

## **ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127), AND ADDENDA THERETO**

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

**HA17-059-01 – Hotel Clariana Phase II Project.** Site Development Permit Amendment and Tentative Map to allow a mixed-use project, including construction of a seven-story, 41-unit residential condominium building in addition to the previously approved 63-room addition to the existing 44-room hotel. The project also includes reconfiguration of approved floor plans, surface parking and the construction of a below-grade parking garage, and reduced parking for the hotel and the residential building.

**Location:** Southeast corner of East Santa Clara Street and South 3rd Street, located in Downtown San Jose.

**Assessor's Parcel Number:** 467-23-102

**Council District:** 3

The environmental impacts of this project were addressed by the Downtown Strategy 2040 Final Environmental Impact Report, and addenda thereto, adopted by City Council Resolution No. 78942 on December 18, 2018.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

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

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

### **ANALYSIS**

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

The Downtown Strategy 2040 is an update and replacement of the Downtown Strategy 2000: San José Greater Downtown Strategy for Development (Downtown Strategy 2000) adopted by the City Council in 2005. The

new Downtown Strategy 2040 is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. The Downtown Strategy 2040 FEIR is a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of the Downtown Strategy 2040:

- 14.2 million square feet of office uses;
- 14,360 residential dwelling units;
- 1.4 million square feet of retail uses; and
- 3,600 hotel rooms.

The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. The project, as proposed, would construct an office building with 840,000 square feet of office space, 229,200 square feet of above-grade parking, and 282,800 square feet of below-grade parking. The type and intensity of development proposed is consistent with the anticipated development in the Downtown Strategy 2040 FEIR.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. The Initial Study/Addendum prepared for this project provides that subsequent project-level environmental review. Consistent with the updated Downtown Strategy 2040 FEIR, the modified project will implement all applicable conditions and mitigation measures such as air quality equipment restrictions, pre-construction raptor surveys, cultural resource monitoring during construction, and noise and vibration monitoring during construction.

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

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

Kara Hawkins  
Environmental Project Manager

Christopher Burton, Director  
Planning, Building and Code Enforcement

September 22, 2022

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Date

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Deputy

**ADDENDUM TO THE DOWNTOWN  
STRATEGY 2040 FINAL  
ENVIRONMENTAL IMPACT  
REPORT; AND ADDENDA  
THERE TO**

**September 2022**

**1.1 PURPOSE OF THE ADDENDUM**

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

The City of San José, as the Lead Agency, has prepared this Addendum for the Clariana Phase II Project in compliance with CEQA, the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations/policies of the City of San José, California.

**1.1.1 Background**

**1.1.1.1 *Downtown Strategy 2040***

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the downtown area. The Downtown Strategy 2040 is an update and replacement of the Strategy 2000: San José Greater Downtown Strategy for Development (Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy 2040 was necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to downtown capacity available now. The Downtown Strategy 2040 approved in 2018 had a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with downtown development. All other environmental impacts were evaluated at a program level.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review.

### **1.1.1.2      *Hotel Clariana Expansion Initial Study/Addendum and Clariana Phase II Addendum***

In March 2020, the Director of Planning, Building and Code Enforcement approved the addendum to the Downtown Strategy 2040 FEIR, and addenda thereto, File No. H17-059 (Hotel Clariana Expansion) in accordance with CEQA. After approval of the Hotel Clariana Expansion Initial Study/Addendum, changes were proposed in 2021 (Clariana Phase II project) which included 1) removal of the surface lot, 2) construction of new driveways and below-grade parking, and 3) construction of a new condominium building. Since approval of the Clariana Phase II project, additional changes to the project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified Clariana Phase II project (see Section 2.0 for a summary of the Hotel Clariana Expansion project and Clariana Phase II project).

### **1.1.2      Preparation of This Addendum**

The CEQA Guidelines Section 15162 states that when an EIR 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 as complete of the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of

the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred.

This Addendum tiers from the Clariana Phase II Addendum for the Hotel Clariana Expansion Project and the Downtown Strategy 2040 (where applicable).

## **SECTION 2.0 SUMMARY OF THE HOTEL CLARIANA EXPANSION PROJECT (FILE NO. H17-059) AND CLARIANA PHASE II PROJECT**

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### **Hotel Clariana Expansion**

The Hotel Clariana Expansion project would remove the existing surface parking lot and expand the existing Hotel Clariana. The expansion would include 60 additional guest rooms, three residential guest suites, a restaurant, and fitness space. The total square footage of the expansion would be approximately 46,290. The building addition would be approximately 69 feet tall (six-stories).

The Hotel Clariana Expansion project would develop an approximately 1,525-square foot restaurant, a 1,106-square foot pool and spa, and a 1,058-square foot fitness space on the ground floor. The restaurant would be located at the southwestern corner of the site. The pool and spa and fitness space would be located on the northeastern corner of the project site. The guest rooms would be on floors two to five and the three residential suites would be located on the sixth floor. The project would retain the existing driveways. The project would provide up to 38 parking spaces, consistent with the City's parking requirement, and seven bicycle spaces.

Construction of the hotel expansion was estimated to take 12 months.

### **Clariana Phase II Project**

The Clariana Phase II project would construct a seven-story building (up to 75 feet tall) with 36 condominium units on the southeastern portion of the site (where the surface parking lot for the hotel expansion was to be located), in addition to the previously approved hotel expansion. Because the entire parking area would be removed, most of the existing parking lot would be excavated to include a below-grade parking garage for both the hotel and condominiums. While the below-grade parking would be shared, the condominium building would not be physically connected to the existing hotel building or the approved hotel expansion.

A new two-way driveway would be constructed along South Third Street which would include an underground parking ramp down to the basement of the hotel extension and the condominium building. The basement would have a total of 42 spaces (31 spaces for the hotel and 11 spaces assigned for the condo residents). The ground level parking on the hotel side (that was part of the original project) would now be constructed as an open courtyard.

A two-way driveway along South Fourth Street would be located on the condominium side which would provide entry/exit for the condominium residents only. Additionally, a total of 18 parking spaces would be provided to the condominium residents at the ground level of the condominium building. The remaining floors would consist of condominium units. An interior courtyard is included on each floor along with a rooftop patio.

Construction of the condominium building and below-grade parking garage was estimated to take six months.

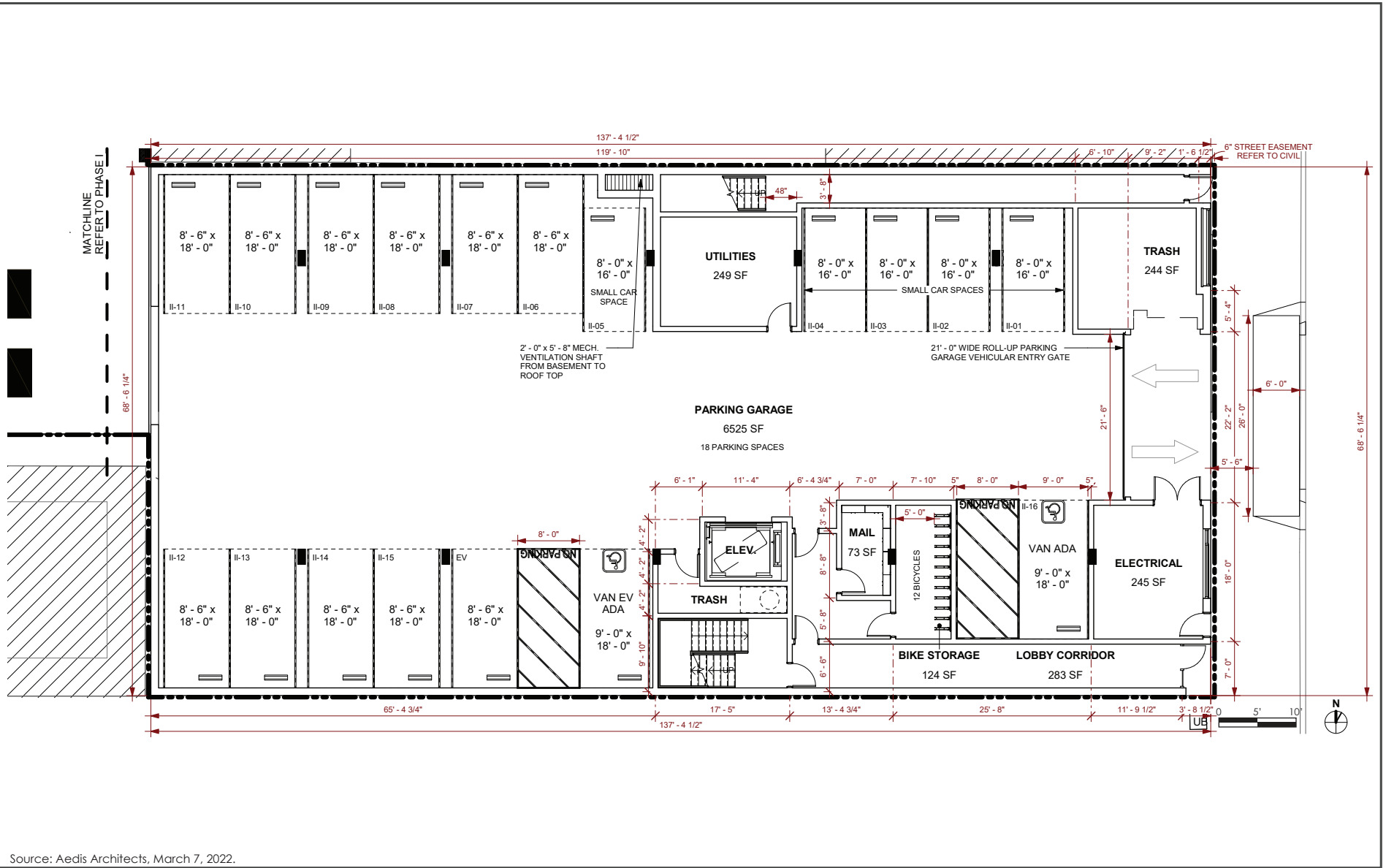
## **SECTION 3.0      PROPOSED CHANGES TO THE CLARIANA PHASE II PROJECT**

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As proposed, the modified project would add five additional condominium units to the approved condominium building, for a total of 41 units, and the height of the building would increase from 75 feet to 85 feet. A total of 73 parking spaces would be provided on-site (36 spaces for the hotel and 37 spaces for the residents).

Access to the project site would not change relative to the approved project. In addition, the construction timeframe would not change as a result of the modified project. The modified site plans and elevations are shown in Figure 3.0-1 to 3.0-3, below. A summary of the proposed changes from the approved Clariana Phase II project is provided below in Table 3.0-1.

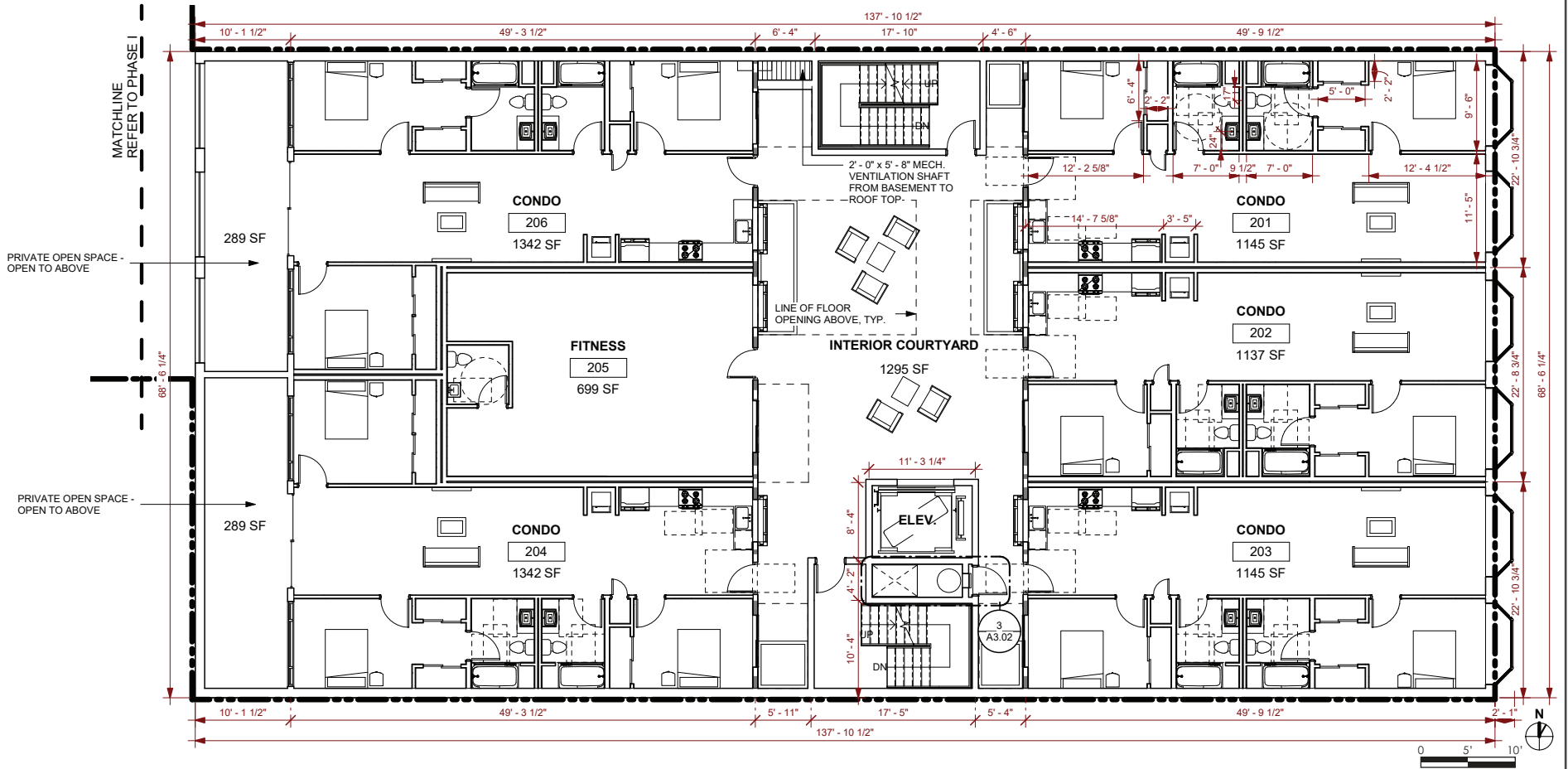
<b>Table 3.0-1: Summary of Proposed Changes to the Approved Clariana Phase II Project</b>		
<b>Project Components</b>	<b>Clariana Phase II</b>	<b>Modified Project</b>
Building Height (feet)	75	85
No. of Condominium Units	36	41
Total Parking Spaces (for residents)	29	37
Total Parking Spaces (for hotel)	31	36
Length of Construction (months)	6	6



MODIFIED SITE PLAN – GROUND FLOOR

FIGURE 3.0-1





Source: Aedis Architects, March 7, 2022.

MODIFIED SITE PLAN – SECOND FLOOR

FIGURE 3.0-2



Source: Aedis Architects, March 7, 2022.

## CONDOMINIUM ELEVATIONS

FIGURE 3.0-3

## **SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION**

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The Clariana Phase II Addendum was approved in 2021. The change between the Clariana Phase II Addendum and the modified project would be the increase in residential units and parking spaces. An additional floor would be added to the building to accommodate the five additional units. The environmental setting of the project site and surrounding area has not substantially changed since approval of the Clariana Phase II Addendum except the mixed-use development (Miro Towers File Nos. SP17-009 and T16-056), located at the northeast of corner of North Fourth Street and Santa Clara Street, has completed construction and is now operational. This addendum only addresses those resource areas which would be potentially affected by the proposed changes to the Clariana Phase II Addendum. The modified project would have the same impacts with regards to the following environmental issues:

- Agricultural and Forestry Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Tribal Cultural Resources
- Wildfire

The resource areas within which the proposed project may result in changes to the level of impact were identified as:

- |                            |   |
|----------------------------|---|
| 4.2 Aesthetics             | 4.8 Public Services                     |
| 4.3 Air Quality            | 4.9 Recreation                          |
| 4.4 Energy                 | 4.10 Transportation                     |
| 4.5 Land Use and Planning  | 4.11 Utilities and Service Systems      |
| 4.6 Noise and Vibration    | 4.12 Mandatory Findings of Significance |
| 4.7 Population and Housing |   |

### **4.1 EXISTING SETTING**

The project site is located immediately south of Santa Clara Street, between South Third Street and South Fourth Street in downtown San José. The project site is surrounded by a mix of commercial and residential buildings that range from one- to 28-stories. The site is bounded by South Third Street to the west, East Santa Clara Street and commercial buildings to the north, South Fourth Street and commercial buildings to the east, and commercial and residential buildings to the south. Since approval of the Clariana Phase II Addendum, the only change to the environmental setting of the immediate project area is the construction of the 28-story mixed-use development located northeast of the project site.

## **4.2 AESTHETICS**

The change to the Clariana Phase II project relevant to aesthetics is the change in building height.

### **4.2.1 Findings of the Clariana Phase II Addendum**

The Clariana Phase II Addendum concluded that the project would have a less than significant impact on scenic vistas and resources because there are no designated scenic vistas or other resources in the project area. The project would go through a design review process and would be reviewed for consistency with the City's Downtown Design Guidelines. In addition, the project would be required to comply with City Council Policy 4-3 for outdoor lighting on private developments. Therefore, the Clariana Phase II Addendum was found to have a less than significant aesthetics impact.

### **4.2.2 Aesthetic Impacts from the 2022 Modified Project**

There are no scenic vistas or resources in the project area and the project site is not located along a state-designated scenic highway. The modified project would add a floor (10 feet) to the proposed condominium building to accommodate the five additional units. While construction of the condominium building would have a maximum height of up to 85 feet, the project would be consistent with other development in the immediate area including the newly constructed 28-story mixed-use development (Miro Towers File Nos. SP17-009 and T16-056) located northeast of the project site.

Consistent with the Clariana Phase II project, the modified project would be required to comply with Title 20 of the City's Municipal Code and would be subject to a design review process (conducted as part of the development permit review process) to ensure that it conforms with all adopted design guidelines and other relevant policies and ordinances. The proposed condominium building would include external building lights, parking garage lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The modified project would be required to comply with City Council Policy 4-3 for outdoor lighting on private developments. For these reasons, the modified project would not result in a new impact or substantially increase the severity of the previously identified aesthetics impact.

## **4.3 AIR QUALITY**

The change to the Clariana Phase II project relevant to air quality is the increase in proposed condominium units from 36 to 41 units and the construction of an additional floor on the building.

### **4.3.1 Findings of the Clariana Phase II Addendum**

#### **4.3.1.1 *Criteria Pollutants***

##### **Construction**

Table 4.3-1 below provides a summary of the construction period criteria pollutant emissions over 126 construction workdays and comparison with the Bay Area Air Quality Management District (BAAQMD) thresholds.

<b>Table 4.3-1: Construction Period Criteria Pollutant Emissions</b>				
<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<i>Construction Emissions Per Year (Tons)</i>				
2022	0.33	0.46	0.02	0.02
<i>Average Daily Construction Emissions (pounds per day)</i>				
2022 (126 construction workdays)	5.25	7.37	0.38	0.31
<b>BAAQMD Thresholds (pounds per day)</b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

As shown in the table above, construction period criteria pollutant emissions associated with the condominium building and below-grade parking garage would not exceed the BAAQMD significance thresholds. The Clariana Phase II Addendum concluded that the project would not result in any new impacts or substantially increase the severity of the previously identified construction criteria pollutant air quality impacts.

### Operational

The estimated daily operational criteria pollutant emissions from the proposed land use changes are summarized in Table 4.3-2 below.

<b>Table 4.3-2: Operational Project Emissions</b>				
<b>Scenario<sup>1</sup></b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2023 Project Operational Emissions (tons per year)	0.25	0.09	0.12	0.03
<i>BAAQMD Thresholds (tons per year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2023 Project Operational Emissions (pounds per day)	1.36	0.52	0.65	0.19
<i>BAAQMD Thresholds (pounds per day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Note:</b> <sup>1</sup> Assumes 365-day operation.				

As seen in the table above, construction of the condominium building and below-grade parking garage would not result in operational criteria pollutant emissions above established thresholds. Therefore, the Clariana Phase II Addendum concluded that the project would not result in any new impacts or substantially increase the severity of the previously identified operational criteria pollutant air quality impacts.

### Operational Emissions – Carbon Monoxide Emissions

The condominium units would generate up to 138 new daily trips which would be insufficient to increase the traffic volume at any intersection above BAAQMD's screening criteria of 44,000 vehicles per hour. The Clariana Phase II Addendum concluded that the project would not result in significant CO emission impacts.

#### 4.3.1.2 *Construction Emissions*

##### **Dust Generation**

The Clariana Phase II project would be required to implement the following Standard Permit Conditions listed below, consistent with the Hotel Clariana Expansion project.

##### **Standard Permit Conditions:**

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15-miles-per-hour (mph).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the Standard Permit Conditions, the Clariana Phase II Addendum concluded that the project would have a less than significant emissions impact from construction dust.

##### **Community Risk Impacts – Toxic Air Contaminants (TACs)**

The construction maximum exposed individual (MEI)<sup>1</sup> was identified at the second floor, approximately 20 feet above the ground, of the apartment complex south of the project site. At this location, the maximum residential cancer risk would be 69.9 cases per one million for infant exposure which exceeds the cancer risk of 10 cases per million. The maximum cancer risk for adults

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<sup>1</sup> For this project, the sensitive receptor identified as the construction MEI is also the project MEI.

would be 1.1 cases per million which is below BAAQMD's significance threshold. The maximum annual PM<sub>2.5</sub> concentration would be 0.39 PM<sub>2.5</sub> concentration (µg/m<sup>3</sup>) which exceeds BAAQMD's significance threshold of 0.3 µg/m<sup>3</sup>. The maximum hazard index (HI) concentration is 0.08, which is below the BAAQMD non-cancer health index significance criterion of greater than 1.0. Construction of the condominium building and below-grade parking garage could have a significant community risk impact on nearby sensitive receptors.

Additionally, modeling was completed to predict the cancer risks, non-cancer health hazards, and maximum PM<sub>2.5</sub> emissions associated with Little Einstein's Montessori Preschool (approximately 0.13 miles northeast) and Horace Mann Elementary School (approximately 0.2 miles northeast). Based on the results of the modeling, the risk values were found to not exceed the BAAQMD single-source significance threshold for annual cancer risk, PM<sub>2.5</sub> concentration, and HI.

In addition to the Standard Permit Conditions listed above, the project included the following mitigation measures.

**MM AIR-1.1:** All diesel-powered off-road equipment larger than 25 horsepower and operating at the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:

- U.S. EPA particulate matter emissions standards for Tier 4 interim engines or equivalent;
  - Use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement; or
- Other measures may be the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.

In addition, the project applicant shall implement the following:

- The line power for electricity at the site shall be established prior to any major construction activity.
- Cranes and welders shall be powered by electricity.
- Diesel generator use shall be restricted to 100 hours or less for the entire construction period.
- Enforce idling limit of two minutes unless subject to state law exemptions (e.g., safety issues).

**MM AIR-1.2:** The project applicant shall submit to the Director of the City of San José Department of Planning, Building and Code Enforcement or Director's designee a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist,

verifying that the equipment included in the plan meets the standards set forth in Mitigation Measure AIR-1.1.

With implementation of Mitigation Measures AIR-1.1 and AIR-1.2, the cancer risk for infants would be reduced to 4.8 cases per one million, the annual PM<sub>2.5</sub> concentration would be reduced to 0.03, and the HI would be reduced to 0.01 which would not exceed BAAQMD significance thresholds. The Clariana Phase II Addendum concluded that the project would not result in any new community risk impact due to project construction or substantially increase the severity of the previously identified impact.

#### 4.3.1.3 Cumulative Impacts

The combined effect of mobile and stationary sources in the project area is shown in Table 4.3-3.

Table 4.3-3: Combined Sources at Project MEI			
Source	Maximum Cancer Risk (per million)	Maximum Annual PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )	Maximum Hazard Index
Project Construction Mitigated	4.8 (infant)	0.03	0.01
East Santa Clara Street	1.9	0.09	<0.01
Third Street	0.9	0.05	<0.01
Fourth Street	1.6	0.06	<0.01
ID #15267, MEI at 570 feet	0.5	0.02	<0.01
ID #19298, MEI at 950 feet	2.5	<0.01	<0.01
ID #22612, MEI at 950 feet	0.1	--	--
ID #23479, MEI at 535 feet	0.3	--	--
ID #104124, MEI at 325 feet	1.2	--	0.01
Hotel Clariana Expansion	<4.0	<0.04	<0.01
Cumulative Total Mitigated	<17.8 (infant)	<0.26	<0.08
<b>BAAQMD Threshold – Cumulative Sources</b>	<b>&gt;100</b>	<b>&gt;0.8</b>	<b>&gt;10.0</b>
Threshold Exceeded? Mitigated	No	No	No

With mitigation incorporated, the combined community risk impacts would be less than 17.8 cases per one million for cancer risk, an annual PM<sub>2.5</sub> concentration 0.26 or less, and a HI of 0.08 or less. As a result, the project's contribution to mobile and stationary sources in the project area would not be cumulatively considerable and would not result in a significant health risk to nearby sensitive receptors. The project would not result in any new cumulative air quality impacts or substantially increase the severity of the previously identified impact.

#### 4.3.2 Non-CEQA Effects

##### Mobile Sources

Third Street, Fourth Street, and East Santa Clara Street have an average daily trip (ADT) of 10,332 vehicles, 11,092 vehicles, and 19,650 vehicles, respectively.



## Stationary Sources

BAAQMD's *Permitted Stationary Sources 2018* Geographic Information System website identified five stationary sources (ID #23479, ID #104124, ID #15267, ID #19298, and ID #22612) with the potential to affect the project MEI.

## Construction Risk Impacts from Approved Project

It was conservatively assumed that future residents on-site would be exposed to a portion of the construction from the approved development<sup>2</sup>, as opposed to the project MEI which was conservatively assumed to be exposed to the entire construction period of the approved project. Therefore, the construction risks from the approved project would be lower at the location of future on-site residences. Table 4.3-4 below summarizes the combined effect of TAC and PM<sub>2.5</sub> sources on future on-site residences.

<b>Table 4.3-4: Combined Sources to Future On-Site Residences</b>			
<b>Source</b>	<b>Maximum Cancer Risk (per million)</b>	<b>Maximum Annual PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)</b>	<b>Maximum Hazard Index</b>
East Santa Clara Street	3.0	0.14	<0.01
Third Street	1.5	0.08	<0.01
Fourth Street	3.0	0.13	<0.01
ID #15267, MEI at 570 feet	0.6	0.02	<0.01
ID #19298, MEI at 950 feet	2.5	<0.01	<0.01
ID #22612, MEI at 950 feet	0.1	--	--
ID #23479, MEI at 535 feet	0.4	--	--
ID #104124, MEI at 325 feet	2.1	--	0.01
Hotel Clariana Expansion	<4.0	<0.04	<0.01
<b><i>BAAQMD Threshold – Single-Source</i></b>	<b><i>10</i></b>	<b><i>0.3</i></b>	<b><i>1.0</i></b>
<i>Threshold Exceeded?</i>	<i>No</i>	<i>No</i>	<i>No</i>
<i>Combined Sources</i>	<13.2	<0.42	<0.07
<b><i>BAAQMD Threshold – Cumulative Sources</i></b>	<b><i>&gt;100</i></b>	<b><i>&gt;0.8</i></b>	<b><i>&gt;10.0</i></b>
<i>Threshold Exceeded?</i>	<i>No</i>	<i>No</i>	<i>No</i>

As shown in the table above, the cancer risks, annual PM<sub>2.5</sub> concentrations, and HI would not exceed BAAQMD's single-source and cumulative significance thresholds. Future residences on-site would not be exposed to significant levels of air pollutants or TACs. Therefore, the Clariana Phase II project would be consistent with General Plan Policies MS-10.1, MS-11.1, and MS-11.2.

<sup>2</sup> Note that the approved project assumed a 12-month construction period, while the condominium building and below-grade parking garage is estimated to be constructed over a six month period.

### **4.3.3      Air Quality Impacts Resulting from the 2022 Modified Project**

#### **4.3.3.1      *Criteria Pollutants***

##### **Construction**

The modified project would increase the number of condominium units from 36 to 41 (a net increase of five units), but the construction period would not change as a result of the increase in units. Because the construction period would be the same as the approved project, the construction period criteria pollutant emissions resulting from the modified project would be the same as the approved project and would not exceed BAAQMD significance thresholds. Consistent with the Clariana Phase II project, the modified project would not result in any new impacts or substantially increase the severity of the previously identified construction criteria pollutant air quality impacts.

##### **Operational**

Operational criteria pollutant emissions from the approved project would be well below the BAAQMD thresholds as shown in Table 4.3-2 above. The addition of five units to the project would represent a 12 percent increase in residential units. This increase would not cause operational emissions to exceed the BAAQMD thresholds. Consistent with the Clariana Phase II project, the modified project would not result in any new impacts or substantially increase the severity of the previously identified operational criteria pollutant air quality impacts.

#### **4.3.3.2      *Construction Emissions***

As mentioned above, the modified project would increase the number of condominium units from 36 to 41 (a net increase of five units), but the construction period would not change as a result of the increase in units. Because the construction period would be the same as the approved project, the TAC emissions resulting from the modified project would be the same as the approved project.

Consistent with the Clariana Phase II Addendum, the modified project would be required to implement the Standard Permit Conditions and Mitigation Measures AIR-1.1 and AIR-1.2 identified on pages 4-6 of this Addendum to reduce community risk impacts on nearby sensitive receptors. Consistent with the Clariana Phase II project, the modified project would not result in any new impacts or substantially increase the severity of the previously identified construction air quality impacts.

#### **4.3.3.3      *Cumulative Impacts***

the construction period would not change as a result of the increase in units. Because the construction emissions would be equivalent to the approved project, the cumulative emissions would be equivalent as well. Consistent with the Clariana Phase II project, the modified project would not result in any new impacts or substantially increase the severity of the previously identified cumulative air quality impacts.

### **4.3.4      Non-CEQA Effects**

The mobile and stationary sources, as well as construction impacts from the approved project would not change as a result of the modified project. Under the Clariana Phase II project, the cumulative

significance sources are well below the BAAQMD's single-source threshold (with mitigation) and the cumulative significance threshold. Therefore, the modified project would be consistent with General Plan Policies MS-10.1, MS-11.1, and MS-11.2

#### **4.4 ENERGY**

The change to the Clariana Phase II project relevant to energy is the increase in proposed condominium units from 36 to 41.

##### **4.4.1 Findings of the Clariana Phase II Addendum**

###### **Construction**

The Clariana Phase II Addendum concluded that the project includes several measures that would improve the efficiency of the construction process such as minimizing equipment idling times to five minutes (refer to the Standard Permit Conditions listed on page 4 of this Addendum) and applicable General Plan policies and existing regulations and programs, the Clariana Phase II project would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

###### **Operation**

Additionally, the Clariana Phase II Addendum 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. The future residences on-site would be served by San José Clean Energy. The Clariana Phase II project would provide 14 bicycle parking spaces and is located within one mile of the San José Diridon Station. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site and would reduce gasoline consumption. The Clariana Phase II Addendum concluded that the project would not conflict or obstruct implementation of a state or local plan for renewable energy or energy efficiency.

###### **Conflicts with State or Local Energy Plans**

As mentioned above, the future residences on-site would be served by San José Clean Energy. The project 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. For these reasons, implementation of the Clariana Phase II project would not conflict or obstruct implementation of a state or local plan for renewable energy or energy efficiency.

##### **4.4.2 Energy Impacts Resulting from the 2022 Modified Project**

###### **Construction**

The modified project would construct five additional units which would not result in a substantial increase in energy usage compared to the approved project as the addition of five units to the project would represent a 12 percent increase in residential units. The modified project would result in a net

increase in electricity usage of approximately 20,641 kilowatt-hour (approximately 14 percent net increase when compared to the Clariana Phase II project).<sup>3</sup>

Consistent with the Clariana Phase II project, the modified project would implement the Standard Permit Conditions identified on page 4 of this Addendum and applicable General Plan policies and existing regulations and programs. Therefore, the modified project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. The project would not result in any new impacts or substantially increase the severity of the previously identified energy efficiency impacts.

### **Operation**

With the increase in residential units, the project would be required to provide 11 bicycle parking spaces. The modified project would provide 12 bicycle parking spaces for the residences which would exceed the City's minimum bicycle parking requirement. Consistent with the Clariana Phase II project, the inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site and would reduce gasoline consumption. Therefore, implementation of the modified project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during operation of the project. The modified project would not result in any new significant energy impact or an impact of substantially greater severity than was previously identified.

### **Conflicts with State or Local Energy Plans**

Consistent with the Clariana Phase II project, the modified project would be required to 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. Therefore, implementation of the modified project would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency. The modified project would not result in a new significant energy impact or an impact of substantially greater severity than was previously identified.

## **4.5 LAND USE AND PLANNING**

The change to the Clariana Phase II project relevant to land use and planning is the change in building height.

### **4.5.1 Findings of the Clariana Phase II Addendum**

The Clariana Phase II Addendum concluded that the project does not include physical features (i.e., such as a railway, roadway, highway) that would physically divide the community nor would the project conflict with any applicable land use plans, policies, or regulations.

### **4.5.2 Land Use and Planning Impacts from the 2022 Modified Project**

The modified project would construct an additional floor to accommodate the five additional units, the location of the condominium building would not change. Consistent with the Clariana Phase II

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<sup>3</sup> The City of San José passed an ordinance in December 2020 which prohibits the use of natural gas infrastructure in new buildings starting on August 1, 2021. Therefore, no natural gas was assumed for the modified project.

project, the modified project does not include physical features that would physically divide the community. The modified project would be reviewed for compliance with applicable land use plans and policies by the Director of the City of San José Department of Planning, Building and Code Enforcement or Director's designee prior to the issuance of development permits. Therefore, the project would not result in any new land use impacts or substantially increase the severity of the previously identified impact. Implementation of the modified project would not result in any new land use impacts or substantially increase the severity of the previously identified impact.

## **4.6 NOISE AND VIBRATION**

The change to the Clariana Phase II project relevant to noise and vibration is the increase in proposed condominium units from 36 to 41 and the construction of an additional floor on the building.

### **4.6.1 Findings of the Clariana Phase II Addendum**

#### **Construction Noise**

Based on the size of the condominium building and below-grade parking garage, the Noise and Vibration Assessment conservatively assumed that construction would last for over a year which represents the worst-case scenario.<sup>4</sup> There are existing residences located west of South Third Street and immediately south of the project site. Additionally, there are commercial buildings located west and north of the site and City Hall is located to the east. Existing daytime ambient noise levels range from 63 to 80 dBA  $L_{eq}$ .

Consistent with the Hotel Clariana Expansion project, the Clariana Phase II project is required to comply with the following Standard Permit Conditions.

#### **Standard Permit Conditions:**

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.

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<sup>4</sup> The assumption that construction would occur for more than a year in the noise assessment is not consistent with the assumption of a six-month construction schedule in the Air Quality Analysis. Because the dates of construction are unknown at this time, the assessment assumed the most impactful scenario for each resource. For air quality, the shorter the construction duration, the greater the impact from construction emissions. For noise, longer exposure time results in a greater impact. Because the greatest level of impact by timeframe is different between air quality and noise, the analysis for the modified project has different assumptions.

- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet, where feasible).
- The surrounding neighborhood within 500 feet shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to response to any local complaints about construction noise. The disturbance coordinator will shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The notice sent to neighbors regarding the construction schedule shall be included in the posted sign.

The project is also required to prepare a “construction noise logistics plan”, in accordance with General Plan Policy EC-1.7. A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. 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.

With implementation of the identified measures and noise logistics plan, the Clariana Phase II project would have a less than significant construction noise impact.

## **Operational Noise**

### Project-Generated Traffic Noise Impacts

The Clariana Phase II project would increase the ambient noise level by less than one dBA DNL along the roadways in the project vicinity. As a result, implementation of the condominium building and below-grade parking garage project would not result in a permanent perceptible increase (three dBA DNL or more) in ambient noise levels. The Clariana Phase II project would not result in any new operational noise impacts or substantially increase the severity of the previously identified impact.

## Mechanical Equipment

Based on the site plan provided, the heating, ventilation, and air conditioning systems (HVAC units) and an area for solar panel arrays would be located on the rooftop are located along the northern and southern building edges of the rooftop. At the time the Noise and Vibration Assessment was prepared, the specific details such as the number, size, type, and manufacturer's noise data for the equipment were not known. Assuming up to eight units would operate simultaneously at any given time and at a distance of three feet, the typical estimated noise level would be up to 72 dBA. The analysis concluded that operation of eight units simultaneously (with no shielding) would result in a noise level approximately 58 dBA at the adjacent residential property to the south and 40 dBA or less at the eastern and western property lines.

Consistent with the hotel expansion project, the Clariana Phase II project is required to implement the following Condition of Approval to reduce noise levels from mechanical equipment to acceptable levels.

### **Condition of Approval:**

- Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the shared residential property line. A qualified acoustical consultant shall be retained by the applicant to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce noise to comply with the City's noise level requirements and prepare a detailed acoustical study. A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits for vertical construction. In addition, the project applicant shall ensure that noise-generating activities, such as maintenance activities and loading/unloading activities, are limited to the hours between 7:00 AM and 9:00 PM.

The Clariana Phase II Addendum concluded that the project would not result in a new impact or substantially increase the severity of the previously identified operational noise impact.

## **Vibration Noise**

Construction of the condominium building and below-grade parking garage would not include the use of pile drivers. The San José Historic Commercial District bounds the project site to the north and west. There are five contributing structures and one non-contributing structure located immediately north of the site. In addition, there are both contributing and non-contributing structures located approximately 215 feet west of the project site. Construction of the condominium building and below-grade parking garage would generate vibration levels exceeding 0.08 in/sec PPV at

historic properties within 60 feet of the site and 0.2 in/sec PPV or more at buildings of normal conventional construction within 25 feet of the project site. The Clariana Phase II project is required to implement the following Standard Permit Conditions to reduce construction vibration impacts on standard construction and historic structures in the project area.

**Standard Permit Conditions:**

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.
- Notify neighbors within 500 feet of the construction site of the construction schedule.
- A construction vibration monitoring plan shall be implemented to document conditions at the historic properties within 60 feet of the site and conventional properties within 25 feet of the project site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California (and a Historic Architect if the affected structures are historic resources) and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
  - Identification of sensitivity to ground-borne vibration of nearby structures. A vibration survey (generally described below) would need to be performed. Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to the start of construction, in regular intervals during construction, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
  - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the 2040 General Plan such as Policy EC-2.3.



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

The Clariana Phase II Addendum concluded that with implementation of the Standard Permit Conditions, the project would have a less than significant construction vibrations impact. Therefore, the Clariana Phase II project would not result in any new vibration noise impacts due to project construction or substantially increase the severity of the previously identified impact.

#### **4.6.1.1        *Cumulative Impacts***

Construction of the condominium building and hotel expansion was assumed to overlap for at least six months. During the overlapping period, noise levels may increase by up to three dBA  $L_{eq}$ . Due to the overall timing of the cumulative construction work, this would not result in a cumulative construction impact with implementation of the measures previously identified.

#### **4.6.2        Non-CEQA Effects**

##### **Future Exterior Noise Levels**

Interior courtyards on floors two to seven and a rooftop patio are included as part of the Clariana Phase II project. The interior courtyards would be enclosed with small ventilation openings which would be adequately shielded from all exterior noise sources.

The rooftop patio located on the eastern half of the building would have setbacks from the South Fourth Street centerline ranging from 40 to 115 feet. Future residences that would be set back from the eastern edge by five feet or more would be shielded from the edge of building due to the elevation of the outdoor use area above the street below. At a distance of five feet from the edge of the eastern building façade, the future exterior noise level at the rooftop patio would be 63 dBA DNL. The future exterior noise level at the rear of the patio would be below 60 dBA DNL while the center of the patio would have future exterior noise levels of 60 dBA DNL. Future exterior noise levels from the rooftop patio would be considered “normally acceptable” at the rear and at the center and “conditionally acceptable” at the eastern edge. Nevertheless, the acceptable exterior noise level objective has been established for the City except in the environs of the Norman Y. Mineta San José

International Airport, the downtown core area, and along major roadways (General Plan Policy EC-1.1). As a result, the modified project would be consistent with General Plan Policy EC-1.1.

### **Future Interior Noise Levels**

#### **Residential Units Along Eastern Building Façade**

Residential units along the eastern building façade would be set back from the South Fourth Street centerline by approximately 40 feet. At this distance, the units would be exposed to future exterior noise levels of up to 74 dBA DNL. With the standard 15 dBA exterior-to-interior noise reduction, future interior noise levels along the eastern façade would be up to 59 dBA DNL.

#### **Residential Units Along Western Building Façade**

Residential units along the western façade would be shielded from traffic noise along South Fourth Street, but would be exposed to traffic noise from South Third Street. The units would be exposed to future noise ranging from 60 to 68 dBA DNL. With the standard 15 dBA exterior-to-interior noise reduction, future interior noise levels along the western façade would range from 45 to 53 dBA DNL.

In accordance with the Downtown Strategy 2040 FEIR and General Plan Policy EC-1.1, the condominium project is required to implement the following Conditions of Approval to reduce future interior noise levels to 45 dBA DNL.

#### **Conditions of Approval:**

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on-site, so windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- Residential units nearest to South Fourth Street (along the eastern façade) shall require windows and doors with a minimum STC rating of 35 with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.
- Residential units along the western façade shall require windows and doors with a minimum STC rating of 28 to 30 with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.
- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the final design phase of the project pursuant to requirements set forth in the General Plan and CBC. The study will review the final site plan, building elevations, and floor plans prior to construction and confirm building treatments necessary to reduce interior noise levels to 45 dBA DNL or lower, and address and adequately control noise from rooftop equipment on adjacent buildings, as necessary. Treatments would include, but are not limited to, sound-rated windows and doors as specified above, sound-rated wall and window construction, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted 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 Director of Planning, Building and Code Enforcement or the Director's

designee, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the Conditions of Approval, the condominium building would comply with the City's interior noise standards consistent with General Plan Policy EC-1.1.

#### **4.6.3      Noise and Vibration Impacts from the 2022 Modified Project**

##### **Construction Noise**

While the modified project would construct five additional condominium units, the construction timeframe would not change. Because the construction timeframe would be the same, the type and duration of use of the heavy equipment on-site would be comparable. As a result, the conclusions of the previous analysis would not change. The modified project would still be required to implement the Standard Permit Conditions and noise logistics plan identified on pages 11-12 and 14-15 of this document to reduce construction noise and vibration. With implementation of the identified measures, the modified project would not result in any new construction noise impacts or substantially increase the severity of the previously identified impact.

##### **Operational Noise**

The increase in five additional condominium units would not result in a noticeable change in ambient noise levels nor would it require an expansion of the HVAC system. Therefore, the operational noise levels of the modified project would be comparable to the approved project. Additionally, the modified project would be required to implement the Condition of Approval identified on page 13 of this Addendum to reduce noise levels from mechanical equipment to 55 dBA DNL. Therefore, the modified project would not result in any new operational noise impacts or substantially increase the severity of the previously identified impact.

##### **Vibration Noise**

Since the construction timeframe would be the same, the type and duration of use of the heavy equipment on-site would be comparable. The modified project would be required to implement the Standard Permit Conditions identified on pages 14-15 of this Addendum to reduce construction vibrations impact. Therefore, the modified project would not result in any new vibration noise impacts due to project construction or substantially increase the severity of the previously identified impact.

#### **4.6.3.1      *Cumulative Impacts***

The construction of five additional units would not change the construction timeframe and would be comparable to the Clariana Phase II project. Therefore, the modified project would not result in a cumulative construction impact with implementation of the measures previously identified.

#### **4.6.4            Non-CEQA Effects**

As for non-CEQA impacts, the modified project will be required to implement the Conditions of Approval identified on page 16 of this document to reduce future interior noise levels to 45 dBA DNL consistent with the approved project.

#### **4.7                POPULATION AND HOUSING**

The change to the Clariana Phase II project relevant to population and housing is the increase in residential units.

##### **4.7.1            Findings of the Clariana Phase II Addendum**

The Clariana Phase II Addendum allowed for the construction of the hotel expansion and the seven-story building with 36 condominium units on the southeastern portion of the site (where the surface parking lot for the hotel expansion would be located). The Clariana Phase II Addendum concluded that the project would not displace people or existing housing or necessitate the construction of housing elsewhere.

##### **4.7.2            Population and Housing Impacts from the 2022 Modified Project**

The modified project would add five additional condominium units to the Clariana Phase II project for a total of 41 units. The five additional units would accommodate up to 16<sup>5</sup> new residents in the City. As mentioned previously, the location of the condominium building would not change. Consistent with the Clariana Phase II Addendum, the modified project is part of the planned growth for downtown and the addition of five units would not result in the displacement of people or existing housing or necessitate the construction of housing elsewhere. Implementation of the modified project would not result in any new significant population and housing impact or an impact of substantially greater severity than was previously identified under the approved project.

#### **4.8                PUBLIC SERVICES**

The change to the Clariana Phase II project relevant to public services is the increase in residential units.

##### **4.8.1            Findings of the Clariana Phase II Addendum**

##### **Fire and Police Protection Services**

The Clariana Phase II Addendum would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to avoid unsafe building conditions and promote public safety. Therefore, the Clariana Phase II Addendum would have a less than significant impact on fire and police protection services.

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<sup>5</sup> The average number of residents is calculated from 3.19 persons per household from the State of California Department of Finance.

## **Schools**

The Clariana Phase II Addendum would generate a total of six elementary students, three middle school students, and four high school students. The condominium units is part of the planned growth in the City and the 13 new students would not increase students in the San José Unified School District (SJUSD) beyond what was anticipated from full build out of the Downtown Strategy 2040 Plan. State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with State law. By complying with Government Code Section 65996, the Clariana Phase II Addendum would have a less than significant impact on schools.

## **Parks**

The City has a Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) which requires new housing projects to provide at least three acres of neighborhood/community serving parkland per 1,000 population, provide recreational facilities on-site, and/or pay an in-lieu fee. The Clariana Phase II Addendum is required to comply with the City's PDO/PIO and, as a result, implementation of the Clariana Phase II Addendum would not result in substantial adverse physical impacts on park facilities in the City.

## **Libraries**

Future residents would be provided library services consistent with the City's per capita service goal of at least 0.59 square feet. Therefore, implementation of the Clariana Phase II Addendum would not result in substantial adverse physical impacts to San José library facilities.

### **4.8.2 Public Services Impacts Resulting from the 2022 Modified Project**

#### **Fire and Police Protection Services**

The modified project would result in a net increase of 16 new residents in the City compared to the approved project. Consistent with the Clariana Phase II Addendum, the five additional condominium units would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to avoid unsafe building conditions and promote public safety. Therefore, the Clariana Phase II Addendum would have a less than significant impact on fire and police protection services. An increase in 16 residents on-site would not result in new significant impacts to fire and police protection services in the City or impacts of greater severity than the Clariana Phase II project.

## **Schools**

Based on the SJUSD student generation rates, single-family residential development generates approximately 0.180 elementary students, 0.086 middle school students, and 0.121 high school

students per unit.<sup>6</sup> The modified project (41 units) would generate a total of seven elementary students, four middle school students, and five high school students. The project is part of the planned growth in the City and the 16 new students would not increase student enrollment in the SJUSD beyond what was anticipated from full build out of the Downtown Strategy 2040 Plan. By complying with state law (Government Code Section 65996), the modified project would have a less than significant impact on schools consistent with the Clariana Phase II Addendum. Implementation of the project would not result in new significant impacts to governmental facilities or impacts of greater severity than the Clariana Phase II project.

### **Parks**

Consistent with the Clariana Phase II Addendum, the modified project would be required to comply with the City's PDO/PIO and, as a result, implementation of the Clariana Phase II Addendum would not result in substantial adverse physical impacts on park facilities in the City. The modified project would not result in any new significant impacts to parks or impacts of greater severity than the Clariana Phase II project.

### **Libraries**

Future residents would be provided library services consistent with the City's per capita service goal of at least 0.59 square feet. Therefore, implementation of the modified project would not result in substantial adverse physical impacts to San José library facilities or impacts of greater severity than the Clariana Phase II project.

## **4.9 RECREATION**

The change to the Clariana Phase II project relevant to recreation is the increase in residential units.

### **4.9.1 Findings of the Clariana Phase II Addendum**

The Clariana Phase II project would not cause substantial physical deterioration of local, off-site recreational facilities and would not result in the need for construction of new facilities or expansion of existing recreational facilities due to the payment of applicable parkland fees.

### **4.9.2 Recreation Impacts Resulting from the 2022 Modified Project**

The modified project would increase the residential density of the project site by five units (16 residents) which would increase the usage of recreational facilities in the City. Consistent with the Clariana Phase II project, the modified project is within the planned growth for the downtown area and would be subject to pay the applicable PDO/PIO fees. The payment of applicable impact fees would allow the City to provide sufficient services for local residents and the modified project would not cause substantial physical deterioration of local, off-site recreational facilities and would not result in the need for construction of new facilities or expansion of existing recreational facilities. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified recreational facilities impact.

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<sup>6</sup> Odell Planning and Research, Inc. *Development Fee Justification Study Prepared for the San José Unified School District*. April 2014.

## **4.10 TRANSPORTATION**

The change to the Clariana Phase II Addendum relevant to transportation is the increase in the number of residential units and parking spaces proposed.

### **4.10.1 Findings of the Clariana Phase II Addendum**

#### **4.10.1.1 *Bicycle, Pedestrian, and Transit Facilities***

The existing pedestrian and bicycle facilities in the project area have adequate connectivity and provide pedestrians and bicyclists with a safe connection between the project site and surrounding land uses. The project site is in proximity to several major transit services. The Clariana Phase II Addendum concluded that the project would not conflict with any policies or plans regarding bicycle, pedestrian, and/or transit facilities or decrease the safety of these facilities.

#### **4.10.1.2 *Site Access, Sight Distance, and Circulation***

##### **Site Access**

The Clariana Phase II project includes a two-way driveway along Fourth Street which would provide access to the 18 surface parking spaces for the condominium residences. Additionally, a new two-way driveway along Third Street would provide access to the basement parking garage (for hotel guests and condominium residents). Vehicular access between the ground level and basement parking would not be provided. Per the City's Downtown Streetscape Guidelines, the maximum driveway widths for two-lane, two-way driveways is 26 feet. The project driveways on Third Street and Fourth Street would meet this requirement. The Clariana Phase II project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

##### **Sight Distance**

Adequate sight distance is required for the Third Street and Fourth Street project driveways in accordance with the AASHTO standards. Based on AASHTO standards, a driver exiting the project driveway must be able to see 200 feet to the north along Fourth Street and 200 feet to the south along Third Street to stop and avoid a collision. Based on the site plan for the Clariana Phase II project, vehicles exiting the project driveways would have adequate sight distance. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

##### **Vehicular On-Site Circulation**

The Clariana Phase II project will provide 90-degree parking stalls within the parking garage and is required to meet the City's minimum drive aisle width standard of 26 feet. Therefore, the Clariana Phase II project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

## Truck Site Access

Based on the City's off-street loading standards within the downtown area (Section 20.70.435 of the City's Municipal Code), residential uses consisting of fewer than 50 units are not required to provide an off-street loading space. Existing on-street freight loading spaces in the vicinity of the project include a 30-foot loading zone along the west side of Fourth Street and a 75-foot loading zone on the west of Third Street. The Clariana Phase II Addendum concluded that the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

### 4.10.1.3 Operational Transportation Issues Not Covered Under CEQA

## Project Trip Generation

A summary of the project trip generation estimates is shown in Table 4.10-2 below.

Table 4.10-1: Project Trip Generation Estimates							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Clariana Phase II							
Multi-family Housing - (Mid-Rise)	196	3	10	13	10	6	16
Location-Based Reduction <sup>1</sup>	<57>	<1>	<3>	<4>	<3>	<2>	<5>
(71 percent)							
VMT Reduction	<1>	<0>	<0>	<0>	<0>	<0>	<0>
Total Modified Project Trips:	138	2	7	9	7	4	11
Hotel Expansion							
Hotel and Restaurant <sup>1</sup>	755	20	13	33	26	22	48
Trips at Project Driveways (Combined)							
Trips at Third Street Driveway	808	21	16	37	29	24	53
Trips at Fourth Street Driveway	85	1	4	5	4	2	6
Total Trips at Project Driveways:	893	22	20	42	33	26	59
Sources: ITE Trip Generation Manual, 10 <sup>th</sup> Edition 2017.							
City of San José. City of San José Transportation Analysis Handbook. April 2018.							
Note: <sup>1</sup> Hexagon Transportation Consultants, Inc. Hotel Clariana Addition Local Transportation Analysis. April 10, 2019.							

Based on the trip generation table above, the condominium building would generate up to 138 daily trips with a total of nine AM Peak Hour and 11 PM Peak Hour trips. It is estimated a total of 893 daily trips (from both the hotel expansion and condominiums) would occur at the project driveways with a total of 42 trips in the AM Peak Hour and 59 trips in the PM Peak Hour.

## Vehicle Parking

The project site is located within the downtown growth boundary and is within 1,000 feet (walking distance) of the downtown transit center. Additionally, the proposed condominium units would meet the City's bicycle parking requirement per Table 20-90. For these reasons, the project would comply with Municipal Code 20.90.220.A.1 subsections A and B and has been granted up to a 20 percent



reduction in off-street parking spaces. With the allowed reduction, the 29 parking spaces for the condominium units meet the reduced parking requirements.

### **Bicycle Parking**

Per Table 20-190 of the City's Municipal Code, the City requires one bicycle parking space per four residential units. The condominium units are required to provide a total of nine bicycle parking spaces consisting of three short-term parking spaces and six long-term parking spaces. The Clariana Phase II project includes a total of 10 bicycle parking spaces for residential uses, and 14 bicycle parking spaces for the hotel expansion, which would exceed the City's minimum requirement.

#### **4.10.2 Transportation Impacts Resulting from the 2022 Modified Project**

In July 2022, *Hexagon Transportation Consultants, Inc.* prepared a Supplemental Local Transportation Analysis (LTA) for the modified project. This document is included in this Addendum as Appendix A.

##### **4.10.2.1 *Bicycle, Pedestrian, and Transit Facilities***

As mentioned previously, the location of the condominium building would not change as a result of the five additional units. Consistent with the Clariana Phase II project, the modified project would not conflict with any policies or plans regarding bicycle, pedestrian, and/or transit facilities or decrease the safety of these facilities. Therefore, the modified project would not result in a new impact or substantially increase the severity of the previously identified bicycle, pedestrian, and transit facilities impact.

##### **4.10.2.2 *Site Access, Sight Distance, and Circulation***

There would be no changes to site access along the Third and Fourth Street project driveways and no changes to the on-site circulation under the modified project. Consistent with the Clariana Phase II project, the modified project would need to meet the City's minimum width of 26 feet for two-way drive aisles. Therefore, the modified project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The modified project would not result in a new impact or substantially increase the severity of the previously identified design feature impact.

##### **4.10.2.3 *Operational Transportation Issues Not Covered Under CEQA***

### **Project Trip Generation**

Project vehicle-trips were estimated by using the average vehicle-trip rates from the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition*. Based on the City's *VMT Evaluation Tool*, the site is located within a designated urban high-transit area. The baseline project trips were adjusted to reflect a central city urban mode share. A central city urban areas is characterized as an area with high density, excellent accessibility, high public transit access, low-single family residences, and older housing stock. Therefore, a 29 percent reduction was applied to the trips generated by the project.

Additionally, a VMT reduction was applied to the trip generation estimates based on the VMT per capita estimate from the City's VMT Evaluation Tool. Based on the Evaluation Tool, the project would generate 7.72 VMT per capita in an area that currently generates 7.77 VMT per capita. Therefore, the project trip estimates were reduced by 0.6 percent to reflect the reduction in peak hour trips. A summary of the project trip generation estimates is shown in Table 4.10-2 below.

Table 4.10-2: Project Trip Generation Estimates							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<i>Clariana Phase II + Modified Project</i>							
Multi-family Housing - (Mid-Rise)	186	3	12	15	10	6	16
<i>Location-Based Reduction</i>	<54>	<1>	<3>	<4>	<3>	<2>	<5>
<i>VMT Reduction</i>	<1>	<0>	<0>	<0>	<0>	<0>	<0>
<b>Total Modified Project Trips:</b>	<b>131</b>	<b>2</b>	<b>9</b>	<b>11</b>	<b>7</b>	<b>4</b>	<b>11</b>
<i>Hotel Clariana Expansion</i>							
<i>Hotel and Restaurant<sup>1</sup></i>	755	20	13	33	26	22	48
<i>Trips at Project Driveways (Modified and Approved)</i>							
<i>Trips at Third Street Driveway</i>	823	21	18	39	30	25	54
<i>Trips at Fourth Street Driveway</i>	63	1	4	5	3	1	5
<b>Total Trips at Project Driveways (Modified and Approved):</b>	886	22	22	44	33	26	59
<b>Sources:</b> ITE Trip Generation Manual, 11 <sup>th</sup> Edition 2021. City of San José. <i>City of San José Transportation Analysis Handbook</i> . November 2018. <b>Notes:</b> The LTA from April 2019 used peak hour trip rates from the ITE Trip General Manual 10 <sup>th</sup> Edition (2017). The ITE Trip Generation Manual has since been updated with updated peak hour trip rates. Therefore, the modified daily project trips are lower than the Clariana Phase II project. <sup>1</sup> Hexagon Transportation Consultants, Inc. <i>Hotel Clariana Addition Local Transportation Analysis</i> . April 10, 2019.							

Based on the trip generation table above, construction of the 41 condominium units would generate approximately 131 daily trips with a total of 11 AM Peak Hour and 11 PM Peak Hour trips. It is estimated that a total of 886 daily trips from full build out of the modified project (hotel expansion and 41 condominium units) would occur at the project driveways with a total of 44 trips in the AM Peak Hour and 59 trips in the PM Peak Hour. When compared to the approved project, the modified project would result in a net reduction of seven daily trips<sup>7</sup> with a net increase of two trips in the AM Peak Hour and no change in trips during the PM Peak Hour.

### Vehicle Parking

Based on the Table 20-140 of the City's Municipal Code, residential developments are required to provide one off-street vehicle parking space for each residential unit. The modified project would be required to provide a total of 41 off-street residential parking spaces. The project proposes to provide a total of 37 on-site parking spaces (a net increase of eight spaces when compared to the Clariana Phase II Addendum) for the condominium residents. The project complies with the City of San José

<sup>7</sup> The LTA from April 2019 used peak hour trip rates from the ITE Trip General Manual 10<sup>th</sup> Edition (2017). The ITE Trip Generation Manual has since been updated with updated peak hour trip rates. Therefore, the modified project trips are lower than the Clariana Phase II project.

Municipal Code Section 20.90.220.A.1 Subsections A and B and would receive up to a 20 percent reduction in the required off-street parking spaces. With the allowed reduction, the proposed 37 residential parking spaces would meet the reduced parking requirements. The modified project also proposes a total of 36 parking spaces for the hotel expansion (a net increase of five spaces when compared to the Clariana Phase II project).

### **Bicycle Parking**

Per Table 20-190 of the City's Municipal Code, the City requires one bicycle parking space per four residential units. Bicycle parking should consist of at most 40 percent short-term bicycle spaces and at least 60 percent long-term bicycle spaces. The condominium units would be required to provide a total of 11 bicycle parking spaces consisting of four short-term parking spaces and seven long-term parking spaces. The modified project would include a total of 12 bicycle parking spaces for residential uses which would exceed the City's minimum requirement.

Based on the operational assessment, the modified project would be consistent with City Council Policy 5-1.

## **4.11 UTILITIES AND SERVICE SYSTEMS**

The change to the Clariana Phase II project relevant to utilities and service systems is the increase in residential units.

### **4.11.1 Findings of the Clariana Phase II Addendum**

The Clariana Phase II project is consistent with planned growth in the Downtown Strategy 2040 Plan and complies with the policies and regulations identified in the General Plan. No new or expanded water or wastewater facilities are needed as a result of the project and the approved project would comply with CALGreen requirements and the City's Private Sector Green Building Policy. Furthermore, the project would not exceed the capacity of existing landfills serving the City of San José or generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. Therefore, the Clariana Phase II Addendum concluded that the project would result in a less than significant impact to utility or service facilities.

### **4.11.2 Utility and Service Systems Impacts Resulting from the 2022 Modified Project**

#### **4.11.2.1 *Water Supply***

As proposed, the modified project would add five additional units to the Clariana Phase II Addendum and would use approximately 893<sup>8</sup> gallons of water daily. The 41 condominium units would result in a daily water usage of approximately 7,319 gallons. Full build out of the project would use approximately 13,511 gallons of water daily. The modified project would be consistent with planned growth in the Downtown Strategy 2040 Plan and would comply with the policies and regulations identified in the General Plan. No new or expanded water facilities would be needed as a result of the project. Additionally, the modified project would comply with CALGreen requirements and the

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<sup>8</sup> Water usage rates were calculated using CalEEMod Appendix D (Condos/Townhouse). CalEEMod. "Table 9.1: Water Use Rates." Accessed July 12, 2022. [http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05\\_appendix-d2016-3-1.pdf](http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf).

City's Private Sector Green Building Policy. Therefore, even with the five additional units, implementation of the modified project would have a less than significant impact on the City's water supply. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified water supply impacts.

#### **4.11.2.2      *Sanitary Sewer Capacity***

For the purposes of this analysis, it is assumed that the total wastewater generation would be equal to the total water usage due to the minimal landscaping proposed on-site. Consistent with the Clariana Phase II Addendum, the existing sewer lines would serve the project site. Development allowed under the Downtown Strategy 2040 Plan, including the modified project, would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, the project would have a less than significant sanitary sewer capacity impact. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified sanitary sewer impact.

#### **4.11.2.3      *Solid Waste***

The five additional units would generate approximately 50<sup>9</sup> pounds of solid waste per day and full build out of the modified project would generate approximately 544<sup>10</sup> pounds of solid waste daily. Consistent with the Clariana Phase II project, the project is consistent with the planned growth in the Downtown Strategy 2040 Plan and would not exceed the capacity of existing landfills serving the City of San José. The modified project would implement the City's Zero Waste Strategic Plan and comply with existing regulations and programs which would ensure that full build out of the Downtown Strategy 2040 Plan would not result in significant impacts on solid waste disposal capacity. The modified project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. In addition, the project would comply with any applicable federal, state, policies, and regulations related to solid waste. For these reasons, the modified project would not result in a new impact or substantially increase the severity of the previously identified solid waste impact.

### **4.12            MANDATORY FINDINGS OF SIGNIFICANCE**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?

**Same Impact as Approved Project.** Based on the analysis provided in this Addendum, the modified project would not substantially degrade or reduce wildlife species or habitat, or impact historic or

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<sup>9</sup> Solid waste generation was estimated at a rate of 10 pounds per dwelling unit per day for single-family land uses. CalRecycle. "Estimated Solid Waste Generation Rates." Accessed July 12, 2022. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

<sup>10</sup> Solid waste generation was estimated at a rate of 10 pounds per dwelling unit per day for single-family land uses, two pounds per room per day for hotel land uses, and 0.005 pounds per square feet per day for restaurant uses. CalRecycle. "Estimated Solid Waste Generation Rates." Accessed July 12, 2022. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

other cultural resources with implementation of applicable General Plan policies and other regulations consistent with the approved project.

- 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)?

**Same Impact as Approved Project.** The project would add five additional condominium units to the Clariana Phase II project and would not significantly contribute to cumulative impacts that are not addressed and mitigated within the Downtown Strategy 2040 FEIR or the Hotel Clariana Initial Study/Addendum.

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

**Same Impact as Approved Project.** Based on the analysis provided in this addendum, the modified project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly with implementation of applicable General Plan policies and other regulations consistent with the Clariana Phase II project.

## **Appendices:**

Appendix A – Supplemental Local Transportation Analysis

## SECTION 5.0 REFERENCES

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The analysis in this Addendum 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. “Table 9.1: Water Use Rates.” Accessed July 12, 2022.

[http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05\\_appendix-d2016-3-1.pdf](http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf).

CalRecycle. “Estimated Solid Waste Generation Rates.” Accessed July 12, 2022.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

City of San José. *City of San José Transportation Analysis Handbook*. April 2018.

City of San José. *Hotel Clariana Expansion Project*. January 2020.

City of San José. *Downtown Strategy 2040 FEIR*. December 2018.

City of San José. *City of San José Transportation Analysis Handbook*. April 2018.

City of San José. *City of San José Transportation Analysis Handbook*. November 2018.

City of San José. *Clariana Phase II Addendum*. May 2021.

Hexagon Transportation Consultants, Inc. *Hotel Clariana Addition Local Transportation Analysis*. April 10, 2019.

Hexagon Transportation Consultants, Inc. *Transportation Analysis Consistency Review for the Hotel Clariana Phase II Residential Development Adjustments*. June 22, 2022.

ITE *Trip Generation Manual*, 10<sup>th</sup> Edition 2017.

ITE *Trip Generation Manual*, 11<sup>th</sup> Edition 2021.

Odell Planning and Research, Inc. *Development Fee Justification Study Prepared for the San José Unified School District*. April 2014.

## SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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### City of San José

Department of Planning, Building and Code Enforcement

Chris Burton, Director of Planning, Building and Code Enforcement

David Keyon, *Supervising Planner*

Kara Hawkins, *Planner II*

### 6.1 CONSULTANTS

#### David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Shannon George, *Principal Project Manager*

Fiona Phung, *Project Manager*

Ryan Osako, *Graphic Artist*

#### Hexagon Transportation Consultants, Inc.

Gilroy, CA

Traffic