is no specific proposals for cool roofs or cool paving, but the project would result in an overall increase in landscaping and reduction in surface parking on-site. Therefore, the proposed modified project is generally consistent with this control measure.

Table 4.3-3: Applicable Control Measures	
partners to target reducing emissions from specific types of buildings.	
Natural and Working Lands Measures	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.

Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator model (CalEEMod) Version 2020.4.0 was used to estimate annual emissions from construction activities. The proposed land uses of the project were input into CalEEMod, which included 580 dwelling units, 250 hotel rooms and 8,259 square feet entered as "Strip Mall" on 9.22 acres, and 725 parking spaces and 332,270 square feet entered as "Enclosed Parking with Elevator". The project also includes an open space area, and this space is captured in other land use modeling since these areas include some of their surrounding areas. The construction schedule assumes that construction would occur over a period of approximately 31 months, or 664 construction workdays, an increase of 114 days from the approved project. Table 4.3-4 shows the estimated daily air emissions from construction of the proposed project.

Table 4.3-4: Construction Emissions from the Project				
Description	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Construction Emissions Per Year (Tons)				
2023	0.47	3.34	0.17	0.13
2024	5.34	2.62	0.14	0.10
2025	0.30	0.96	0.06	0.04
Average Daily Construction Emissions Per Year (pounds/day)				
2023 (260 construction workdays)	3.64	25.68	1.34	1.03
2024 (262 construction workdays)	40.76	19.99	1.08	0.80
2025 (142 construction workdays)	4.28	13.47	0.79	0.51
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**
Source: Illingworth and Rodkin. Air Quality Assessment. May 2022.				

As shown above, construction period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds for any criteria pollutants during any construction year. The proposed modified project would implement required standard permit conditions established by the City of San José to control particulate matter on-site through best management practices.

During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures

recommended by BAAQMD and consistent with the approved project would reduce the air quality impacts associated with grading and new construction to a less than significant level.

With the implementation of Standard Permit Conditions, the proposed modified project would still result in a less than significant criteria pollutant impact during construction, consistent with the approved project.

Operational Period Emissions – Criteria Pollutants

Operational air emissions from the project would be generated primarily from vehicles driven by future residents, employees, and vendors.

CalEEMod was used to estimate emissions from operation of the proposed project assuming full build out. The earliest the project would be constructed and operational would be 2026. Any emissions associated with build out later than 2026 would be lower than the estimated emissions due to assumed efficiencies over time. To estimate emissions CalEEMod defaults for energy use were used in addition to project specific inputs including trip generation rates from the Local Transportation Analysis prepared for the proposed project (refer to Appendix C of this document), generator emissions, and water treatment facility operations. The existing land uses on the project site include a 136,800 square feet of general office buildings and 6.08 acres of surface parking lot.

Table 4.3-5: Operational Emissions for the Project

Description	ROG	NO_x	PM_{10}	$PM_{2.5}$
2026 Project Operational Emissions (tons/year)	5.41	1.26	2.41	0.63
Existing Uses (tons/year)	1.04	0.39	0.59	0.15
Net Annual Emissions (tons/year)	4.37	0.87	1.82	0.48
BAAQMD Thresholds (tons/year)	*10*	*10*	*15*	*10*
Threshold Exceeded?	**No**	**No**	**No**	**No**
2026 Project Operational Emissions (pounds/day)[1]	23.96	4.76	9.98	2.61
BAAQMD Thresholds (pounds/year)	54	54	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: Illingworth and Rodkin. Air Quality Assessment. May 2022.
Note: [1]Assumes 365-day operation.

Operational criteria pollutant emissions associated with the proposed project would not result in emissions above established BAAQMD thresholds (see Table 4.3-5 above).

Based on the CalEEMod determinations and with the mitigation incorporated from the approved project, the proposed modified project would result in less than significant criteria pollutant emissions impacts during construction and operational phases of the project. Therefore, the proposed modified project would not result in new or more significant impacts on air quality control plans. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

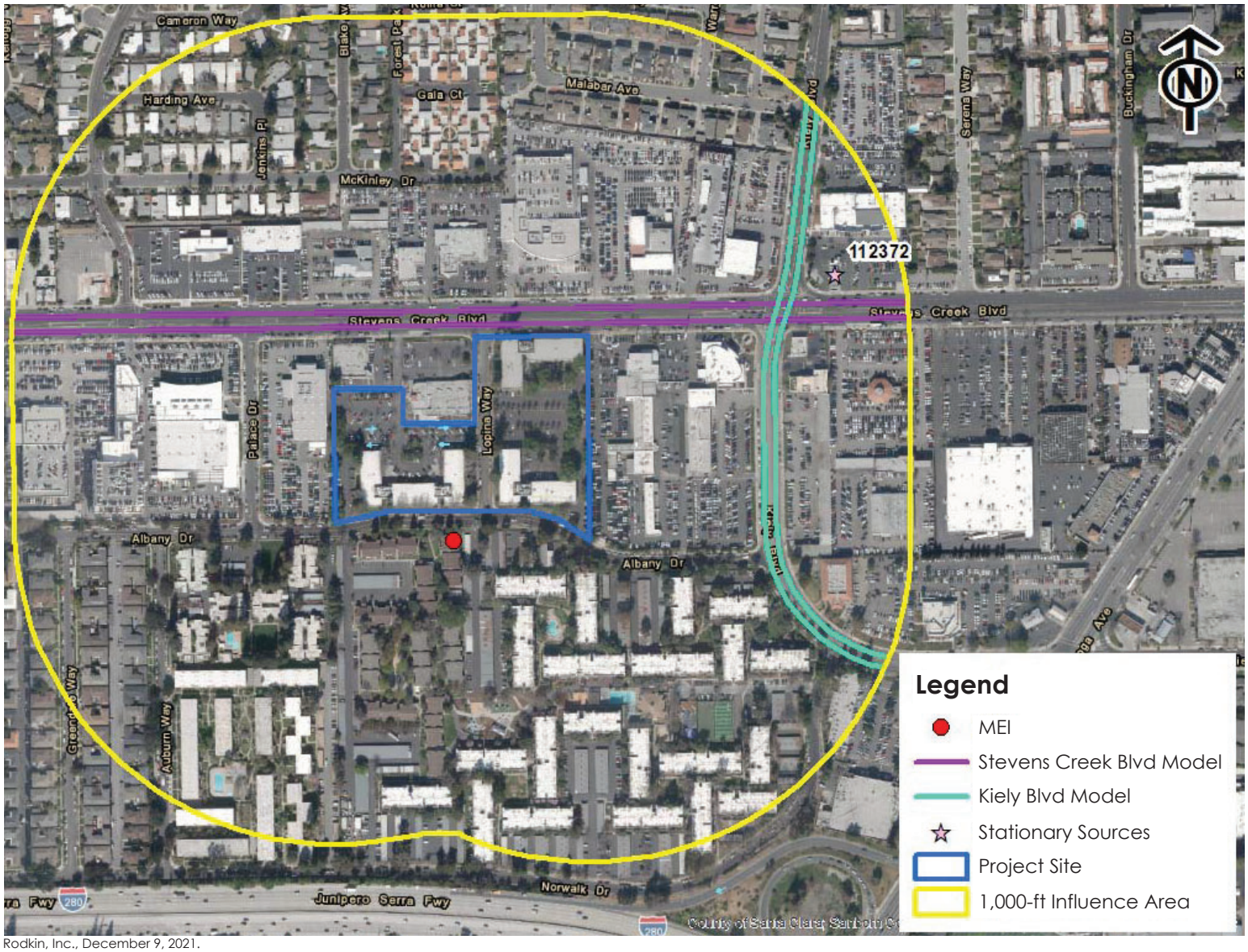
As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As discussed in a), operational criteria pollutant emissions associated with the proposed project would not result in emissions above established BAAQMD thresholds (see Table 4.3-5) and the project is part of the planned growth in the City of San José. The proposed project, by itself, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. Therefore, the proposed modified project would not result in a new or more significant impact compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Community Risk from Project Construction

Project construction would require the use of heavy-duty diesel trucks which are known sources of TACs. Construction emissions may pose a health risk for sensitive receptors near the project site including surrounding residents. Primary community risk impacts are cancer risk and exposure to $PM_{2.5}$. Based on the combined exhaust and fugitive dust emissions created by construction the cancer risk, $PM_{2.5}$ emissions and hazard index associated with the proposed modified project were calculated for the Maximally Exposed Individual (MEI), which was determined to be located on the first floor of the multi-family residence south of the project site across Albany Drive, see Figure 4.3-1. This is the same MEI as identified by the approved FEIR. The results of the construction emissions calculations can be seen in Table 4.3-6 below. Cancer risk is substantially lower than the approved project, which identified an unmitigated cancer risk of 49.4, due to technological advances and refining of parameters in health risk factors since 2018.



Source: Illingworth & Rodkin, Inc., December 9, 2021.

LOCATION OF PROJECT MEI AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 4.3-1

Table 4.3-6 Construction Risk Impacts at the Off-Site Project MEIs for Modified Project				
Source		**Cancer Risk (per million)**	**Annual PM2.5 (µg/m3)**	**Hazard Index**
Modified Project Construction	Unmitigated	**18.63 (infant)**	0.28	0.01
Approved Project Construction	Unmitigated	**49.4 (infant)**	0.26	0.04
BAAQMD Single-Source Threshold		**10**	**0.3**	**1.0**
Exceed Threshold?	Unmitigated	**Yes**	No	No
Source: Illingworth and Rodkin. Air Quality Assessment. May 2022.				

Construction of the proposed modified project would exceed the cancer risk thresholds for the MEI.

Impact AIR-2 The proposed modified project would create construction emissions resulting in the exceedance of BAAQMD cancer risk thresholds for the MEI, similar to the proposed project.

The proposed modified project would implement standard permit conditions and mitigation measure MM-AIR-1.1 equitable to mitigation from the approved project. With implementation of these conditions and the mitigation measure, the cancer risk would be reduced by 86 percent to 2.51 cases per million. Therefore, the proposed modified project would result in a less than significant impact consistent with the approved project.

Community Risk from Operations

TACs associated with project operations would emit from stationary equipment on-site such as emergency generators or longer terms emissions from traffic. The proposed project does not include stationary sources and would contribute primarily light-duty traffic to the local roadway system which are considered low impact sources of TACs. Therefore, the proposed modified project would not result in new or more significant impacts from operational TACs than the approved project.

Cumulative Health Risks on Off-Site Receptors

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, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD.

Based on a review of BAAQMD's stationary source map website and the traffic information provided by the traffic consultant, one existing stationary source of TACs and two roadways that would exceed 10,000 vehicles per day were found (Stevens Creek Boulevard and Kiely Boulevard). Other nearby streets are assumed to have less than 10,000 vehicles per day. Figure 4.3-1 shows the location of the existing TAC sources affecting the MEI. The cumulative community risk impacts from these sources upon the MEI are shown in Table 4.3-7.

Table 4.3-7 Cumulative Community Risk Impacts at Off-site MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Construction Mitigated	2.88 (infant)	0.11	0.01
Stevens Creek Blvd, ADT 25,568	0.50	0.05	<0.01
Kiely Blvd, ADT 14,794	0.07	<0.01	<0.01
Stevens Creek Union (Facility ID # 112372, Gas Station), MEI at +1,000 feet	0.28	--	<0.01
Combined Sources	3.73	<0.17	<0.04
BAAQMD Cumulative Source Threshold	**100**	**0.8**	**10.0**
Exceed Threshold?	No	No	No
Source: Illingworth and Rodkin. Air Quality Assessment. May 2022.			

As seen in the table above, the cumulative impacts of the proposed modified project would not exceed the cumulative source threshold established by BAAQMD. Additionally, the proposed modified project would be required to implement MM-AIR 1.1 and which would further reduce the cancer risk and annual $PM_{2.5}$ for the proposed modified project. Therefore, the proposed modified project would result in a less than significant cumulative health risk impact and would not result in new or more significant health risk impacts compared to the approved project.

Through implementation of MM-AIR-1.1 the proposed project would reduce TAC emissions to a less than significant level; therefore, the proposed modified project would result in a level similar to the approved project with mitigation. Additionally, the proposed modified project would not result in significant operational TACs and would not contribute to significant cumulative TAC impacts. Therefore, the proposed modified project would not result in new or more severe TAC impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The proposed project would construct residential buildings and a hotel which would result in some odors associated with waste disposal which already exist on-site. Therefore, the proposed project would not result in new or more significant odor impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD),* effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policy MS-11.1 which addresses existing air quality conditions affecting a proposed project.

Community Health Risk on Project Residents

BAAQMD's recommended thresholds for health risks and hazards, shown in Table 4.3-2, were used to evaluate on-site exposure for new residents. A health risk assessment was completed to determine the impacts existing TAC sources would have on the new proposed sensitive receptors (residents) that that project would introduce. The same TAC sources identified above were used in this health risk assessment. The primary sources of TACs affecting the project site were Stevens Creek Boulevard and Kiely Boulevard, which both have over 10,000 average daily trips, and the gas station located within 700 feet of the project site. These are the same TAC sources which were identified for the approved project analysis.

The highest impacts from Stevens Creek Boulevard occurred at the second-floor receptor of the unit in the northeast corner of Building A, nearest to the roadway. The highest impacts from Kiely Boulevard occurred at the third-floor receptor of the unit in the northeast corner of Building C, closest to the roadway. Cancer risks associated with the roadways are greatest nearest to the respective roadways and decrease with distance from the roads. The roadways' community risk impacts at the project site are shown in Table 4.3-8.

Table 4.3-8 Impacts from Combined Sources to Project Site Receptors

Source	Cancer Risk (per million)	Annual PM2.5 (µg/m3)	Hazard Index
Stevens Creek Blvd, ADT 26,306	1.38	0.15	<0.01
Kiely Blvd, ADT 15,221	0.23	0.02	<0.01
Stevens Creek Union (Facility ID # 112372, Gas Station), Project Site at 700 feet	0.50	--	<0.01
BAAQMD Single-Source Threshold	**10**	**0.3**	**1.0**
Exceed Threshold?	No	No	No
Cumulative Total	2.11	0.17	<0.03
BAAQMD Cumulative Source Threshold	**100**	**0.8**	**10.0**
Exceed Threshold?	No	No	No

Source: Illingworth and Rodkin. Air Quality Assessment. May 2022.

The proposed modified project would not exceed the BAAQMD single source or cumulative thresholds for on-site receptors. Therefore, just as with the approved project, the proposed modified project would be consistent with Policy MS-11.1.

4.4 ENERGY

The changes to the 2018 approved project relevant to energy are related to the change in land uses proposed for the site compared to the approved project, i.e. replacement of office uses with hotel uses.

4.4.1 Findings of the Previously Certified EIR

4.4.1.1 *Estimated Energy Use of the Approved Project*

The construction phase of the approved project would require energy for the manufacture and transportation of building materials, preparation of the site for demolition and grading, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. Implementation of the proposed development would consume energy (in the form of electricity and natural gas) primarily from building heating and cooling, lighting, and water heating. Table 4.4-1 below summarizes the estimated energy use of the proposed project.

Table 4.4-1 Estimated Annual Energy Use of Approved Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
300,000 square feet of general office building	3,744,000	5,799,000
582 mid-rise apartments	2,457,200	5,081,110
10,000 square feet of strip mall	104,800	46,000
2,043 parking stalls in enclosed structure	4,633,520	0
Total	**10,939,520**	**10,926,110**

Source: Illingworth & Rodkin, Inc. 4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment. February 24, 2018.
Note: CalEEMod does not have "commercial/retail" land use, so the energy demand factors for "strip mall" was used.

The approved project was also determined to result in an increase of 5,222 net new daily trips resulting in an annual VMT for the project of approximately 14,366,413. Using the U.S. EPA fuel economy estimates (for 2015, the estimated average fuel economy of 22.0 mpg, the approved development would result in the consumption of approximately 653,019 gallons of gasoline per year.

Table 4.4-2 summarizes the difference in energy use between existing on-site structures and the approved project.

Table 4.4-2 Estimated Annual Energy Use of Existing and Approved Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline (gallons)
Existing Development	2,034,240	3,150,790	121,108
Approved Project	10,939,520	10,926,110	653,019
Increase	**8,905,280**	**7,775,320**	**531,911**

Source: Illingworth & Rodkin, Inc. 4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment. February 24, 2018.

The energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project.

The approved project was determined to increase annual electricity use by approximately 8,905,280 kWh and would not result in a substantial increase in demand on electrical energy resources. In addition, the project would not result in a substantial increase in natural gas demand relative to projected supplies.

Implementation of the approved project would increase annual gasoline demand by approximately 531,911 gallons but would not result in a substantial increase on transportation-related energy uses.

4.4.1.2 *Energy Efficiency*

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs and the project include several measures to improve the efficiency of the construction process.

The approved project would have a less than significant energy impact.

4.4.1.3 *Distance Between Jobs and Housing*

The approved project would create jobs and place housing in an area where services, retail, and transit exist in the immediate vicinity. The approved project was determined to not substantially increase the distance between jobs and housing nor exacerbate the jobs/housing imbalance.

The approved project was required to provide approximately 217 bicycle parking spaces and is located near existing transit services which would help reduce vehicle trips to and from the site. Therefore, although the approved project was determined to increase the VMT associated at the project site compared to the existing condition, the approved project would not result in significant energy impacts.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	☐

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction

The proposed modified project would have similar construction energy requirements as the approved project and the overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed modified project would not result in new or more significant energy use during construction.

Operations

Operational energy use of the proposed modified project would change based on the difference in land uses. Table 4.4-3 below summarizes the estimated yearly energy consumption from project operations.

The approved project was determined to result in the consumption of approximately 10,939,520 kWh per year. Therefore, the proposed modified project would have a more than five million kWh decrease in annual energy consumption compared to the approved project. Additionally, per City of San José requirements the proposed modified project would not be constructed with natural gas connections, resulting in a 10 million kBtu decrease in gas consumption compared to the approved project.

Table 4.4-3 Estimated Annual Energy Use of Modified Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
250 Room Hotel	1,133,010	0
580 Mid-Rise Apartments	2,243,940	0
8,260 Square Foot Strip Mall (Retail Stand-in)	85,811	0
Parking Stalls in Enclosed Structure	1,807,550	0
Total	**5,270,311**	**0**

Source: Illingworth & Rodkin, Inc. 4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment. May 2022.
Note: CalEEMod does not have "commercial/retail" land use, so the energy demand factors for "strip mall" was used.

The proposed modified project would result in approximately 6,988,352 vehicle miles traveled per year. At the established gas efficiency of 22 miles per gallon under the approved project this would result in the consumption of 317,652 gallons of gasoline per year for transportation. Compared to the approved project, this would represent a decrease of approximately 335,367 gallons of gasoline. Therefore, the proposed modified project would not result in new or more severe impacts associated with the use of energy on site. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The project would be served by San José Clean Energy (SJCE) and would be built in accordance with CALGreen requirements, Title 24 of the City's Municipal Code, City of San José Council Policy 6-32, and the City's Green Building Ordinance. Implementation of the proposed project would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency. Therefore, the proposed modified project would not result in new or more significant impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.5 GREENHOUSE GAS EMISSIONS

The changes to the 2018 project relevant to greenhouse gas emissions (GHGs) would be changes to the number of trips to the project site compared to the approved project which would reduce the GHGs on the project site. In addition, since the certification of the 2018 approved project and FEIR, the City of San José adopted a new GHG Reduction Strategy (GHGRS) which addresses emissions reductions through 2030, whereas the approved project was assessed under the City's 2020 GHGRS. The GHGRS checklist is included in Appendix B of this document.

4.5.1 Findings of the Previously Certified EIR

4.5.1.1 *Consistency with Plans and Policies*

The approved project was found to be consistent with the General Plan (Policies CD-2.10, CD-2.11, CD-3.2, CD-5.1, LU-5.4, MS-2.3, MS-2.11, MS-14.4, TR-2.18, and TR-3.3) and the City's 2020 GHGRS because it would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and California Building Code (CBC) requirements. In addition, the approved project would provide bicycle parking consistent with San José requirements, and it is a mixed-use development within a designated urban village with pedestrian and bicycle connections through the site to nearby transit and services.

4.5.1.2 *Greenhouse Gas Emissions Impacts*

Construction

The approved project would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. At the time of preparation of the FEIR, neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions was found to be less than significant.

Operation

The approved project was estimated to be constructed and operational by January 1, 2021 and, as such, would have been less than significant based on the 2020 GHG thresholds and the City's GHGRS. Given the size of the project and the potential unforeseen delays in permitting or construction activities, however, the FEIR quantified GHG emissions based on the 2030 Substantial Progress efficiency metric due to the potential for the project to extend beyond January 1, 2021.

The GHG emissions for the project were calculated to be 2.96 Metric Tons of CO2 equivalent (MT CO2e)/service population/year and would be above the 2.6 MT CO2e/service population/year threshold. The approved project included mitigation measures in the form of a transportation demand management (TDM) plan.

Even with the mitigation, if operation of the proposed project were to start after January 1, 2021 the approved project would result in a significant and unavoidable GHG emissions impact consistent with the findings of the General Plan FEIR.

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☒
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☐	☒

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

Similar to the approved project, construction activities for the proposed modified project would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 31 months (664 construction workdays) and would not result in a permanent increase in emissions. The proposed project would not interfere with the implementation of SB 32.

Operational Emissions

The proposed modified project is consistent with the General Plan land use designation for the site and planned growth from build out of the Urban Village, would comply with the City's 2030 GHGRS (see discussion below) and would result in a less than significant GHG emissions impact.

The proposed modified project would result in less than significant construction GHG emissions and would be consistent with the 2030 GHGRS for operational impacts. Therefore, the proposed modified project would not result in new or more significant GHG emissions impacts than the approved project. **[Less Impact than Approved Project (Less than Significant Impact)]**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2030 Greenhouse Gas Reduction Strategy

As mentioned previously, projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2030. The proposed modified project is within the development capacity approved by the General Plan FEIR. While the project is within the development capacity approved for the Urban Village Plan, the project would comply with specific measures of the GHGRS. The proposed project is consistent with the Land Use/Transportation Diagram designation of the project site. The proposed project also incorporates all applicable measures of the GHGRS (refer to Appendix A), including installing clean energy power generation sources, excluding natural gas infrastructure, exceeding the City's construction & demolition waste diversion requirement, installing high-efficiency appliances/fixtures and water-sensitive landscaping.

More specifically, the project would achieve the city's Reach Code by excluding natural gas infrastructure and accommodating solar energy systems which support GHGR strategies #1-3 and would provide organic waste containers to comply with GHGR strategy #5. Additionally, the use of water efficient plumbing fixtures and drought tolerant landscaping supports GHGR strategy #7. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Climate Smart San José

Climate Smart San José, adopted by the City in 2018, is a community-wide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 4.4 Energy, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The proposed modified project is in a Planned Growth Area of the City which is well-served by transit. For these reasons, the proposed modified project is consistent with the City's climate action goals as set forth in Climate Smart San José.

The proposed modified project would not conflict with the 2030 GHGRS or Climate Smart San José, therefore, the proposed modified project would not result in new or more significant impacts compared to the approved project. **[Less Impact as Approved Project (Less than Significant Impact)]**

4.6 HYDROLOGY AND WATER QUALITY

The changes to the 2018 project relevant to hydrology and water quality are related to the amount of pervious and impervious surfaces on the project site compared to the approved project. The changes to pervious and impervious surfaces would alter the runoff on the project site and the requirements for stormwater management features throughout the site.

4.6.1 Findings of the Previously Certified EIR

4.6.1.1 *Consistency with Plans and Policies*

The approved project shall comply with all applicable federal, state, and local water quality and stormwater quality control standards and permits, as well as all regulations pertaining to flood zones. Therefore, the project would be consistent with FEMA regulations, the Federal CWA, the SWRCB NPDES programs for construction and post-construction, San José Council Policies 6-29 and 8-14, and General Plan Policies ER-8.1, ER-8.3, ER-8.5, EC-4.1, and EC-5.16.

4.6.1.2 *Water Quality Impacts*

Construction

Construction of the approved project would include demolition, excavation and grading activities on-site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the approved project would disturb more than the one acre of land, it would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities.

Pursuant to the City's requirements, the approved project included Standard Permit Conditions to reduce potential construction-related water quality impacts. The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on water quality. With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the approved project would have a less than significant impact on water quality.

Operations

Currently, approximately 85 percent (379,392 square feet) of the project site is comprised of impervious surfaces. Implementation of the approved project would reduce impervious surfaces on-site by approximately 10 percent (46,612 square feet). Because the project would replace more than 10,000 square feet of impervious surfaces, the project is required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit.

Other Hydrology and Water Quality Impact

The approved project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply, nor would it interfere with groundwater flow or impact the groundwater aquifer. The approved project would not substantially increase erosion or increase the rate or amount of

stormwater runoff, would not affect the project area in the event of a seiche or tsunami, would not cause mudflows that would impact adjacent properties, and would not expose people or structures to significant flood hazards.

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	☐
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 which would:	☐	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project: – impede or redirect flood flows?	☐	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	☐

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

Construction Impacts

Consistent with the approved project, the proposed modified project would disturb over an acre of soil area and would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities. The proposed modified project would also comply with Standard Permit Conditions related to water quality impacts.

Standard Permit Conditions:

Consistent with the General Plan, measures shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction 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 truck tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

- The project applicant 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.

Therefore, through compliance with the stormwater permit and Standard Permit Conditions, and preparation of the SWPPP, the proposed modified project would have a less than significant impact consistent with the approved project.

Operational Impacts

The project site is currently 85 percent impervious surfaces, and the proposed modified project would reduce this by approximately 8,773 square feet and replace over 10,000 square feet of impervious surfaces. Consistent with the approved project, the proposed modified project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit.

The proposed modified project would implement 29 Low Impact Design (LID) features and six non-LID measures for detention and treatment of stormwater on-site. These features would include flow-through planters with underdrains, bioretention basins, media filters, and other self-treating areas.

Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on water quality. Therefore, consistent with the approved project, implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed modified project would not contribute to new or more severe impacts from stormwater runoff. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed modified project would not require excavation on-site other than utility trenches and would place parking aboveground in podium structures within the buildings. Therefore, the proposed modified project would require less excavation and would have less potential to interfere with groundwater than the approved project. The proposed modified project would not result in new or more severe impacts related to the interference with groundwater flow or impacts to the groundwater aquifer. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Consistent with the approved project, the proposed modified project would provide stormwater management drainage features to channel stormwater into the existing stormwater drainage facilities. Additionally, these features would slow the introduction of the stormwater into the stormwater drainage systems by temporarily retaining it within the drainage features.

The proposed modified project would result in more impervious surface area on the project site compared to the approved project. The comparison of pervious and impervious surfaces on the project site, between existing conditions, the approved project, and the proposed modified project are shown in Table 4.6-1.

Table 4.6-1 Pervious and Impervious Surfaces On-Site

Site Surface	Existing	%	Approved Project	%	Proposed modified project	%	Difference[2]	%
Impervious								
Building Footprint	103,809	23	268,087	60	200,634	46	96,825	+23
Hardscape	275,583	62	64,693	15	169,985	14	-105,598	-48
Subtotal	379,392	85	332,780	75	370,619	85	-8,773	0
Pervious								
Pavement and Landscape	66,505	15	113,117	25	64,994	15	-1,511	0
Total	445,897	100	445,897	100	435,614	100		

Although the proposed modified project would increase impervious surfaces on-site compared to the approved project, the proposed modified project would decrease total impervious surfaces compared to the existing conditions. This would result in decreased runoff during storm events and would result in reduced flooding and demand on stormwater facilities serving the site. Therefore, the proposed modified project would result in further reduction of flooding and decreased runoff compared to the approved project and would not result in new or more significant impacts associated with site drainage or erosion of waterways. **[Same Impact as Approved Project (Less than Significant Impact)]**

[2] This column represents the difference between existing conditions and the modified project. The approved project is shown for comparison purposes only.

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

There are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. The project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. The proposed modified project would have the same impact with regards to seiches, tsunamis, and other flood events as the approved project.

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0228H, dated May 18, 2009), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard. There are no floodplain requirements for Zone D. The project site is also outside the inundation areas for Lexington Reservoir and Anderson Dam. Consistent with the findings of the approved project, the proposed project would have a less than significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Consistent with the approved project, the proposed modified project shall comply with all applicable federal, state, and local water quality and stormwater quality control standards and permits, as well as all regulations pertaining to flood zones. The proposed modified project and approved project would meet the same standards for water quality control, therefore, the proposed modified project would not result in new or more severe impacts resulting from conflicts with existing water quality control or sustainable groundwater management plans. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 LAND USE AND PLANNING

The changes to the 2018 project relevant to land use and planning are the inclusion of the hotel and removal of the office land uses on the project site in addition to the change in the number of residential units on-site.

4.7.1 Findings of the Previously Certified EIR

4.7.1.1 *Consistency with Plans and Policies*

The approved project was found consistent with the Urban Village Plan and that, as a Signature Project, was not subject to the requirements or guidelines in the Stevens Creek Urban Village Plan and is allowed under the General Plan. A rezoning to (CP) PD – Planned Development was approved consistent with the approved mixed-use project.

4.7.1.2 *Land Use Impacts*

The approved project was determined to be consistent with the General Plan. The General Plan FEIR (as amended) concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. The approved project complied with all applicable City policies, actions and ordinances. Therefore, the approved project had a less than significant land use compatibility impact on surrounding land uses.

The project site is located adjacent to a major transportation corridor and a residential neighborhood. The project would provide a transition between residential area and the commercial/retail centers and transit on Stevens Creek Boulevard, and the open space promenade would provide access for pedestrians and bicycles through the site. As a result, it was determined that the approved project would not physically divide an established community.

4.7.1.3 *Shade and Shadow Impacts*

The approved project was found to increase shading on the businesses to the east and west, and cast shadows on Stevens Creek Boulevard. Residences on the south side of Albany Drive would not be shaded because they are located south of the site. While the project would increase the amount of shade in the immediate project area, the approved project would not shade any public or private open space. Consistent with City policy and the CEQA Guidelines, since there is no adopted quantifiable threshold and shading would only increase for a limited number of hours per day in the winter months, the project would not result in significant shade or shadow impact.

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☒	☐

a) Would the project physically divide an established community?

The proposed modified project proposes a similar layout to the approved project. This includes the conversion of Lopina Way into an open space promenade. This would provide a transition between the residential area and the commercial/retail centers and transit on Stevens Creek Boulevard, and the open space promenade would provide access for pedestrians and bicycles through the site. Therefore, the proposed modified project would have no new or more severe impacts than the approved project. **[Same Impact as Approved Project (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?

The approved project was determined to be consistent with the General Plan with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. The proposed modified project is not subject to the Signature Project policy and is therefore subject to the Stevens Creek Urban Village Plan.

The Stevens Creek Urban Village Plan allows heights up to 120 feet for the project site. The proposed modified project would have buildings with a maximum height of 95 feet tall and would comply with the Urban Village Plan. The approved project rezoned the project site to (CP) PD – Planned Development zoning to allow for the design of the approved project. The proposed modified project would be compatible with the planned development zoning. Therefore, the proposed modified project would not result in new or more significant conflicts with existing land use regulations.

Consistent with the approved project, the proposed modified project would increase shading on the businesses to the east and west, and cast shadows on Stevens Creek Boulevard, but to a lesser degree since the two one-story buildings along the Stevens Creek Boulevard frontage would not be replaced

with taller buildings. While the project would increase the amount of shade in the immediate project area compared to existing conditions, the proposed project would not shade any public or private open space or create more shade than the approved project. Consistent with City policy and the CEQA Guidelines, since there is no adopted quantifiable threshold for shading outside of downtown, the project would not result in significant shade or shadow impact. Therefore, the proposed modified project would have no new or more severe impacts than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8 NOISE

The changes to the 2018 project relevant to noise are the extra 14 days added to the construction schedule and the number of trips generated by the project due to alternative proposed uses, i.e. replacement of office uses with hotel use. This would result in changes to the noise levels for construction and operations on the project site compared to the approved project. The information in this section is based in part on the Noise and Vibration Assessment prepared by Illingworth and Rodkin in December 2021, included in Appendix C.

4.8.1 Findings of Previously Certified EIR

4.8.1.1 *Consistency with Plans and Policies*

The approved project would implement identified noise control measures during all phases of construction. As a result, the project would be consistent with Policy EC-1.7. With implementation of the identified mitigation measures, the approved project would be consistent with vibration Policy EC-2.3 and operational noise Policies EC-1.1, EC-1.2, EC-1.3, and EC-1.6.

4.8.1.2 *Noise Impacts from the Project*

Mechanical Equipment

The approved project would have rooftop mechanical equipment including HVAC systems and elevator operating systems. The mechanical equipment on-site would be a minimum of 100 feet from the nearest residences. As a condition of project approval, conformance with Policy EC-1.6 and the Municipal Code must be demonstrated to the satisfaction of the Director of Planning, Building and Code Enforcement prior to issuance of occupancy permits to avoid operational noise impacts on adjacent residential land uses.

Parking Garage Noise

The approved project includes one free-standing parking structure (Building B), and parking structures within each of the residential buildings (Buildings C and D).

The surrounding land uses are currently exposed to parking lot noise from the site and the same types of noise would continue with the approved project. Existing ambient average noise levels along Albany Drive were determined to range from 61 to 67 dBA Leq, which exceeded San José's 55 dBA Leq residential threshold. The existing ambient average noise levels at the property to the west were determined to range from 65 to 70 dBA Leq and at the property to the east range from 61 to 66 dBA Leq, which exceeded San José's 60 dBA Leq commercial threshold. The existing ambient average noise levels along Stevens Creek Boulevard were determined range from 67 to 76 dBA Leq, which exceeded San Jose's 65 dBA Leq daytime commercial threshold. The parking structure would be shielded by solid walls, and the upper parking levels would be at higher elevations than the existing parking lot. These design features increase the distance between the parking structure noise and nearby receptors, as well as shield receptors from the parking garage noise. For these reasons, parking structure noise levels were determined to be less than the noise levels produced by the existing parking lots and would not exceed the City's noise thresholds for residential and commercial uses.

Project Generated Traffic Noise

The approved project's traffic was determined to not be of sufficient volume to double the amount of noise in the project area. The approved project was found to increase ambient noise levels by one dBA DNL or less at the nearest sensitive noise receptors. Future project traffic would, therefore, result in a less than significant noise impact. Development of the project site, as proposed, would also help to shield the residential neighborhood to the south and attenuate some traffic noise from Stevens Creek Boulevard.

4.8.1.3 *Construction Impacts*

Construction Noise

The construction of the approved project was determined to temporarily increase noise levels in the immediate vicinity of the project site, would be audible at the nearby residential buildings, and could pose a significant impact.

Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the approved project Standard Permit Conditions (included below) for all phases of construction. With implementation of these measures, as well as the General Plan and Municipal Code limits on allowable construction hours, and considering that construction is temporary, the impact was determined to be less than significant.

Standard Permit Condition:

1. Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
    - Pile Driving is prohibited.
    - Limit construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
    - Construct solid plywood fences around ground level construction sites adjacent to operational business, residences, or other noise-sensitive land uses.
    - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
    - Prohibit unnecessary idling of internal combustion engines.
    - Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" are compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Construction Vibration

Existing residential and commercial land uses are located approximately 25 feet to the west, 80 feet to the south, 60 feet to the west, and 180 feet to the north. There are no historic structures on or near the project site. At the nearest structures to the south, west, and north, vibration levels would be at or below 0.06 in/sec PPV and would not impact off-site structures.

The automotive dealership to the east of the site is approximately 25 feet from the project site and would be exposed to vibration levels of up to 0.21 in/sec PPV which exceed the City's threshold of 0.20 in/sec PPV.

The approved project incorporated mitigation measures (included below) to reduce vibration and monitor construction activities on-site. With these measures it was determined that the project would have a less than significant vibration impact on the adjacent automotive dealership. The proposed modified project would incorporate the mitigation measures below that include all relevant aspects of the mitigation measures for construction vibration from the approved project.

Mitigation Measures

MM-NOI-1.1 A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The plan shall be submitted to the Supervising Environmental Planner of City of San José Department of Planning, Building, and Code Enforcement for review and approval. The Plan shall address vibration impacts to adjacent structures. The plan shall include, but is not limited to:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to

produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.)

- Avoidance methodology to avoid and/or reduce impact to the adjacent property.

MM-NOI-1.2 Consistent with the approved project, the following measures are included in the proposed modified project to reduce vibration impacts from construction activities:

- Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building.
- 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.
- The above vibration plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee prior to issuance of a grading plan.

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
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?	☐	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
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?	☐	☐	☐	☒	☐

Noise Methodology

A noise monitoring survey was performed to quantify and characterize ambient noise levels at the site and in the project vicinity beginning on Wednesday, May 24, 2017 and concluding on Friday, May 26, 2017. The monitoring survey included four long-term noise measurements (LT-1 through LT-4) and five short-term noise measurements (ST-1 through ST-5). The noise environment at the site and at the nearby land uses results primarily from vehicular traffic along Stevens Creek Boulevard and other local streets, distant traffic on Interstate 280 (I-280), and the operation of equipment at the adjacent auto dealerships. General aviation aircraft also contribute to the noise environment.

The existing peak hour traffic volumes included in the traffic study completed for the proposed project in 2021 were compared to the existing peak hour traffic volumes from a prior version of the project from 2017. The 2021 existing peak hour volumes are calculated to result in noise levels within one dBA of the noise levels due to 2017 peak hour traffic volumes. Since the difference is less than one dBA, the monitoring survey completed in 2017 would adequately and conservatively represent the existing noise environment at the site in 2021.

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 noise from the proposed modified project would vary depending on the timing and duration of construction equipment use on-site and the distance of operation from sensitive receptors. The noise-sensitive residences to the south of the project site would have existing daytime ambient noise levels similar to the noise levels ranging from 61 to 73 dBA Leq. The commercial receptors to the east, to the west, and to the north of the project site would have existing daytime ambient noise levels averaging approximately 61 to 66 dBA Leq, 59 to 71 dBA Leq, and 67 to 76 dBA Leq, respectively. The proposed project does not include pile driving activities.

The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA Lmax at a distance of 50 feet (see Table 4.8-1) from the equipment. Table 4.8-2 shows the hourly average noise level ranges, by construction phase. Hourly average noise levels generated by construction are about 65 to 88 dBA Leq for mostly residential buildings, 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, with other objects shielding noise reducing it further.

Table 4.8-1 Construction Equipment 50-foot Noise Emissions

Equipment Category	L_{max} Level (dBA)	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor[3]	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous

Table 4.8-1 Construction Equipment 50-foot Noise Emissions		
Equipment Category	**L_{max} Level (dBA)**	**Impact/Continuous**
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Table 4.8-2 Estimated Construction Noise Levels at Nearby Land Uses				
Phase of Construction	**South Residential**	**East Commercial**	**West Commercial**	**North Commercial**
Demolition	75 dBA	69 dBA	68 dBA	68 dBA
Site Preparation	76 dBA	70 dBA	70 dBA	70 dBA
Grading/ Excavation	76 dBA	70 dBA	70 dBA	70 dBA
Trenching/Foundation	70-77 dBA	**64-71 dBA**	64-71 dBA	64-71 dBA
Building Exterior	74 dBA	68 dBA	68 dBA	68 dBA
Building Interior	62 dBA	56 dBA	56 dBA	56 dBA
Paving	75 dBA	69 dBA	69 dBA	69 dBA
Source: Illingworth and Rodkin. Noise and Vibration Assessment. December 9, 2021. Notes: Bolded Values exceed ambient noise levels by five dBA or more				

As shown in Table 4.8-2, ambient levels at the surrounding uses would likely be exceeded by five dBA or more at the eastern commercial property line during the overlapping period of grading/excavation phase and the trenching/foundation phase. Project construction is expected to last for a period of approximately 31 months. Since project construction would last for a period of more than one year and considering that the project site is within 500 feet of existing residential uses and within 200 feet of existing commercial uses, this construction impact would be considered significant in accordance with Policy EC-1.7 of the City's General Plan.

Consistent with the approved project and Policy EC-1.7 of the City's General Plan, the proposed modified project would be required to comply with the Standard Permit Conditions below to reduce construction noise disturbance.

This standard condition includes reasonable noise reduction measures that the City requires to be incorporated into the construction plan and implemented during all phases of construction activity. With the implementation of GP Policy EC-1.7, and Municipal Code requirements, the temporary construction noise impact would be reduced to a less than significant level. Therefore, the proposed modified project would not result in new or more significant impacts than the approved project.

Operational Noise

The proposed modified project traffic trips were analyzed in the noise report to determine if the trips generated would increase noise from roadways near the project site. The peak hour project trips were added to the existing traffic volumes to establish the existing plus project traffic scenario. By comparing the existing plus project traffic scenario to the existing scenario, it was determined that

the project's contribution to the overall noise level increase would not be measurable or detectable because the number of trips would decrease compared to the approved project conditions.

Multi-family residential buildings and hotels with ground-level commercial uses typically require various mechanical equipment to meet the ventilation needs of the buildings. The roof plans for each of the residential buildings include condensers and exhaust fans located throughout the development. The roof top of the hotel includes mechanical screening. While specific equipment is not identified on the roof of the hotel, similar condenser and exhaust fan equipment would be expected. Additionally, each building shows mechanical, electrical, and boiler rooms on the ground level, which would be located in the parking garages and shielded from the surrounding receptors.

Typical air conditioning condenser units for multi-level residential buildings range from about 56 to 66 dBA at a distance of three feet. These rooftop units would be clustered together in pairs, with units operating simultaneously at any given time. Assuming units would be operating continuously for a 24-hour period, the combined noise level would be up to 69 dBA at three feet. The project plans show the center of these units set back from the edges of the residential buildings facing receptors by a minimum of 30 feet and from the edge of the hotel by a minimum of 10 feet.

When operating at full speed, typical noise levels for exhaust fans at buildings of this size would be up to 76 dBA at a distance of five feet and up to 65 dBA at five feet when not operating at full speed; however, the fans in typical residential and hotel buildings would almost always run below full speed and generate noise levels even lower. Assuming above-standard conditions, the exhaust fans would operate at 35 percent speed continuously for a 24-hour period. When combined with the condenser units, worst-case noise levels for the rooftop equipment would be 68 dBA at five feet.

The setbacks of the equipment combined with the elevation of the roofs above the ground surface would provide partial shielding for all receptors, on and off site. Table 4.8-3 summarizes the distances to the nearest surrounding receptors and the estimated noise levels generated by the rooftop equipment at the property lines of the receptors.

Table 4.8-3 Estimated Operational Noise Levels for Rooftop Equipment

Source Location	Receptor	Distance from Edge of Building	Hourly L_{eq}, dBA	DNL, dBA	Noise Level Increase, dBA DNL
Building A	South Residences	70 feet	45	51	0
	West Commercial	35 feet	51	57	0
	On-Site Medical Building	55 feet	47	53	0
Building B	South Residences	55 feet	47	53	0
	On-Site Medical Building	50 feet	48	54	0
Building C	South Residences	55 feet	47	53	0
	East Commercial	55 feet	47	53	0
	On-Site Medical Building	70 feet	45	51	0

Hotel	East Commercial	55 feet	47	53	0
	On-Site Medical Building	80 feet	44	50	0
	North Commercial	135 feet	39	46	0
Source: Illingworth and Rodkin. Noise and Vibration Assessment. December 9, 2021.					

Hourly average noise levels and day-night average noise levels for all proposed buildings would not exceed the 55 dBA DNL at the property lines of the nearest residences or 60 dBA at the property lines of the nearest off-site commercial or at the building façade of the nearest on-site medical building. Additionally, the City of San José daytime and nighttime thresholds would not be exceeded at the property lines of the nearest commercial land uses located north of Stevens Creek Boulevard. For all receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable. Therefore, the proposed modified project would not result in new or more significant operational noise impacts during project operations.

The proposed modified project would create temporary noise impacts during construction which would be reduced through the use of Standard Permit Conditions set forth by the City of San José. Additionally, the proposed modified project would result in less than significant operational noise impacts. Therefore, the proposed modified project would not result in new or more significant construction or operational noise impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

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 commercial and medical buildings adjoining the project site to the west. Due to the close proximity of the buildings to the west of the project site (about 25 feet) and the on-site medical buildings (about 20 feet), the City's threshold could be exceeded when heavy objects are dropped near the boundary of the construction site or when vibratory rollers are used near the boundary of the construction site. Vibration levels of construction equipment planned for use under the proposed modified project are included in Table 4.8-4.

Table 4.8-4 Vibration Source Levels for Construction Equipment

Equipment		PPV (in/sec)				
		West Commercial Buildings (25ft)	**South Residential Buildings (80ft)**	**East Commercial Buildings (60ft)**	**North Commercial Buildings (180ft)**	**On-Site Medical Buildings (20ft)**
Clam shovel drop		**0.202**	0.056	0.077	0.023	**0.258**
Hydromill (slurry wall)	in soil	0.008	0.002	0.003	0.001	0.010
	in rock	0.017	0.005	0.006	0.002	0.022
Vibratory Roller		**0.210**	0.058	0.080	0.024	**0.268**

Hoe Ram	0.089	0.025	0.034	0.010	0.114
Large bulldozer	0.089	0.025	0.034	0.010	0.114
Caisson drilling	0.089	0.025	0.034	0.010	0.114
Loaded trucks	0.076	0.021	0.029	0.009	0.097
Jackhammer	0.035	0.010	0.013	0.004	0.045
Small bulldozer	0.003	0.001	0.001	0.0003	0.004
Source: Illingworth and Rodkin. Noise and Vibration Assessment. December 9, 2021.					

As seen above, the vibration impacts associated with construction of the proposed modified project would continue to result in exceedances of vibratory thresholds at the western commercial buildings and the on-site medical buildings. This is the same impact as disclosed in the EIR for the approved project.

Impact-NOI-1 The proposed modified project would result in a vibratory impact on commercial land uses to the west of the project site and the medical buildings on the project site.

The implementation of mitigation measure MM-NOI-1.1 and MM-NOI-1.2, included in the approved project, would continue to reduce the impact from construction vibration a less than significant level. Therefore, the proposed modified project would not result in new ore more significant impacts associated with construction vibration. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

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?

Norman Y. Mineta San José International Airport is a public-use airport located approximately 3.6 miles northeast of the project site. According to the City's new Airport Master Plan Environmental Impact Report, the project site lies outside the 60 dBA CNEL/DNL contour line. Therefore, the proposed modified project would not result in new or more significant noise impacts based on the location of the project site in relation to airport noise. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policy EC-1.1 that address existing noise conditions affecting a proposed project.

Compared to the approved project there would be no changes to the effects of off-site noise sources on the proposed project. Therefore, the project would continue to implement the following condition of approval to reduce impacts to interior noise environments of new residents.

Standard Permit Condition

- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower.

  Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, mechanical ventilation, etc. The specific determination of what noise insulation treatments are necessary shall be completed on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City for review and approval, along with the building plans and approved design, prior to issuance of a building permit.

Compliance with the identified conditions of approval would ensure that the project is consistent with Policy EC-1.1.

4.9 POPULATION AND HOUSING

The change to the 2018 project relevant to population and housing is the proposed reduction in housing units (582 units approved vs. 580 units proposed) compared to the approved project. This would result in a smaller number of residents generated by the project.

4.9.1 Findings of Previously Certified EIR

4.9.1.1 *Population and Housing Impacts*

The approved project was found to result in a net increase of approximately 510 jobs citywide and 582 new housing units. San José currently has a higher number of employed residents than jobs. While housing is included in the project, the increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City.

The project would develop land already planned for job growth in the General Plan. The site has not been developed with residential uses in the past; therefore, the approved development would not displace existing housing or people. Implementation of the proposed project was determined to have a less than significant impact on population and housing in San José.

4.9.2 Impact Discussion

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

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

The project site is within the Stevens Creek Urban Village, which allows for commercial uses in addition to mixed use residential with density of 65 dwelling units per acre. The proposed modified

project would include two fewer residential units than the approved project and a hotel on-site which would be consistent with the General Plan. The approved project determined that the design of the project would be consistent with the General Plan and would not contribute unplanned growth the project site. Therefore, the proposed modified project would not introduce growth above that already assumed in the General Plan and would not have a new or more severe impact than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The site is not occupied by existing housing; therefore, the proposed modified project would not impact existing housing resources or result in displacement of existing population. **[Same Impact as Approved Project (No Impact)]**

4.10 PUBLIC SERVICES

The change to the 2018 project relevant to public services is the proposed reduction in housing units (582 units approved vs. 580 units proposed) compared to the approved project. This would result in a smaller number of residents generated by the project.

4.10.1 Findings of Previously Certified EIR

4.10.1.1 *Public Services Impacts*

Police and Fire Protection Services

The General Plan FEIR (as amended) concluded that with the build out of the development predicted by the General Plan, additional fire staff and equipment may be required to adequately serve a larger population, but no new fire stations would be required other than those already planned. With regards to police services, the General Plan FEIR (as amended) concluded that the build out of the development predicted by the General Plan could require new police facilities, which would require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts.

The approved project proposed to redevelop the project site with residential, commercial, and office uses, consistent with the General Plan. Implementation of the approved project would intensify the use of the site and generate additional residents and workers in the area, which would incrementally increase the demand for fire and police protection services compared to existing conditions. The project, by itself, would not preclude the San José Fire Department (SJFD) and San José Police Department (SJPD) from meeting their service goals and would not require the construction of new or expanded fire or police facilities. Therefore, the approved project would not have a significant impact on fire and police protection services.

Schools

While the approved project would increase the number of school children attending public schools in the area, the increase was consistent with the increase identified in the General Plan FEIR (as amended) and would comply with state law regarding payment of school impact fees. For this reason, it was determined that the approved project would not result in a significant impact to local schools.

Parks

The approved project includes a 1.4-acre pedestrian promenade for the public and additional on-site recreational amenities for the residents. District 1 is currently underserved with regard to parkland and the project would provide public open space within walking distance of existing residential neighborhoods.

The General Plan FEIR (as amended) concluded that the City's Parkland Dedication Ordinance (PDO) would be satisfied through several ways including: dedication of land; payment of in-lieu fees; credit for qualifying recreational private recreational amenities (based upon project design); and/or credit for improvement costs to parkland or recreational facilities. Because the approved

project would comply with PDO requirements, it was determined that the project would not result in substantial adverse physical impacts to recreational facilities in San José.

Libraries

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

The approved project would generate approximately 1,665 new residents in the area, which would incrementally increase the demand for library facilities. The population growth resulting from the project was analyzed as part of the City's General Plan; therefore, it was determined that the project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals.

4.10.2 Impact Discussion

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

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

Consistent with the approved project, the proposed modified project would comply with the General Plan land use designation and would require approval from SJFD. The area is served by SJFD and according to the General Plan, planned growth would not require the construction of new or expanded fire facilities. Additionally, the proposed modified project would not introduce a larger number of residents to the project site than the approved project. Therefore, the proposed modified project would not result in new or more severe impacts on fire protection services compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

Consistent with the approved project, the proposed modified project would comply with the General Plan land use designation and would require approval from SJPD. The area is served by SJPD and according to the General Plan, planned growth would not require the construction of new or expanded police facilities. Additionally, the proposed modified project would not introduce more residents to the project site than the approved project. Therefore, the proposed modified project would not result in new or more severe impacts on fire protection services compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?

The most recent capacity and enrollment data for the schools that would serve the project site are listed in Table 4.10-1 below. The proposed modified project would construct two fewer units and have a slightly reduced resident population.

Based on an average student generation rate 0.33 students per unit in the Campbell Union School District (CUSD) and 0.09 students per units in the Fremont Union High School District (FUHSD), the proposed modified project is estimated to generate approximately 245[3][4] new students, compared

[3] Schoolhouse Services. Enrollment and Fiscal Impact Analysis for: The Hills At Vallco. Accessed: October 29, 2021. Available at: http://revitalizevallco.com/live/wp-content/uploads/2016/05/Enrollment-and-Fiscal-Impact-Analysis.pdf. The average student generation rate for apartments in the CUSD is 0.33 and the average student generation rate for apartments in the FUHSD is 0.09.
[4] Based on a residential unit count of 582 units.

to 245 students from the approved project. Therefore, there would be no increase in the number of students created by the proposed modified project. Additionally, the proposed modified project is part of planned growth in the City, and would not increase the numbers of students in the FUHSD and CUSD beyond what has been anticipated and analyzed within the General Plan FEIR.

Table 4.10-1 School Capacity and Enrollment		
School	**Capacity[5]**	**Enrollment**
Dwight D. Eisenhower Elementary School	754	556[6]
Warren E. Hyde Middle School	1,003	940[7]
Cupertino High School	2,268	2,278[8]

Consistent with the approved project, the proposed modified project would increase the number of school children attending the public schools in the area. The increase is consistent with the increase identified in the General Plan FEIR (as amended) and would comply with state law regarding payment of school impact fees. For this reason, the proposed modified project would not result in new or more severe impacts to local schools. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?

The proposed modified project would contribute approximately the same number of residents to the site because the number of residential units would remain relatively unchanged. The project includes a 1.4-acre pedestrian promenade for the public and additional on-site recreational amenities for the private residences. District 1 is currently underserved with regard to parkland and the proposed modified project would provide public open space within walking distance of existing residential neighborhoods.

The General Plan FEIR (as amended) concluded that the City's PDO would be satisfied through several ways including: dedication of land; payment of in-lieu fees; credit for qualifying recreational private recreational amenities (based upon project design); and/or credit for improvement costs to parkland or recreational facilities. Because the proposed modified project would comply with PDO requirements, the project would not result in new or more severe physical impacts to recreational facilities in San José compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[5] City of San José. 4300 Stevens Creek Boulevard Mixed Use Project. August 2018.
[6] Dwight D. Eisenhower Elementary School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694196046809/2019%E2%80%932020. Accessed October 29, 2021
[7] Hyde Middle School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694196047096/2019%E2%80%932020. Accessed October 29, 2021
[8] Cupertino High School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694684331799/2019%E2%80%932020. Accessed October 29, 2021.

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

Consistent with the approved project, the proposed modified project would contribute to increased demand for library facilities in the City. The proposed modified project would result in growth consistent with the General Plan population assumptions and was analyzed as part of the City's General Plan. The proposed modified project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals. The proposed modified project would not result in new or more severe impacts associated with operations of library facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.11 RECREATION

The change to the 2018 project relevant to recreational resources is the proposed reduction in housing units (582 units approved vs. 580 units proposed) compared to the approved project. This would result in a smaller number of residents generated by the project.

4.11.1 Findings of Previously Certified EIR

4.11.1.1 *Recreation Impacts*

The approved project included a 1.4-acre pedestrian promenade for the public and additional on-site recreational amenities for the residences. The General Plan FEIR (as amended) concluded that the City's PDO would be satisfied through several ways including: dedication of land; payment of in-lieu fees; credit for qualifying recreational private recreational amenities (based upon project design); and/or credit for improvement costs to parkland or recreational facilities. Because the approved project would comply with PDO requirements, it was determined that the project would not result in substantial adverse physical impacts to recreational facilities in San José.

4.11.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As stated in section 4.10-2 section d), the proposed modified project would include a 1.4-acre public open space area and would be required to pay fees proportional to the increase in residents on site. The approved project determined that the residential portion of the project would be required to

comply with the City's Parkland Dedication Ordinance (PDO - SJMC 14.25 PIO) or the Park Impact Ordinance (PIO - SJMC 19.38 - PDO). An executed Parkland Agreement that outlines how a project would comply with the PIO/PDO is required prior to the issuance of a Parcel Map or a Final Subdivision Map. The proposed modified project would also be required comply with these procedures and therefore, the project would not result in new or more severe impacts to existing park facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Besides the open space areas constructed as a part of the proposed modified project, the project would not result in the construction or expansion of recreational facilities that would result in impacts on the environment. Therefore, the proposed modified project would not result in new or more severe impacts from the construction or expansion of recreational facilities compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.12 TRANSPORTATION

The changes to the 2018 project relevant to transportation would be the trips generated by on-site residents and different land uses on the project site compared to the approved project. In addition, the metric by which transportation impacts are determined has changed since the original project was approved. Analysis of the approved project utilized level of service (LOS) pursuant to the City's transportation policy in effect at the time of Notice of Preparation (Policy 5-3). Consistent with the City's updated transportation policy (Policy 5-1) effective in February 2018, the proposed modified project has been analyzed using vehicle miles traveled (VMT). The Local Transportation Analysis (LTA) includes an operational assessment which addresses (LOS) and other non-CEQA transportation issues consistent with Policy 5-1. The information in this section is based in part on the LTA prepared by Hexagon Transportation Consultants in December 2021.

4.12.1 Findings of Previously Certified EIR

4.12.1.1 *Level of Service Impacts*

The FEIR determined that the four intersections near the project site would continue to operate at an unacceptable LOS during at least one peak-hour but the addition of project traffic would not result in a substantial increase in delay. As a result, implementation of the approved project would have a less than significant impact on all study intersections under existing plus project conditions.

In addition to these intersections, the increase in traffic at the San Tomas Expressway/Saratoga Avenue intersection was determined to result in a significant impact, based on the City of San José and City of Santa Clara impact criteria. The approved project would implement fair share payment of fees for local transportation projects, and as a result, would have a less than significant LOS impact under background plus project conditions.

4.12.1.2 *Existing Plus Project Freeway Segment Operations*

Analysis of the existing plus project freeway operations concluded that the approved project would increase traffic volumes by one percent or more on the HOV lanes of six freeway segments (listed below) previously identified as operating at LOS F in at least one direction during at least one of the peak hours of traffic under existing conditions. The project's contribution to the mixed-flow lanes would be less than one percent.

HOV Freeway Segments

- I-280 from De Anza Boulevard to Wolfe Road (PM Peak Hour)
- I-280 from Saratoga Avenue to Winchester Boulevard (PM Peak Hour)
- I-280 from Winchester Boulevard to I-880 (PM Peak Hour)
- I-280 from I-880 to Winchester Boulevard (AM Peak Hour)
- I-280 from Winchester Boulevard to Saratoga Avenue (AM Peak Hour)
- I-280 from Lawrence Expressway to Wolfe Road (AM Peak Hour)

Implementation of the approved project was determined to have a significant impact on six HOV freeway segments on I-280 and mitigation was proposed to reduce impacts.

Because it was not feasible for the project to bear the responsibility for implementing improvement provided in the mitigation, it was recommended that the project make a fair share contribution towards the VTA Voluntary Mitigation Program for the impact freeway segments. Due to the lack of freeway widening projects being developed by Caltrans or VTA, the impacts on the HOV freeway segments identified were significant and unavoidable.

4.12.1.3 *Pedestrian/Bicycle Facilities and Transit Operations*

The approved project would not result in unsafe conditions for pedestrians or bicyclists and would not preclude implementation of planned improvements.

Additionally, the approved project was determined to not alter existing transit facilities or conflict with the operation of existing or planned facilities. Therefore, it was determined that the approved project will have a less than significant impact on transit operations.

4.12.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒	☐

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Roadway Circulation

The proposed modified project was analyzed to determine if project generated traffic would affect the operations of roadways around the project site. The proposed modified project is said to create a level of service deficiency on traffic conditions if:

- The level of service at the intersection degrades from an acceptable level (LOS E or better) under no-project conditions to an unacceptable LOS E or F when project generated traffic is added, or
- The level of service at the intersection is an unacceptable level (LOS F) under no-project conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more.

New traffic counts were conducted for the proposed modified project and traffic conditions at study intersections were analyzed for delay and level of service impacts. The project trips added to the intersections already operating at unacceptable level of service would not contribute to adverse effects because the increase in delay would not conflict with existing service metrics established by the City of San José.

The proposed modified project would contribute trips to Interstate 280 and Winchester Boulevard, which are included in the Interstate 280/Winchester Boulevard Transportation Development Policy. Consistent with the approved project the proposed modified project would comply with the Transportation Development Policy which would reduce impacts associated with the increase in trips on these roadways.

Although the proposed modified project would result in changes to the operation of intersections near the project, the proposed modified project would not result in significant operational deficiencies. Therefore, consistent with the approved project, the proposed modified project would not conflict with a program plan or policy addressing roadway circulation.

Transit facilities

The proposed modified project would result in a similar number of occupants associated with the residential component of the project compared to the approved project. This would result in a similar demand for transit in the areas around the project site. Therefore, the proposed modified project would not result in new or more significant impacts from a conflict in transit programs.

Pedestrian and Bicycle Facilities

The proposed modified project would provide bicycle facilities and pedestrian improvements throughout the project site and would comply with the San Jose Better Bike Plan 2025 to provide adequate bicycle and pedestrian facilities in areas around the project site. Additionally, the proposed modified project would not affect the ability of the City of San José to provide pedestrian and bicycle

facilities near the project site as planned in the General Plan and other associated plans. Therefore, the proposed modified project would not result in new or more significant impacts to pedestrian or bicycle facilities near the project site.

The proposed modified project would not prevent the City of San José from carrying out programs or plans associated with circulation, transit, pedestrian, or bicycle facilities. Additionally, the proposed modified project would comply with the Urban Village and Grand Boulevard design features and policies regulating pedestrian and bicycle transportation facilities. Therefore, the proposed modified project would not result in new or more significant impacts resulting from conflicts with programs or policies addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The proposed modified project is located on two parcels, separated by the existing Lopina Way, and would have a BMR residential building on the west parcel and a hotel on the east parcel.

The City of San José's Transportation Analysis Handbook defines screening criteria for projects that are expected to have a less than significant VMT impact. Projects that may screen out include small infill projects, local-serving retail, and local-serving public facilities. The proposed residential development exceeds the VMT screening criteria and is analyzed below. The handbook does not provide screening criteria for hotels, so the traffic trips associated with the hotel were converted into an equivalent retail square footage. It was estimated that the trips generated by the hotel would be equivalent to a 23,324 square feet of retail space. Combined with the actual retail space proposed on-site, the total site would generate non-residential trips equivalent to 31,583 square feet of retail space. Based on the handbook, local service retail of less than 100,000 square feet would have a less than significant VMT impact. As a result, the hotel/retail component of the project would have a less than significant VMT impact.

As proposed, 10 percent of the residential units would be low-income units (five percent low income and five percent very low income). The project includes the removal of the two concrete "porkchops" located in the intersection of Kiely Boulevard and Stevens Creek Boulevard, in addition to the elimination of the uncontrolled right turn slip lanes which would improve the safety of pedestrians and encourage multimodal transportation options.

With the proposed roadway improvements noted above, the inclusion of affordable housing, and the mix of land uses on-site, the proposed modified project residential VMT was calculated to be 9.92 per capita. This is below the existing VMT for residential uses (11.22 per capita) in the project vicinity. Additionally, it is below the residential VMT threshold for the City of San José of 10.12 VMT per capita. Therefore, the VMT impact would be less than significant and would not result in new or more significant impacts than the approved project. **[Less Impact than Approved Project (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)?

Consistent with the approved project, the proposed modified project would be required to comply with San José design and safety guidelines for circulation on and around the project site. Parking would be limited in areas surrounding the driveways of the proposed modified project to provide adequate sight distance for vehicles exiting the project site, which would ensure safety. The relocation of Lopina Way would be conducted in compliance with safety regulations and would not result in new or more significant hazards than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project result in inadequate emergency access?

Consistent with the approved project, the proposed modified project would be required to comply with the requirements of emergency service providers and Municipal Code ordinances related to emergency access and setbacks. Therefore, the proposed modified project would not result in new or more severe impacts to emergency access for the project site. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.12.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is focused on vehicle miles traveled (VMT), in accordance with the City of San José Transportation Policy (Council Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1 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, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

4.12.3.1 *Trip Generation*

The approved project was determined to generate 5,222 net new daily trips, with 533 net trips (270 in and 263 out) occurring during the AM peak hour and 464 net trips (226 in and 238 out) occurring during the PM peak hour. The proposed modified project trip generation was estimated using the trip rates from the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition. The land uses used for the estimation included Mid-Rise Multi-family Housing, Business Hotel, and Strip Retail Plaza. A 13 percent reduction was applied to the uses on-site to reflect an Urban-Low Transit land use. An additional 12 percent reduction in trips was applied to residential trips for the project to account for the removal of the traffic control features at the intersection of Kiely Boulevard and Stevens Creek Boulevard for pedestrian transit improvements. The existing project site is occupied by office uses and this provides an additional trip credit reduction. After applying the trip reduction and existing trip credits, it is estimated that the proposed project would generate 2,480 new daily trips, including 208 new trips (29 inbound and 179 outbound) during the AM peak hour and 116 new trips (122 inbound and -6 outbound) during the PM peak hour, as seen in Table 4.12-1 below. This is a reduction of 2,742 net daily trips, 325 net AM peak hour trips, and 348 net PM peak hour trips from the approved project. The net new trips generated by the proposed modified project

would be approximately half the trips of the approved project, which was determined to result in 5,793 net new trips.

Table 4.12-1 Project Trip Generation									
ITE Land Use	**Size**	**Unit**	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
			Trips	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Land uses									
Apartment	580	DU	2,633	49	166	215	138	88	226
Residential/Retail Internal Capture			-14	-1	0	-1	-2	0	-2
Location-Based Non-Vehicle Mode Share			-340	-6	-22	-28	-18	-11	-29
Project-Specific Trip Reduction			-273	-5	-17	-22	-14	-9	-23
Subtotal Residential			*2,006*	*37*	*127*	*164*	*104*	*68*	*172*
Hotel	250	rooms	1,270	67	61	128	58	45	103
Location-Based Non-Vehicle Mode Share			-165	-9	-8	-17	-8	-5	-13
Subtotal Hotel			*1,105*	*58*	*53*	*111*	*50*	*40*	*90*
Retail	8,259	Sq ft.	450	11	8	19	27	27	54
Residential/Retail Internal Capture			-14	0	-1	-1	0	-2	-2
Location-Based Non-Vehicle Mode Share			-57	-1	-1	-2	-4	-3	-7
Pass By Reduction			-57	0	0	0	-7	-7	-14
Sub Total Retail			*322*	*10*	*6*	*16*	*16*	*15*	*31*
Total Gross Project Trips			*3,421*	*105*	*185*	*290*	*170*	*121*	*291*
Existing Land Uses									
Office	136,800	Sq ft.	-941	-76	-6	-82	-48	-127	-175
Net Modified Project Trips			**2,480**	**29**	**179**	**208**	**122**	**-6**	**116**
Net Approved Project Trips			**5,222**	**270**	**263**	**533**	**226**	**238**	**464**

4.12.3.2 *Queueing Analysis*

The proposed project would contribute additional trips to the intersections surrounding the project site compared to existing conditions. Below is a description of the increased vehicle queues at the two nearest affected intersections to the project site.

Northbound Saratoga Avenue left turn to westbound Kiely Boulevard (AM/ PM peak hours)

The provided vehicle storage capacity for the two northbound left-turn lanes on Saratoga Avenue to Kiely Boulevard is approximately 13 vehicles (325 feet) per lane. The vehicle queues for the northbound left-turn movement are approximately 16 vehicles per lane during the AM and PM peak hours under existing and background conditions, which exceed the storage length by three vehicles per lane. The addition of project traffic would lengthen the projected vehicle queues by one vehicle per lane, causing left-turn queues to exceed the storage length by four vehicles per lane.

Because the second left-turn lane continues from a through lane at the upstream intersection, it is likely that many drivers are familiar with the configuration and would not be in that lane to continue through the Saratoga Avenue and Kiely Boulevard intersection. There are two lanes to continue through the intersection and, therefore, through traffic would not be negatively affected by the addition of one vehicle to the current maximum queue.

Eastbound Stevens Creek Boulevard left turn to northbound Saratoga Avenue (PM peak hour)

The eastbound left-turn lane has a storage capacity of 13 vehicles (325 feet). The queuing analysis indicates that in the PM peak hour, the left-turn vehicle queue exceeds the vehicle storage capacity by one vehicle under existing and background conditions. The project trips would increase the maximum vehicle queue by one vehicle. Lengthening this turn pocket to accommodate the estimated maximum vehicle queue length is not a feasible option because of the median break provided for Buckingham Drive. There are three travel lanes provided for the eastbound through traffic on Stevens Creek Boulevard. Therefore, although the maximum left-turn queue would occasionally exceed the turn pocket storage, it would not interfere with the eastbound traffic flow.

4.12.3.3 *Freeway Segment and Ramp Analysis*

Traffic volumes on the study freeway segments with the project were estimated by adding project trips to the freeway segment volumes obtained from the 2018 CMP Annual Monitoring Report. The results of the freeway segment analysis show that the project trips would add less than one percent of capacity to freeway segments on I-280 in the project vicinity. Therefore, the project would not have an adverse effect on the traffic operations on nearby freeway segments.

Additionally, based on the Transportation Analysis prepared for the proposed modified project, the project would not worsen existing ramp operational deficiencies for freeway access on freeway ramps near the project site.

4.12.3.4 *Lopina Way Relocation*

The proposed modified project would continue to relocate the existing Lopina Way to the eastern project boundary with a new two-lane street extended between Stevens Creek Boulevard and Albany Drive. The existing Lopina Way runs through the project site which serves the commercial uses on the street and connects the residential uses to the south of the project site on Albany Drive to Stevens Creek Boulevard. It is expected that with the Lopina Way relocation, some of the existing through traffic would continue to use the new Lopina Way and some would divert to Palace Drive. The analysis evaluated traffic operations on Palace Drive at Albany Drive and Stevens Creek Boulevard intersections with the diverted traffic and traffic operations on the new Lopina Way at Albany Drive and Stevens Creek Boulevard intersections with the diverted and project traffic. Project traffic would not increase traffic on other nearby streets by more than 23 percent as a result of the relocation of Lopina Way.

The realignment of Lopina Way is recommended to be conducted with the following adjustments included in the approved project:

- The project should provide a westbound left-turn pocket with a length of at least 50 feet along Stevens Creek Boulevard at the new Lopina Way

- Red curbs should be painted next to Lopina Way on Stevens Creek Boulevard ensuring a minimum of 360 feet of clear sight distance from the street.
- The project should provide an all-way stop at Lopina Way and Albany Drive, as proposed.
- Street parking should be provided along both sides of the new Lopina Way.

4.12.3.5 *Parking*

Vehicle Parking

The development would require a total of 262 parking spaces in Building B, 304 spaces in Building C, and 293 spaces in the hotel/retail building (see Table 4.12-2), based on the City's Zoning Code (Table 20-190) off-street parking requirements and prior to applying any relevant parking reductions. Assembly Bill (AB) 744 states that, upon request of the developer, a city should not impose a vehicular parking ratio, inclusive of handicapped and guest parking, for 100 percent affordable housing developments located within one-half mile of a major transit stop that exceeds 0.5 spaces per bedroom. Thus, Building A's parking requirement would be reduced to 87 parking spaces.

A parking reduction can be granted for developments within an Urban Village that provide bicycle parking spaces per City requirements. For residential and hotel uses, a 20 percent reduction can be granted for the market-rate housing, and for ground floor commercial uses, a 50 percent reduction can be granted. With the Urban Village reduction, the project would be required to provide 209 spaces in Building B, 242 spaces in Building C, and 227 spaces in the hotel/retail building.

Table 4.12-2 Parking Reductions and Requirements

Building	Parking Rate	Percent Reduction[1]	Space Reduction[1]	Required Spaces
Building A				
All units	0.5/unit	-	-	87
Subtotal				87
Building B				
One Bedroom	1.25/unit	20%	36	142
Two Bedroom	1.7/unit	20%	16	64
Townhome	2.0/unit	20%	1	3
Subtotal				209
Building C				
Studio	1.25/unit	20%	9	34
One Bedroom	1.25/unit	20%	28	110
Two Bedroom	1.7/unit	20%	24	95
Townhome	2.0/unit	20%	1	3
Subtotal				242
Hotel Building				
Hotel	1/guest room	20%	50	200
	1/employee	20%	3	14
Retail	1/200 sqft.	50%	17	18
Subtotal				232
[1] The urban village reduction does not apply to affordable housing parking				

The project proposes 87 spaces in Building A, 191 spaces in Building B (18 fewer spaces than required), 216 spaces in Building C (26 fewer spaces than required), and 210 spaces in the Hotel/Retail building (22 fewer spaces than required). The project qualifies for a 50 percent reduction if it conforms to the required number of bicycle parking spaces and implements a TDM which would be modified from the TMD measure which was included in the approved project.

Bicycle Parking

The proposed modified project would require a total of 146 short term bicycle parking spaces. The proposed modified project would provide 146 short term bicycle parking spaces and would not meeting the parking requirement.

4.13 TRIBAL CULTURAL RESOURCES

4.13.1 Regulatory Framework

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, 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 mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic resources
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

4.13.2 Tribal Cultural Resources Impacts from the Proposed modified project

According to the analysis provided in Section 3.4 of the approved FEIR the project site is located near Saratoga Creek and within a generally sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

The approved project also did not receive requests from tribes for notification per regulations put forward by Assembly Bill 52. In the event that tribal cultural resources are discovered during construction the proposed modified project would implement the Standard Permit Conditions included in Section 3.4 of the approved document to reduce impacts associated with the disturbance of tribal cultural resources. Therefore, the proposed modified project would not result in new or more significant impacts related to tribal cultural resources **(New Less than Significant Impact)**

4.14 UTILITIES AND SERVICE SYSTEMS

The changes to the 2018 project relevant to utilities and service systems are the change in the number of residents on-site and different land uses on- site compared to the approved project. This would have a different demand for utilities on the project site.

4.14.1 Regulatory Framework

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert from the landfill at least 50 percent of solid waste generated beginning January 1, 2000.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Assembly Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;

- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

San José Zero Waste Strategic Plan/Climate Smart San José

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

4.14.2 Findings of Previously Certified EIR

4.14.2.1 *Water Supply Impacts*

Based on the Water Supply Assessment (WSA) prepared by the San Jose Water Company (SJWC), the approved project would result in a net increase in water use on-site of 242,000 gpd. This represents a 0.18 percent increase in overall citywide demand but the projected increase is consistent with the growth projections and future water demand assumed in the preparation and analysis of the

SJWC's Urban Water Management Plan (UWMP). The study determined that the approved project would not impede the City from providing sufficient water supplies including meeting projected demand during multiple dry water years. Therefore, the approved project would have a less than significant impact.

4.14.2.2 *Wastewater Capacity/Exceedance of Treatment Requirements*

The project site currently generates approximately 26,550 gpd of wastewater. The approved project would generate approximately 268,300 gpd of wastewater, a net increase of 241,750 gpd over current conditions. Full build out of the development predicted in the General Plan was determined to result in less than significant impacts on wastewater flow, therefore, it was determined that the approved project result in a less than significant impact on wastewater capacity.

4.14.2.3 *Drainage Facility Expansion*

Under existing conditions, approximately 379,392 square feet (85 percent) of the project site is covered with impervious surfaces. With implementation of the approved project, the amount of impervious surfaces on-site would decrease by approximately 46,612 square feet (10 percent).

The existing storm drainage system has sufficient capacity to convey runoff from the site under existing conditions. With the decrease in impervious surfaces, the overall volume of runoff entering the storm drainage system would also decrease. In addition, the stormwater treatment facilities would regulate the volume of water entering the system. As a result, the approved project would not cause stormwater runoff to exceed the available capacity of the system.

4.14.2.4 *Storm Drainage Impacts*

The approved project was required to comply with the City of San José's Post-Construction Urban Runoff Management Policy 6-29 and the RWQCB Municipal Regional NPDES permit. Based on the location and specifications of the approved project the project was classified as a Category C Special Project. As such, 10 percent of runoff can be treated by bioretention and 90 percent treated by mechanical filtration. With implementation of a Stormwater Control Plan that would be consistent with RWQCB requirements and in compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the approved project was determined to have a less than significant water quality impact.

4.14.2.5 *Landfill Capacity and Waste Regulation*

The approved project was determined to generate approximately 3,985 pounds of solid waste per day, a net increase of 3,170 pounds compared to the existing use. The project was found consistent with the General Plan and, therefore, would be consistent with the General Plan finding that solid waste disposal would have a less than significant impact on solid waste disposal capacity.

4.14.3 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Demand

The proposed modified project's estimated water demand is approximately 192,677 gallons of water per day[9] based on indoor and outdoor water consumption. This would be a lower water demand than the approved project, therefore, the proposed modified project would not create the need for new or expanded water facilities for the City of San José. A preliminary water demand was estimated to determine if a new water supply assessment was needed and because the modified project would result in lower water use land uses, the modified project would result in lower water demand.[10] Therefore, the modified project did not require an updated water supply assessment and the modified project would not result in new or more severe impacts than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Wastewater Generation

The proposed modified project would generate approximately 183,043 gallons of wastewater per day.[11] There is an existing 15" VCP and existing 18" VCP sewer main line along Stevens Creek Boulevard which may serve the project site. The proposed modified project would represent a decrease in wastewater generation compared to the approved project. The approved project was found to be consistent with General Plan estimates for wastewater production, therefore, the proposed modified project would not result in new or more severe impacts from the creation of new or expanded wastewater facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Stormwater

Based on the FEIR, the site is adequately served by existing stormwater drainage facilities around the project site. The proposed modified project would represent an increase in impervious surfaces compared to the approved project conditions but would still result in a decrease in impervious surfaces for the project site compared to existing conditions. Additionally, the proposed modified project would include the installation of LID and non-LID wastewater control measures throughout the project site to control the flow of stormwater into the existing stormwater system. There is an existing 30" RCP and 36" RCP storm drain main along the Stevens Creek Boulevard project frontage which may serve the project site. Therefore, the proposed modified project would not result in new or more severe impacts from the creation of new or expanded stormwater facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

[9] CalEEMod Water Use Generation Estimates. September 2016.
7,046,500 gallons per year – 250 Room Hotel
61,612,820 gallons per year – 580 Units Residences (Apartments Mid Rise) usage rate Indoor 65,154: gallons per year per unit Outdoor: 41,075 gallons per year per unit
1,668,075 gallons per year – 1.4 acres of Park Area Outdoor Water use rate: 1,191,481 gallons per acre per year
[10] Email Correspondence. Jake Walsh, San José Water Company. April 12, 2022.
[11] Based on a 95 percent wastewater production.

Solid Waste Production

The modified would result in approximately 404 tons per year (2,215 pounds per day) of solid waste generation based on proposed land uses.[12] This would be less than the waste production estimated for the approved project which was found to be consistent with the General Plan assumptions. Therefore, the proposed modified project would not result in new or more severe solid waste impacts resulting from a need for expanded facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The General Plan determined that growth under the plan would not result in exceedance of water supplies under normal, dry, and multiple dry years. Additionally, the WSA performed for the approved project determined that the approved project would not impede the City from providing sufficient water supplies including meeting projected demand during multiple dry water years. Therefore, since the proposed modified project would have a lower water demand than the approved project, the proposed modified project would not result in new or more severe impacts to the water supply. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As stated above, the proposed modified project would result in less wastewater production than the approved project and, therefore, there would not exceed wastewater capacity allocations for the City of San José at the treatment plant. The proposed modified project would be consistent with the findings of the approved project and consistent with the General Plan growth assumptions. Therefore, the proposed modified project would not result in new or more severe impacts on wastewater treatment commitments. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Consistent with the approved project, the proposed modified project would be consistent with the General Plan and would comply with the waste management regulations and construction debris disposal procedures requiring diversion of materials that can be recycled. Therefore, the proposed modified project would not result in new or more severe impacts which would impair the attainment of solid waste reduction goals. **[Same Impact as Approved Project (Less than Significant Impact)]**

[12] CalEEMod Waste Generation Rates. September 2016
137.5 tons per year - 0.55 tons/room/year x 250 units – 250 Room Hotel
266.8 tons per year - 0.46 tons/unit/year x 580 units – 580 Units Residences (Apartments Mid Rise)
0.126 tons pr year- 0.09 tons/acre/year x 1.4 acres – 1.4 acres of Park Area

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The proposed modified project would result in the production of approximately 2,215 pounds of solid waste from the residential buildings and hotel per day. This would represent a decrease of approximately 1,770 pounds per day compared to the approved project's waste generation. Therefore, the proposed modified project would result in a less than significant impact and would not represent an increase in impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15 WILDFIRE

There is no change to the 2018 approved project relative to wildfires, which were discussed as required in the hazardous materials section of the MND. In December 2018, the CEQA Checklist was revised to include new section which only addresses wildfires. The following is the full Wildfire analysis which addresses the current CEQA Checklist:

4.15.1 Wildfire Impacts Resulting from the Proposed modified project

4.15.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires.

FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the

construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

4.15.1.2 *Existing Conditions*

The project site is not located in an area identified as a Very High Fire Hazard Severity Zone by the Cal Fire, Fire Resource Assessment Program (FRAP) mapping service.

4.15.1.3 *Impact Discussion*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

4.16 MANDATORY FINDINGS OF SIGNIFICANCE

		New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
a)	Does 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?	☐	☐	☐	☒	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐

a) Does 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 Section 4.0, the effects of the proposed modified project on biological resources and cultural resources would be the same as the approved project as these resources have not changed and redevelopment of the site would have the same effects from construction, regardless of the

ultimate new uses on the site. The FEIR concluded that the approved project would have a less than significant impact on biological and cultural resources. As a result, the proposed modified project would also have a less than significant cumulative impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

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." The approved project included the Garden City Mixed-Use project in its cumulative analysis. The project was ultimately withdrawn, and a smaller project was approved on a portion of the Garden City site. Therefore, while the cumulative project list is different with regard to the Garden City Mixed-Use project, the approval of a smaller project in its place makes the cumulative discussion in the FEIR still valid.

Resource areas which would have the same impacts as the approved project (identified in Section 4.0) and not discussed in this Initial Study include agricultural and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, and wildfire. The FEIR concluded that the approved project would have a less than significant cumulative impact on these resource areas. Therefore, the proposed modified project would also have a less than significant cumulative impact.

The proposed modified project would result in temporary hydrology and water quality impacts during construction. With implementation of the identified Standard Permit Conditions, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because the identified impacts would be temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on water quality, consistent with the approved project.

The project is consistent with planned growth in the City and would not, by itself, result in significant emissions of criteria air pollutants or GHGs. Therefore, the project would not result in a cumulatively considerable impact.

As discussed in the impact sections above, the proposed modified project would not result in new or more significant impacts compared to the approved project. Impacts associated with construction air quality and noise would be mitigated to a less than significant impact. All other resource areas affected by the proposed modified project would result in less than significant impacts including aesthetics, energy, land use and planning, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems. Therefore, the cumulative impact of the proposed modified project would not change or increase in severity compared to the

approved project. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise.

As discussed above the proposed modified project would not result in significant impacts to resource areas which would be harmful for people near the project site. Therefore, the proposed modified project would not result in new or more significant impacts on human beings near the project site than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

CalEEMod Waste Generation Estimates. September 2016.

CalEEMod Water Use Generation Estimates. September 2016.

City of San José. 4300 Stevens Creek Boulevard Mixed Use Project. August 2018.

Cupertino High School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694684331799/2019%E2%80%932020. Accessed October 29, 2021.

Dwight D. Eisenhower Elementary School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694196046809/2019%E2%80%932020. Accessed October 29, 2021

Email Correspondence. Jake Walsh, San José Water Company. April 12, 2022.

Hexagon Transportation Consultants. Transportation Analysis. December 11, 2021.

Hyde Middle School Accountability Report Card. Available at: https://sarconline.org/public/summary/43694196047096/2019%E2%80%932020. Accessed October 29, 2021.

Illingworth & Rodkin, Inc. 4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment. February 24, 2018.

Illingworth and Rodkin. Air Quality Assessment. May 2022.

Illingworth and Rodkin. Noise and Vibration Assessment. December 9, 2021

Schoolhouse Services. Enrollment and Fiscal Impact Analysis for: The Hills At Vallco. Accessed: October 29, 2021. Available at: http://revitalizevallco.com/live/wp-content/uploads/2016/05/Enrollment-and-Fiscal-Impact-Analysis.pdf.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
David Keyon, Principal Planner
Cort Hitchens, Planner II

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Patrick Kallas, Associate Project Manager
Shannon George, Principal Project Manager

Hexagon Transportation Consultants
Transportation Technical Studies

Illingworth and Rodkin, Inc.
Air Quality and Noise Technical Studies