Initial Study/Addendum

1530-1544 West San Carlos Mixed-Use Project

State Clearinghouse No: 2019120341

File No: H22-033

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

May 2023

ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT
(WEST SAN CARLOS STREET MIXED-USE PROJECT, SCH # 2019120341)

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

H22-033 – West San Carlos Street Mixed-Use Project (formerly SP20-004). A Site Development Permit to allow the demolition of three existing commercial buildings, eight unoccupied residential buildings, and associated service structures totaling approximately 14,131 square feet, removal of 14 trees, including 11 ordinance-size trees, and construction of an eight-story, mixed-use building consisting of 237 multifamily residential units and approximately 16,980 square feet of commercial space on an approximately 1.34-gross-acre site.

Location: The 1.34-acre project site is located on the southeast corner of the Buena Vista Avenue and West San Carlos Street intersection, 1530, 1536, and 1544 West San Carlos Street.

Assessor's Parcel Numbers: 277-18-018, 277-18-019, and 277-18-020 **Council District:** 6

The environmental impacts of this project were addressed by the following Final Environmental Impact Report: "The West San Carlos Mixed-Use Project Draft Environmental Impact Report adopted by City Council Resolution No. 80189 on August 24, 2021. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

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

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

BACKGROUND

1530-1544 West San Carlos Street Mixed-Use Project Environmental Impact Report (EIR)
On August 24, 2021, the City Council adopted a resolution certifying the West San Carlos Street Mixed-Use Project Environmental Impact Report (EIR) for the original 1530-1544 West San Carlos Street Mixed-Use Project (SP20-004) which included a Special Use Permit to allow the demolition of three commercial buildings, eight residential buildings, associated service structures, and one billboard totaling approximately 14,131 square feet, the removal of 11 ordinance-size trees and four non-ordinance-size trees, and the construction of two seven-story residential mixed-use buildings, consisting of 173 residential units and 17,836 square feet of commercial retail space with an approximately 42 percent parking reduction on an

approximately 1.34-gross-acre site. The FEIR found that the project would result in significant unavoidable impacts to the on-site historic cultural resources, including impacts to candidate City Landmarks (i.e., Craftsman-style house and seven Spanish Revival-style bungalows) located at 1530 West San Carlos Street. The FEIR also included standard project conditions and project-specific mitigation measures outlined in a Mitigation and Monitoring Reporting Program (MMRP) signed and dated July 12, 2021. With implementation of these conditions and measures, project impacts with respect to Air Quality, Biological Resources, Hazards and Hazardous materials, and Noise were reduced to less than significant levels. Regarding the historic cultural resources, it was determined that even with mitigation, impacts to cultural resources would be significant and unavoidable and cumulatively considerable, requiring an overriding statement of considerations.

ANALYSIS

The proposed project (File No. H22-033, filed on July 22, 2022 with the Planning Division) is a Site Development Permit to allow the demolition of three existing commercial buildings, eight unoccupied residential buildings and associated service structures totaling approximately 14,131 square feet, removal of 14 trees, including 11 ordinance-size trees, and the construction of an eight-story mixed-use building consisting of 237 multifamily residential units and approximately 16,980 square feet of commercial space, and a 48 percent parking reduction, on an approximately 1.34-gross-acre site. Consistent with the approved project, the current project would demolish all on-site structures, including the Candidate City Landmarks; however, instead of constructing two seven-story residential and mixed-use buildings, the modified project would construct one mixed-use building consisting of 237 multifamily units, an increase of 66 units (from 171 units). The current project would also include approximately 16,980 square feet of commercial space, a reduction of 856 square feet of commercial space (from 17,836 square feet) and provide 199 vehicle parking spaces instead of 189 vehicle parking spaces. The proposed building would be eight stories high with residential units on floors two through eight, and two levels of parking of parking within the building, one below-grade and one at-grade. Similar to the approved project, the modified project would still include a paseo set back 30 feet from the building along the southern portion of the site and a 15-foot setback along the southern property line for a private walkway.

While additional units are proposed, the project scope has been reduced from two seven-story buildings to one eight-story building, and the construction timeline has been shortened from 576 construction days to 320 construction days. To address potential environmental impacts associated with the modified project, an Initial Study/ Addendum to the 1530 West San Carlos Street Mixed-Use Project was prepared. The Initial Study/Addendum specifically reviewed and analyzed air quality, energy, greenhouse gas emissions, hydrology and water quality, noise, population and housing, public services, recreation, transportation, and utilities and service systems. The Initial Study/Addendum concluded that the modified project has similar massing and land uses to the approved project and would not result in new or more significant impacts compared to the approved project. Therefore, the proposed Site Development Permit does not exceed the impacts identified for the approved project and the potential environmental effects are considered addressed in the approved FEIR. Additional detailed analysis is available in the consistency analysis of this Initial Study/Addendum.

Furthermore, the subject Site Development Permit (File No. H22-033) would implement the MMRP previously adopted for the approved project in addition to incorporating environmental permit conditions identified in the approved FEIR to reduce impacts to a less than significant level.

CEQA Guidelines Section 15164 states that the Lead Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, where none of the conditions call for the preparation of a subsequent EIR. As such, an Addendum was prepared to analyze potential impacts resulting from the modified project. Based on the analyses in the Addendum, the proposed project would not result in new significant impacts or impacts of greater severity than the approved project and therefore, a supplemental or subsequent EIR is not required, and the West San Carlos Street Mixed-Use Project EIR is the appropriate level of CEQA clearance for the project and the MMRP and standard permit conditions are made part of this permit.

The attached Initial Study/Addendum provides background on the project description, specific project-level impacts, and the relationship between previous mitigation measures and the revised project. This Addendum and attachments will not be circulated for public review but will be attached to the West San Carlos Street Mixed-Use Project EIR pursuant to CEQA Guidelines §15164(c).

Christopher Burton, Director
Planning, Building and Code Enforcement

06/09/2023

Date

Deputy

Environmental Project Manager: Maira Blanco

Attachment:
Addendum to the Environmental Impact Report for the Garden Gate Tower Project

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY/ADDENDUM

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

In 2021, the City of San José certified the 1530-1544 West San Carlos Mixed-Use Project's Final Environmental Impact Report (FEIR). The City approved a Special Use Permit (File No. SP20-004) to allow development of two seven-story buildings with six levels of residential units over two levels of parking (one below-grade and one at-grade) on-site. Building 1 (on the east side of the site) includes 103 residential units and 11,387 square feet of commercial space on the ground level and second floor. Building 2 includes 70 residential units and 6,449 square feet of commercial space on the ground level and second floor. The approved project has a density of approximately 129 dwelling units/acre (du/ac) and a floor area ratio (FAR) of 0.30. The maximum height of the buildings would be 82 feet to the roofline and 92 feet to the highest architectural element (stairs).

The intent and purpose of the FEIR was to provide project-level environmental review for the mixed-use project. This Initial Study/Addendum tiers from the certified FEIR and provides analysis for the proposed changes to the project, including an increase in residential units and a reduction in the size of the commercial use as described in Section 3.0.

CEQA Guidelines Section 15162 states that when an Environmental Impact Report (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 or the Negative Declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

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

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

This Initial Study/Addendum analyzes the 1530 West San Carlos Mixed Use Project under Section 15162 to determine whether any of the proposed project changes would result in new or substantially more severe impacts than were previously disclosed in the certified EIR.

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

This Initial Study/Addendum, along with a copy of the original FEIR, is available at the City of San José City Hall at 200 East Santa Clara Street, San José, CA 95113, during normal business hours, or on the City's Environmental Review Documents website , available at this link.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

1530-1544 West San Carlos Mixed-Use Project [File No. H22-033]

2.2 LEAD AGENCY CONTACT

City of San José
David Keyon, Principal Planner
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

2.3 PROJECT APPLICANT

Urban Villas, LLC.
Viji Mani
22561 Poppy Drive
Cupertino, CA 95014

2.4 PROJECT LOCATION

1530, 1536, and 1544 West San Carlos Street in the City of San José. See Regional, Vicinity and Aerial Figures 2.4-1, 2.4-2, and 2.4-3 respectively.

2.5 ASSESSOR'S PARCEL NUMBERS

277-18-018, 277-18-019, and 277-18-020

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

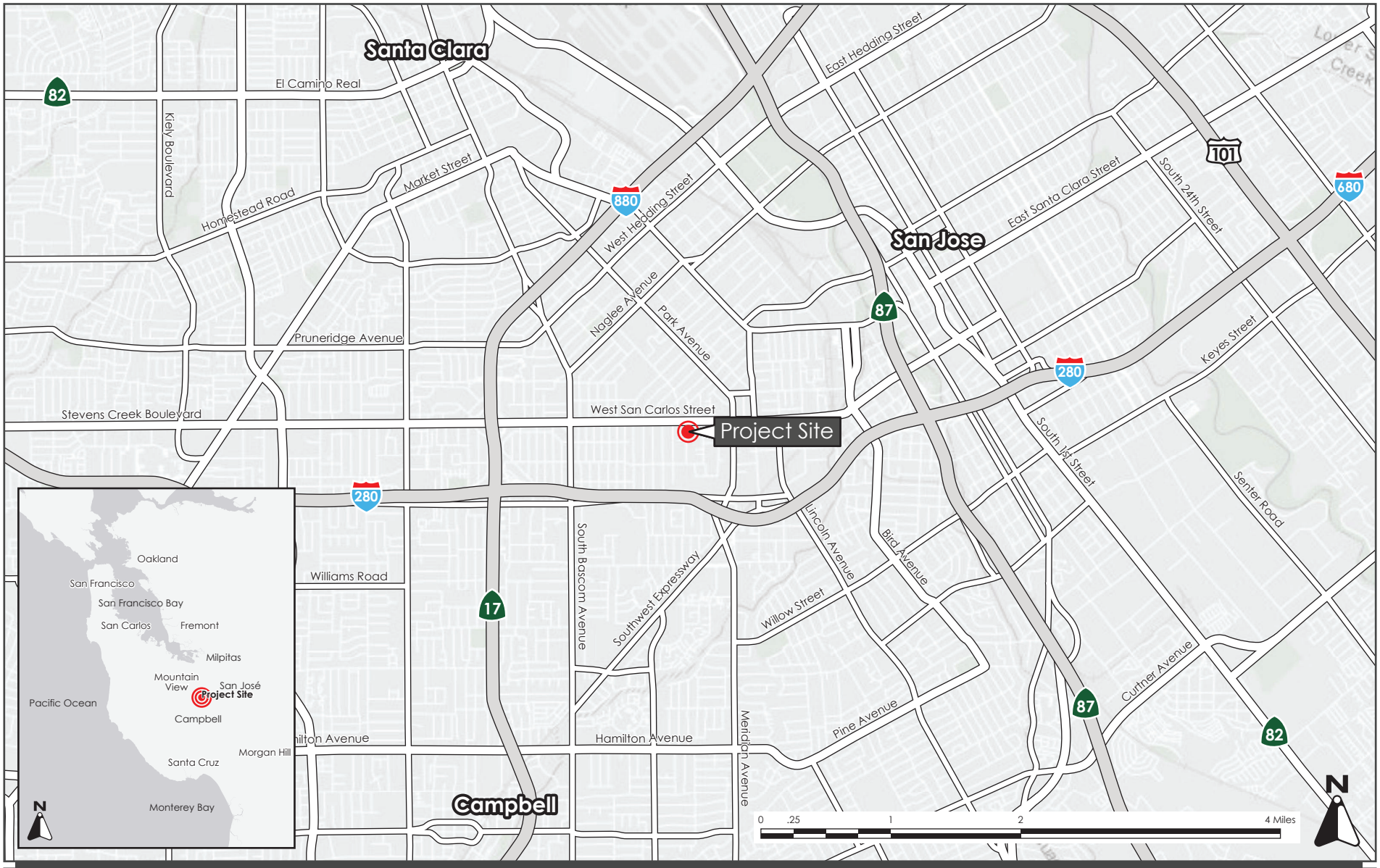
General Plan Designation: Urban Village
Zoning District: Urban Village (UV)

2.7 HABITAT PLAN DESIGNATION

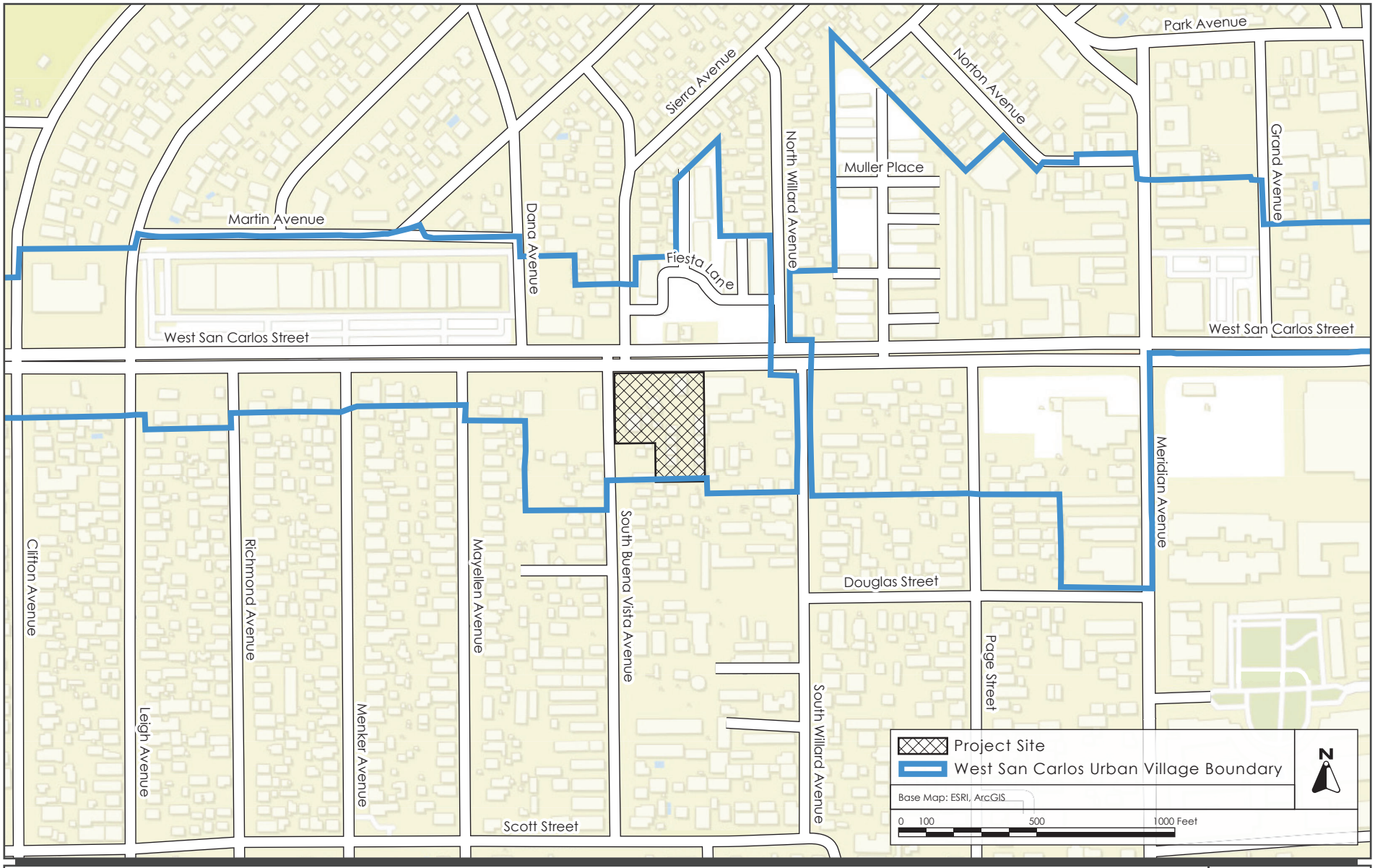
Urban-Suburban

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit
- Tentative Map
- Special Use Permit
- Tree Removal Permit
- Demolition Permit
- Public Works Clearances, including a Grading Permit



REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 APPROVED PROJECT

The approved project (File No. SP20-004, approved August 24, 2021 by City Council Resolution Number 80190)) allows for the construction of two seven-story buildings with six levels of residential units over two-levels of parking (one below-grade and one at-grade) on site. To facilitate the development, the project would include the demolition of three commercial buildings totaling approximately 7,600 square feet, a restaurant, eight single-family residences, including a Craftsman-style house and bungalow court eligible for candidate City Landmark status and three ancillary parking garages, and the removal of all trees and other onsite landscaping.

Building 1 (on the east side of the site) includes 103 residential units, and 11,387 square feet of commercial space on the ground level and second floor. Building 2 includes 70 residential units, and 6,449 square feet of commercial space on the ground level and second floor. The approved project has a density of approximately 129 dwelling units/acre (du/ac) and a floor area ratio (FAR) of 0.30. The maximum height of the buildings would be 82 feet to the roofline and 92 feet to the highest point of architectural element (stairs).

The project includes a total of 189 vehicle parking spaces in the two-level parking garages located within each building. The project site will be accessed by a driveway between the two buildings on West San Carlos Street. The driveway will provide direct access to the parking in both buildings. The approved project also includes 73 bicycle parking spaces.

Communal outdoor open space for the residents is included on the third and fifth floors of Building 1 and the third and seventh floors of Building 2. The third floor of Building 1 would contain two courtyards totaling approximately 3,412 square feet on the western side of the building. The fifth floor of Building 1 would contain an approximately 3,129-square foot terrace on the southern end of the building. The third floor of Building 2 would contain an approximately 2,535-square foot courtyard on the east side of the building. The seventh floor would have two terraces on the east side of the building totaling approximately 3,742 square feet. In addition, the project includes approximately 5,447 square feet of indoor amenity space in Building 1 and approximately 3,965 square feet of indoor amenity space in Building 2.

The southern portion of the site between Building 1 and the southern property line would include a 30-foot wide, 4,450-square foot paseo with a walkway that wraps around the building and connects to the proposed driveway and the sidewalk on West San Carlos Street. The southern 15-foot setback area of Building 2 would have a privately accessible walkway that connects to South Buena Vista Avenue, and the proposed driveway, which would connect to the paseo. The paseo would be accessible to residents only.

Consistent with the City's Private Sector Green Building Policy, the approved project was designed to achieve at least the minimum Leadership in Energy and Environmental Design (LEED) certification by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

According to the City's Municipal Code, projects located in Urban Villages can propose reductions in the required minimum off-street parking if accompanied by a Transportation Demand Management (TDM) Plan. The approved project includes a 42-percent parking reduction which requires a TDM Program. The final TDM will include at least three of the following measures:

- On-line kiosk with information regarding non-auto transportation alternatives
- One hundred percent unbundled parking for all residential spaces.
- Transit Subsidies (e.g., providing VTA SmartPasses)
- Adequate bicycle parking for residential and commercial uses, per the San José Parking Code

Construction of the approved project would occur in two phases with each building taking approximately 24 months to complete, for a total construction period of 48 months. Approximately 25,380 cubic yards of soil would be excavated from the project.

3.2 MODIFIED PROJECT

Consistent with the approved project, the modified project would require a Site Development Permit (File No. H22-033) to allow for the demolition of all structures and improvements on-site and construction of project. As proposed, the modified project would construct one mixed-use building with 237 multi-family residential units (69 studios, 83 one bedroom, 34 two bedroom, and 51 loft units) and approximately 16,980 square feet of commercial space. The building would be eight stories with a maximum height of 85 feet to the rooftop and 95 feet to the highest architectural element (the stairwell) with residential units on floors two through eight. The commercial space would face West San Carlos Street on the first and second floors. The modified project would have a density of approximately 177 du/ac and an FAR of 0.29. The site plan and elevation can be seen in Figure 3.2-1 and 3.2-2 below.

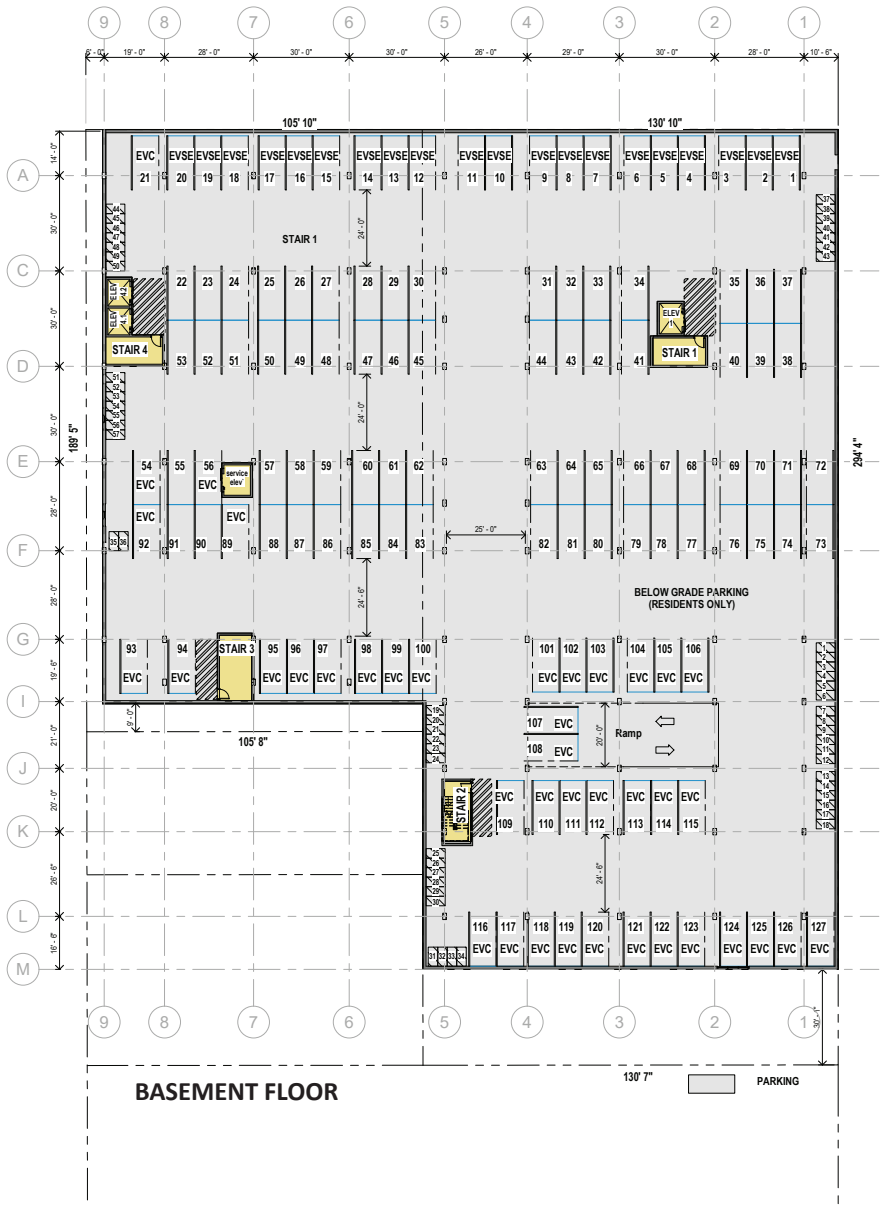
The modified project would include two levels of parking within the building, one below-grade and one at-grade, totaling 199 vehicle parking spaces. Driveway access to the parking would be located along the eastern boundary of the site. The garage would also include 73 bicycle parking spaces. The modified project also includes a traffic demand management plan (TDM) consistent with the approved project for a parking reduction of 47.9 percent on-site.

The modified project also includes communal space throughout the buildings. The communal space is comprised of 8,100 square feet of internal space on floors 2 and 3, a 3,060-square foot podium deck on the fourth floor, a 2,120-square foot multi-purpose room and 1,831-square foot outdoor deck (south end) on the fifth floor, and a 2,231-square foot outdoor deck on the eighth floor.

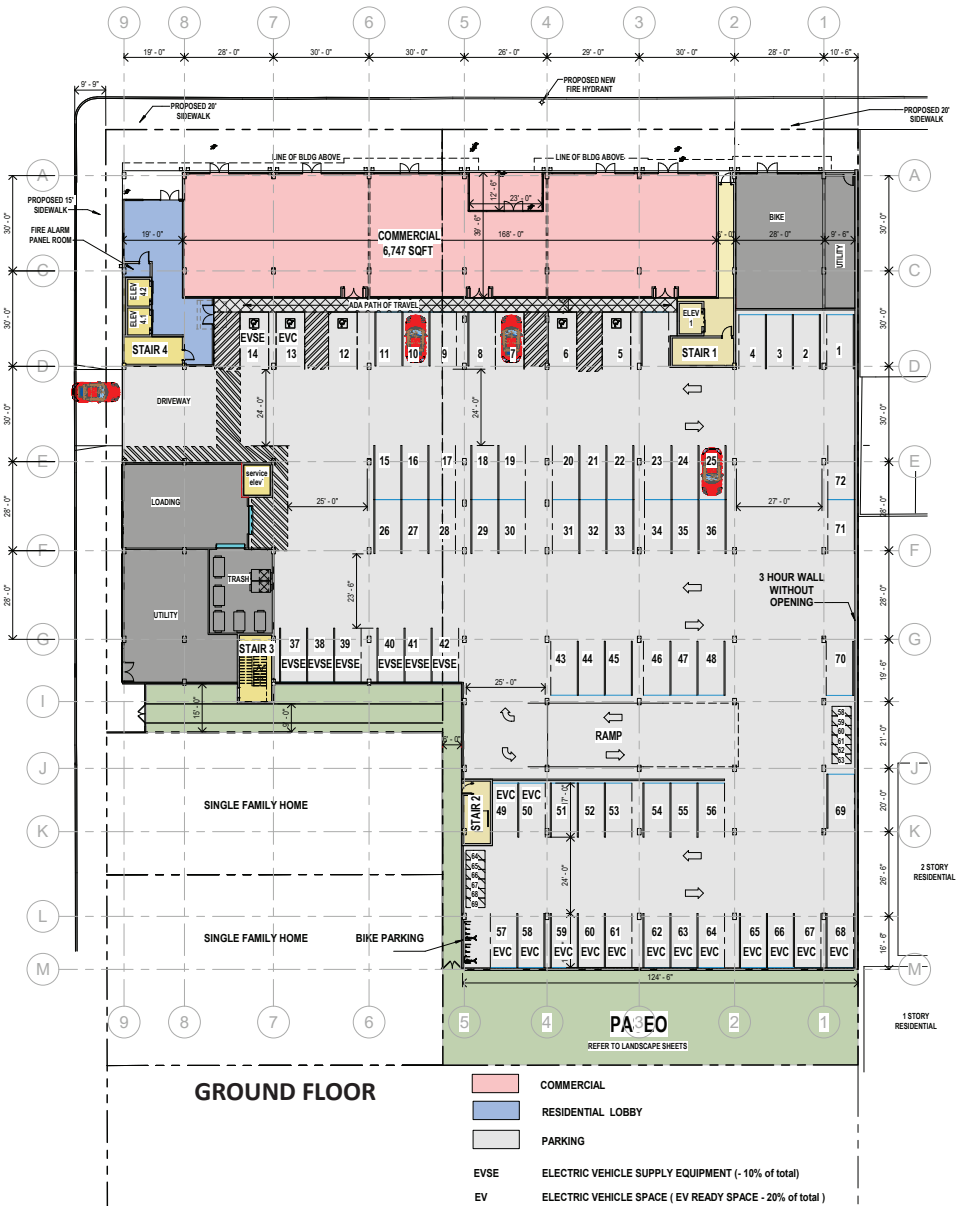
Consistent with the approved project, the modified project would still include a paseo set back 30feet from the building along the southern portion of the site and a 15-foot setback along the southern property line for a private walkway. With the proposed change in the building footprint, these spaces would be directly connected by an approximately six-foot walkway. The modified project would be constructed in approximately 15 months (320 days).

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

Table 3.2-1: Comparison of Approved and Modified Project		
Design Feature	**Approved Project**	**Modified Project**
Buildings to be Demolished	14,131 square feet	14,131 square feet
Buildings to be Constructed	2	1
Residential Units	173	237
Commercial	17,836 square feet	16,980 square feet
Parking Spaces	189	199
Bicycle Parking Spaces	73	73
Maximum Building Height	82 feet	85 feet
Dwelling Units Per Acre	129	176
Floor Area Ratio	0.30	0.29
Project Site Size	1.34 acres	1.34 acres



BASEMENT FLOOR



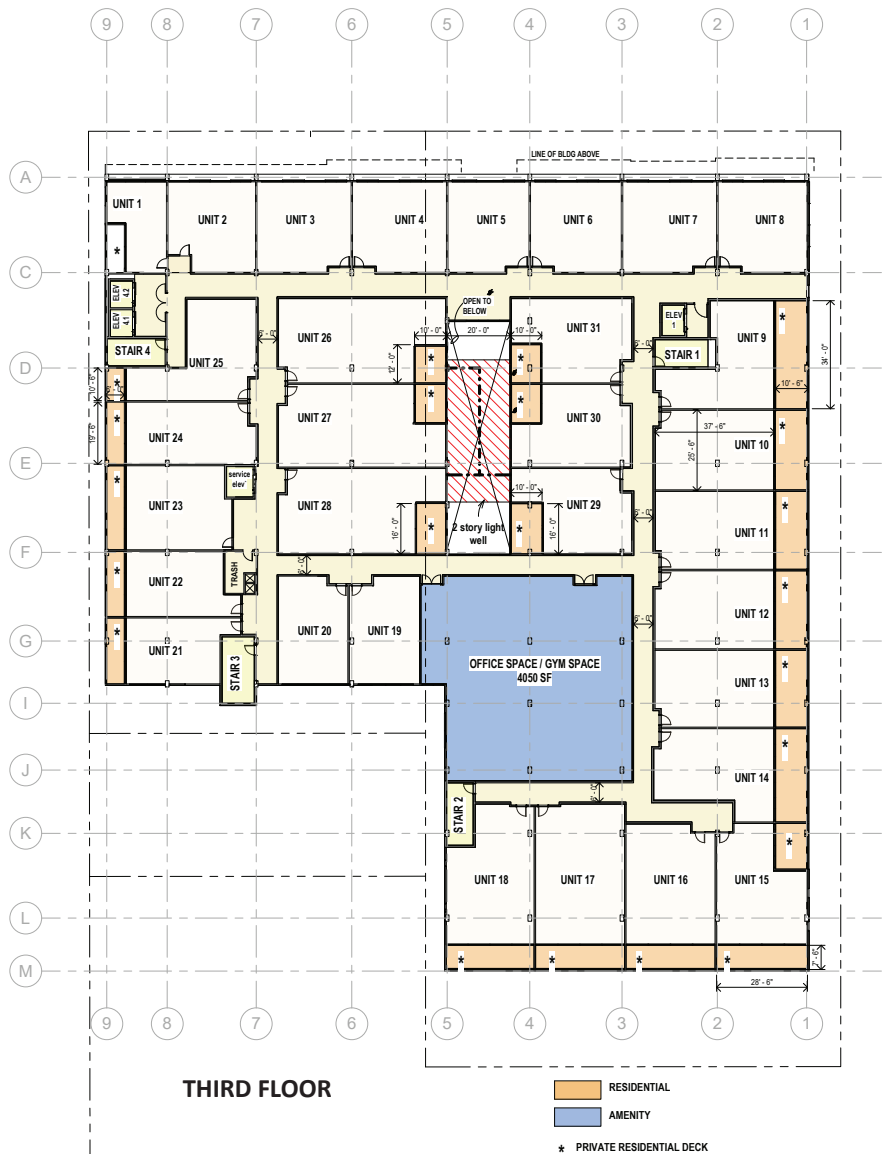
GROUND FLOOR

COMMERCIAL
RESIDENTIAL LOBBY
PARKING
EVSE ELECTRIC VEHICLE SUPPLY EQUIPMENT (- 10% of total)
EV ELECTRIC VEHICLE SPACE (EV READY SPACE - 20% of total)

0 10 20 40 60 Feet

SECOND FLOOR

COMMERCIAL
RESIDENTIAL
AMENITY
* PRIVATE RESIDENTIAL DECK



THIRD FLOOR

RESIDENTIAL
AMENITY
* PRIVATE RESIDENTIAL DECK

Source: Studio Current, September 28, 2022.

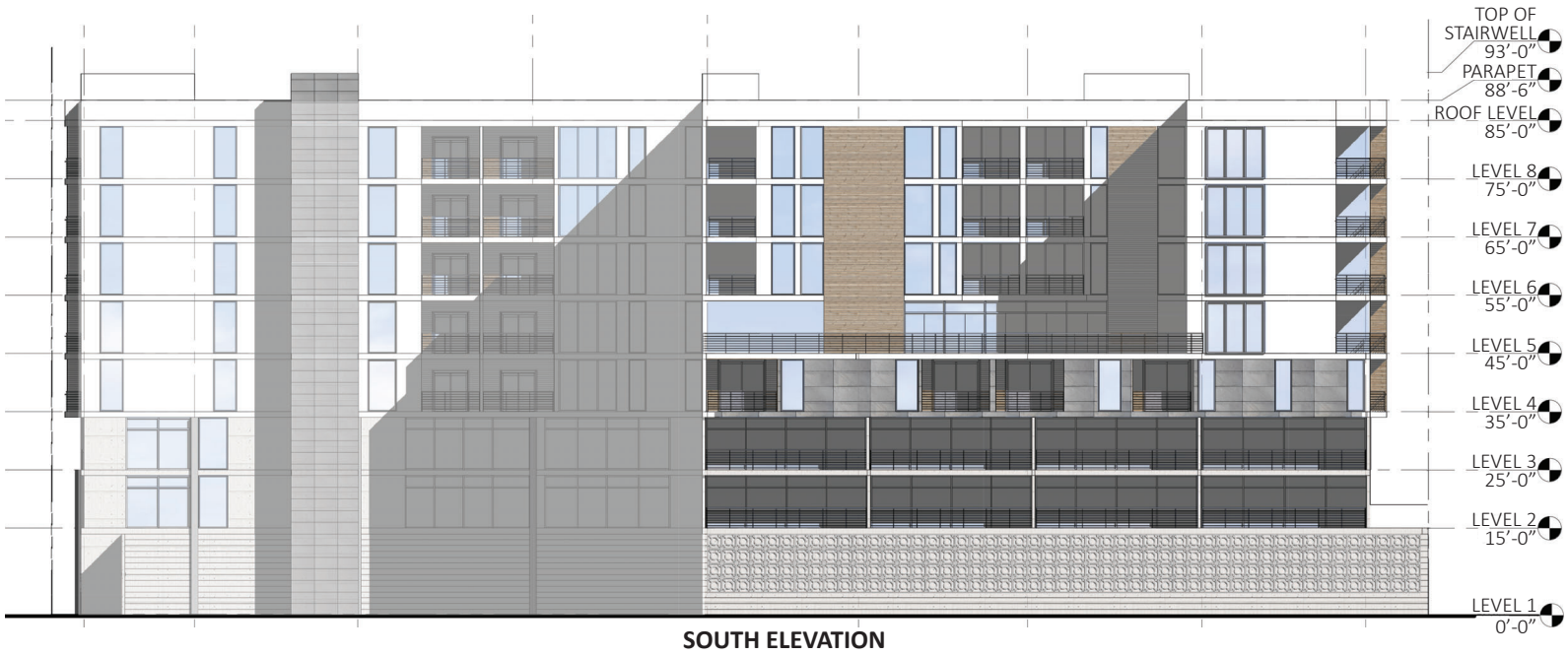
PROJECT ELEVATIONS (BASEMENT FLOOR THROUGH THIRD FLOOR) | FIGURE 3.2-1

Source: Studio Current, September 28, 2022.

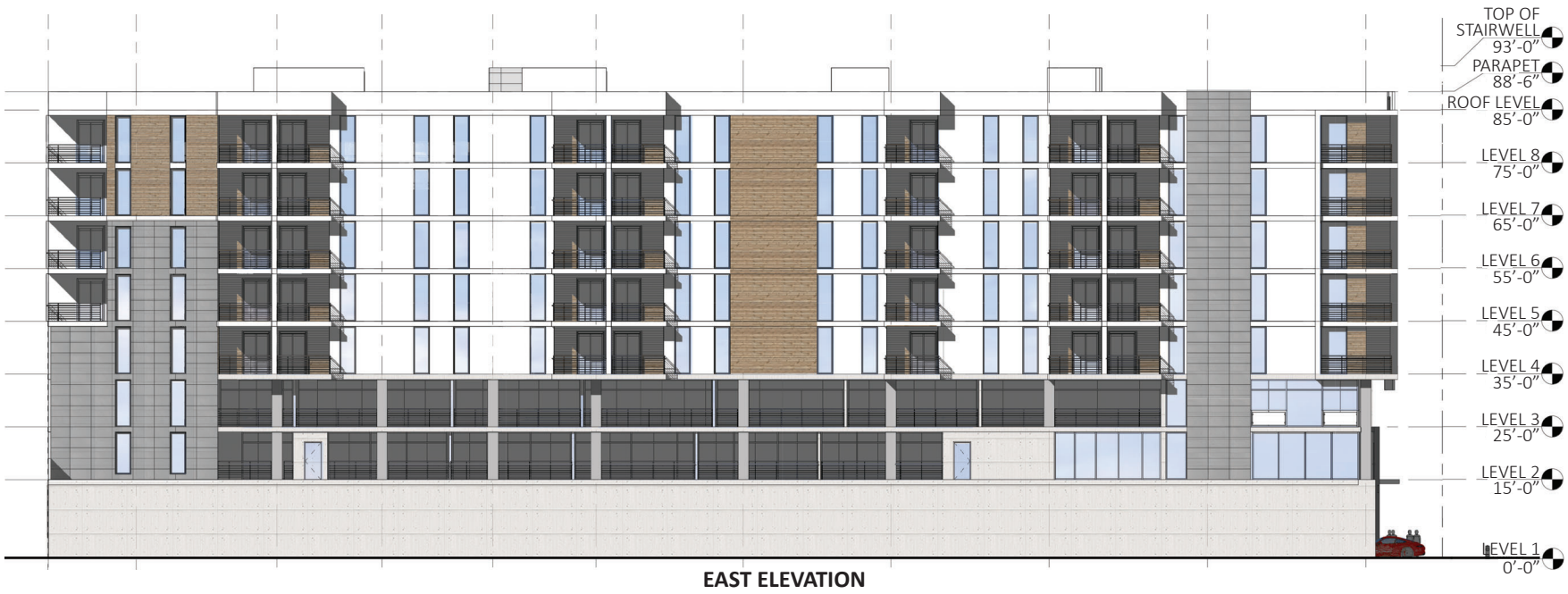
PROJECT ELEVATIONS (FOURTH FLOOR THROUGH ROOF)

FIGURE 3.2-1

NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

WEST ELEVATION

Source: Studio Current, September 27, 2022.

PROJECT ELEVATIONS

FIGURE 3.2-2

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

The discussion below describes the environmental impacts of the modified project compared to the impacts of the approved 1530 West San Carlos Mixed-Use project. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR. This Initial Study/Addendum only addresses those resource areas which could potentially have new impacts or impacts of greater severity (specific to the project site) than were addressed in the FEIR. Based on the project's consistency with the development assumptions and General Plan and zoning designations, the modified project would have the same impacts as the approved project with regard to the following environmental issues as they relate to site conditions, such as ground disturbance during construction or the removal of trees, that would not vary depending on the ultimate use of the site:

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Tribal Cultural Resources
- Wildfire

All relevant best management practices, Standard Permit Conditions, Conditions of Approval, and relevant aspects of Mitigation Measures identified in the approved 1530 West San Carlos Mixed Use Project FEIR for these resource areas are incorporated by reference and would be required of the modified project.

This Addendum analyzes the impacts of the modified project and consistency with the FEIR regarding the following environmental issues:

- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

4.1 EXISTING SETTING

The project site is currently developed with three commercial buildings (totaling approximately 7,600 square feet) and associated ancillary structures and surface parking. Behind the restaurant building, and separated by a metal rolling gate, are eight single-family residences and three ancillary parking garages in the southern portion of the site. Neither the businesses nor residential units are occupied. There is a billboard on the eastern property line. The project site currently has two driveways on South Buena Vista Avenue and four driveways on West San Carlos Street. Two of the driveways on West San Carlos Street have limited access due to metal bollards installed along the property line. There are 14 trees on-site and one off-site street tree adjacent to the site.

The project site is in the Urban Village (UV) Zoning District and has a land use designation of Urban Village under the Envision San José 2040 General Plan. Within the West San Carlos Urban Village Plan, the project site is designated as Urban Village within the Mixed-Use Residential Character Area. No new projects have been constructed in the project area since certification of the FEIR.

4.2 AIR QUALITY

This section is based in part on the 1530 West San Carlos Construction and Operation Impacts Update Memo prepared by Illingworth and Rodkin in January 2023. This memo is included as Appendix A of this document.

The changes to the approved project relevant to air quality are the changes to the construction schedule, the decrease in the number of construction days, and the increase in trip generation for the proposed use compared to the approved project.

4.2.1 Findings of the Previously Certified FEIR

4.2.1.1 *Consistency with the 2017 Climate Action Plan*

The approved project would not conflict with the 2017 Climate Action Plan (CAP) because its criteria air pollutant emissions would be lower than the Bay Area Air Quality Management District (BAAQMD) Operational Criteria Pollutant significance thresholds, as it is urban infill, and would be located near bike paths and transit with regional connections. Thus, the approved project was not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the approved project would not inhibit BAAQMD or partner agencies from attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described in the 2017 CAP.

4.2.1.2 *Operational Impacts to Regional and Local Air Quality*

As shown in Table 4.2-1 below, the average operational emissions of reactive organic gases (ROG), nitrogen oxide (NO_X), and particulate matter (PM_{10} and $PM_{2.5}$) exhaust associated with the approved project would not result in criteria pollutant emissions above the established thresholds.

Table 4.2-1 Operational Criteria Pollutant Emissions from the Approved Project

Description	ROG	NO_X	PM_{10}	$PM_{2.5}$
2025 Project Operational Emissions (tons per year)	1.02	0.86	0.85	0.24
2025 Existing Operational Emissions (tons per year)	0.14	0.14	0.09	0.03
Total Net Project Emissions (tons per year)	0.88	0.73	0.76	0.21
BAAQMD Thresholds	**10**	**10**	**15**	**10**
Total Project Emissions (pounds per day)	4.83	3.98	4.19	1.14
BAAQMD Thresholds	**54**	**54**	**82**	**54**
Exceed Threshold?	No	No	No	No

Source: David J Powers and Associates. 1530-1544 West San Carlos Mixed-Use EIR. January 2021

The approved project was also determined to not result in localized health risks during operation of the project. This was due to the project consisting primarily of light duty vehicles that are not a source of toxic air contaminants or $PM_{2.5}$. Therefore, it was determined that project operations would not result in significant operational TAC impacts on existing sensitive receptors.

4.2.1.3 *Construction Impacts – Criteria Pollutants*

Construction of the approved project would involve the demolition of 14 buildings and associated surface parking lots, excavation for the underground parking, site grading, trenching, paving, building construction, and architectural coating. The emissions of ROG, NO_X, PM_{10} and $PM_{2.5}$ exhaust associated with construction of the approved project were determined to not exceed the BAAQMD significance thresholds and, therefore, would not result in a significant impact from construction emissions. With implementation of the Standard Permit Conditions listed below, construction emissions would be further reduced.

Standard Permit Conditions

The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

4.2.1.4 *Community Risk Impacts – Construction*

Construction activities on-site were determined to generate dust and other particulate matter that could temporarily impact nearby sensitive receptors. Sensitive receptors in the project vicinity were determined to be adversely affected by carcinogenic risk factors and $PM_{2.5}$ exhaust which is a known toxic air contaminant (TAC). The approved project included mitigation measure MM AQ-1.1 (listed below). With implementation of this mitigation measure, construction of the approved project would lower the health risks to nearby off-site sensitive receptors from TACs. TAC levels would be reduced below the BAAQMD thresholds.

Impact AQ-1: Construction activities associated with the proposed project would expose the maximally exposed individuals near the project site to cancer risk and PM10 exhaust in excess of BAAQMD thresholds.

Mitigation Measure:

MM AQ-1.1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures. Feasible methods to achieve this reduction would include the following:

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 interim engines or equivalent.
- Provide electric power to avoid use of diesel-powered generator sets and other portable equipment.
- Alternatively, equipment that meets U.S. EPA Tier 3 engines standards for particulate matter that include CARB-certified Level 3 Diesel Particulate Filters or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

4.2.1.5 *Odors*

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

Based on the expected operations of the approved project (i.e., commercial and residential uses), it was determined that, similar to other residential and commercial mixed-use developments, the approved project would not generate objectionable odors.

4.2.1.6 *Non-CEQA Impacts of Approved Project*

The approved project would be constructed in two phases, occurring one after another. The first phase was determined to be operational once constructed. Therefore, the residences of the first phase development were considered sensitive receptors during construction of the second phase development. Community health risk effects to future on-site residences from TAC sources from construction were modeled.

The construction health risk effects would exceed the BAAQMD single-source thresholds for maximum increased lifetime cancer risks and annual $PM_{2.5}$ concentrations, while the single-source

health index threshold would not be exceeded. The approved project mitigation was determined to reduce these health risk impacts, and the project was not found to adversely affect new on-site residents.

4.2.2 Impacts Resulting from Modified Project

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

4.2.2.1 *Project Impacts*

Consistent with the FEIR, this analysis is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2017 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.2-2.

Table 4.2-2: Project-Level Significance Thresholds

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15

Table 4.2-2: Project-Level Significance Thresholds			
Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	
Note: μ/m^3 = micrograms per cubic meter.			

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

2017 Clean Air Plan

Consistent with the approved project, the modified project would not conflict with the 2017 CAP because it is consistent with the adopted General Plan, is considered urban infill, and it would be located near bike paths and transit with regional connections. Based on the construction and operational emissions calculated for the modified project (see Tables 4.3-3 and 4.3-4, below) the modified project would not generate operational-related criteria air pollutants that exceed the thresholds shown in Table 4.3-2. Thus, the project is not required to incorporate the project-specific control measures listed in the 2017 CAP. Furthermore, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, consistent with the approved project, the modified project would comply with the 2017 Clean Air Plan.

Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator model (CalEEMod) Version 2020.4.0 was used to estimate annual emissions from construction activities. The proposed land uses of the project were input into CalEEMod, which included 237 dwelling units, 5,530 square feet of General Office use (to provide a conservative assessment of the interior amenity spaces), and 16,980 square feet entered as "Strip Mall" on 1.34 acres, and 199 parking spaces and 86,133 square feet entered as "Enclosed Parking with Elevator". The project also includes open space areas which are captured in other land use modeling by association. The construction schedule estimates that construction would occur over a period of approximately 15 months, or 320 construction workdays, a decrease of 256 days from the approved project (576 days).[1] Table 4.2-3 shows the estimated daily air emissions from construction of the modified project.

Table 4.2-3: Construction Emissions from the Modified Project

Description	ROG	NO_x	PM_{10}	$PM_{2.5}$
Construction Emissions Per Year (Tons)				
2023	0.22	1.90	0.10	0.08
2024	1.66	0.85	0.04	0.03
Total Emissions – Current Design	1.88	2.75	0.14	0.11
Total Emissions – Prior Design	2.00	6.00	0.27	0.25
Average Daily Construction Emissions Per Year (pounds/day)				
2023 (196 construction workdays)	2.27	19.35	0.99	0.82
2024 (124 construction workdays)	26.73	13.78	0.72	0.56
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**

Source: Illingworth and Rodkin. 1530 W San Carlos Construction and Operation Impacts Update Memo. January 2023.

As shown above in Table 4.2-3, construction period criteria pollutant emissions associated would not exceed the BAAQMD significance thresholds during any construction year. The modified project would implement required standard permit conditions established by the City of San José to control dust and other particulate matter on-site through best management practices, consistent with the approved project.

With the implementation of standard permit conditions, the modified project would result in a less than significant criteria pollutant impact during construction, consistent with the approved project.

Operational Period Emissions – Criteria Pollutants

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

CalEEMod was used to estimate emissions from operation of the modified project. The earliest the project would be constructed and operational would be 2025. Any emissions associated with build

[1] The substantive reduction in the number of construction days is because the approved project included two buildings to be built in two phases, which extended the construction over a four-year period. The modified project would construct a one building in a single phase of construction, which provides great efficiency in construction.

out later than 2025 would be lower than the estimated emissions due to assumed efficiencies over time. To estimate emissions, CalEEMod defaults for energy use were used in addition to project specific inputs including trip generation rates from the updated Local Transportation Analysis (LTA) prepared for the modified project.

Table 4.2-4: Operational Emissions of the Modified Project

Description	ROG	NO_x	PM_{10}	$PM_{2.5}$
2025 Current Project Operational Emissions (tons/year)	1.92	0.64	0.97	0.26
2025 Approved Project Operational Emissions (tons/year)	1.02	0.86	0.85	0.24
Net Change (tons/year)	0.90	-0.22	0.12	0.02
2025 Existing Operational Emissions (tons/year)	0.14	0.14	0.09	0.03
Net Annual Emissions (tons/year)	1.78	0.50	0.86	0.23
BAAQMD Thresholds (tons/year)	*10*	*10*	*15*	*10*
Threshold Exceeded?	**No**	**No**	**No**	**No**
2026 Project Operational Emissions (pounds/day)[1]	9.73	2.75	4.83	1.26
BAAQMD Thresholds (pounds/year)	54	54	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: Illingworth and Rodkin. 1530 W San Carlos Construction and Operation Impacts Update Memo. January 2023.
Note: [1]Assumes 365-day operation.

As shown in Table 4.2-4, operational criteria pollutant emissions associated with the modified project would not result in emissions above established BAAQMD thresholds.

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

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

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

As discussed in response to question a), operational criteria pollutant emissions associated with the modified project would not result in emissions above established BAAQMD thresholds (see Table 4.2-4) and the project is part of the planned growth in the City of San José. The modified project, by itself, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. Therefore, the modified project would not result in a new or more

significant impact compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Community Risk from Project Construction

Project construction would require the use of heavy equipment and diesel trucks, which are known sources of TACs. Similar to the approved project, construction emissions may pose a health risk for sensitive receptors near the project site including surrounding residents. Primary community risk impacts are cancer risk and exposure to $PM_{2.5}$. The modified project has a similar massing and land uses to the approved project and, based on the modified project data, Illingworth & Rodkin determined that the construction emissions from the modified project would be comparable to the approved project. As a result, construction TAC emissions were not quantified for the modified project.

Consistent with the approved project, the modified project will be required to implement mitigation measure MM AQ-1.1 (as shown above) to reduce the emissions associated with the modified project below the BAAQMD thresholds. Therefore, the modified project would not result in new or more significant impacts resulting from the exposure of sensitive receptors to substantial pollutant concentrations. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

Community Risk from Operations

The modified project does not include stationary sources (such as generators) that would generate TAC emissions. The project would generate primarily light-duty traffic to the local roadway system which are considered low impact sources of TACs. Therefore, the modified project would not result in new or more significant impacts from operational TACs than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The modified project would construct a similar mixed-use building to the approved project. These uses are not identified as contributing odors to the project area. Therefore, the modified project would not result in new or more significant odor impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.2.3 Non-CEQA Effects

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

Community Health Risk on Project Residents

Because the approved project was to be constructed in two phases, the FEIR determined that TAC emissions from construction of the second phase could affect on-site residents occupying the residential units constructed in the first phase. The modified project would be constructed in a single phase and would not, therefore, result in health risk for future residents of the site during construction. Further, the existing health risk hazards to future site residents identified in the FEIR have not changed. No new sources of TACs have been added to the project area since completion of the FEIR. Therefore, while the modified project would put more residents on-site, it would not cause future residents to be exposed to greater concentrations of TACs that the approved project. The modified project would not result in new or more significant health risks to new residents and would be consistent with Policy MS-11.1.

4.3 ENERGY

The changes to the approved project relevant to energy are the increase in residential units and decrease in commercial square footage proposed for the site compared to the approved project.

4.3.1 Findings of the Previously Certified EIR

4.3.1.1 *Estimated Energy Use of the Approved Project*

The construction phase of the approved project would require energy for the manufacturing and transportation of building materials, demolition and grading of the site, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. Operation of the approved project would consume energy (in the form of electricity and natural gas) primarily from building heating and cooling, lighting, and water heating. Table 4.3-1 below summarizes the estimated energy use of the approved project.

Table 4.3-1 Estimated Annual Energy Use of Approved Project

Development	Electricity Use (kWh)	Natural Gas Use[2] (kBtu)
Existing Uses	182,511	841,305
Approved Project	2,457,200	1,551,625
Net Increase	1,216,444	710,320

Source: Illingworth & Rodkin, Inc. 1530-1536-1544 West San Carlos Air Quality & Greenhouse Gas Assessment. March 26, 2020.

The approved project was also determined to result in an increase of annual vehicle miles traveled (VMT) for the project of approximately 4,283,561. Using the U.S. EPA fuel economy estimates (for 2021, the estimated average fuel economy of 24.9 mpg), the approved project would result in an increase in consumption of approximately 172,031 gallons of gasoline per year. This would not represent a substantial increase on transportation-related energy uses.

The approved project was concluded to increase annual electricity use by approximately 1,216,444 kWh and would not result in a substantial increase in demand on electrical energy resources. In addition, the project would not result in a substantial increase in natural gas demand relative to projected supplies. The approved project would have a less than significant energy impact.

4.3.1.2 *Energy Efficiency*

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs and the project includes several measures to improve the efficiency of the construction process. The approved project would have a less than significant energy impact.

4.3.1.3 *Compliance with Policies*

The approved project did not represent a wasteful or inefficient use of energy resources because the project is required to comply with the Title 24 and CALGreen requirements to reduce energy

[2] The approved project was completed prior to adoption of the City's Reach Code. Therefore, natural gas was assumed to utilized on-site.

consumption. The approved project would achieve LEED certification consistent with Council Policy 6-32. In addition, the project would implement a TDM plan for the 43.5 percent parking reduction. The TDM Plan includes measures such as having an on-line kiosk with non-auto transportation alternatives, unbundled parking for all residential paces, transit subsides, and adequate bicycle parking, incentivizing the use of alternative methods of transportation to and from the site, which would reduce the project's gasoline demand. For these reasons, the approved project was determined to not result in a wasteful use in energy or conflict with state or local plans for renewable energy or energy efficiency and would have a less than significant impact.

4.3.2 Impact Discussion

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

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

Construction

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

Operations

Operational energy use of the modified project would be different than the approved project due to the increase in residential units, decrease in commercial square footage, and adoption of the City's Reach Code which precludes the use of natural gas in new construction. Table 4.3-2 below summarizes the estimated yearly energy consumption from project operations.

Table 4.3-2 Estimated Annual Energy Use of Modified Development		
Development	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**
237 Residential Units	916,344	0
16,980 Square Foot Strip Mall (Retail Stand-in)	176,422	0
5,530 General Office Building (Amenity space)	94,950	0
Parking Stalls in Enclosed Structure	468,564	0
Total	**1,656,280**	**0**
Source: 1530-1536-1544 West San Carlos Air Quality & Greenhouse Gas Assessment. January 11, 2023. Note: CalEEMod does not have "commercial/retail" land use, so the energy demand factors for "strip mall" was used.		

The approved project would consume approximately 2,457,200 kWh of electricity per year. The modified project would have an approximately 800,000 kWh decrease in annual energy consumption compared to the approved project. Additionally, per the City's Reach Code the modified project would utilize natural gas, resulting in an 841,305 kBtu decrease in gas consumption on-site.

The modified project would result in an annual VMT of approximately 2,795,534. At the established gas efficiency of 24.9 miles per gallon under the approved project, this would result in the consumption of 112,270 gallons of gasoline per year for transportation. Compared to the approved project, this would be a decrease of approximately 60,000 gallons of gasoline annually. Therefore, the modified project would not result in new or more severe impacts associated with the use of energy on-site for operations. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

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

4.4 GREENHOUSE GAS EMISSIONS

The changes to the project relevant to greenhouse gas emissions (GHGs) would be the increase in the number of trips to/from the project site compared to the approved project. In addition, since the certification of the FEIR, the City of San José adopted a new GHG Reduction Strategy (GHGRS) which addresses emissions reductions through 2030, whereas the approved project was assessed under the City's 2020 GHGRS. Projects consistent with the GHGRS are considered to have a less than significant GHG impact. The GHGRS checklist is included in Appendix B of this document.

4.4.1 Findings of the Previously Certified EIR

4.4.1.1 *Greenhouse Gas Emissions Impacts*

Construction

The approved project would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. At the time of preparation of the FEIR, neither the City of San José nor BAAQMD had established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of Assembly Bill (AB) 32[3], the increase in emissions was found to be less than significant.

Operation

The approved project was estimated to be constructed and operational by 2025. The GHG emissions for the project were calculated to be 1.5 metric tons of CO2 equivalent (MT CO2e)/service population/year and would be below the 2.6 MT CO2e/service population/year threshold. The approved project would, therefore, have a less than significant impact under the 2020 GHG threshold.

[3] AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020 — a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario. Pursuant to AB 32, CARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

4.4.2 Impact Discussion

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

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

Construction Emissions

Similar to the approved project, construction activities for the modified project would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 15 months and would not result in a permanent increase in emissions. The modified project would not interfere with the implementation of SB 32.

Operational Emissions

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

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

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

2030 Greenhouse Gas Reduction Strategy

Projects that are consistent with the 2030 GHGRS would have a less than significant impact related to GHG emissions through 2030. The modified project is within the development capacity allowed by the General Plan and would comply with the specific applicable measures of the GHGRS Checklist. The modified project is consistent with the Land Use/Transportation Diagram designation of the project site. The modified project also incorporates all applicable measures of the GHGRS Checklist (refer to Appendix B), including installing clean energy power generation sources, excluding natural gas infrastructure, exceeding the City's construction & demolition waste diversion requirement, installing high-efficiency appliances/fixtures, and drought tolerant landscaping.

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

Climate Smart San José

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

As discussed in Section 4.3 Energy, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The modified project is in a Planned Growth Area of the City which is well-served by transit. For these reasons, the modified project is consistent with the City's climate action goals as set forth in Climate Smart San José.

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

4.5 HYDROLOGY AND WATER QUALITY

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

4.5.1 Findings of the Previously Certified EIR

4.5.1.1 *Water Quality Impacts*

Construction

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

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

Standard Permit Conditions

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

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Operations

The project site is comprised of approximately 48,967 square feet (84 percent) of impervious surfaces and 9,934 square feet (16 percent) of pervious surfaces. The approved project would increase the impervious area by 531 square feet. Because the project would replace more than 10,000 square feet of impervious surfaces, the project is required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the Regional Water Quality Control Board (RWQCB) Municipal Regional Stormwater permit (MRP).

Other Hydrology and Water Quality Impact

The approved project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply, nor would it interfere with groundwater flow or impact the groundwater aquifer. The approved project would not substantially increase erosion or increase the rate or amount of stormwater runoff, would not affect the project area in the event of a seiche or tsunami, would not cause mudflows that would impact adjacent properties, and would not expose people or structures to significant flood hazards.

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	☐

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

Construction Impacts

Similar to the approved project, the modified project would disturb more than one acre of soil and would be required to comply with the general construction stormwater permit and prepare a SWPPP for construction activities. The modified project would also comply with Standard Permit Conditions related to water quality impacts consistent with the FEIR.

Therefore, through compliance with the stormwater permit and Standard Permit Conditions, the modified project would have a less than significant impact consistent with the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Operational Impacts

The project site is currently 84 percent impervious, and the modified project would increase the impervious surfaces on-site by 5,022 square feet and replace over 10,000 square feet of impervious surfaces. Consistent with the approved project, the modified project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB MRP.

The modified project would implement seven Low Impact Development (LID) features and one non-LID measure for detention and treatment of stormwater on-site. These features would include flow-through planters with underdrains, bioretention basins, media filters, and other self-treating areas. These measures are similar to the bioretention treatment facilities included in the approved project which were similarly sized consistent with NPDES requirements.

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

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

The modified project would not require excavation beyond what was estimated for the approved project. Therefore, the modified project would not have the potential to interfere with groundwater consistent the approved project. The modified project would not result in new or more severe impacts related to the interference with groundwater flow or impacts to the groundwater aquifer compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Consistent with the approved project, the modified project would provide LID measures to channel stormwater into the treatment areas and then into the existing stormwater drainage system. Additionally, these measures would slow the flow of the stormwater into the stormwater drainage system by temporarily retaining it within the treatment areas.

The modified project would result in an increase in impervious surface area compared to the approved project. A comparison of pervious and impervious surfaces on the project site, between existing conditions, the approved project, and the modified project are shown in Table 4.5-1.

Table 4.5-1 Pervious and Impervious Surfaces On-Site

Site Surface	Existing	%	Approved Project	%	Modified Project	%	Difference[4]	%
Impervious								
Hardscape and buildings	48,967	84	49,498	85	53,989	92	+5,022	+8.0
Pervious								
Landscape	9,934	16	9,403	15	4,912	8	-5,022	-8.0
Total	58,901	100	58,901	100	58,901	100		

Although the modified project would increase impervious surfaces on-site compared to the approved project and existing conditions, the modified project would include the required LID measures to capture and filter stormwater. Compliance with the MRP would result in a reduction of runoff during storm events, and reduce the potential for flooding. Therefore, the modified project would not alter drainage patterns resulting in flooding, increased pollutant levels in stormwater runoff, or exceed the capacity of the storm drainage system similar to the approved project. The modified project would not result in new or more significant impacts associated with site drainage or erosion of waterways compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Consistent with the approved project, there are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami.

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

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C033H, dated May 18, 2009), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard. There are no floodplain requirements for Zone D in the City of San José. Additionally, as stated in the approved project FEIR, the project site is within the inundation area for Lexington Reservoir; however, the modified project would not introduce new sources of pollutants to the project site compared to the approved project since both include commercial and residential uses. Consistent with the findings of the approved project, the modified project would have a less than significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Consistent with the approved project, the modified project shall comply with all applicable federal, state, and local water quality and stormwater quality control standards and permits, as well as all regulations pertaining to flood zones. The modified project and approved project would meet the same standards for water quality control. Additionally, the modified project is not within a designated groundwater recharge area and does not propose groundwater pumping or excavation below the groundwater table during the construction period, consistent with the approved project. Therefore, the modified project would not result in new or more severe impacts resulting from conflicts with existing water quality control or sustainable groundwater management plans. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6 NOISE

The changes to the project relevant to noise are the decrease in construction by approximately 256 days and the increase in the number of traffic trips generated by the project due to the increase in the number of residential units and decrease in square footage of commercial space. This would result in changes to the noise levels for construction and operations on the project site compared to the approved project.

4.6.1 Findings of Previously Certified EIR

4.6.1.1 *Noise Impacts from the Project*

Mechanical Equipment

The approved project would have rooftop mechanical equipment including HVAC systems and elevator operating systems. Mechanical equipment noise levels were calculated to be 36 to 46 dBA at the nearest residential land uses and would be well below ambient noise levels and the limits established in the City's General Plan. Furthermore, the following Standard Permit Condition will be implemented to ensure noise from the project's mechanical equipment would not exceed the City's 55 dBA DNL threshold at the property lines of nearby noise sensitive receptors.

Standard Permit Condition

Prior to the issuance of any building permits, 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 control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits."

Project Generated Traffic Noise

The approved project's traffic was determined to not be of sufficient volume to double the amount of noise in the project area[5]. The approved project was found to increase ambient noise levels by one dBA DNL or less at the nearest sensitive noise receptors. Future project traffic would, therefore, result in a less than significant noise impact.

4.6.1.2 *Construction Impacts*

Construction Noise

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

[5] A doubling of traffic would likely increase ambient noise levels by three decibels or more. A three decibel increase in noise is the lowest level of perceptible noise increase to the human ear.

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

Standard Permit Conditions

Standard Permit Condition: The following standard measures would be implemented during project construction:

- Per General Plan Policy EC-1.7, the project shall prepare a construction noise logistics plan, specifying the hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints. The logistics plan shall be implemented prior to the start of construction and during construction to reduce noise impacts on neighboring residents and other adjacent uses.

  The following best management practices shall be implemented during project construction:

  - Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
  - Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Prohibit unnecessary idling of internal combustion engines.
  - Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
  - Utilize “quiet” air compressors and other stationary noise sources where technology exists.
  - Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
  - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
  - If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
  - Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone

number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Construction Vibration

A review of the City of San José Historic Resources Inventory identified the residences located at 328 Mayellen Drive, approximately 350 feet from the project site, and 410 South Willard Avenue, approximately 600 feet from the project site, as the only off-site historic resources in the site vicinity. The nearest structures of normal conventional construction are approximately five feet south from the project.

Based on the noise and vibration assessment for the approved project, the construction of the project would not generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at distances greater than 60 feet and, therefore, would not significantly impact the nearest historic property. Construction activities would, however, produce vibration levels exceeding 0.2 in/sec PPV or more at buildings of conventional construction located within 30 feet of the project site

The approved project incorporated mitigation measures (included below) to reduce vibration and monitor construction activities on-site. With these measures it was concluded that the project would have a less than significant vibration impact.

Impact NOI-1: Project construction would generate vibration levels in exceedance of 0.2 in/sec PPV at buildings of normal conventional construction located within 30 feet of the project site.

Mitigation Measures

MM NOI-1.1 Equipment Selection. Prior to issuance of any demolition or grading permits, the project applicant shall implement the following controls to reduce vibration impacts from construction activities:

- Prohibit impact or vibratory pile driving. Drilled piles or mat slab foundations cause lower vibration levels where geological conditions permit their use.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, 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 required for continuous vibration monitoring.

- Place operating equipment on the construction site at least 30 feet from vibration-sensitive receptors.
- Use the smallest equipment available to complete the task and minimize vibration levels as low as feasible.
- Avoid using vibratory rollers and tampers 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.

MM NOI-1.2 Vibration monitoring plan. The project applicant shall implement the following controls to identify and monitor construction vibration:

- Implement a construction vibration monitoring plan to document condition of conventional properties within 30 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 be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall be implemented to include the following tasks:
    - Identification of sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) shall be performed.
    - Performance of a photo survey, elevation survey, and crack monitoring survey for the structures within 30 feet of the site. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure.
    - Development of a vibration monitoring and construction contingency plan to identify where monitoring shall 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. Construction contingencies, such as alternative construction methods and equipment, or securing the structure, shall be identified for when vibration levels approach the limits.

- If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.
- Complete a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities.
- The results of all vibration monitoring shall be summarized and submitted in a report 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.

Airport Noise

The San José Mineta International Airport is located approximately two miles from the project site. The project site is not located within the Santa Clara County Comprehensive Land Use Plan area for the Norman Y. Mineta San José International Airport. The approved project was outside the 60 dBA CNEL 2027 noise contour of the airport, therefore the FEIR determined that the approved project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels.

4.6.1.3 *Non-CEQA Effects of Approved Project*

Exterior Noise Level

The City of San José General Plan sets forth noise-related policies that support the City's goal of minimizing the impact of noise on people through noise reduction and suppression techniques. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, state and City noise standards and guidelines as a part of new development review.

The approved FEIR determined that the courtyards and common open space areas proposed on the third and fifth floors of the buildings would be well shielded from traffic by the building itself. When accounting for distance from the noise source and acoustical shielding, exterior noise levels at the three courtyards would range from 55 to 60 dBA DNL, and exterior noise levels at the common open space area proposed at the south end of the building would be less than 55 dBA DNL. Exterior noise levels are calculated to reach 56 dBA DNL at the center of the roof terrace proposed nearest to West

San Carlos Street. Therefore, the future exterior noise levels at residential common use areas were found to be 60 dBA DNL or less and compatible with General Plan Policy EC-1.1 for exterior noise levels at residential land uses.

Interior Noise Levels

The approved FEIR determined that, assuming windows to be partially open for ventilation, the interior noise levels for the approved project would be up to 58 dBA DNL at the units along the northern, western, and eastern façades of proposed building nearest to West San Carlos Street. This would exceed the 45 dBA DNL standard for interior noise. Consistent with General Plan Policy EC-1.1, the approved project was required, as a Condition of Approval, to prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards.

Condition of Project Approval

> The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

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

Construction Noise

As proposed, the massing of the building under the modified project would be comparable to the approved project. While the type of construction equipment used would be consistent with the equipment identified for the approved project, the timeline for construction would be approximately 256 days less. Additionally, the building footprint is generally the same as the approved project and would not require construction activities to occur closer to sensitive uses around the project site. Based on this information, construction noise from the modified project would be comparable to construction noise levels estimated for the approved project. In addition, construction would occur for more than a year and would conflict with Policy EC-1.7 requiring implementation of the previously identified Standard Permit Condition.

The modified project would include the same Standard Permit Conditions as the approved project to limit construction noise on-site and respond to neighbor complaints occurring during construction. Therefore, consistent with the approved project, the modified project would result in a less than significant noise impact on surrounding neighbors and would not result in new or more significant impacts than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Operational Noise

The modified project would generate approximately 185 more daily trips than the approved project. This would be an approximately 10 percent increase in traffic from the site. However, this increase in trips would not result in overall traffic from the project doubling the traffic on West San Carlos Boulevard. Therefore, the overall noise level increase would not be measurable or detectable because

the number of trips would only marginally increase traffic compared to the approved project conditions.

Additionally, the modified project would have a similar HVAC system and elevator mechanical equipment as was identified for the approved project. The noise generated by the equipment would, therefore, be comparable to the approved project. The modified project would be required to implement the same Standard Permit Condition as the approved project to prepare an acoustical study accounting for the determination of noise attenuation needs for rooftop mechanical equipment. Therefore, the modified project would result in the same operational impacts as the approved project and would not result in new or more significant operational noise impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As previously noted, the modified project is generally the same massing as the approved project and would require use of the same construction equipment. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the residential buildings to the south. Due to the close proximity of the buildings to the south of the project site (about five feet) the City's threshold could be exceeded when heavy objects are dropped near the boundary of the construction site or when vibratory rollers are used near the boundary of the construction site. Consistent with the findings of the approved project, construction of the modified project would result in vibration levels above the City's 0.2 in/sec threshold at the nearest residential structures.

Impact-NOI-1 The modified project would result in a vibratory impact (1.2 in/sec exceeding thresholds of 0.2 in/sec) during construction on residential land uses to the south of the project site.

The implementation of mitigation measure MM-NOI-1.1 and MM-NOI-1.2 (as shown on page 38), included in the approved project, would be required and would reduce the impact from construction vibration to a less than significant level. Therefore, the modified project would not result in new or more significant impacts associated with construction vibration than the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Consistent with the approved project, the San José Mineta International Airport is located approximately two miles from the project site. The project site is not located within the Santa Clara County Comprehensive Land Use Plan area for the Norman Y. Mineta San José International Airport. As discussed above, the project lies outside the 60 dBA CNEL 2027 noise contour of the airport. The project site is not located in the vicinity of a private airstrip; therefore, the modified

project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels and would not result in new or more significant impacts. **[Same Impact as Approved Project (No Impact)]**

4.6.3 Non-CEQA Effects

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

As noted in Section 4.1. there have been no changes to the existing conditions of the project area since completion of the FEIR. As a result, the effects of ambient noise from off-site sources on the future residents of the modified project would be comparable to the approved project. Therefore, the modified project would be required to implement the Condition of Approval from the approved project to reduce impacts to the interior noise environment of future residents.

Compliance with the identified Conditions of Approval would ensure that the modified project is consistent with Policy EC-1.1.

4.7 POPULATION AND HOUSING

The change to the approved project relevant to population and housing is the proposed increase in housing units (173 units approved versus the proposed 237 units). This would result in a greater number of residents generated by the project.

4.7.1 Findings of Previously Certified EIR

4.7.1.1 *Population and Housing Impacts*

The approved project was found to result in a net increase of approximately 528 residents and 34 employees.[6] San José currently has a higher number of employed residents than jobs. While housing is included in the project, the increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City.

The project was determined to develop 14 percent of the growth capacity of the Urban Village and 6.2 percent of the commercial capacity which falls within the planned growth of the Urban Village area. Additionally, the approved project would replace the existing housing on-site with 165 net new units and would replace the displaced residences. Therefore, the approved development would not displace existing housing or people and implementation of the approved project was determined to have a less than significant impact on population and housing in San José.

4.7.2 Impact Discussion

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

[6] The proposed residential units would include one-bedrooms and studio units, which are anticipated to have smaller household sizes than the Citywide average; nonetheless, the analysis conservatively estimated 3.20 persons per household. The approved project would result in a net increase of 165 housing units on-site.
34 employee increase is based on a calculated 60 employees for the approved project minus the 26 employees contributed by existing businesses on site.

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

The project site is within the West San Carlos Urban Village, which has the capacity for up to 980 jobs and 1,245 residential units. The Urban Village Plan considers one job as equal to 300 square feet of a commercial building's square footage, which translates into 294,000 square feet of capacity for new commercial development.

The modified project would include 64 more residential units than the approved project which would increase the project's share of residential development in the Urban Village from 14 percent to 19 percent which is still within the capacity of the Urban Village. Additionally, the modified project would decrease commercial uses on-site compared to the approved project resulting in a decrease of three jobs compared to the approved project. The modified project would, however, still result in a net increase in jobs on-site compared to the existing land uses on-site. The modified project would not introduce growth above that already assumed in the Urban Village and the General Plan and would not result a new or more severe impact than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The modified project would increase the number of housing units on-site compared to the existing conditions. The increase in housing on-site would be greater under the modified project than the approved project. Therefore, the modified project would not impact existing housing resources, require housing to be constructed elsewhere, or result in displacement of the existing population. **[Same Impact as Approved Project (No Impact)]**

4.8 PUBLIC SERVICES

The change to the approved project relevant to public services is the proposed increase in housing units (173 units approved versus the proposed 237 units). This would result in a greater number of residents generated by the project.

4.8.1 Findings of Previously Certified EIR

4.8.1.1 *Public Services Impacts*

Police and Fire Protection Services

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

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

Schools

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

Standard Permit Condition:

In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project.

Parks

The approved project includes 12,818 square feet of outdoor common open space and 9,412 square feet of indoor amenity space in the proposed buildings, and a 4,450 square foot paseo providing on-site recreational amenities for the residents.

The General Plan FEIR (as amended) concluded that the City's Parkland Dedication Ordinance (PDO) would be satisfied through several ways including: dedication of land; payment of in-lieu

fees; credit for qualifying recreational private recreational amenities (based upon project design); and/or credit for improvement costs to parkland or recreational facilities. Because the approved project would comply with PDO requirements, it was determined that the project would not result in substantial adverse physical impacts to recreational facilities in San José.

Libraries

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

The approved project would generate approximately 528 new residents in the area, which would incrementally increase the demand for library facilities. The population growth resulting from the project was analyzed as part of the City's General Plan; therefore, it was determined that the approved project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals.

4.8.2 Impact Discussion

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

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

Consistent with the approved project, the modified project would comply with the General Plan land use designation and would require compliance with City policies including ES-3.9. The area is served by SJFD and as part of the planned growth under the General Plan, would not require the construction of new or expanded fire facilities to maintain City service goals. Although the modified project would introduce a greater number of residents to the project site than the approved project, the residential density proposed would still be consistent with the General Plan. Therefore, the modified project would not result in new or more severe impacts on fire protection services compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Consistent with the approved project, the modified project would comply with the General Plan land use designation and would require SJFD compliance with City policies including ES-3.9. The area is served by SJPD and as part of the planned growth under the General Plan, would not require the construction of new or expanded police facilities to maintain City service goals. Although the modified project would introduce a greater number of residents to the project site than the approved project, the residential density proposed would still be consistent with the General Plan. Therefore, the modified project would not result in new or more severe impacts on fire protection services compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The modified project would construct 64 additional units and increase the resident population compared to the approved project.

According to the SJUSD student generation factors, multi-family residential development generates 0.272 students per dwelling unit. The modified project would generate approximately 64[7,8] net new students, compared to 47 students from the approved project. Therefore, there would not be a substantial increase in the number of students generated by the modified project. Additionally, the modified project is part of planned growth in the City and would not increase the numbers of students in the SJUSD beyond what has been anticipated and analyzed in the General Plan FEIR. The modified project would be required to implement the Standard Permit Conditions identified for the approved project requiring compliance with California Government Code Section 65996 which requires the developer to pay a school impact fee to offset the increased demands on school facilities caused by the modified project.

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

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

The modified project would result in a greater number of residents to the site because the number of residential units would increase by 64 units. The modified project includes 34,068 square feet of common open space with the paseo, fitness center, courtyards and amenity spaces. This is an increase of approximately 7,388 square feet of open recreational space over the approved project.

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

[7] City of San José. Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report. September 2011. Table 3.9-4.
[8] Based on a residential unit count of 237 units.

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

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

4.9 RECREATION

The change to the approved project relevant to recreational resources is the proposed increase in housing units (173 units approved versus the proposed 237 units). This would result in a greater number of residents generated by the project.

4.9.1 Findings of Previously Certified EIR

4.9.1.1 *Recreation Impacts*

The approved project includes 12,818 square feet of outdoor common open space and 9,412 square feet of indoor amenity space in the buildings, and a 4,450-square foot paseo for on-site recreational amenities for the residents.

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

Standard Permit Condition:

The project shall conform to the City's Park Impact Ordinance and Parkland Dedication Ordinance.

4.9.2 Impact Discussion

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

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

As stated in section 4.8.2 section d), the modified project would include 34,068 square feet of common open space through the paseo area, fitness center, courtyards and amenity spaces and would be required to pay fees proportional to the increase in residents on site. The approved project would be required to comply with the City's PDO (PDO - SJMC 14.25 PIO) or the Park Impact Ordinance (PIO - SJMC 19.38 - PDO) and execute a Parkland Agreement that outlines how a project would comply with the PIO/PDO prior to the issuance of a Parcel Map or a Final Subdivision Map. The modified project would also be required comply with these measures and, therefore, would not result in new or more severe impacts to existing park facilities compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

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

4.10 TRANSPORTATION

The changes to the approved project relevant to transportation would be the increase in traffic trips generated by on-site residents. The information in this section is based in part on the Local Transportation Analysis (LTA) prepared by Hexagon Transportation Consultants in September 2022.

4.10.1 Findings of Previously Certified EIR

4.10.1.1 *Project VMT Impacts*

The FEIR determined that the project site is located within a planned Growth Area (West San Carlos Urban Village) with low VMT per capita as identified by the City of San José. West San Carlos Street, located along the north project frontage, is a high-quality transit corridor with Santa Clara Valley Transportation Authority (VTA) bus service headways of less than 15 minutes during peak commute periods.

The City's Transportation Policy 5-1 identified screening criteria for VMT by land use. If a proposed land use meets the screening criteria it is assumed to have a less than significant VMT impact. The residential density, location, and parking ratio of the approved project met the applicable residential screening criteria because the project site is located along the north project frontage, and is adjacent to a high-quality transit corridor with VTA bus service headways of less than 15 minutes during peak commute periods. In addition, the proposed 17,836 square feet retail space is less than the 100,000-square-foot retail threshold screening criteria for local-serving retail. Therefore, both the residential and commercial land use components of the project were screened out and were determined to have a less than significant VMT impact.

While not required, a VMT evaluation for the project's residential component was completed for informational purposes. The results of the VMT evaluation, using the City's VMT Evaluation Tool, showed that the approved project would generate a daily per capita VMT of 7.21, which is below the significant impact threshold of 10.12 daily per capita VMT.

4.10.1.2 *Pedestrian/Bicycle Facilities and Transit Operations*

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

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

4.10.1.3 *Non-CEQA Effect of Approved Project*

Trip Generation

The trip generation of the approved project was calculated through a transportation analysis which incorporated appropriate trip reductions, and existing site trip credits. It was estimated that the project would generate an additional 1,130 daily vehicle trips, with 64 trips (22 inbound and 42

outbound) occurring during the AM peak hour and 93 trips (53 inbound and 41 outbound) occurring during the PM peak hour.

The transportation analysis also estimated intersection operations under background, background plus project, and cumulative conditions during both AM and PM peak hours. The study determined that all signalized intersections would continue to operate at acceptable levels of service.

Parking

The project as proposed would construct 173 multi-family residential units and 17,836 square feet of commercial space. The required parking based on the City of San José off-street parking requirements (Section 20.90.060) is 326 vehicle parking spaces before any reductions. After reductions for location, and provision of bicycle parking, the approved project was required to have approximately 267 vehicle parking spaces. The approved project was required to have a TDM plan to further reduce the on-site parking requirement to meet the provided 189 vehicle parking spaces.

The approved project was required to provide 52 bicycle parking spaces and provided 73 bicycle parking spaces which exceeded the City requirements.

4.10.2 Impact Discussion

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

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

Pedestrian and Bicycle Facilities

Comparable to the approved project, the modified project would provide bicycle facilities and pedestrian improvements throughout the project site and would comply with the San José Better Bike Plan 2025 to provide adequate bicycle and pedestrian facilities in areas around the project site. Additionally, the modified project would not affect the ability of the City of San José to provide pedestrian and bicycle facilities near the project site as planned in the General Plan and other associated plans. Therefore, the modified project would not result in new or more significant impacts to pedestrian or bicycle facilities near the project site compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Transit Operations

The modified project would result in an increase in the number of residents on site compared to the approved project. The increase is not, however, substantive and the modified project would result in a similar demand for transit services. Therefore, the modified project would not result in new or more significant impacts from a conflict with transit programs compared to the approved project.

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

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

Per the City of San José VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving. The maximum proposed 16,980 square feet of retail space is less than the 100,000 square feet of retail threshold screening criterion for local-serving retail and a detailed VMT analysis is not required.

The proposed residential development was determined to meet the residential screening criteria for low VMT. This is because the modified project is located within the West San Carlos Urban Village, a planned growth area; within an area with low VMT per capita; has greater than 35 units per acre; and provides parking at no more than the minimum required spaces. Based on this analysis, a residential VMT analysis was not required.

For informational and comparative purposes, the VMT evaluation tool was used to estimate the projected VMT per capita for the modified project. Based on this evaluation the modified project VMT was determined to be 7.23 per capita. This is a slight increase from the 7.21 per capita

estimated for the approved project. The modified project would still result in a less than significant VMT level based on the threshold of 10.12 per capita (15 percent below the citywide average of 11.91) for residential uses. Therefore, the modified project would result in an increased VMT compared to the approved project, but would still result in a less than significant impact and would not result in new or more significant impacts. **[Less Impact than Approved Project (Less than Significant Impact)]**

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

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

d) Would the project result in inadequate emergency access?

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

4.10.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is focused on VMT, in accordance with the City of San José Transportation Policy (Council Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1 requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

4.10.3.1 *Trip Generation*

The approved project was estimated to generate 1,130 net new daily trips, with 64 trips (22 inbound and 42 outbound) occurring during the AM peak hour and 93 trips (53 inbound and 41 outbound) occurring during the PM peak hour. The modified project trip generation was estimated using the trip rates from the Institute of Transportation Engineers' (ITE) Trip Generation Manual. The land uses used for the estimation included Multi-Family Housing – Mid Rise and Strip Plaza Retail. A 13 percent reduction was applied to the uses on site to reflect an Urban-Low Transit land use and a 15 percent reduction was applied for the mixed-use nature of the project. After applying the trip reduction and existing trip credits, it is estimated that the modified project would generate 1,315 daily vehicle trips, with 98 trips (33 inbound and 65 outbound) occurring during the AM peak hour

and 131 trips (75 inbound and 56 outbound) occurring during the PM peak hour, as seen in Table 4.10-1 below. This is an increase of 185 net daily trips, 34 net AM peak hour trips, and 38 net PM peak hour trips compared to the approved project.

Table 4.10-1 Project Trip Generation

ITE Land Use	Size	Unit	Daily	AM Peak Hour			PM Peak Hour		
			Trips	In	Out	Total	In	Out	Total
Modified Land uses									
Multifamily Housing	237	DU	1,076	20	68	88	56	36	92
Residential/Retail Reduction			-139	-2	-4	-6	-8	-5	-13
Location-Based Reduction			-122	-2	-8	-10	-6	-4	-10
VMT-Based Reduction			-25	0	-2	-2	-1	-1	-2
Subtotal Residential			*790*	*16*	*54*	*70*	*41*	*26*	*67*
Retail	16,980	Sq ft.	925	24	16	40	56	56	112
Residential/Retail Reduction			-139	-4	-2	-6	-5	-8	-13
Location-Based Reduction			-102	-3	-2	-5	-7	-6	-13
Sub Total Retail			*684*	*17*	*12*	*29*	*44*	*42*	*86*
Total Gross Project Trips			*1,474*	*33*	*66*	*99*	*85*	*68*	*153*
Existing Land Uses									
Sit Down Restaurant	2,250	Sq ft.	-147	0	0	0	-9	-12	-21
Single Family Housing	8	DU	-12	0	-1	-1	-1	0	-1
Net Modified Project Trips			**1,315**	**33**	**65**	**98**	**75**	**56**	**131**
Net Approved Project Trips			**1,130**	**22**	**42**	**64**	**53**	**41**	**93**

Source: Hexagon Transportation Consultants. 1530-1544 W. San Carlos Street Mixed-Use Development. October 11, 2022.

4.10.3.2 *Intersection Analysis*

The modified project would contribute additional trips to the intersections surrounding the project site compared to existing conditions. The approved project was determined to contribute trips but would not result in changes in delay substantial enough to result on level of service changes. The modified project was analyzed as part of the LTA and it was determined that, although the modified project would result in higher delays, the modified project would not result in deficient operations of intersections near the project site.

4.10.3.3 *Parking*

Vehicle Parking

The modified project would construct 237 multi-family residential units and 16,980 square feet of commercial space. The required parking, based on the City of San José off-street parking requirements (Section 20.90.060), is summarized in Table 4.10-2 below. Based on the City's parking requirements, the modified project would be required to provide a total of 384 parking spaces before any allowable reductions.

The project is proposing to provide a total of 199 parking spaces, which represents a 47.9 percent reduction in on-site parking spaces from the required 384 parking spaces. Pursuant to Section

20.90.220 of the City's Municipal Code, the project is eligible for a 20 percent reduction in required vehicle parking because the project site is within an urban village (i.e., West San Carlos Urban Village) and the project proposes to provide on-site bicycle parking that would meet or exceed the City's bicycle parking requirements. Therefore, the vehicle parking requirement would be reduced by 20 percent.

The project would require approval of an additional 27.9 percent reduction in on-site parking spaces to be consistent with the proposed parking plan. Therefore, the project would need to submit and have approved a TDM plan for a total parking reduction of 47.9 percent. The TDM plan will need to include at least three TDM measures specified in subsections c and d of Section 20.90.220.A.1 of the San José Municipal Code. It should also be noted that the proposed reduction in off-street parking for the project is consistent with the West San Carlos Urban Village Plan which encourages all developments within the plan area to strive for the City's maximum 50 percent reduction in required off-street parking spaces. The TDM included in the approved project would be applied to the modified project.

Table 4.10-2 Parking Reductions and Requirements

Land Use/Size	Parking Rate	Percent Reduction[1]	Parking Space Reduction[1]	Required Spaces
Residential				
Studio – 120 units	1.25/unit	20	30	120
One Bedroom – 83 units	1.25/unit	20	21	83
Two Bedroom – 34 units	1.7/unit	20	12	46
Subtotal				249
Retail				
Retail – 16,980 sf	1.0/200 sf	20	14	58
Subtotal				58
			TOTAL	**307**

Source: Hexagon Transportation Consultants. 1530-1544 W. San Carlos Street Mixed-Use Development. October 11, 2022.

Bicycle Parking

The modified project would require a total of 65 short- and long-term bicycle parking spaces. The modified project includes 73 parking spaces for bicycles in the garage. This would comply with the requirement for bicycle parking required for the project site and would allow for greater use of bicycle facilities near the project site.

4.11 UTILITIES AND SERVICE SYSTEMS

The changes to the approved project relevant to utilities and service systems is the increase in the number of residential units and decrease in commercial square footage on site. This would have a different demand for utilities on the project site.

4.11.1 Findings of Previously Certified EIR

4.11.1.1 *Water Supply Impacts*

The approved project would have a water demand of approximately 57,321 gallons per day (gpd), resulting in a net increase of 50,746 gpd.

The General Plan FEIR determined that the City's water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated in new development which would substantially reduce water demand. In addition, the General Plan FEIR concluded that with implementation of General Plan water conservation policies and regulations, full build out under the General Plan would not exceed the available water supply under standard and drought conditions.

The approved project was determined to be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan FEIR. Therefore, the approved project would have a less than significant impact.

4.11.1.2 *Wastewater Capacity/Exceedance of Treatment Requirements*

The project site currently generates approximately 4,678 gpd of wastewater. The approved project would generate approximately 35,201 gpd of wastewater, a net increase of 30,523 gpd over current conditions. Full build out of the development assumed in the General Plan was determined to result in less than significant impacts on wastewater flow, therefore, it was determined that the approved project would result in a less than significant impact on wastewater capacity.

4.11.1.3 *Stormwater Drainage*

Under existing conditions, approximately 48,967 square feet (84 percent) of the project site is covered with impervious surfaces. With implementation of the approved project, the amount of impervious surfaces on site would increase by approximately 531 square feet (one percent).

The existing storm drainage system has sufficient capacity to convey runoff from the site under existing conditions. With the increase in impervious surfaces and inclusion of stormwater treatment facilities, the overall volume of runoff entering the storm drainage system would remain similar to that under existing conditions. As a result, the approved project would not cause stormwater runoff to exceed the available capacity of the system.

4.11.1.4 *Landfill Capacity and Waste Regulation*

The approved project was estimated to generate approximately 556 pounds of solid waste per day, a net increase of 244 pounds per day compared to the existing use. Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030. The project was found consistent with the General Plan and, therefore, would be consistent with the General Plan finding that solid waste disposal would have a less than significant impact on solid waste disposal capacity.

4.11.2 **Impact Discussion**

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

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less then Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

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

Water Demand

The modified project's estimated water demand would be approximately 78,904 gallons of water per day[9] based on indoor and outdoor water consumption. This would be a greater water demand than the approved project; however, the increase in population is still within the General Plan development assumptions. Therefore, the modified project would not create the need for new or expanded water facilities for the City of San José and would not result in new or more severe impacts than the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Wastewater Generation

The modified project would generate approximately 74,958 gallons of wastewater per day.[10] There is an existing 10-inch sanitary sewer line in West San Carlos Street which would serve the project site. The modified project would have an increase in wastewater generation compared to the approved project. The modified project would be consistent with General Plan development assumptions and, therefore, the modified project would not result in new or more severe impacts from the creation of new or expanded wastewater facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

[9] Illingworth and Rodkin. 1530 West San Carlos Air Quality Memo. January 2023.
[10] Based on the assumption that wastewater is equal to 95 percent of potable water use.

Stormwater

Based on the FEIR, the site is adequately served by existing stormwater drainage facilities around the project site. The modified project would represent an increase in impervious surfaces compared to the approved project conditions and existing conditions. Consistent with the approved project, the modified project would include the installation of LID and non-LID wastewater control measures throughout the project site to control the flow of stormwater into the existing stormwater system. Additionally, consistent with the approved project, the modified project would also comply with the MRP. Therefore, the modified project would not result in new or more severe impacts from the creation of new or expanded stormwater facilities compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Solid Waste Production

The modified project would result in approximately 131 tons per year (707 pounds per day) of solid waste generation based on proposed land uses.[11] This would be greater than the waste production estimated for the approved project. The project is, however, consistent with the General Plan development assumptions. Therefore, the modified project would not result in new or more severe solid waste impacts resulting from a need for expanded facilities compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The General Plan determined that growth under the plan would not result in exceedance of water supplies under normal, dry, and multiple dry years. The modified project would increase the residential units on the project site by 64 units. Therefore, the modified project would have an increase water demand compared to the approved project. Consistent with approved project, the modified project is consistent with the development assumption of the General Plan. Therefore, the modified project would not result in new or more severe impacts to the water supply compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As stated above, the modified project would result in greater wastewater production than the approved project, however, the modified project would not exceed the planned development assumed in the General Plan. Therefore, consistent with the approved project, the modified project would not exceed wastewater capacity allocations for the City of San José at the treatment plant. The modified project would not result in new or more severe impacts on wastewater treatment commitments compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[11] Illingworth and Rodkin. 1530 West San Carlos Air Quality Memo. January 2023.

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

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

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

The modified project would generate approximately 707 pounds of solid waste per day. This would represent an increase of approximately 151 pounds per day compared to the approved project. However, this would not result in non-compliance with federal state, or local management and reduction statues related to solid waste because the modified project would be required to follow waste diversion policies and would reduce waste generated consistent with City policies. These policies ensure that the City waste generation is in compliance with federal and state waste generation requirements. Therefore, the modified project would result in a less than significant impact and would not represent an increase in impacts compared to the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

SECTION 5.0 REFERENCES

The analysis in this Initial Study/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:

David J Powers and Associates. 1530-1544 West San Carlos Mixed-Use EIR. January 2021.

Illingworth and Rodkin. 1530 W San Carlos Construction and Operation Impacts Update Memo. January 2023.

Illingworth & Rodkin, Inc. 1530-1536-1544 West San Carlos Air Quality & Greenhouse Gas Assessment. March 26, 2020.

City of San José. Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report. September 2011. Table 3.9-4.

Hexagon Transportation Consultants. 1530-1544 W. San Carlos Street Mixed-Use Development. October 11, 2022.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
David Keyon, Principal Planner

6.2 CONSULTANTS

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

Hexagon Transportation Consultants
Transportation Technical Studies

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