Initial Study/Addendum

Hillbrook High School

Prepared by

CITY OF SAN JOSE

CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.

ENVIRONMENTAL CONSULTANTS & PLANNERS

June 2023

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Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

This Initial Study (IS)/Addendum has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulation and policies of the City of San José.

1.1.1 Downtown Strategy 2040

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the Downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program level.

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

1.1.2 Preparation of This Addendum

The CEQA Guidelines §15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

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

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

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as

complete of the Negative Declaration was adopted, shows any of the following:

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

CEQA Guidelines §15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred. This Initial Study/Addendum has determined that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred and that the changes that are part of the proposed project would not result in any significant impacts not considered under the previously certified EIR. Therefore, as provided by CEQA, this Initial Study/Addendum is the appropriate documentation to address the changes made by the project.

This IS/Addendum and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.

1.2 Notice of Determination

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

Section 2.0 Project Information

2.1 Project Title

Hillbrook High School (File Nos. SP22-021, SP22-025, & ER22-190)

2.2 Lead Agency Contact

Nhu Nguyen, Planner I
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
nhu.nguyen@sanjoseca.gov
(408) 535-6894

2.3 Project Applicant

Mark Silver
Head of School
Hillbrook School
300 Marchmont Drive
Los Gatos, CA 95032

2.4 Project Location

240 North 2nd Street and 227 North 1st Street in San José

Refer to Figures Figure 2.8-1 and Figure 2.8-2 for regional and vicinity maps, respectively. Refer to Figure 2.8-3 for an aerial photograph with surrounding land uses.

2.5 Assessor's Parcel Number

APNs: 467-01-028, 259-33-058, 259-33-059, and 259-33-060

2.6 General Plan Designation and Zoning District

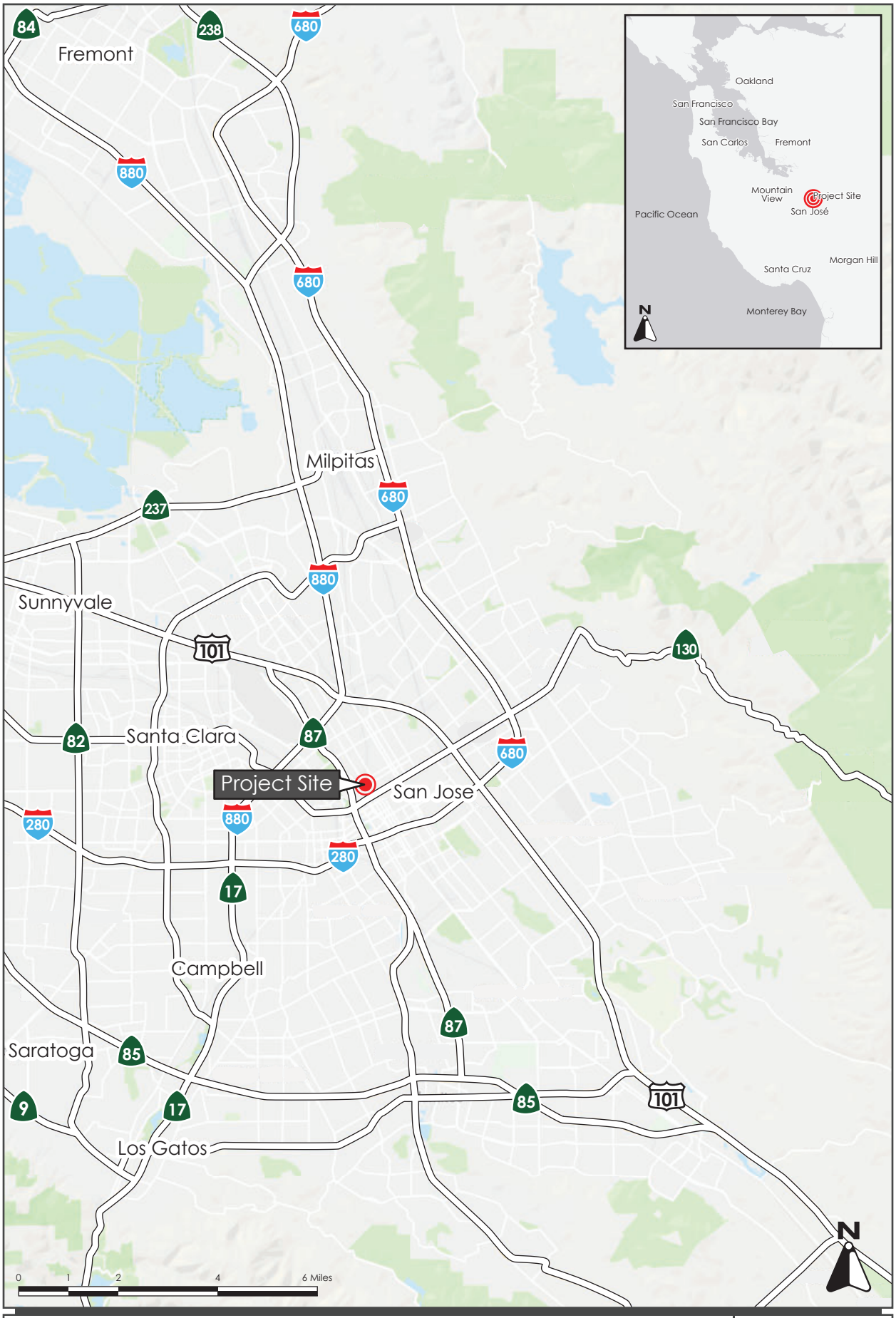
General Plan: Downtown
Zoning District: Downtown Primary Commercial (DC)

2.7 Habitat Plan Designation

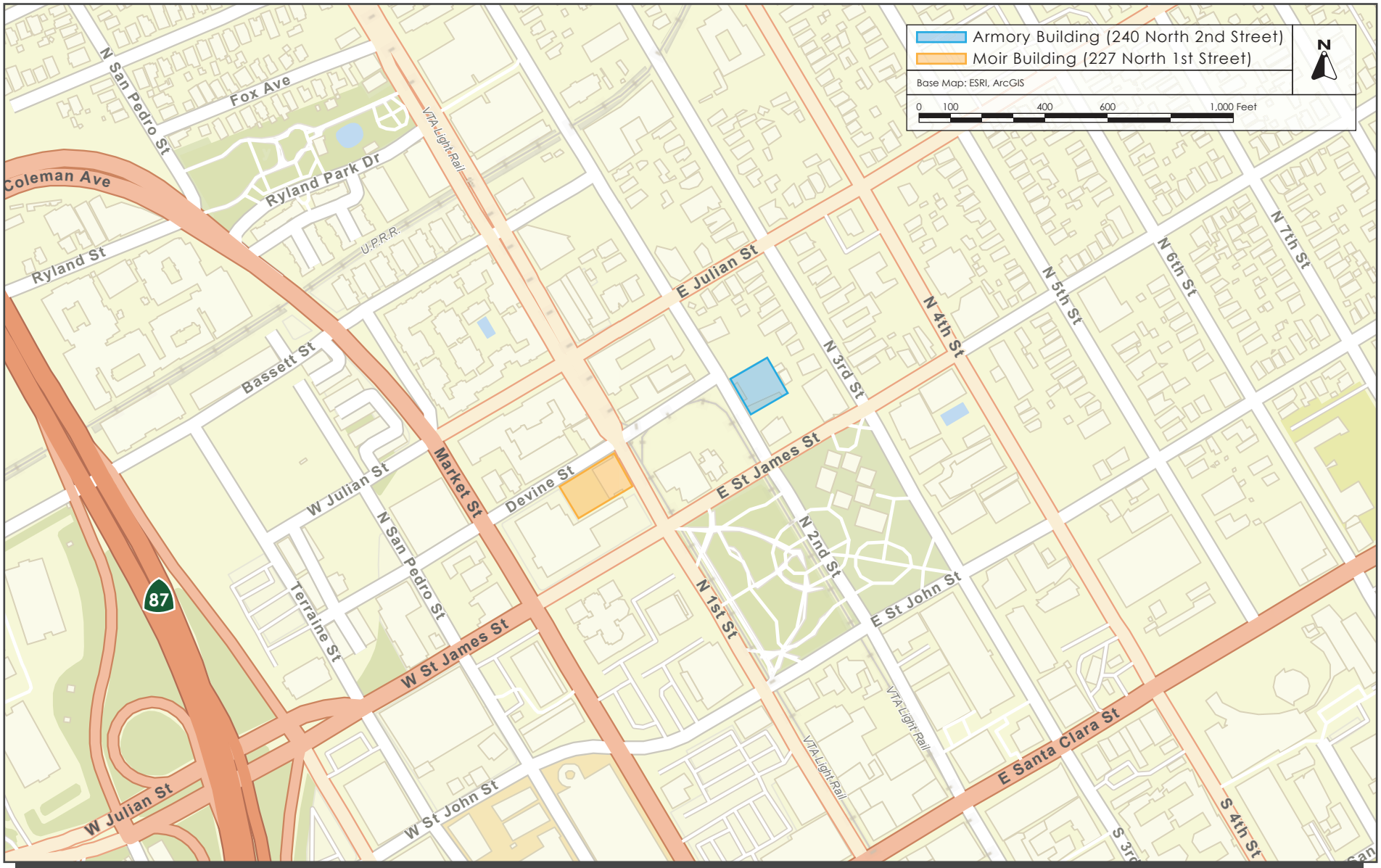
Habitat Plan: Urban – Suburban

2.8 Project-Related Approvals, Agreements, and Permits

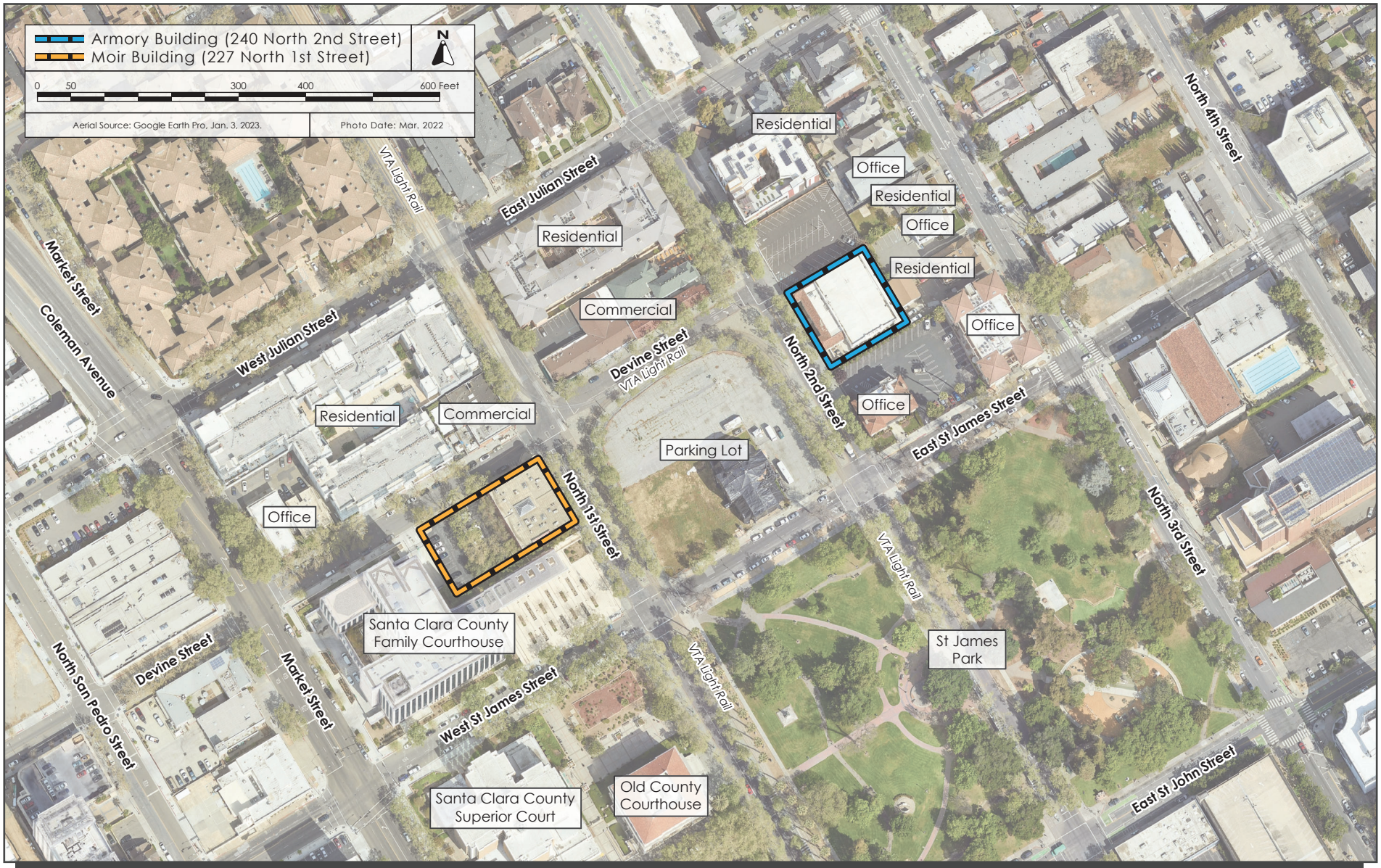
- Special Use Permit
- Building Permit
- Historic Preservation Permit Adjustment
- Public Improvement Permit



REGIONAL MAP | FIGURE 2.8-1



VICINITY MAP | FIGURE 2.8-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.8-3

Section 3.0 Project Description

3.1 Project Location

The project is proposed on two noncontiguous parcels of land in downtown San José, totaling 0.69 acre. The first is a 0.44-acre parcel currently developed with the two-story, approximately 22,000 square-foot, Armory Building, located at 240 North Second Street (Assessor's Parcel Number [APN] 467-01-028). The second is a 0.25-acre parcel currently developed with the three-story, approximately 31,000 square foot, Moir Building, located at 227 North First Street (APN 259-33-058). The Moir Building's associated surface parking lot is made up of two additional parcels (APN 259-33-059 and 259-33-060) owned by the school.

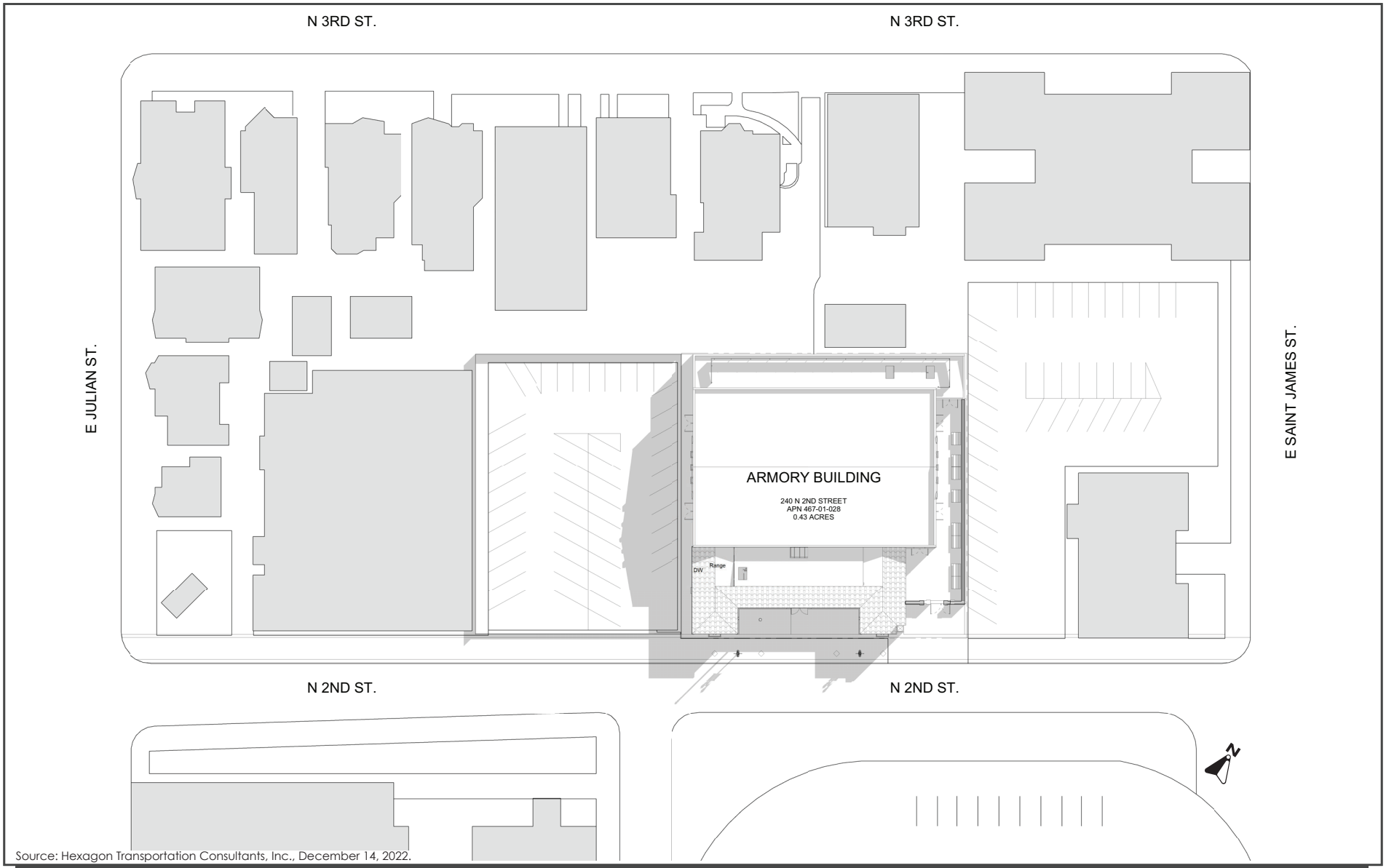
The two buildings on-site are currently vacant. Most recently, the Armory Building was used for large events such as weddings and holiday parties, and the Moir Building was used as law offices. Both buildings are currently vacant. The two sites are separated by North Second Street, a City block consisting of a parking lot and landscaping, and North First Street. The sites are generally surrounded by office and retail uses, with St. James Park located to the south. The Armory Building is adjacent to two parking lots that are not part of the property.

3.2 Project Description

The proposed project would convert the Armory and Moir Buildings into a private secondary school, serving grades 9 through 12. Both are historic buildings as discussed in Section 4.3 Cultural Resources. The project would result in both exterior and interior work to the Armory Building and only interior work to the Moir Building. Site plans of the Armory Building and Moir Building are shown on Figure 3.2-1 and Figure 3.2-4, respectively. Floor plans of the proposed changes to the Armory Building are shown on Figure 3.2-2 and Figure 3.2-3. Floor plans of the proposed changes to the Moir Building are shown on Figure 3.2-5.

3.2.1 Construction

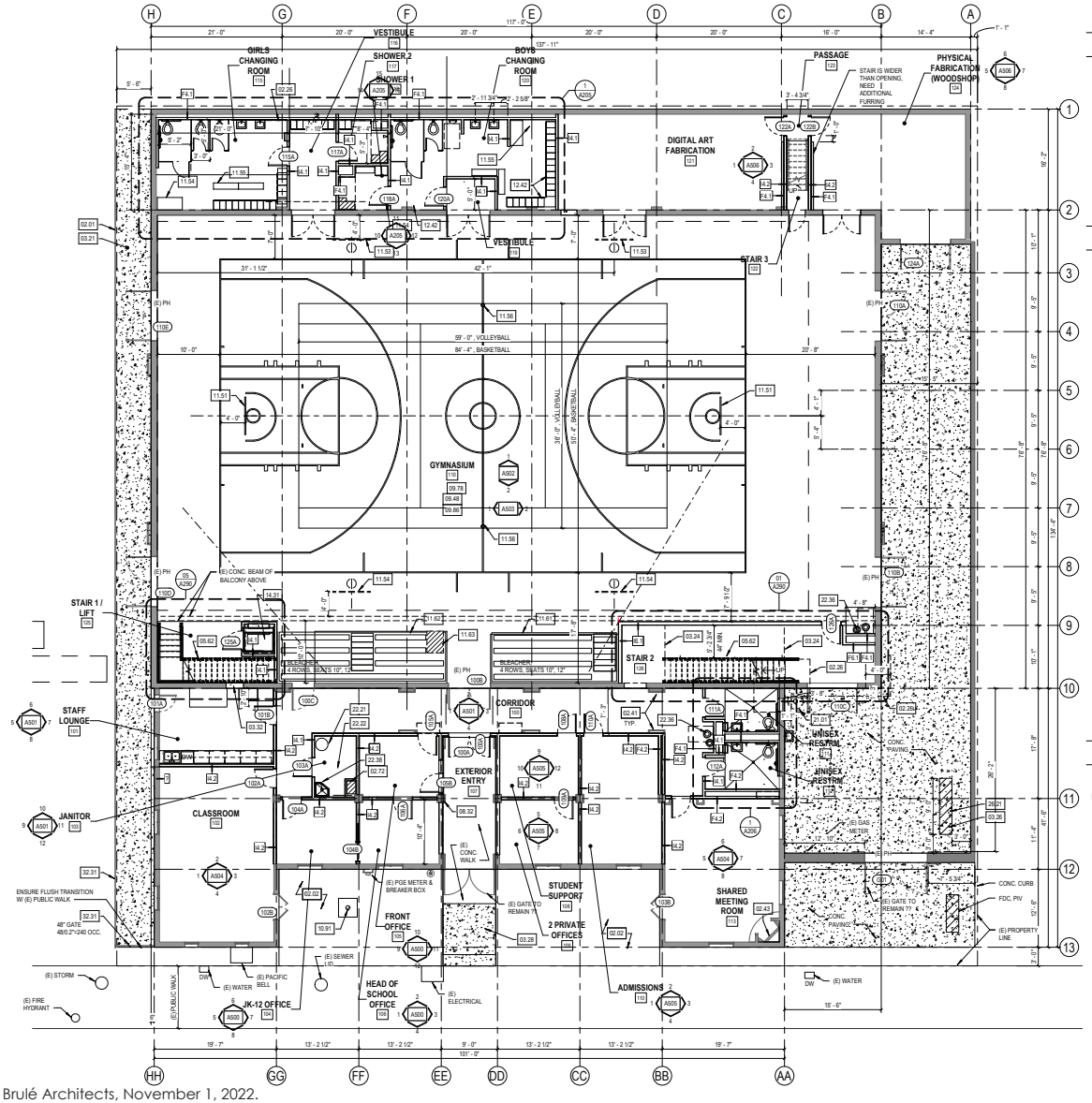
Exterior work to the Armory Building would consist of window restoration (including repainting the frames and replacing the deteriorated glazing in kind), repainting, and light replacement. Additionally, the exterior entrance lobby tile walls would be replaced with new in-kind walls to accommodate the addition of a structural frame. Exterior alterations would be made with like materials consistent with the existing building materials in compliance with the Secretary of the Interior Standards. Interior work to the Armory Building would include the reconstruction of the two sets of stairs and the control room in the multi-purpose room, removal and addition of walls on all levels to create classrooms, and remodeling of restrooms. The Armory Building would include a gymnasium with court and bleachers, locker room, classrooms, administrative offices, meeting room, staff lounge, and restrooms.



Source: Hexagon Transportation Consultants, Inc., December 14, 2022.

ARMORY BUILDING SITE PLAN

FIGURE 3.2-1



SHEET NOTES

A. PROVIDE FLOORING.
B. PAINT ALL WALL & CEILING SURFACES.
C. PROVIDE FORCED MECHANICAL VENTILATION TO EA. OCCUPIED ROOM.
D. PROVIDE HEATING & COOLING TO EA. OCCUPIED ROOM. SEE MECH. DWGS.
E. PROVIDE SURFACE MOUNT ELECTRICAL WIRING IN CONDUITS & SURFACE MOUNT ELECTRICAL OUTLETS THROUGHOUT THE BUILDING WHERE (E) CONC. WALLS OCCUR OR INDICATED OTHERWISE.
F. PROVIDE LED LIGHTS THROUGHOUT THE BLDG, SEE ELEC. DWGS.
G. REPLACE WATER SUPPLY PIPEING WITH COPPER, SEE MECH. DWGS.
H. (E) WINDOWS & GLAZED DOORS SHALL BE REFINISHED AND RE-GLAZED W/ SINGLE PANE GLAZING.
I. PROVIDE MANUAL OPERATED ROLLER SHADES AT (E) WINDOWS AT CLASSROOM SPACES AND ADMIN SPACES. SHADES BY DRAPER INC..
J. PROVIDE ELECTRICAL OPERATED ROLLER SHADES AT ALL WINDOWS IN GYMNASIUM. BY DRAPER INC..

KEYNOTES

02.01 (E) CHAIN LINK FENCE TO REMAIN & PROTECT.
02.02 (E) LANDSCAPE AREA TO REMAIN.
02.26 (E) CONC. FOUNDATION. SEE BLDG. SECTIONS
02.41 (E) PILASTER & ARCH TO REMAIN. PROTECT IN PLACE.
02.43 (E) FIREPLACE, TO REMAIN AND PAINT
02.72 (E) DRAIN
03.21 CONCRETE PAVING / WALK, 4" THICK W/ #4 REBAR, S.C.D. ENSURE LEVEL DOOR LANDINGS. CROSS SLOPE ALONG P.O.T. 2% MAX.
03.24 EDGE OF (E) CONC. BEAM.
03.26 CONC. EQUIPMENT PAD FOR ELECTRICAL SWITCHGEAR. 6" TALL W/ REBAR. S.E.D.
03.28 CONC. PAVING, 4" THICK W/ #4 REBAR @ 12" O.C. EA. WAY, OVER COMPACTED 4" GRAVEL, SLOPE < 1:12.
03.32 FILL IN (E) WALL OPENING W/ CONCRETE, S.S.D.
05.62 METAL STAIR, C-CHANNEL STRINGERS W/ PREMANUF. CONC. STEPS. CONTRASTING 2" WIDE STRIP AT TOP AND BOTTOM TREAD.
08.32 EXTERIOR ALUMINUM STOREFRONT SYSTEM
09.48 SPORTS FLOORING, 8MM | SFP
09.78 ACOUSTICAL WALL PANELS, ABOVE 8', 30% OF WALL SURFACES.
09.86 PAINT WALL SURFACE, TYP.
10.91 FLAG POLE, 20' EXPOSED HEIGHT W/ FOUNDATION PER MANF. RECOMMENDATIONS.
11.51 BASKETBALL HOOP MOUNTED TO (E) TRUSS. FORWARD FOLDING WITH ELEC. MOTOR.
11.53 BASKETBALL HOOP MOUNTED TO (E) CONC. WALL.
11.54 BASKETBALL HOOP MOUNTED TO (E) CONC. BALCONY.
11.55 BASKETBALL SCOREBOARD NEVCO # 2750, MOUNTED TO (E) CONC. WALL. PROVIDE DATA & ELECTRIC.
11.56 VOLLEYBALL POLE FOUNDATION W/ SLEEVE & COVER.
11.61 BLEACHER, TELESCOPIC SEATING, BY INTERKAL. MODEL BLACKOUT W/ ESM SOLID MOLDING SEATS, MANUAL OPERATION. 4 TIER 20' WIDE. AISLE AT SIDE.
11.62 BLEACHER, TELESCOPIC SEATING, BY INTERKAL. MODEL BLACKOUT W/ ESM SOLID MOLDING SEATS, MANUAL OPERATION. 4 TIER 25'8" WIDE W/ ADA SEAT. AISLE AT CENTER.
11.63 ADA SPACE 30"X42" AT BLEACHER.
12.42 METAL LOCKERS, 12"WX18"DX48"H
14.31 WHEELCHAIR LIFT MOUNTED IN 3" DEPRESSED SLAB. S.S.D. FOR SLAB MODIFICATIONS.
21.01 FIRE RISER, SEE F.S.D.
22.21 INSTALL ELEC. WATER HEATER, S.P.D.
22.22 REPLACE FLOOR DRAIN / FLOOR DRAIN COVER.
22.36 HI / LOW DRINKING FOUNTAIN W/ BOTTLE FILLER STATION, CHILLED. | PLUMBING
22.38 MOP SINK | PLUMBING
26.21 SWITCHGEAR, 9' LONG, 8' TALL, S.E.D.
32.31 INSTALL CHAIN LINK FENCE GATE W/ PANIC HARDWARE. GATE WITH MIN.

LEGEND

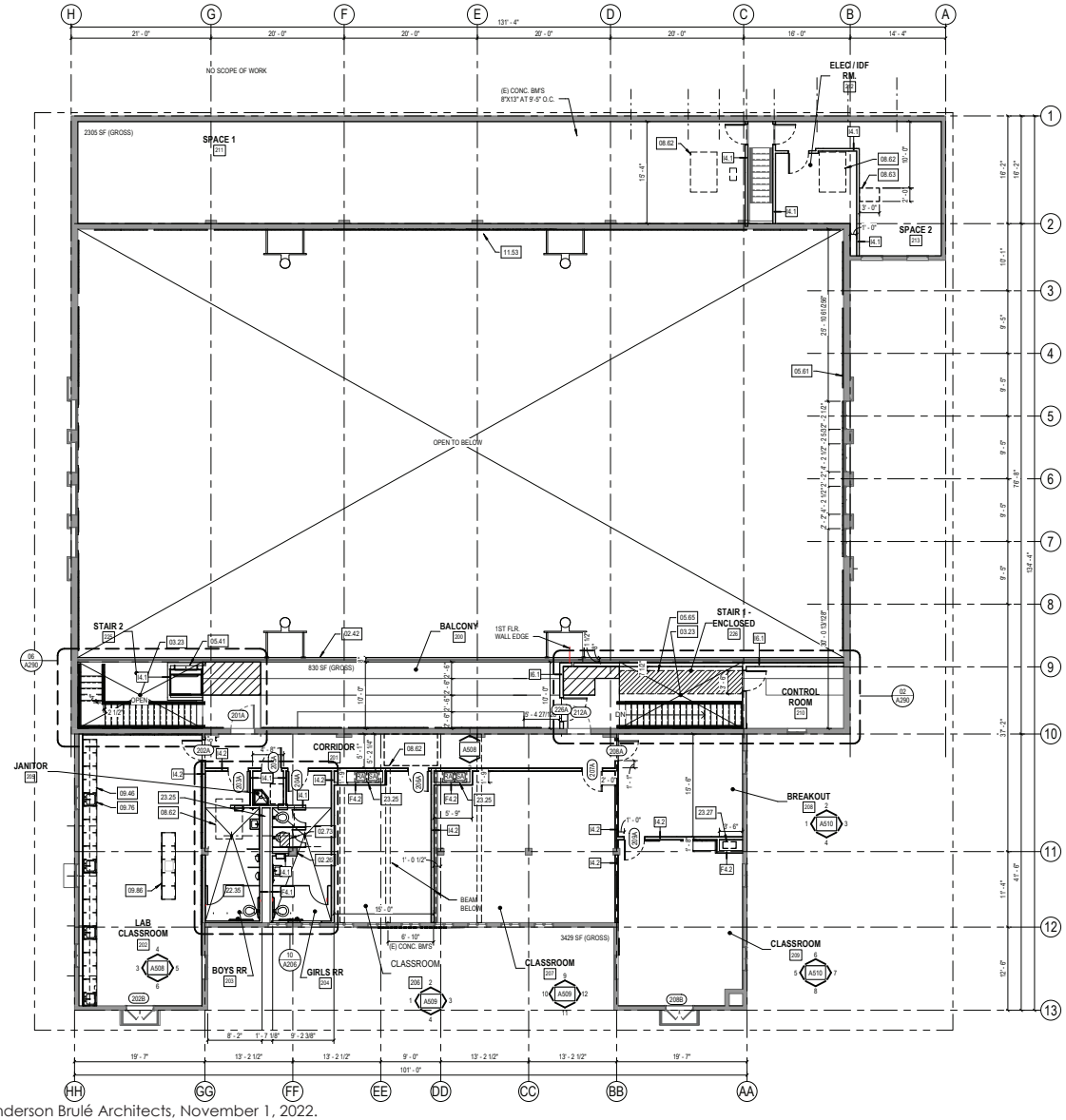
(E) CONC. WALL
(E) CONC. COLUMN W/ PLASTER FINISH, WHERE OCCURS
WALL
4" CONC. SITE PAVING W/ REBAR, S.C.D.
INFILL OF (E) STEPPED BALCONY, SEE DTL. .../A...

0 4 8 16 32 Feet

Source: Anderson Brulé Architects, November 1, 2022.

ARMORY BUILDING FIRST FLOOR PLAN

FIGURE 3.2-2



FLOOR PLAN SHEET NOTES

A. PROVIDE FLOORING.
B. PAINT ALL WALL & CEILING SURFACES.
C. PROVIDE FORCED MECHANICAL VENTILATION TO EA. OCCUPIED ROOM.
D. PROVIDE HEATING & COOLING TO EA. OCCUPIED ROOM, SEE MECH. DWGS
E. PROVIDE SURFACE MOUNT ELECTRICAL WIRING IN CONDUITS & SURFACE MOUNT ELECTRICAL OUTLETS THROUGHOUT THE BUILDING WHERE (E) CONC. WALLS OCCUR OR INDICATED OTHERWISE.
F. PROVIDE LED LIGHTS THROUGHOUT THE BLDG, SEE ELEC. DWGS.
G. REPLACE WATER SUPPLY PIPEING WITH COPPER, SEE MECH. DWGS.
H. (E) WINDOWS & GLAZED DOORS SHALL BE REFINISHED AND RE-GLAZED W/ SINGLE PANE GLAZING.
I. PROVIDE MANUAL OPERATED ROLLER SHADES AT (E) WINDOWS AT CLASSROOM SPACES AND ADMIN SPACES. SHADES BY DRAPER INC..
J. PROVIDE ELECTRICAL OPERATED ROLLER SHADES AT ALL WINDOWS IN GYMNASIUM. BY DRAPER INC..

FLOOR PLAN KEYNOTES

02.26 (E) CONC. FOUNDATION. SEE BLDG. SECTIONS
02.42 (E) PIPE GUARDRAIL TO REMAIN. H = 42 3/4"
02.73 (E) VERTICAL PLUMBING LINES ON 1ST FLOOR, V.I.F.
03.23 OPENING IN (E) CONC. BALCONY
05.41 METAL STUD FRAMED WALL AROUND WHEELCHAIR LIFT 42" A.F.F. . WALL FINISH GYP.BD. AND HARDWOOD CAP.
05.61 PERFORATED SCREEN FOR BALL IMPACT PROTECTION FOR (E) WINDOW.
05.65 CATWALK, METAL C-CHANNELS FRAMING W/ DIAMOND GRILL PLANKS. SPANNING BTWN. (E) CONC. BEAMS. S.S.D.
08.62 OUTLINE OF (E) SKYLIGHT ABOVE.
08.63 OUTLINE OF ROOF HATCH ABOVE.
09.46 CARPET TILE FLOORING W/ RUBBER BASE | SFP
09.76 ACOUSTICAL WALL PANEL, 4' TALL, ON 30% OF WALL SURFACES
09.86 PAINT WALL SURFACE, TYP.
11.53 BASKETBALL HOOP MOUNTED TO (E) CONC. WALL.
22.35 URINAL | PLUMBING
23.25 OPENING #2 - (44"X20") IN (E) CONC. FLOOR FOR (2) MECH. DUCTS, EA. 16"X14".
23.27 OPENING 4 IN (E) CONC. FLOOR FOR MECH. DUCTS & FIRE WATER, ETC. 12"X24".

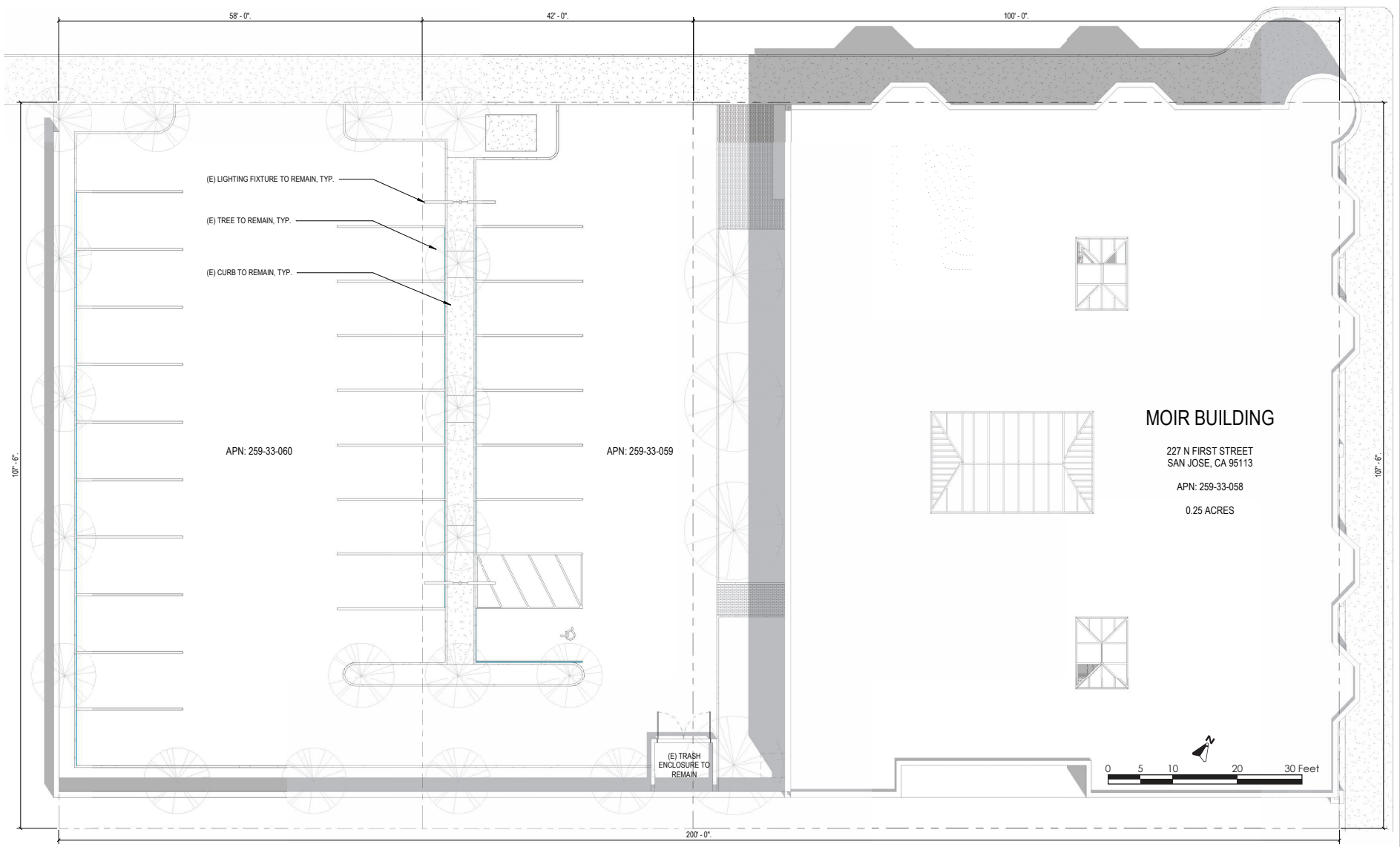
FLOOR PLAN LEGEND

(E) CONC. WALL
(E) CONC. COLUMN W/ PLASTER FINISH, WHERE OCCURS
WALL
4" CONC. SITE PAVING W/ REBAR, S.C.D.
INFILL OF (E) STEPPED BALCONY, SEE DTL. .../A...

Source: Anderson Brulé Architects, November 1, 2022.

ARMORY BUILDING SECOND FLOOR PLAN

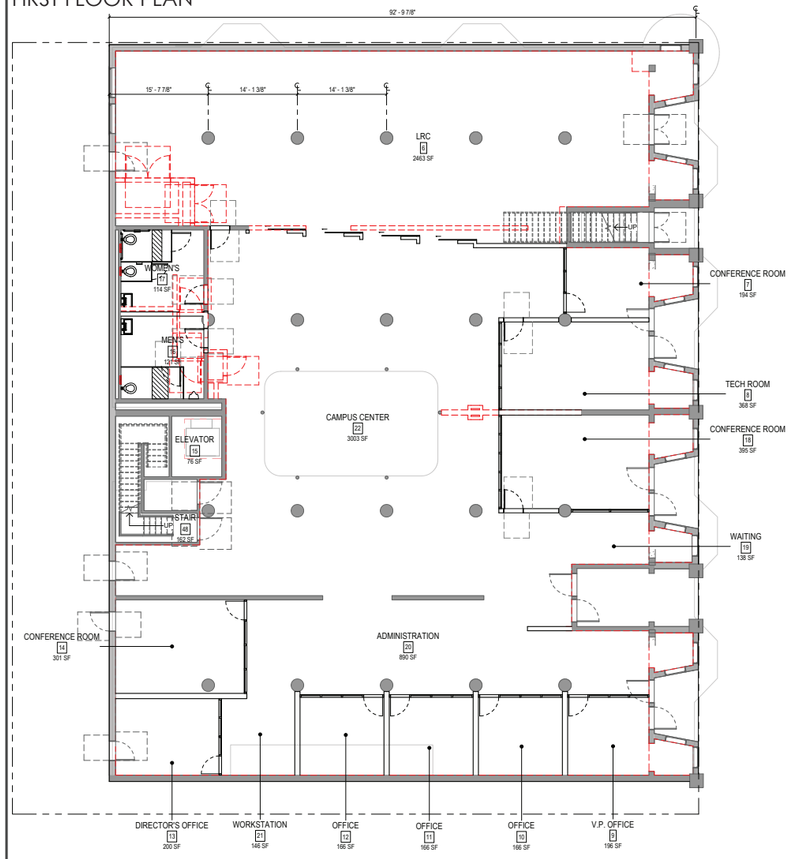
FIGURE 3.2-3



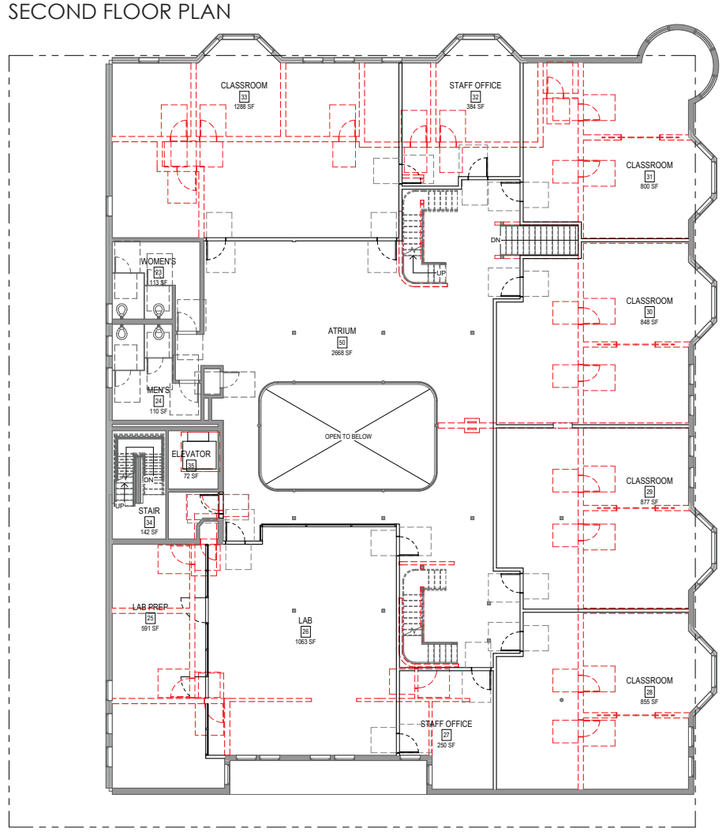
Source: Anderson Brulé Architects, November 1, 2022.

MOIR BUILDING SITE PLAN | FIGURE 3.2-4

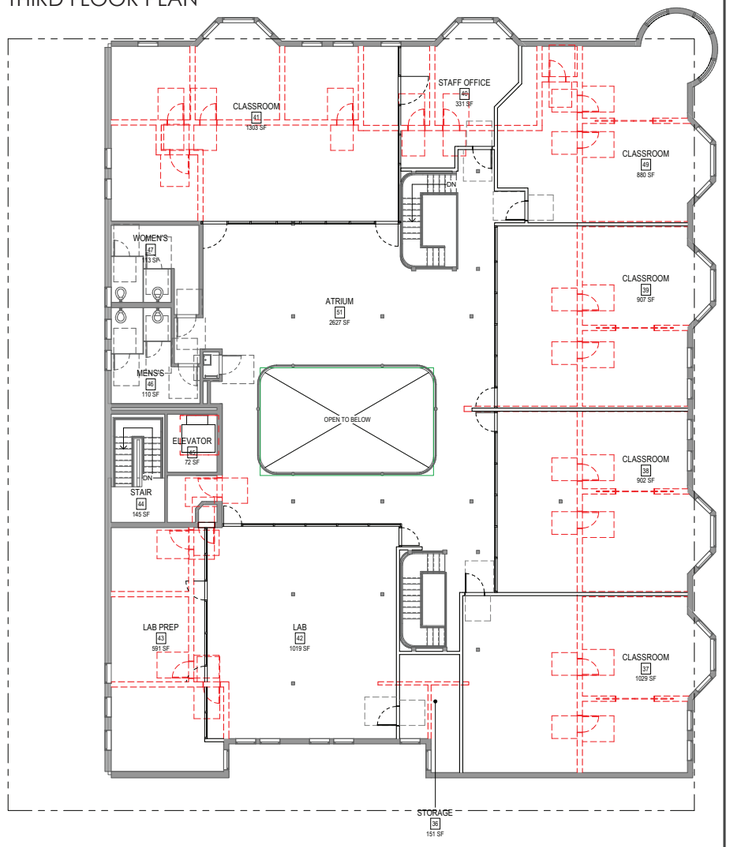
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FLOOR PLAN LEGEND

- EXISTING WALL TO BE REMOVED
- EXISTING WALL TO REMAIN
- NEW 1 HR RATED WALL

Source: Anderson Brulé Architects, August 2, 2022.

MOIR BUILDING FLOOR PLANS | FIGURE 3.2-5

Interior work on the first floor of the Moir Building would consist of the removal of existing walls, creation of new rooms with the addition of walls around the two center storefronts, alterations to existing restrooms, and removal of a vestibule on the west façade. On the second and third floors, walls would be removed to create larger classroom spaces. The Moir Building would include a campus center, administration office, conference rooms, staff offices, classrooms, and restrooms.

Construction work would be phased. Phase I would consist renovation of the Armory Building which would be completed over a period of eight months. Phase II would consist of renovation of the Moir Building which would be completed over a period of 10 months.

3.2.2 Operation

As proposed, the school would begin operations at the Armory Building in August 2023 and would serve a freshman class of approximately 44 students, 20 employees, and two to three security personnel. The Moir Building would be operational in August 2024 and would provide capacity for an additional 15 to 80 students. The numbers of students and employees served would grow annually as operations are expanded to provide all class levels. At full capacity, the project would serve a total of 300 students with approximately 70 employees. Both buildings are expected to be fully operational in 2026 serving freshman, sophomore, junior, and senior classes. Students would walk between the Armory Building and Moir building as needed during the day to attend classes.

The project's hours of operation would be Monday through Friday, 7:00 AM to 10:00 PM. Classes would start at 8:45 AM and end at 3:15 PM with after-school activities occurring from 3:30 PM to 5:00 PM. The school would periodically host events for the school community, with events (e.g., sports and musical theater) ending no later than 10:00 PM on weekdays or weekends. Events and lunchtime activities would take place in the enclosed side yard of the Armory Building, located along the southern edge of the project site.

3.2.3 Parking and Site Access

The project would utilize the existing surface parking lot at the Moir Building to provide on-site parking to service both sites. The parking lot would be reserved for staff, with no student parking permitted. The parking lot would be accessed by the two existing one-way driveways along Devine Street for ingress and egress. Staff would arrive 30 minutes prior to the school start time and depart 30 minutes after the school end time (8:15 AM and 4 PM, respectively). Student drop off and pick up (including private vehicles and shuttles) would occur at the Moir Building drop off area Monday through Friday between 7:30 AM and 8:45 AM, and 3:00 PM and 4:00 PM, respectively. Additional student pick up would take place after 5:00 PM following the end of after-school activities. There would be no parking or student drop-off/pick-up at the Armory building.

3.2.4 Transportation Demand Management

The proposed project would implement a transportation demand management (TDM) program including, but not be limited to, the following strategies:

- General TDM strategies such as implementation of a commute trip reduction program, sustainability mobility curriculum, Green Participation Days, and Guaranteed Ride Home Program;
- Rideshare measures such as promotion of carpool matching tools for students and staff and providing incentives for staff to carpool or use alternate transit;
- Transit measures such as expanding current bus routes and stop locations, operating a last-mile van pick-up service, operating a late afternoon shuttle for students participating in after-school programs, and implementing a transit subsidy program; and
- Bicycle and pedestrian measures such as providing safety education and promoting alternative ways to commute, providing a bike-share program, and hosting free bicycle tune-up events.

The complete TDM Plan is provided in Appendix .

3.2.5 Landscaping, Stormwater Control, and Utilities

The project does not propose removal of any trees. The project would be served by existing water and wastewater connections in North First Street and North Second Street. The project does not propose any new mechanical equipment; the project would only make improvements to the existing heating, ventilation, and air conditioning (HVAC) unit on the Armory Building rooftop.

3.2.6 General Plan and Zoning

Both project sites have a General Plan designation of Downtown and are located within the Downtown Primary Commercial (DC) zoning district. The Downtown land use designation allows for office, retail, service, residential, and entertainment uses. The DC zoning district permits uses including but not limited to office, retail, daycare, and indoor recreation centers. The DC zoning district allows school uses as a conditional use and historic landmark structure reuse as a special use. Because both project sites contain historic buildings and the encompassing use would be historic landmark structure reuse, the proposed project would require a Special Use Permit (SUP).

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

The proposed project does not include demolition, grading, or tree removal, and only includes minor construction. Therefore, the IS/Addendum only addresses resource areas which would be potentially affected by the proposed project. The project would have the same impacts as analyzed in the Downtown Strategy 2040 FEIR with regards to the following environmental resource areas:

- Aesthetics
- Agricultural and Forestry Resources
- Biological Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Mineral Resources
- Population and Housing
- Recreation
- Tribal Cultural Resources

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

- Air Quality
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise and Vibration
- Public Services
- Transportation
- Utilities and Service Systems

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 Resource Areas Not Analyzed Further

As described above, the following resource areas are not analyzed further because they were determined to have the same impacts as analyzed in the Downtown Strategy 2040 FEIR. A brief explanation is provided for each resource topic.

4.1.1 Aesthetics

The proposed project is located on a developed site in an urbanized area of San José and would make minor alterations to existing buildings. The proposed project would not result in a substantial adverse effect on a scenic vista or in the existing visual character of the Downtown area. Therefore, the project would not impact aesthetics resources or require further analysis and would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.2 Agricultural and Forestry Resources

The proposed project is located on a developed site in an urbanized area of San José that is not used for agriculture or forestry. Therefore, the project would not impact agricultural and forestry resources or require further analysis and would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.3 Biological Resources

The proposed project is located on a developed site in an urbanized area of San José. The project does not propose development that would have the potential to affect existing habitat and does not propose tree removal. Therefore, the project would not impact biological resources or require further analysis and would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.4 Energy

The proposed project would not include construction activities that would result in an inefficient use of energy resources. During operation, the project would utilize Silicon Valley Clean Energy as the electricity provider which would provide at least 80 percent renewable energy. Therefore, the project would not impact energy resources or require further analysis and would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.5 Geology and Soils

The proposed project is located on a developed site in an urbanized area of San José. The project does not propose construction activities that would expose people or structures to strong seismic ground shaking or seismic-related ground failure, introduce new development on expansive soils, cause substantial erosion or siltation. Therefore, the project would not impact geology and soils resources or require further analysis and would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.6 Greenhouse Gas Emissions

The Downtown Strategy 2040 FEIR determined that build out of development under the Downtown Strategy 2040 would result in less than significant greenhouse gas (GHG) emissions through 2030 and significant and unavoidable GHG emissions through 2040. No further analysis is required for the proposed project and the project would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.7 Hydrology and Water Quality

The proposed project is located on a developed site in an urbanized area of San José. The project is not located in a Special Hazard Flood Area[1] and would not include grading or new construction that could alter the existing on-site drainage patterns. Therefore, the project would not impact hydrology and water quality resources. The project would be consistent with the findings of the Downtown Strategy 2040 FEIR.

4.1.8 Mineral Resources

The only area in the City of San José that is designated as containing mineral deposits is Communications Hill.[2] The proposed project is located on developed sites in downtown San José, which is more than two miles northwest of Communications Hill. The project would not impact mineral resources and would not require further analysis.

4.1.9 Population and Housing

The proposed project does not propose new development that would displace existing housing or residents. Therefore, the project would not impact population and housing and would not require further analysis.

4.1.10 Recreation

The proposed project does not propose new housing that would increase the use of existing parks, regional parks, or other recreational facilities that would result in the physical deterioration of existing facilities or the need for new or expanded facilities. While the proposed school could result in increased use, impacts are expected to be minimal. Refer to Section 4.7 Public Services of this Initial Study.

[1] Federal Emergency Management Agency. "FEMA's National Flood Hazard Layer (NFHL) Viewer." Accessed March 14, 2023. https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd.

[2] City of San José. *Envision San José 2040 General Plan Draft Environmental Impact Report.* SCH# 2009072096. June 2011. Page 502.

4.1.11 Tribal Cultural Resources

The proposed project would not include excavation, ground disturbing activities, construction of new buildings, or expansion of the existing building footprints. Therefore, the project would not disturb any buried tribal cultural resources, and further analysis is not required.

4.2 Air Quality

4.2.1 Environmental Setting

4.2.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[3] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.2-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.2-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

[3] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[4] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and schools.

4.2.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

[4] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 20, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[5]

CEQA Air Quality Guidelines

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

[5] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the project and are applicable to the project. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and transit access improvements; parking strategies that reduce automobile travel through parking supply and pricing management; and requirements for Transportation Demand Management programs for large employers.

General Plan Policies - Air Quality

Air Pollutant Emission Reduction Policies	
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.8	Minimize vegetation removal required for fire prevention. Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage alternatives that limit the exposure of bare soil.
Toxic Air Contaminants Policies	
MS-11.3	Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
MS-11.4	Encourage the installation of air filtration, to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Objectionable Odor Policies	
MS-12.1	For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.
Construction Air Emission Minimization Policies	
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air

	toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
MS-13.3	Require subdivision designs and site planning to minimize grading and use landform grading in hillside areas.

4.2.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act standards and state Clean Air Act standards. The area is also considered a nonattainment area for PM_{10} under the state standards. The area has attained both state and federal ambient air quality standards for CO.

The nearest existing sensitive receptors are the residences located approximately 150 feet northeast of the Armory Building on North Third Street and East Julian Street, and the residences located approximately 100 feet north of the Moir Building on North First Street and Julian Street.

Emissions associated with the project site are limited to traffic trips to and from the Armory and Moir buildings, which are currently vacant.

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.2-2 below.

Table 4.2-2: BAAQMD Air Quality Significance Thresholds

Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors. The Downtown Strategy 2040 FEIR did identify a significant unavoidable cumulative regional air quality impact; however, this project would not result in a cumulative impact, as discussed below.

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

As discussed in Section 4.2.1.2 Regulatory Framework, the current clean air plan is the 2017 CAP. BAAQMD developed screening criteria to provide a conservative indication of whether a project would result in potentially significant operational or construction-related air quality impacts for criteria pollutants. The proposed project fits into the "high school" land use category, which establishes screening criteria based on the number of students generated. The BAAQMD threshold criteria are 2,390 students for operational criteria pollutants and 3,012 students for construction-related pollutants.

At full capacity, the proposed project would have 300 students. Thus, the project would not conflict with the 2017 CAP because emissions would be below the BAAQMD thresholds for operational criteria pollutants and construction-related pollutants. Because the project would not exceed BAAQMD significance thresholds, it is not required to incorporate project-specific control measures as listed in the 2017 CAP. Further, implementation of the project would not prevent BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, the proposed project would not conflict with the implementation of an applicable air quality plan and would be consistent with the findings of the Downtown Strategy 2040 FEIR. **[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?

Per the Downtown Strategy 2040 FEIR, build out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of O_3 standards. Per 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 non-attainment 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 shown in the analysis above, the proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD significance thresholds. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **[Less Impact than Approved Project (Significant Unavoidable Impact)]**

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

Operational Emissions

The nearest existing sensitive receptors are the residences located approximately 150 feet northeast of the Armory Building on North Third Street and East Julian Street, and the residences located approximately 100 feet north of the Moir Building on North First Street and Julian Street.

As discussed above, emissions resulting from operation of the Armory and Moir buildings are limited to traffic trips to and from the buildings. The project does not propose any generators or other on-site equipment that would generate criteria pollutants. The proposed project is estimated to generate 423 daily traffic trips, with implementation of the proposed TDM Plan but assuming no reduction in traffic trips from the most recent uses of the buildings (see Section 4.8, Transportation). These trips would not be sufficient to generate criteria pollutants above the BAAQMD thresholds. Furthermore, criteria pollutants from traffic trips are not a localized health risk but are considered a regional issue.

The Downtown Strategy 2040 FEIR identified operational criteria pollutant emissions as significant and unavoidable with build out of the Downtown Strategy 2040. Accordingly, the Downtown Strategy 2040 FEIR established requirements for downtown projects to implement TDM programs to reduce traffic trips. Consistent with the Downtown Strategy 2040 the project would implement a TDM plan as a project feature, as described below.

Required Downtown Strategy 2040 FEIR Measures:

To reduce emissions associated with vehicle travel, the project will be required to implement a TDM program. The TDM program may incorporate, but would not be limited to, the following Transportation Control Measures (TCMs):[6]

- **Rideshare Measures:**
  - Implement carpool/vanpool program (e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.).
- **Transit Measures:**
  - Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.; and
  - Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.).
- **Services Measures:**
  - Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc.; and
  - Provide on-site childcare or contribute to off-site childcare within walking distance.

[6] These measures are recommended by BAAQMD for reducing emissions associated with vehicle travel and are identified in the Downtown Strategy 2000 EIR as mitigation measures for regional air quality impacts.

- **Shuttle Measures:**
  - Establish mid-day shuttle service from work site to food service establishments/commercial areas; and
  - Provide shuttle service to transit stations/multimodal centers.
- **Parking Measures:**
  - Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;
  - Implement parking fees for single occupancy vehicle commuters; and
  - Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking).
- **Bicycle and Pedestrian Measures:**
  - Provide secure, weather-protected bicycle parking for employees;
  - Provide safe, direct access for bicyclists to adjacent bicycle routes;
  - Provide showers and lockers for employees bicycling or walking to work;
  - Provide secure short-term bicycle parking for retail customers or non-commute trips; and
  - Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.
- **Other Measures:**
  - Implement compressed work week schedule (e.g., 4 days/40 hours, 9 days/80 hours); and
  - Implement home-based telecommuting program.

Consistent with the Downtown Strategy 2040 Final EIR, the project will implement a TDM program including the following strategies to be implemented as project features, as listed in Section 3.2.4 Transportation Demand Management (refer to Appendix for detailed descriptions):

- General TDM strategies such as implementation of a commute trip reduction program, sustainability mobility curriculum, Green Participation Days, and Guaranteed Ride Home Program;
- Rideshare measures such as promotion of carpool matching tools for students and staff and providing incentives for staff to carpool or use alternate transit;
- Transit measures such as expanding current bus routes and stop locations, operating a last-mile van pick-up service, operating a late afternoon shuttle for students participating in after-school programs, and implementing a transit subsidy program; and
- Bicycle and pedestrian measures such as providing safety education and promoting alternative ways to commute, providing a bike-share program, and hosting free bicycle tune-up events.

With on-going implementation of the TDM measures listed above, the proposed project would reduce criteria pollutant emissions associated with vehicle travel to and from the project site compared to the previous operation of the buildings. TDM measures would be implemented by school management and would be monitored via an annual TDM report submitted to the City for

review. Furthermore, as discussed under impact checklist question a) above, the project is well below the screening criteria of 2,390 students for operational criteria pollutants. For these reasons, operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. **[Less Impact than Approved Project (Significant Unavoidable Impact)]**

Construction Emissions

The project is well below the screening threshold of 3,012 students for construction criteria pollutants. Additionally, construction of the project would take place over eight months for the Armory Building and 10 months for the Moir Building, and would consist only of minor interior and exterior alterations to the existing buildings. No demolition or intensive construction work is proposed as part of the project. For these reasons, the project would not generate heavy truck traffic or require the use of large diesel-powered construction equipment that would emit TACs affecting nearby sensitive receptors. Therefore, construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. **[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 proposed project would convert two existing historic buildings into a private secondary school through minor exterior and interior alterations. Neither construction nor operation of the project would introduce new odor emissions to the project area. Therefore, the project would not result in odor emissions that could adversely affect a substantial number of people. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3 Cultural Resources

The following discussion is based in part on a Historic Design Guidelines and Standards Review prepared by TreanorHL, dated February 8, 2023. The report is attached as Appendix A to this document.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
    - Association with events that have made a significant contribution to the broad patterns of history (Criterion 1);
    - Association with the lives of persons significant in the past (Criterion 2);
    - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (Criterion 3); or
    - Has yielded, or may yield, information important to prehistory or history (Criterion 4).

Secretary of the Interior's Standards for the Treatment of Historic Properties

For properties eligible for the NRHP, the Secretary of the Interior's Standards for the Treatment of Historic Properties offer four approaches to the treatment of historic properties: preservation,

rehabilitation, restoration, and reconstruction, with accompanying guidelines for each approach, as described below.

- **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. Guidelines for preservation include (but are not limited to) stabilizing deteriorated historic materials, protecting and maintaining historic materials and features, and repairing historic materials and features.
- **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. Guidelines for rehabilitation include (but are not limited to) repairing historic materials and features, replacing deteriorated historic materials and features, designing for the replacement of missing historic features, and proposing exterior or interior alterations.
- **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods. Guidelines for restoration include (but are not limited to) repairing materials and features from the restoration period, replacing extensively deteriorated features, removing existing features from other historic periods, and recreating missing features from the restoration period.
- **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes. Guidelines for reconstruction include (but are not limited to) researching and documenting historical significance, preserving extant historic features, and reconstructing non-surviving buildings.[7]

The choice of treatment depends on the property's historical significance, physical condition, proposed use, and intended interpretation.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[8]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

[7] National Park Service, U.S. Department of the Interior. "Four Approaches to the Treatment of Historic Properties." Accessed June 5, 2022. https://www.nps.gov/tps/standards/four-treatments.htm

[8] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

City of San José

Historic Preservation Ordinance

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

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

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

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the project.

General Plan Policies - Cultural Resource

Landmarks and Districts	
LU-13.1	Preserve the integrity and fabric of candidate or designated Historic Districts.
LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Historic Structures of Lesser Significance	
LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Archaeology and Paleontology	
ER-9.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.3.1.2 *Existing Conditions*

Archaeological Resources

The City of San José is located in the Santa Clara Valley, which was originally inhabited by a Native American group known as the "Costanoan" or Ohlone over a period of 5,000 to 8,000 years prior to Spanish exploration and colonization of the region. Prehistoric sites recorded in the Santa Clara Valley include villages, temporary campsites, and non-habitation sites including stone tool and other manufacturing areas, quarries for tool stone procurement, cemeteries usually associated with large villages, isolated burial locations, rock art sites, bedrock mortars or other milling feature sites, and Native American trails.

The Guadalupe River is located 0.5 miles east of the project site. Based on the River's proximity to the site, as well as the presence of late Holocene-era soils, the project site has a moderate sensitivity for subsurface archaeological resources.

Historic Resources within Project Site

The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. The historical resources located at each project location are discussed below.

<u>Armory Building</u>

Constructed in 1933, the Armory Building is a two-story Spanish Revival building. The Armory Building is designated as a City Landmark in 1989[9] for its significance as a military building that served the local community, state, and nation as a training site. In addition, the building is significant as a local example of Depression-Era federal construction since it is one of two known Works Progress Administration buildings in San José.

The building remains in its original location and has not had any major exterior alterations, thus retaining integrity of location, design, materials, and workmanship. In addition, the property retains sufficient integrity of setting because the general commercial and residential character of the surrounding area has remained the same, despite construction of new buildings. The integrity of feeling and association has been diminished since the building is no longer associated with its original military use.

The character-defining features of the Armory Building include:

- Two-story massing with irregular footprint
- Reinforced concrete construction
- Low-pitched hip and gable roofs, clad in half-barrel tile
- Covered exterior entrance lobby, including walls, vaulted ceiling, arches, and pilasters
- Stucco-clad exterior walls
- Arched entryway with decorative cartouche
- Balconies on the front façade with divided lite window and iron railings
- Row of four full height and partial pilasters and the fenestration between the gable ends at the north and south facades
- Multi-lite steel windows and doors
- Metal-clad doors
- Gymnasium/multi-purpose room interior space

[9] Peak, Dana. Historic Preservation Officer, City of San José. March 13, 2023. Personal Communication.

Moir Building

Constructed in 1892, the Moir Building is a three-story Queen Anne and Romanesque Revival commercial building. The Moir Building is listed on the NRHR, CRHR, and was designated as a City Landmark in 1981[10].

The Moir Building retains integrity of location since it has not been moved since its construction. Alterations have occurred at the east façade, and while the character of the building is still prevalent, the integrity of design, materials, and workmanship have slightly diminished. The remaining facades have not undergone alterations. In addition, the property retains sufficient integrity of setting because the general commercial and residential character of the surrounding area has remained the same, despite construction of new buildings.

The character-defining features of the Moir Building include:

- Three-story massing with flat roof with parapet
- Brick construction with sandstone, cast iron, and wood features
- Bracketed cornice with a band of dentils above a plain frieze
- Round corner tower
- Two-story slanted bay windows with decorative panels on the east and north facades
- Window hoods with elongated keystones at the third level of the east and north facades
- Rusticated stone at the pilasters with acanthus capitals and arched entries on the east façade
- Marble steps on the east façade

[10] City of San José. *Resolution No. 54903: Resolution of the Council of the City of San José Designating, Pursuant to Chapter 13.48 of Title 13, St. James Hotel (Moir Building) as a Landmark of Special Historical, Architectural, Cultural or Aesthetic Value or Interest*. September 15, 1981.

- Recessed storefront on the east façade
- Segmented arch openings for windows on the east façade and doors on the south façade
- Wood-sash windows on upper levels[11]

Historic Resources in the Vicinity

A total of 29 properties are within 200 feet of the project site, 17 of which are on the San José HRI. Additionally, the proposed project is located within 100 feet of two designated City Landmarks and adjacent to five buildings identified on the San José HRI. These properties are shown in Table 4.3-1 below.

Table 4.3-1: Surrounding Historic Properties

Address(es)	APN	Year Built[1]	Historic Classification[2]	Resource Name or Use
191 North First Street	259-34-055	--	CLD, CLS, NRS	Downtown Superior Court
200 North First Street	467-01-008	1880s	CLD, CS, NRS	Letcher's Garage[3]
201 North First Street	259-33-057	--	CLD, CS, NRD	Santa Clara County Family Court
255 North First Street	259-33-049	1890s	CLS, ECR, ENR	Beatrice Building
261 North First Street	259-33-050	1890s	CLS, ECR, ENR	Tognozzi Building
988 North First Street	467-21-014	1869	CLD, CS, NRS	St. James Park
259 North Second Street	467-01-002	1895	CLS	Germania Hall
233 North Third Street	467-01-024	1900	SM	Miller Residence
247 North Third Street	467-01-023	1880s	SM, ECR, ENR	Samuel Rea Residence
253 North Third Street	467-01-022	1880s	SM	Riehl Residence
275 North Third Street	467-01-020	1890s	CLD, CS, NRD	
279 North Third Street	467-01-019	1890s	CLD, CS, NRD	
287 North Third Street	467-01-018	1870s	CLD, CS, NRD	
39 East St. James Street	467-01-118	1908	CLD, CS, NRS, SM	First Church of Christ Scientist
65 East St. James Street	467-01-027	1893	CLD, CS, NRS	Sainte Claire Club
73 East St. James Street	467-01-026	--	CLD, NRD	
97 East St. James Street	467-01-084	--	CLD, NRD	

Notes:

[1] For rows marked with dashes, construction years were unavailable.

[2] Classifications as defined by the City's HRI:

- CLD = City Landmark District

[11] TreanorHL was not conclusively able to determine if the windows were original, but the openings are, and the simple wood-sash windows do not detract from the character of the building.

- CLS = City Landmark Site/Structure
- CS = Contributing Site/Structure
- ECR = Eligible for CRHR
- ENR = Eligible for NRHP
- SM = Structure of Merit
- NRD = National Register District (Designated NRHP District)
- NRS = National Register Site/Structure (Designated NRHP Site/Structure)

[3] This building has been demolished and is no longer considered a historic property. It is included in this list because it is still listed on the City's HRI.

Sources:

TreanorHL. *Hillbrook High School Design Review: Guidelines and Standards Review.* February 8, 2023. Pages 18-19.

City of San José. Historic Resources Inventory: Classification of Resources. Accessed January 5, 2023. https://www.sanjoseca.gov/home/showdocument?id=82429

4.3.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒	☐

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory.

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant cultural resources impact, as described below.

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

Project Impacts on Historic Resources

Because the project proposes to convert two existing historic buildings into a private secondary school through minor interior and exterior alterations (described below), an evaluation for project conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) was prepared as required by the Downtown Strategy 2040 FEIR.

As discussed in 3.2.1 Construction, exterior work to the Armory Building would consist of window restoration (including repainting the frames and replacing the deteriorated glazing in kind), repainting, and light replacement. Additionally, the exterior entrance lobby tile walls would be replaced with new in-kind walls to accommodate the addition of a structural frame. Exterior alterations would be made with like materials consistent with the existing building materials in compliance with the Secretary of the Interior Standards. Interior work to the Armory Building would include the reconstruction of the two sets of stairs and the control room in the multi-purpose room, removal and addition of walls on all levels to create classrooms, and remodeling of restrooms.

Interior work to the Moir Building would consist of the removal of existing walls, creation of new rooms with the addition of walls around the two center storefronts, alterations to existing restrooms, and removal of a vestibule on the west façade.

The project was evaluated for conformance with the Rehabilitation Standards because rehabilitation provides the most appropriate set of standards for the proposed project. As described in Section 4.3.1.1 Regulatory Framework, rehabilitation is the act or process of making a compatible use for an existing property through repair, alterations, and additions while preserving portions or features that convey the property's historical, cultural, or architectural values.

A summary of the analysis is outlined below in Table 4.3-2.

Table 4.3-2: Project Conformance with Secretary of the Interior's Standards for Rehabilitation

Standard	Project Conformance	
	Armory Building	**Moir Building**
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.	Compliant. The Armory Building originally functioned as a civic building. The conversion of the building to a school will be done while retaining its character-defining features. Minimal exterior changes (window restoration, repainting, and light replacement) are proposed, and any replacements would be made in kind.	Compliant. The Moir Building was constructed as a mixed-use commercial and residential building. The conversion of the building to a school will be done while retaining its character-defining features. Only interior modifications are proposed.

Standard		Project Conformance	
		Armory Building	**Moir Building**
2.	The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.	Compliant. Windows will undergo a restoration process including repainting the frames and replacing the deteriorated glazing in kind. The covered exterior entrance lobby hollow clay tile walls will be replaced with new walls to accommodate a new structural frame. The appearance of the lobby will be recreated to match the existing. No changes are planned for the ceiling, arches, or pilasters in the lobby; however, if any damage occurs during the removal of the walls or installation of the frame, the elements shall be repaired or replaced in kind.	Compliant. Only interior modifications are proposed to the Moir Building. All character-defining features are on the exterior.
3.	Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.	Compliant. The proposed project does not include architectural features that suggest a false development, nor will it add conjectural historical features to the Amory Building.	Compliant. The proposed project does not include architectural features that suggest a false development, nor will it add conjectural historical features to the Moir Building.
4.	Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.	Compliant. None of the previous alterations to the Armory Building have acquired significance over time and do not possess historical significance.	Compliant. None of the previous alterations to the Moir Building have acquired significance over time and do not possess historical significance.
5.	Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.	Compliant. The materials and character-defining features (i.e., four full and partial height pilasters with fenestration at the gable ends, and arched entryway) of the Armory Building will be preserved.	Compliant. The materials and exterior character-defining features (i.e., brick walls, marble steps, and rusticated stone arched entries and pilasters) of the Moir Building will be preserved.
6.	Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacements of a distinctive feature, the new feature will match the old in design, color, texture, and other visual qualities, and	Compliant. Windows will undergo a restoration process including repainting the frames and replacing the deteriorated glazing in kind. The covered exterior entrance lobby walls will be rebuilt to match the existing appearance and configuration while accommodating a new structural frame. Loose paint on the stucco-clad exterior walls will	Compliant. No repairs or replacements of historic features are planned as part of the proposed project at the Moir Building.

Standard		Project Conformance	
		Armory Building	**Moir Building**
	where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.	be removed and the walls will be repainted.	
7.	Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.	Not applicable to the proposed project.	
8.	Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures will be taken.	Refer to discussion under checklist question b) below.	
9.	New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.	Compliant. The proposed project does not include any new additions for the Amory Building. However, exterior construction includes the reconstruction of walls at the character-defining covered exterior entrance lobby. The hollow clay tile walls will be removed and a structural frame will be added. The overall appearance and configuration of the existing lobby will be recreated. All exterior windows will be given new paint and glazing where necessary. These changes do not deter from the character of the structure.	Compliant. Because the new construction is limited to the interior of the Moir Building, the proposed project avoids any work on historic materials, features, and spatial relationships that characterize the exterior of the property.
10.	New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.	Compliant. The proposed project includes repainting exterior walls and windows and reconstructing the covered exterior entrance lobby. Removing these elements in the future would not impact the essential form and integrity of the building.	Compliant. The proposed project only includes interior alterations to the Moir Building, and will not affect the essential form, integrity, or character-defining features of the exterior of the building.

Standard	Project Conformance	
	Armory Building	**Moir Building**

Source: TreanorHL. *Hillbrook High School Design Review: Guidelines and Standards Review.* December 7, 2022. Pages 15-17.

As shown in Table 4.3-2, the proposed project complies with the Secretary of the Interior Standards for Rehabilitation 1 through 6, 9, and 10 because the historical Armory and Moir buildings would be converted to educational buildings while retaining the character-defining features of the structures. Standard 7 does not apply to the project since no chemical or physical treatments of the buildings are proposed and Standard 8 pertaining to archaeological resources is discussed under checklist question b) below. For these reasons, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5**. [Same Impact as Approved Project (Less than Significant Impact)]**

Project Impacts on Adjacent Historic Resources

As discussed in Section 4.3.1.2 Existing Conditions, the proposed project is within 200 feet of 17 properties listed on the City's HRI and within 100 feet of two designated City Landmarks. Therefore, the project site has historic adjacency as described by the DDGS because a) 50 percent of buildings within 200 feet are on the HRI, b) the site is within 100 feet of two Designated City Landmarks, and c) the site is adjacent to five historic buildings listed on the HRI.

Table 4.3-3 below summarizes project conformance with the DDGS.

Table 4.3-3: Project Conformance with San José Downtown Design Guidelines and Standards

Guideline and Standards	Project Conformance
Guideline 4.2.2 Massing Relationship to Context: Create massing transitions between high-rises and lower-scale development.	
Standard a) Height Transition: If a new building 100 feet tall or more is across the street from or adjacent to a historic building 45 feet tall or less, the new building must step back its front façade five meet minimum from the front parcel or setback line at an elevation between 25 and 50 feet.	The proposed project does not include construction of a new building that is 100 feet tall or more. Therefore, standard a) does not apply.
Standard b) Width Transition: If a new building is across the street from or adjacent to a historic building that is both 45 feet tall or less, and more than 30 feet narrower than the new building, the new building must create gaps in the Podium Level above the ground floor to divide its street-facing massing into segments no more than 30 feet wider than the widest of the applicable historic buildings.	The proposed project does not include construction of a new building. Therefore, standard b) does not apply.
Standard c) Rear Transition: If a new building 100 feet tall or more is across a parcel line interior to a block from a historic building that is both 45 feet tall or less,	The proposed project does not include construction of a new building. Therefore, standard c) does not apply.

the rear portion of the new building must maintain a transitional height of 70 feet or less within the first 20 feet from the property line.	
Guideline 4.2.4 Historic Adjacency: Incorporate essential urban and architectural characteristics of historic context.	
Standard a) Relate Podium Level building massing to the scale of Historic Context buildings by breaking a large building into masses of a similar scale to Historic Context building.	The proposed project preserves the exterior façades of the Moir Building. The Armory building exterior will undergo changes to the covered entrance lobby and the windows; however, no new buildings will be constructed for this project. Therefore, the project complies with standard a).
Standard b) Design buildings with rectilinear rather than curved and diagonal forms where rectilinear forms are typical of the Historic Context buildings.	No new construction consisting of curbed or diagonal forms will take place on the elevations of the Moir Building. Construction on the Armory Building's façade does not include designs with curved or diagonal forms. Additionally, no new buildings are proposed for the project. Therefore, the project complies with standard b).
Standard c) Use cornice articulation at the Podium Level at a height comparable to the heights of Historic Context buildings.	The proposed project does not include construction of new buildings. The existing cornice will remain on the Moir Building as no changes are proposed to the exterior. While changes will take place on the exterior of the Armory Building, the existing cornice will remain. Therefore, the project complies with standard c).
Standard d) Maintain streetwall continuity with historic context buildings that are on the same side of the same street by placing the street-side façade of a new building within five feet of the average historic context building streetwall distance from the front property line.	The proposed project preserves the existing façades of the Moir Building. Changes are proposed to the exterior of the Armory Building; however, changes are minor and would include the windows and covered entrance lobby. The streetwall will be maintained. Therefore, the project complies with standard d).
Standard e) Use articulation that creates façade divisions with widths similar to historic context buildings on the same side of the same block (if the new building is wider).	The facades of the Moir Building will remain unaltered. The Armory Building façade will remain largely the same; changes would only be made to the covered exterior entrance lobby and windows. No new buildings are proposed. Therefore, the project complies with standard e).
Standard f) Do not simulate historic architecture to achieve these guidelines and standards.	The proposed project preserves the existing façades of the Moir Building and does not include any additions or alterations that would simulate historic architecture. The covered entrance lobby of the Armory Building will undergo changes; the hollow clay tile walls will be replaced and the reconstructed lobby will be made to match the existing appearance. The project does not propose to simulate historic architecture that did not previously exist within the building. Therefore, the project complies with standard f).
Standard g) Place windows on facades visible from the windows of the adjacent historic context buildings even if this requires that the façade be set back from the property line.	No changes are proposed for the exterior of the Moir Building. Existing windows on the Armory Building will be restored; however, no new windows are proposed. Therefore, the project complies with standard g).

Standard h) Use some building materials that respond to historic context building materials.	The historic context buildings and the nearby historic resources use stucco, brick, terra cotta, metal, wood, and glass on the exterior. The proposed project would preserve the existing materials and facades of the Moir Building. The covered exterior entrance lobby of the Armory walls will be removed and rebuilt. The materials used will match the existing appearance. Therefore, the project complies with standard h).
Standard i) The new materials should be compatible with historic materials in scale, proportion, design, finish, texture, and durability.	The Moir Building's exterior will remain unchanged. The Armory Building will receive new paint on the façade walls and all exterior windows. New materials used on the covered exterior entrance lobby of the Armory Building will match the existing materials in design, finish, and texture. Therefore, the project complies with standard i).
Standard j) Space pedestrian entries at similar distances to historic context building entries.	The Moir Building has multiple pedestrian entries at the main façade, which will not receive any changes. The Armory Building has one pedestrian entry. The covered lobby will be reconstructed; however, the proposed changes do not affect the existing distances. Therefore, the project complies with standard j).
Standard k) Create a ground floor with a similar floor to ceiling height as nearby historic context buildings.	The interior alterations to the Moir Building do not include changes to the floor-to-ceiling height. No exterior changes are proposed for the Moir Building. The Armory Building will receive changes on the interior; however, the floor-to-ceiling height will remain the same. The exterior does not call for changes to the floor-to-ceiling height. Therefore, the project is compatible with standard k).

Source: TreanorHL. *Hillbrook High School Design Review: Guidelines and Standards Review.* February 8, 2023. Pages 23-26.

The proposed project does not impair the significance and integrity of any of the nearby historic resources because the project would not construct new buildings or make substantial changes to any historic buildings. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5**. [Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

The proposed project would not include excavation, ground disturbing activities, construction of new buildings, or expansion of the existing building footprints. The project would, therefore, not unearth buried archaeological resources. Thus, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The proposed project would not include excavation, ground disturbing activities, construction of new buildings, or expansion of the existing building footprints. The project would, therefore, not disturb any buried human remains. Thus, the project would not disturb any human remains including those interred outside of dedicated cemeteries. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.4 Hazards and Hazardous Materials

This discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared for the Armory Building by AEI Consultants dated March 14, 2023, an Asbestos and Lead Survey Report prepared for the Armory Building by HazMat Doc dated October 17, 2022, a Phase I ESA prepared for the Moir Building by AEI Consultants dated March 14, 2023, and a Phase II ESA prepared for the project by AEI Consultants dated June 9, 2023. These reports are attached as Appendices B, C, D, and E, respectively.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

<u>Federal Aviation Regulations Part 77</u>

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

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[12]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

[12] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[13]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[14]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on

[13] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed January 13, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[14] California Environmental Protection Agency. "Cortese List Data Resources." Accessed January 13, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[15] The EPA is currently considering a proposed ban on on-going use of asbestos.[16] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the project.

General Plan Policies - Hazards and Hazardous Materials

Hazardous Materials	
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require~~s~~ proper disposal of hazardous materials and wastes at licensed facilities.
EC-6.6	Address through environmental review all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

[15] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
[16] Ibid.

Environmental Contamination	
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.3	Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
EC-7.4	On redevelopment sites, determine the presence of hazardous materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.6	The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or existing structures.
Safe Airport	
TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
Community Health, Safety, and Wellness	
CD-5.8	Comply with applicable Federal Aviation Administration (FAA) regulations identifying maximum heights for obstructions to promote air safety.

4.4.1.2 *Existing Conditions*

Armory Building On-site Contamination

The Armory Building was constructed in 1933 for commercial/government use. Up until 2000, the building was occupied by the California State National Guard Armory and used for military purposes, including armory storage, recruiting, and training. From 2005 to 2020, the building was occupied by Bel Aire Investments and Non Plus Ultra. The Phase I ESA identified a Recognized Environmental Condition (REC) due to the former California State National Guard Armory. DTSC records indicate that the facility generated hazardous waste, and contaminated soil/lead waste were cleaned from the site in 1999. No Controlled RECs (CRECs)[17] or Historical RECs (HRECs) are associated with the Armory Building.

Limited Phase II Subsurface Investigation and Vapor Intrusion Investigation

Due to the identified REC, a subsurface investigation was completed by AEI Consultants and summarized in a report dated May 12, 2023. The investigation involved the installation of four temporary sub-slab soil gas probes for the collection of soil gas samples. Additionally, AEI collected four indoor air samples and one exterior ambient sample to evaluate the indoor air quality within the building.

The subsurface soil gas sample analytical results detected benzene concentrations at levels above residential environmental screening levels (ESLs). The indoor and ambient air sample analytical results detected concentrations of benzene and naphthalene at levels above residential and commercial ESLs. However, benzene is present in both ambient and indoor air at similar concentrations and magnitude, indicating the detected benzene observed in indoor air is likely representative of background conditions and not an indication of vapor intrusion of benzene at the site. Detections of bromodichloromethane, 1,2-dibromoethane, 1,4-dichlorobenzene, 1,4-dioxane, hexachlorobutadiene, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane in indoor air samples were also above the residential ESLs; however, were not detected in the ambient samples above their respective residential ESLs.

Asbestos and Lead Contamination

Due to the age of the building, there is potential for ACMs and/or LBP to be present in the building. The Asbestos and Lead Survey Report prepared for the project performed a review of areas that would be affected by the proposed project.

Asbestos

A total of 67 suspect asbestos samples were collected from various locations within and on the building. Asbestos was detected as present in 12 of the samples. Results are shown in Table 4.4-1 below.

[17] A CREC is a release that has potentially achieved corrective action, but where contaminants still may remain.

Table 4.4-1: Asbestos Presence in Armory Building

Sample Location	Sample Number	Sample Material	Type and Percent of Asbestos[1]	Approximate Quantity (Square Feet [SF] or Linear Feet [LF])
Exterior – front side roof clay tile seams with vinyl roof	6A-006	Gray and black roofing sealant	Seven percent Chrysotile	600 SF
	6A-007	Light gray and white roofing sealant		
Exterior – rear side skylights	6A-012	Gray and black sealants	Two percent Chrysotile	10 SF
Interior – janitor's/electrical room	6A-021	Thermal system insulation on runs	25 percent Chrysotile	36 SF
	6A-022	Thermal system insulation on fittings		
Interior – office 4 north side	6A-031	Green vinyl floor tile under carpet	Two percent Chrysotile	3,150 SF
	6A-032	Adhesive for green vinyl floor tile under carpet	Three percent Chrysotile	3,150 SF
Interior – classroom 2 east side	6A-034	Green and gray six-inch vinyl floor tile under carpet	Three percent Chrysotile	3,150 SF
Interior – storage area 4	6A-041	Light brown nine-inch vinyl floor tile	Less than one percent Chrysotile	3,150 SF
Interior – second floor office 6	6A-053	Gray cementitious pipe	Seven percent Chrysotile and ten percent Crocidolite	300 LF
	6A-054	Red brown nine-inch vinyl floor tile under carpet	Seven percent Chrysotile	3,150 SF
Exterior – main roof above banquet hall	6A-067	Roofing sealant	Ten percent Chrysotile	3,150 SF

Notes:

[1] Chrysotile is the most encountered form of asbestos known as white asbestos that was typically used in roofs, ceilings, walls, and floors. Crocidolite is another form of asbestos known as blue asbestos that was typically used in products such as cement, tiles, and insulation materials. Both are known to be respirable carcinogens.

Source: HazMat Doc. *Designated Pre-Renovation Asbestos and Lead Survey Project Report for Old National Guard Armory Building.* October 17, 2022.

Lead-Based Paint

A total of 19 suspect lead bulk chip samples were collected from various locations within and on the building. Lead was detected as present (at levels exceeding 5,000 parts per million [ppm]) in six of the samples. Lead was detected as present (at levels below the 5,000 ppm threshold) in eight other samples. Results are shown in Table 4.4-2 below.

Table 4.4-2: Lead Presence in Armory Building

Sample Location	Sample Number	Sample Material	Lead (ppm)	Approximate Quantity (Each [EA])
Samples Indicating Presence of Lead in Excess of 5,000 ppm				
Exterior – front area south elevation windows	GL-01	Brown paint on metal	69,000	59
Exterior – front area west elevation windows	GL-03	Brown paint on metal	44,900	59
Exterior – front area north elevation windows	GL-05	Brown paint on metal	15,000	59
Exterior – front area west elevation, upper level French doors	GL-07	Brown paint on metal	49,000	Four
Exterior – rear area east elevation upper windows	GL-08	Brown paint on metal	46,000	59
Interior – classroom two, east side	GL-18	Black paint on wood and metal doors	8,700	19
Samples Indicating Presence of Lead in Less Than 5,000 ppm				
Interior – second floor storage, east side	GL-10	Beige paint on concrete walls	3,600	--
	GL-11	Green paint on concrete walls	3,300	--
Interior – second floor banquet hall, west side	GL-12	White paint on concrete walls	1,700	--
Exterior – front area south elevation metal gutters	GL-13	White paint on metal	2,000	--
Exterior – rear side metal fan units	GL-15	Beige paint on metal	3,700	--
Interior – kitchen, west wall	GL-16	White paint on plaster	2,900	--
Interior – office one ceiling	GL-17	White paint on plaster	2,200-	--
Interior – classroom two, east side	GL-19	Black paint on wood doorframes and trim	4,400	--

Notes:

Source: HazMat Doc. *Designated Pre-Renovation Asbestos and Lead Survey Project Report for Old National Guard Armory Building.* October 17, 2022.

In addition, additional readings were collected from suspect materials/surfaces. Paints or coatings found to contain lead in a concentration equal to or greater than 1.0 milligrams per square centimeter (mg/cm_2) are considered LBPs by the EPA. Sixty-two of the readings collected indicated the presence of lead in excess of 1.0 mg/cm_2. For detailed information, refer to Appendix B.

Moir Building On-Site Contamination

The Moir Building was constructed in 1892 and occupied by various commercial and office tenants up until 2017. The building is currently vacant. The Phase I ESA identified an REC due to several former occupants of the site that pre-dated modern regulatory oversight of hazardous substances and petroleum products; therefore, it is possible that petroleum hydrocarbons and/or VOCs may have impacted the subsurface of the subject property. No CRECs or HRECs are associated with the Moir Building. A discussion of the RECs is provided below.

- Associated Cleaners – occupied the building from 1935 to 1945. Dry cleaning operations typically use chlorinated solvents, particularly perchloroethylene (PCE), during the dry cleaning process. Chlorinated solvents are highly mobile chemicals that can easily accumulate in soil and soil gas, and migrate to groundwater beneath a facility.
- Various printing facilities (Tucker Printing Co, Mrs Smith B C Printer, Smith & Mc Kay Printing Co, Action Printing Co) – occupied the building from 1930 to 1955 and again in 1970. Printing industries generate waste ink and ink sludges that might contain solvents or heavy metals.
- "Wendell J A vulc" – a vulcanizing auto tire repair shop occupied the building from 1915 to 1930. Based on the nature of use, it is likely that various quantities of hazardous substances and/or petroleum products were stored on-site.

The Phase I ESA also identified an REC associated with an oil tank (likely an underground storage tank [UST]) that was shown on the property in a 1915 Sanborn map. No information regarding the size of the UST or date of installation was on file with any of the regulatory agencies. Additionally, no documentation of the removal of the UST was found. Based on the lack of information regarding the UST removal, it is possible that a release of oil from the UST has resulted in an impact to the subsurface of the subject property and that the UST remains in place.

Limited Phase II Subsurface Investigation and Vapor Intrusion Investigation

Due to the identified RECs, a subsurface investigation was completed by AEI Consultants and summarized in a report dated May 12, 2023. Investigation efforts included advancing two exploratory soil borings for the collection of soil samples. Additionally, AEI collected four crawl-space samples, four indoor air samples, and one ambient sample to evaluate the indoor air quality within the building. During the investigation, no UST was found. In addition, no soil discoloration or odor was observed. No VOCs were detected above their respective residential and commercial ESLs. While benzene, carbon tetrachloride, chloroform, naphthalene, and 1,1,2,2-tetrachloroethane were detected in one or more indoor air samples at concentrations above the residential and commercial ESLs, the detections are attributed to ambient air conditions and not a vapor intrusion concern for

the site. Detections of PCE and 1,1,2-trichloroethane in indoor air samples were above the residential ESLs and were not detected in the ambient samples above their respective residential ESLs. Given that PCE and 1,1,2-trichloroethane were not detected in the four crawl space samples above the laboratory detection levels, the detections in indoor air above the residential ESLs do not represent a vapor intrusion concern for the site.

Asbestos and Lead Contamination

Environmental screening reports and asbestos and lead surveys have not been prepared for the Moir Building. However, due to the age of the building, it is reasonable to presume that ACMs and/or LBPs are present in the building.

Regulatory Database Search

A regulatory database search was completed by AEI Consultants to identify whether the project sites are considered a potential environmental concern (i.e., sites that were known to have resulted in or are expected to result in the release of hazardous materials). The databases searched include the online repositories maintained by the California SWRCB, California DTSC, and the Navy (i.e., GeoTracker, EnviroStor, and Navy Public Information Access).

Armory Building and Surrounding Properties

Table 4.4-3 below discusses the regulatory database findings and environmental concerns associated with the Armory Building and surrounding properties.

Table 4.4-3: Regulatory Database Overview of Armory Building and Surrounding Properties

Facility Name, Address, Distance from Project Site	Hydrologic Position	Databases Listed and Comments	Environmental Concerns
Project Site – Armory Building			
Armory Building 240 North 2nd Street	N/A	Listed on HWTS and HazNet. Identified as a hazardous waste generator in August 1991. The tenant generated 0.15 tons of an unspecified solvent mixture in 1992; 0.03 tons of unspecified oil-containing waste, 0.15 tons of off-specification, aged or surplus organics, 0.006 tons of liquids with pH less than or equal to two, and 0.055 tons of other organic solids in 1997; and 4.75 tons of contaminated soil in 1999. Inactive as of June 2006.	rREC (refer to discussion above)
Surrounding Properties			
252 North 1st Street	Cross-gradient	Listed on LUST, RCRA NONGEN/NLR, Cortese, and CERS. The site is listed as an open LUST case. In November 2018, a UST was removed from the project site.	Does not represent a significant environmental concern due to the

Development, LLC 252 North 1st Street Adjoining to the southwest across North 2nd Street		Subsequent soil sampling showed elevated levels of petroleum hydrocarbons and naphthalene. In February 2021, soil boring, groundwater, and soil gas sampling revealed low concentrations of petroleum hydrocarbons. No further investigation or remedial action was recommended. In October 2022, the Santa Clara County Department of Environmental Health (SCCDEH) stated that the contaminant concentrations were incorrectly compared to commercial/industrial criteria rather than residential criteria. SCCDEH required the submittal of additional land use documentation or a revised assessment with evaluation of residential criteria, due December 2022, and a remedial action plan due January 2023. As of October 2022, the case is listed as "Open Assessment and Interim Remedial Action." While the property meets the case closure criteria for commercial/industrial development, it is pending review and closure related to residential criteria.	groundwater gradient and recent sampling data.
Mission Villas 44 East Julian Street 289 feet northwest	Cross-gradient	Listed on GeoTracker and EnviroStor. A 1998 Phase II ESA revealed lead impacted soils at the site. The impacted soil was limited between 2.5 to four feet below the ground surface and did not impact groundwater. A soil excavation work plan dated January 2001 included protocol for the removal and disposal of 3,030 cubic yards of lead-impacted soil. No other work has been performed at the site.	Does not represent a significant environmental concern due to the distance and lack of reported groundwater impacts.

Notes:

CERS = California Environmental Reporting System

CPS = Cleanup Program Sites

CUPA = California Unified Program Agencies

HWTS = Hazardous Waste Tracking System

LUST = Leaking Underground Storage Tank

RCRA NONGEN/NLR = RCRA Non Generator/No Longer Regulated

Source: AEI Consultants. *Phase I Environmental Assessment 240 North 2nd Street*. March 13, 2023. Page 26-28.

Moir Building and Surrounding Properties

Table 4.4-4 below discusses the regulatory database findings and environmental concerns associated with the Moir Building and surrounding properties.

Table 4.4-4: Regulatory Database Overview of Moir Building and Surrounding Properties

Facility Name, Address, Distance from Project Site	Hydrologic Position	Databases Listed and Comments	Environmental Concerns
Project Site – Moir Building			
Moir Building 227 North 1st Street	N/A	Not listed on any databases.	RECs (refer to discussion above)
Surrounding Properties			
San José Transit Mall Devine Street Adjoining to the east across North 1st Street and at the corner of North 2nd Street and East Julian Street	Down-gradient	Listed on CPS. Investigations were conducted at the corner of North 2nd Street and Julian Street (first site), and along Devine Street near North 2nd Street (second site) in 1987. The second site formerly operated as an automotive repair garage. A letter sent to the RWQCB in 1987 stated contamination was limited to the interior of the structures. A letter from Valley Water in August 1992 stated there was no associated UST with the contamination. No additional information is available at this time. The case is currently listed as "open-inactive" as of June 2016.	Does not represent a significant environmental concern due to the distance and groundwater gradient.
Villa Torino Cross Bassett at Market Street Adjoining to the northwest	Down-gradient	Listed on CPS. The site was formerly occupied by auto repair shops and gas stations and a sheet metal business. Six USTs and 14 hydraulic lifts were removed from the site. An early investigation found soil contamination by lead and PCBs. Contaminated soils were excavated, and confirmation soil sampling indicated that residual soil concentrations were below levels of concern. Groundwater remediation was conducted. In September 1997, contaminant levels declined and risks to human health were below site-specific risk-based levels. In January 1998, the RWQCB stated no further action was required.	Does not represent a significant environmental concern due to the regulatory status, time elapsed since closure, and direction of groundwater flow.
New Santa Clara Family Justice Center 212 North 1st Street	Up-gradient	Listed on CUP for a permit for hazardous materials storage, hazardous materials business plan program, and permit for aboveground petroleum storage. The facility was listed as a chemical storage facility and received violations in 2020 regarding failure to maintain a SPCC plan, failure to conduct spill prevention briefing and failure to provide training for oil-handling. All	Does not represent a significant environmental concern due to violations corrections and the determination of compliance.

		violations have since been corrected and the facility is considered compliant.	
252 North 1st Street Development, LLC 252 North 1st Street Adjoining to the southwest across North 1st Street	Cross-gradient	Refer to description in Table 4.4-3.	Does not represent a significant environmental concern due to the groundwater gradient, recent sampling data, and determination that commercial/industrial case closure criteria were met.

Notes:

Seven additional sites (Auto Trac Towing, Roth RJ, Rouse HP, Payless Cleaners, Sam Lee, Archambeault EJ, and Bob S Chevron Service) were listed on EDR HIST AUTO. Because the database does not report releases but identifies businesses that may have been associated with automotive activities, these sites are not listed above.

CERS = California Environmental Reporting System

CPS = Cleanup Program Sites

CUPA = California Unified Program Agencies

HWTS = Hazardous Waste Tracking System

LUST = Leaking Underground Storage Tank

RCRA NONGEN/NLR = RCRA Non Generator/No Longer Regulated

Source: AEI Consultants. *Phase I Environmental Assessment 227 North 1st Street*. March 13, 2023. Page 28-32.

Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 1.5 miles northwest of both project sites. As previously mentioned, FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. The project site is not located within the Airport Influence Area. Additionally, based on the Airport Community Noise Equivalent Level, the project site is not located within the 60 dBA aircraft noise corridor.[18]

Wildfires

The proposed project is located in an area of San José that is not within the City's wildland urban interface area or a State very high fire hazard severity zone.[19,20]

[18] City of San José. "Public GIS Viewer". Airport – Airport Community Noise Equivalent Level. Accessed January 6, 2023. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f.
[19] City of San José. "Public GIS Viewer". Fire Wildland Urban Interface. Accessed January 6, 2023. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f.
[20] California Department of Forestry and Fire Protection. "Fire Hazard Severity Zones Maps." Santa Clara. Accessed January 6, 2023. https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒	☐

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant hazards and hazardous impacts, as described below.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction of the proposed project does not involve the routine transport, use, or disposal of reportable quantities of hazardous materials. Once operational, small quantities of cleaning supplies and herbicides and pesticides for landscape maintenance would be routinely stored and used by the project similar to the existing conditions. All materials used in project operation would be managed in accordance with existing laws and regulations (refer to Section 4.3.1.1). Therefore, the project would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials either during construction or operation. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed project would convert two existing historic buildings into a private secondary school through minor exterior and interior alterations. As described in Section 4.4.1.2 Existing Conditions, the Phase I ESA identified RECs for both the Armory and Moir buildings. The Limited Phase II Subsurface Investigation and Vapor Intrusion Investigation identified VOC vapors in the interior air of the Armory Building. The laboratory analytical data from the subsurface soil gas and crawlspace air testing did not identify elevated concentrations of the same VOCs as the indoor air. Therefore, the minor exterior and interior alterations proposed would not pose a hazard to the public or environment; however, future occupants of the site could be adversely affected by the VOCs detected in the indoor air of the Amory Building (refer to Section 4.4.3 Non-CEQA Effects for a detailed discussion).

AMCs and LPB were detected in the Amory Building and are presumed to be present in the Moir Building. Any friable material having greater than one percent of asbestos fiber content is considered a regulated ACM by the EPA. Likewise, per Cal/OSHA regulations, any LBP or other lead-containing material is considered a potential hazard, regardless of the concentration of lead.

The proposed project would be required to comply with the following standard permit conditions for ACMs and LBPs.

Standard Permit Conditions:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With implementation of the standard permit conditions listed above, potential hazards from ACMs and LBPs during project construction would be less than significant.

The Phase I ESA prepared for the project did not identify any environmental concerns related to other potential hazardous materials such as agricultural chemicals, petroleum products, or PCBs. Additionally, the proposed project does not include any ground-disturbing activities; thus, there would be no impacts related to disturbance of any contaminated groundwater or soil. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The project itself is a proposed school and is not within one-quarter mile of any other school. As discussed under checklist question a) above, the proposed project would store and use cleaning supplies and herbicides and pesticides for landscape maintenance. These products would be routinely stored and would not pose a health risk. Construction of the project does not involve the routine transport, use, or disposal of reportable quantities of hazardous materials. Therefore, the project would not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As discussed in Section 4.4.1.2 Existing Conditions, a regulatory database search was completed by AEI Consultants to identify whether the project site is listed as a hazardous materials site. The Moir Building is not listed on any databases. The Armory Building is listed on HWTS and HazNet but does not represent a significant environmental concern due to inactivity. Therefore, the project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As discussed in Section 4.4.1.2 Existing Conditions, the proposed project is located approximately 1.5 miles southeast of the Norman Y. Mineta San José International Airport, is not located within the airport's land use plan, and is located outside of the 60 dBA aircraft noise corridor. Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. **[Same Impact as Approved Project (Less than Significant Impact)]**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would result in a change of use to a secondary private school. The proposed project would not result in new development or physical modification of the existing sites or surrounding roadway network. As a result, the project would not block emergency routes or impede emergency access; therefore, the project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evaluation plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

As discussed in Section 4.4.1.2 Existing Conditions, the project site is located in an urbanized area of downtown San José and is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Further, the project would be reviewed by San José Fire Department (SJFD) for consistency with the Fire Code, applicable fire department standards, and to ensure structural stability and safety for the proposed structures as a school. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.4.3 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 policies that address existing hazards and hazardous materials conditions affecting a proposed project (refer to Section 4.4.1.1).

As discussed in Section 4.4.1.2, elevated concentrations of bromodichloromethane, 1,2-dibromoethane, 1,4-dichlorobenzene, 1,4-dioxane, hexachlorobutadiene, naphthalene, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane were identified in indoor air samples collected from the Armory Building. Future occupants could be adversely affected by exposure to these chemicals. It should be noted that the source for these chemicals is unknown. However, at the time AEI conducted the subsurface investigation and vapor intrusion testing, demolition work was occurring at the Armory Building, which could have contributed to elevated levels of VOCs in the indoor air. The following Conditions of Approval would be required for project implementation to reduce risks to future occupants of the site.

Conditions of Approval:

- Due to detections of volatile organic compounds (VOCs) above residential regulatory environmental screening levels in sub-slab soil vapor and indoor air, prior to issuance of building occupancy permit, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. The applicant shall meet with the appropriate regulating agency and perform additional soil, soil gas and/or groundwater sampling and testing to define the known and suspected contamination from the site's past uses of concern and/ or any other off-site sources of contamination. A Remedial Action Plan (RAP), or equivalent document that identifies remedial measures and/or vapor intrusion mitigation measures to protect the health of future occupants shall be prepared by a qualified environmental consultant under regulatory oversight. The plan along with evidence of regulatory oversight and confirmation by the oversight agency that the VOCs have been remediated and that the Site is safe for occupancy shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to issuance of building occupancy permit.

  The proposed plan to be prepared and implemented under regulatory oversight, shall include, but may not be limited to, the following measures:

  - The applicant shall optimize the Armory Building's heating, ventilation, and air-conditioning (HVAC) system by installing an activated carbon filter. Activated carbon has been shown to remove VOCs from breathing spaces.

- Once the optimized HVAC system has been operational for one week, the qualified hazardous materials consultant will retest the indoor air quality consistent with the requirements of the oversight agency.
- If retesting determines that the above measure is not sufficient to eliminate VOCs to applicable regulatory screening levels, the applicant shall apply a vapor barrier membrane directly to the foundation slab to prevent the subsurface vapors from infiltrating into the breathing space of the building.
- Following application of the vapor barrier (if required), the qualified hazardous materials consultant will retest the indoor air quality consistent with the requirements of the oversight agency.

Implementation of the above Conditions of Approval would prevent future occupants from being adversely affected by intrusion of contaminated vapors in the interior air of the building.

4.5 Land Use and Planning

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to land use and are applicable to the project.

General Plan Policies - Land Use

Community Design	
CD-4.9	For development subject to design review, the design of new or remodeled structures will be consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Downtown	
LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
Safe Airport	
TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Implementation	
IP-1.5	Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use/Transportation Diagram and the 2040 General Plan goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards including heights to achieve vital mixed-use complete communities and facilitate their implementation.
IP-1.7	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics which require special consideration due to those constraints.

4.5.1.2 *Existing Conditions*

Both project sites have a General Plan designation of Downtown and are located in the Downtown Commercial (DC) zoning district. The Downtown land use designation allows for office, retail, service, residential, and entertainment uses. The DC zoning district permits uses including but not limited to office, retail, daycare, and indoor recreation centers. The DC zoning district allows school uses as a conditional use and historic landmark structure reuse as a special use.

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐
c) Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?	☐	☐	☐	☒	☐

Similar to the capacity build out evaluated in the Downtown Strategy 2040, the proposed project would result in less than significant land use impacts, as described below.

a) Would the project physically divide an established community?

An example of a project that would divide an established community is an airport, roadway, or railroad track proposed through an existing community. The proposed project would convert two existing historic buildings into a private secondary school through minor exterior and interior alterations. The project does not include any design features or characteristics that would divide an existing community. Therefore, the proposed project would not physically divide an established community. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As discussed above, the DC zoning district allows school uses as a conditional use and historic landmark structure reuse as a special use. Because both project sites contain historic buildings, the proposed project will require a Special Use Permit (SUP). Implementation of the project and approval of the SUP would not result in any physical environmental changes. Furthermore, as

described within the individual resource sections of this document, with implementation of the City's Standard Permit Conditions, the project would not result in a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the project would have a less than significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?

The proposed project is not located directly adjacent to any of the six major open space areas in the Downtown San José area. The sites are near St. James Park but are located to the north and northwest of the park. The proposed project does not include construction of new buildings or construction that would add height to either the existing Armory or Moir building. Therefore, the project would not result in a 10 percent or greater increase in the shadow cast onto any of the six major open space areas in Downtown San José. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6 Noise and Vibration

The following discussion is based in part on a Noise and Vibration Analysis prepared by Illingworth & Rodkin, Inc., dated January 3, 2023. The report is attached as Appendix F to this document.

4.6.1 Environmental Setting

4.6.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[21] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

[21] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

4.6.1.2 *Regulatory Framework*

State

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

City of San José

Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 4.6-1 below.

Table 4.6-1: General Plan Land Use Compatibility Guidelines (GP Table EC-1)

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

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	Unacceptable:

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
[redacted]	New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.					

In addition, the following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the project.

General Plan Policies – Noise and Vibration

Noise and Vibration	
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.3	New nonresidential land uses will mitigate noise generation to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
EC-1.11	Continue to require safe and compatible land uses within the Norman Y. Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
EC-2.1	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 inch/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 inch/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

4.6.1.3 *Existing Conditions*

The existing noise and vibration environment in the project vicinity consists primarily of local vehicular traffic, light rail trains, and aircraft noise. On-site traffic counts indicate there is slightly more traffic along North Second Street than along North First Street, resulting in marginally higher noise levels at the Armory Building than at the Moir Building (refer to Appendix).

A noise monitoring survey was performed at the project site between Tuesday, December 13 and Thursday, December 15, 2022. Noise measurement locations are discussed below and shown on Figure 4.6-1.

The monitoring survey included two long-term measurements (performed from December 13 to December 15, 2022) and two short-term measurements (performed on December 13). Long term noise measurement LT-1 was made next to the Moir Building, approximately 15 feet from the centerline of North First Street. Hourly average noise levels at this location ranged from 62 to 69 dBA Leq during the day and from 51 to 64 dBA Leq at night. The DNL was 68 dBA DNL.

Long term measurement LT-2 was made next to the Armory Building, approximately 20 feet from the centerline of North Second Street. Hourly average noise levels at this location ranged from 63 to 71 dBA Leq during the day and from 52 to 66 dBA Leq at night. The DNL was 70 dBA DNL.

Short-term noise measurements ST-1 and ST-2 were conducted in ten-minute intervals. The location of ST-1 was selected to quantify noise levels along the Moir Building façade adjacent to Devine Street and the location of ST-2 was selected to quantify the noise levels at the rear of the Armory Building and backyard of the adjacent residence located at 253 North Third Street. Results of the short-term noise measurements are shown in Table 4.6-2 below.

Table 4.6-2: Summary of Short-Term Measurements (dBA)

Noise Measurement Location (Date, Time)	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**$L_{eq(10)}$**	**DNL**
ST-1: Approximately 25 feet from the centerline of Devine Street. (December 13, 2022, 10:40 to 10:50 AM)	74	69	62	55	50	59	70

Noise Measurement Location (Date, Time)	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	$L_{eq(10)}$	DNL
ST-2: Approximately 155 feet from the centerline of North Second Street. (December 13, 2022, 11 AM to 11:10 AM)	69	67	60	52	48	57	70

Notes:

L_{max} = The maximum A-weighted noise level during the measurement period.

$L_{(1)}$, $L_{(10)}$, $L_{(50)}$), $L_{(90)}$ = The A-weighted noise levels that are exceeded one percent, 10 percent, 50 percent, and 90 percent of the time during the measurement period.

$L_{eq(10)}$ = The average A-weighted noise level during the measurement period (over a 10-minute interval)

DNL = Day/night average noise level, the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM

NOISE MEASUREMENT LOCATIONS | FIGURE 4.6-1

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☒	☐

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site, a significant noise impact would result if exterior noise levels at the proposed residential uses exceed 60 dBA DNL (except in the environs of the Norman Y. Mineta San José International Airport and the Downtown) and/or if interior day-night average noise levels exceed 45 dBA DNL (General Plan Policy EC-1.1).

CEQA does not define what noise level increase would be substantial. A 3.0 dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project-generated noise level increases of 3.0 dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the addition of project noise, a noise level increase of 5.0 dBA DNL or greater is considered significant.

City of San José Standards

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

Per General Plan Policy EC-1.7, temporary construction-related noise is considered significant if construction noise levels exceed ambient noise levels by 5.0 dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. Per General Plan Policy EC-1.2, the City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of 3.0 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or 5.0 dBA DNL or more where noise levels would remain normally acceptable.

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

Noise Impacts

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would not result in a significant impact due to noise and vibration, as described below. The Downtown Strategy 2040 FEIR did, however, identify significant unavoidable traffic noise impacts along segments of Santa Clara Street, Autumn Street, West San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street.

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?

A significant noise impact would occur if traffic or activities generated by the project would substantially increase noise levels at sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

The project would result in 423 trips per day with 129 new trips in the AM peak hour and 37 new trips in the PM peak hour (not accounting for any reduction from existing trips associated with the

buildings). The trips anticipated during the peak hours represents approximately 40 percent of the daily trip generation, with the remaining 60 percent of trips distributed during non-peak hours between 7:00 AM to 10:00 PM. Trips occurring during off-peak or weekend hours would not cause a substantial increase existing ambient noise levels in the area. The total daily trips associated with the project would not measurably increase traffic noise levels in the project vicinity. Additionally, exterior recreation areas are not proposed by the project. The noise analysis (refer to Appendix) analyzed lunchtime noise as the worst-case scenario. Project-related sounds outdoors would occur during lunch when students may congregate outside, which would not measurably contribute to the ambient noise environment in the area. Outdoor student segregation is also likely to occur during school-pick up times, but less noise is expected during pick-up times than during lunchtime.

The permanent noise level increase resulting from traffic, parking, and lunchtime activities would be less than one dBA DNL. As discussed in Section 0
Existing Conditions, the ambient noise environment in the vicinity exceeds 60 dBA DNL.

The significant unavoidable impact identified in the Downtown Strategy 2040 FEIR is related to roadway noise on the following streets: Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. Because the existing ambient noise levels in the project vicinity exceed 60 dBA and the proposed project would have a less than one dBA DNL increase in permanent noise level, the proposed project will result in less impact than the approved project. **[Less Impact than Approved Project (Significant Unavoidable Impact)]**

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

The project proposes minor interior and exterior construction work and would not require the use of any construction tools that cause vibrations. Additionally, the school operations would not result in the creation of vibrations; therefore, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **[Less Impact than Approved Project (Less than Significant Impact)]**

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

A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels. Norman Y. Mineta San José International Airport is located approximately 1.5 miles northwest of the project site. According to the City's Airport Master Plan EIR, the project sites lie outside of the 60 dBA CNEL/DNL contour line. According to General Plan Policy EC-1.11, the required safe and compatible threshold for exterior

noise levels would be at or below 65 dBA CNEL/DNL for aircraft. Therefore, the proposed project would be compatible with the City's exterior noise standards for aircraft noise, resulting in a less than significant impact. **[Same Impact as Approved Project (Less than Significant 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 policies that address existing noise conditions affecting a proposed project.

Exterior Noise and Land Use Compatibility

With the exception of lunchtime activities, the proposed project does not include outdoor activity areas that would be sensitive to noise. As mentioned previously, students may congregate in the enclosed side yard of the Armory Building during the lunch hour. The side yard is located along the southern edge of the project site, set back from 2nd Street by approximately 15 feet, and fenced in with a combination of solid cement and mesh covered chain-link fencing, which provides some attenuation from roadway noise. Additionally, any noise impacts to students would be temporary in nature, as students would be outside for approximately one hour and spend the remaining school day indoors. The existing ambient noise levels are calculated as 66 dBA DNL for the Moir Building and 68 dBA DNL for the Armory Building. The future noise environment at the project site would continue to result primarily from local vehicular traffic and light rail trains. According to traffic data gathered for the proposed project by Hexagon Transportation Consultants, Inc., the future background plus project conditions are expected to increase traffic noise levels by one or two dBA DNL along North First Street and by two or three dBA DNL along North Second Street. The future overall noise exposure level is projected to be 68 dBA DNL at the Moir Building and 70 dBA DNL at the Armory Building. The noise environment at the project is, therefore, in the "conditionally acceptable" category as described in the General Plan and the proposed project would be consistent with the City's policies.

Interior Noise and Land Use Compatibility

The project does not propose outdoor activity uses that would be noise sensitive. All noise sensitive uses would be located inside the buildings, with the Moir Building used primarily for classrooms, and the Armory Building as classrooms, community gathering space, and gymnasium.

The existing noise exposure for the Moir Building on 1st Street, located about 25 feet from the roadway centerline, is calculated to be 66 dBA DNL. The existing noise exposure for the Armory Building on 2nd Street, located about 30 feet from the roadway centerline, is calculated to be 68 dBA DNL. These facades have the highest noise exposure. The future noise environment at the project site would continue to result primarily from local vehicular traffic and light rail trains.

Noise measurements were made inside and outside the Moir Building on December 21, 2022 to determine the sound insulation provided by the façade facing North First Street. The measured

outdoor to indoor noise reduction was 26 to 27 dBA L_{eq}. The rooms in which measurements were made are currently unfurnished; room furnishings would increase the noise reduction by about three dBA, resulting in a noise reduction of 29 to 30 dBA L_{eq}. Future hourly average noise levels during daytime hours are projected to range from 65 to 67 dBA L_{eq} when the school is occupied. Interior noise levels are projected to range from 35 to 38 dBA L_{eq}. Noise levels would be substantially below the 50 dBA L_{eq} threshold set forth by CalGreen.

Vibration and Land Use Compatibility

Valley Transportation Authority (VTA) light rail lines are located along First and Second Streets, adjoining the project's buildings. Pursuant to FTA guidance, the vibration impact criterion for frequent light rail trains upon the proposed school is 75 VdB. Vibration levels produced by VTA light-rail trains in downtown San José were measured by Illingworth and Rodkin, Inc. in 2018. Conditions at this measurement location are representative of the conditions observed at the project site. The measurements were made 60 feet from the track. The Moir Building is located about 55 feet from the nearest track along First Street and the Armory Building is located about 57 feet from the nearest track along Second Street. Vibration levels from six trains were measured ranging from 59 VdB to 64 VdB. Vibration levels are below the FTA threshold and compatible with the proposed school. Therefore, the proposed project would be consistent with FTA and City policies.

4.7 Public Services

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the project.

General Plan Policies – Public Facilities and Services

Education	
ES-1.16	Continue to work with public and private schools through programs such as the Street Smarts School Safety Education Program to improve pedestrian and bicycle safety and encourage walking and biking to and from school.
Law Enforcement and Fire Protection	
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
ES-3.20	Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

4.7.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the SJFD. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that service the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2021 to 2022, the SJFD responded to Priority 1 incidents within the set time standard 71 percent of the time and responded to Priority 2 incidents 92 percent of the time.[22]

The nearest fire station to the project site is Fire Station 1, located approximately 0.3 miles west of the project site (mapped from the Armory Building).

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 1.2 miles northwest of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Central Division. The Central Division includes four patrol districts totaling approximately 39 square miles.[23] The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2021 to 2022, the citywide average response time for Priority 1 calls was 7.34 minutes, and the average response time for Priority 2 calls was 23.9 minutes.[24]

Schools

The project site is located within the San José Unified School District (SJUSD). Nearby schools include Horace Mann Elementary School (approximately 0.5 mile southeast of the site), Grant Elementary School (approximately 1.2 miles northeast of the site), Muwekma Ohlone Middle School (approximately 1.3 miles north of the site), and Hester School (approximately 1.6 miles west of the site). San José State University is also located approximately 0.8 mile southeast of the project site.

[22] City of San José. *Annual Report on City Services 2021-2022*. December 2022. Accessed January 6, 2023. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report.
[23] San José Police Department. "Central Division". Accessed January 6, 2023. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division.
[24] City of San José. *Annual Report on City Services 2021-2022*. December 2022. Accessed January 6, 2023. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report.

Parks

The City of San José provides parkland, open space, and community facilities for public recreation and community services in the project area. The nearest park is St. James Park, located 250 feet south of the project site. The project site is also located 0.5 mile east of the Guadalupe River trail, which is one of two core trail systems within San José's trail network. The Guadalupe River trail is planned and partially developed as one of the network's longest trail systems at 20 miles and nine miles, respectively, ultimately extending from the Bay, through Downtown and Guadalupe Park, with the southern portion leading to the Lake Almaden and Los Alamitos Creek trail systems.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 25 branch libraries.[25] The nearest library to the site is the Dr. Martin Luther King Jr. Library, located approximately 0.6 miles southeast of the project site. The City is currently meeting its service level objective of providing at least 0.59 square feet of library space per capita.[26]

The City of San José operates 41 community/neighborhood centers within the City limits. The nearest community center to the site is the Northside Community Center, approximately 0.45 miles northeast. The City is currently meeting its service level objective of providing 500 square feet of community center space per 1,000 population.

[25] City of San José Public Library. Accessed January 6, 2023. https://www.sjpl.org/facts.
[26] City of San José. *2022-2026 Proposed Capital Improvement Program*. Accessed January 6, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/71881/637551361294119830.

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant public services impacts, as described below.

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?

The proposed project would convert two existing historic buildings (which are currently vacant) into a private secondary school, which would intensify use of the sites and increase the demand for fire protection services in the area. The site is contained within SJFD's jurisdiction and would be served by Fire Station 1, which is located approximately 0.3 miles west of the project site. As under existing conditions, emergency vehicle access including fire trucks would be provided along First Street and Devine Street for the Moir Building, and along Second Street for the Armory Building.

The Moir building is approximately 28,056 square feet. Assuming a conservative office occupancy of three persons per 1,000 square feet, the building would have previously been occupied by approximately 84 persons. The Amory building is approximately 19,203 square feet. As an assembly space, it would have been occupied by a larger number of persons per square foot. However, for the purposes of this analysis it is assumed that 58 persons would have occupied the space, consistent with an office development. This equates to approximately 142 persons on-site. At full occupancy, the project would have 300 students and up to 70 employees. This would more than

double the number of persons on-site but would be minimal relative to build out of the Downtown Strategy 2040 Plan.

While the proposed project could increase the demand for services, this increase would not warrant the construction or expansion of fire protection facilities because the project is already served by SJFD. The Downtown Strategy 2040 FEIR determined that although build out would contribute to increased demand for fire protection services, planned growth is not anticipated to result in the need for construction of fire stations in excess of those currently planned.[27] Therefore, the project would not result in a significant impact on fire protection services. **[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?

The proposed project would convert two existing historic buildings into a private secondary school, which would intensify the use of the site and increase the demand for police protection services in the area. The site is within the SJPD's jurisdiction and would be served by officers patrolling the 39 square miles of the SJPD's Central Division. While the proposed project would increase the demand placed on the SJPD, this increase would be marginal and would not warrant the construction or expansion of police facilities because the project is already served by SJPD. The project would be required to be maintained in accordance with applicable City policies, including General Plan Policy ES-3.9, to promote public and property safety. The Downtown Strategy 2040 FEIR determined that implementation of General Plan policies would reduce the physical impacts from development of police facilities to a less than significant level.[28] Therefore, the project would not result in a significant impact on police protection services. **[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 proposed project would introduce a new private secondary school within the City of San José. Once fully operational, the school would generate 300 students and 70 employees. The project does not include any residential development and, as a result, no additional students that would

[27] City of San José. *Downtown Strategy 2040 Final Integrated Environmental Impact Report.* SCH# 2003042127. December 2018. Page 261.
[28] Ibid. Page 262.

attend local public schools would be directly generated by the project. As a result, the project would not require the construction or expansion of school facilities to maintain acceptable service ratios and performance objectives for schools. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed project would introduce a new private secondary school within the City of San José, which would intensify the use of the project site and vicinity. Compared to existing conditions, the generation of 300 students and 70 employees would likely result in additional use of nearby parks and trails (i.e., St. James Park and the Guadalupe River trail), primarily during lunch breaks and after school hours. However, the increase in usage would be minimal and substantial physical deterioration would not occur as a result. Therefore, the project would not result in a significant impact on park facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

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?

The proposed project would introduce a new private secondary school within the City of San José, which would intensify the use of the project site and vicinity. Compared to existing conditions, the generation of 300 students and 70 employees would likely result in additional use of libraries and community centers after school hours. However, the increase in usage would be minimal and would not require the construction or expansion of additional governmental facilities in order to maintain acceptable service ratios or performance objectives. The Downtown Strategy 2040 FEIR determined that existing and planned library facilities would adequately serve planned growth in the City.[29] Therefore, the project would not result in a significant impact on public facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

[29] City of San José. *Downtown Strategy 2040 Final Integrated Environmental Impact Report.* SCH# 2003042127. December 2018. Page 265.

4.8 Transportation

The following discussion is based in part on a Transportation Analysis prepared by Hexagon Transportation Consultants, dated March 17, 2023 and a Transportation Demand Management Plan prepared by TDM Specialists, Inc., dated March 16, 2023. The reports are attached as Appendix and Appendix H, respectively.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

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

Regional

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and

transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of San José

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, "Transportation Analysis Policy" (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is at least 15 percent below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is less than or equal to existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also 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, neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have less than significant VMT impact.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

San José Better Bike Plan 2025

The San José Better Bike Plan 2025, adopted in 2020, contains policies for guiding the creation of safe, direct, and connected citywide bike network within San José. This includes an assessment of the current biking environment and the network connections, projects, bikeway designs, and policies needed to improve biking in San José. In 2020, the City completed build out of the 400-mile basic bike network identified in its previous bike plan, Bike Plan 2020, which was approved by the city Council in 2009.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the project.

General Plan Policies – Transportation

Balanced Transportation System

TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

TR-1.3 Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:

Commute Mode Split Targets for 2040

	Commute Trips to and From San José	
Mode	**2008**	**2040 Goal**
Drive alone	77.8%	No more than 40%
Carpool	9.2%	At least 10%
Transit	4.1%	At least 20%
Bicycle	1.2%	At least 15%
Walk	1.8%	At least 15%
Other means (including work at home)	5.8%	See Note 1

Source: 2008 data from American Community Survey (2008).

Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.

Walking and Bicycling

TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Maximize Use of Public Transit

TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Vehicular Circulation

TR-5.3 Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

- Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and

	cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Parking Strategies	
TR-8.1	Promote transit-oriented development with reduced parking requirements and promote amenities around transit hubs and stations to facilitate the use of transit services.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Reduction of Vehicle Miles Traveled	
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Education	
ES-1.3	Encourage new schools, including public and private, to locate near populations which they serve.
ES-1.7	Support efficient use of land through consideration of smaller school sites and alternative school configurations (e.g., multi-story buildings, underground parking, placement of recreation space over parking areas or on rooftops) to support the needs of each community.
ES-1.17	Continue to work with public and private schools through programs such as the Street Smarts School Safety Education Program to improve pedestrian and bicycle safety and encourage walking and biking to and from school.

4.8.1.2 *Existing Conditions*

Existing Roadway Network

Regional access to the project site is provided via State Route (SR) 87. Local access to the project site is provided via Julian Street, St. James Street, Market Street, First Street, Second Street, and Devine Street, which are described below.

SR 87 is primarily a six-lane freeway that is aligned in a north-south orientation within the project vicinity. Connections from SR 87 to the project site are provided via a full interchange at Julian Street.

Julian Street is an east-west arterial road that extends from The Alameda in the west to US 101 in the east. Julian Street becomes St. James Street east of Terraine Street but continues eastward two blocks north. Julian Street operates in the westbound direction only between Market Street and Third Street. West of Terraine Street, Julian Street is a four-lane arterial that provides access to SR

87. From the SR 87 interchange, the project site can be accessed via St. James Street, Market Street, and Devine Street.

Market Street is a four-lane north-south arterial that extends from Coleman Avenue at its northern terminus to south of the downtown area, where it terminates at First Street. From Market Street, the project site can be accessed via Devine Street.

St. James Street is primarily a two-lane eastbound arterial that extends from Julian Street in the west to North 19th Street in the east. St. James Street has four lanes and operates in both directions between Julian Street and Market Street. From St. James Street, the project site can be accessed via Market Street, First Street, and Devine Street.

First Street is a two-lane northbound arterial in the project vicinity that runs along the 227 North First Street site frontage and extends from Alviso in the north to Alma Avenue in the south, where it becomes Monterey Highway. First Street provides direct access to the main entrance of the Moir Building. Vehicular access to the project site from First Street is via Devine Street.

Second Street is a two-lane north-south arterial that runs along the 240 North Second Street site frontage and extends from near I-880 at its northern terminus to the south of downtown, where it terminates at First Street. Second Street provides direct access to the pedestrian entrance and parking lot of the Armory Building.

Existing Pedestrian Facilities

Pedestrian facilities in the project vicinity consist of sidewalks along all surrounding streets. Marked crosswalks and pedestrian signal heads are present on the following legs of signalized intersections:

- All legs of First Street and Julian Street
- South, west, and east legs of First Street and Devine Street
- All legs of First Street and St. James Street
- All legs of Second Street and Julian Street
- All legs of Second Street and St. James Street
- South, west, and east legs of Market Street and St. James Street

Americans with Disability Act (ADA) compliant ramps are located at all crosswalks at the intersection of Second Street and Julian Street, Market Street and St. James Street, and along the northwest and northeast corners of the First Street and Julian Street intersection. The First Street and Devine Street, First Street and St. James Street, and Second Street and St. James Street intersections have sidewalks that are level with crosswalks.

Existing Bicycle Facilities

Existing bicycle facilities in the project area include Class II, Class III, and Class IV bikeways, which are described below and shown on Figure 4.8-1.

Class II Bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments:

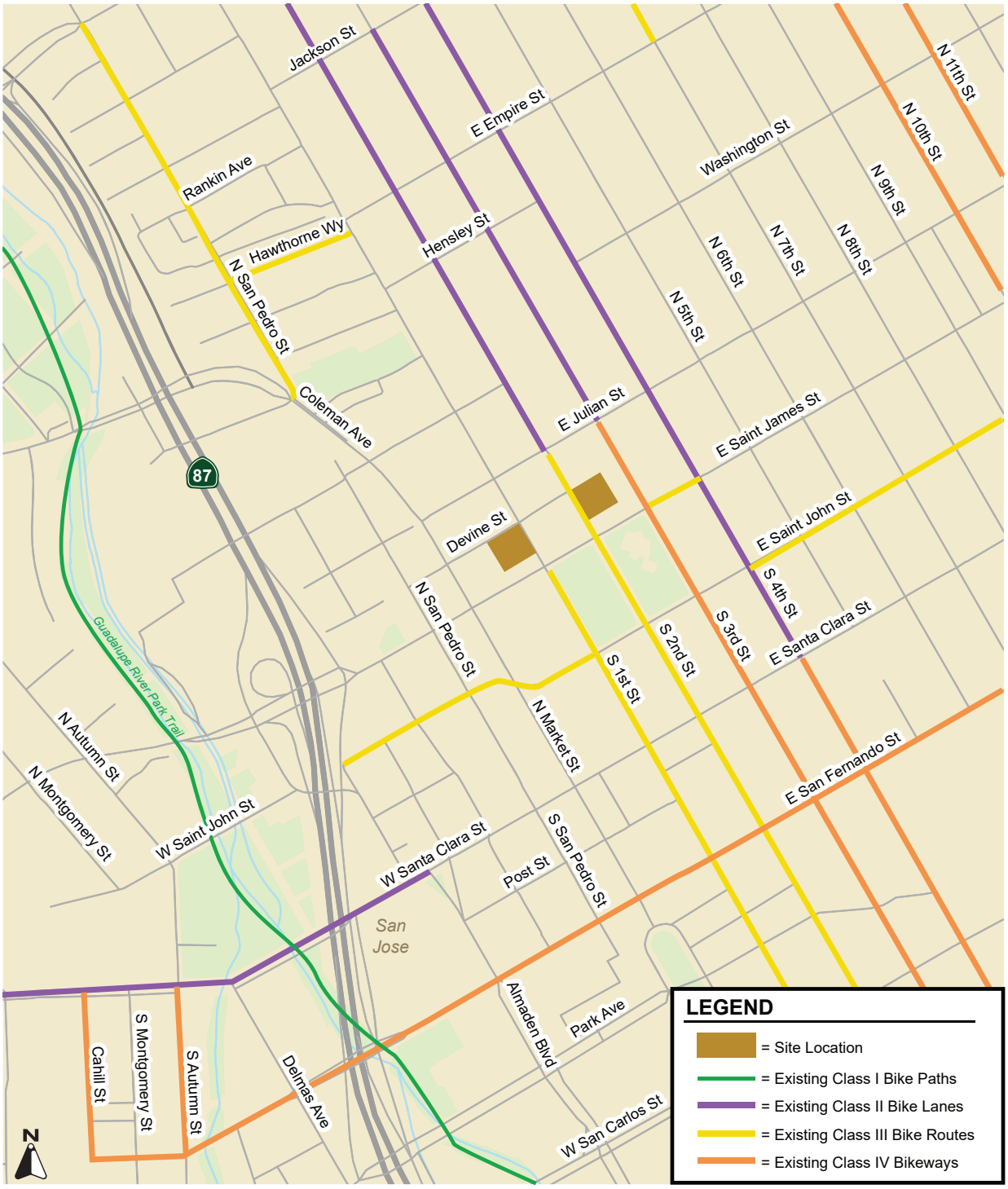
- Second Street, between Taylor Street and Julian Street
- Third Street, between Jackson Street and Julian Street
- Fourth Street, between Jackson Street and Santa Clara Street
- Santa Clara Street, west of Almaden Boulevard

Class III Bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the vicinity of the project site, the following roadway segments are designated as bike routes:

- Second Street, between San Carlos Street and Julian Street
- First Street, between San Salvador Street and St. John Street
- St. James Street, between Third and Fourth Street
- St. John Street, between Almaden Boulevard and First Street; Fourth Street to 13th Street
- San Pedro Street, between Taylor Street and Ryland Street
- Hawthorne Way, between San Pedro Street and First Street
- Seventh Street, between Hedding Street and Empire Street

Class IV Bikeways are protected bike lanes that are currently being installed throughout the Downtown Area as part of the Better Bikeways project, described in Section 4.8.1.1 Regulatory Framework. Protected bike lanes have been implemented along the following roadways:

- Third Street, between Julian Street and Reed Street
- Second Street, between San Carlos Street and William Street
- Fourth Street, between Santa Clara Street and San Salvador Street
- San Salvador Street, between Fourth Street and Tenth Street (westbound)
- San Fernando Street, between Cahill Street and Tenth Street
- Tenth Street, between Hedding Street and I-280 Ramps
- Eleventh Street, between Hedding Street and I-280 Ramps
- Autumn Street, between Santa Clara Street and St. John Street
- Cahill Street, between San Fernando Street and Santa Clara Street



Source: Hexagon Transportation Consultants, Inc., December 14, 2022.

EXISTING BICYCLE FACILITIES | FIGURE 4.8-1

Existing Transit Facilities

Existing transit services in the project vicinity are provided by the Santa Clara VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. Transit facilities are described below and shown on Figure 4.8-2.

The nearest bus stops serviced by the VTA are located on First and Second Streets, between St. James Street and St. John Street. The project site is located approximately 500 feet away from the First/St. James and Second/St. James Light Rail Stations (LRT) and approximately one mile from the Diridon Transit Center located on Cahill Street. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center.

Bus Service

The downtown area is served by many local bus lines. The bus lines that operate within a quarter mile of the project site are listed in Table 4.8-1 below. The nearest bus stops are located along First and Second Streets between St. James and St. John Street, and are served by Frequent Routes 72 and 73. Additionally, Rapid Bus services provide limited-stop service at frequent intervals (less than 15 minutes) during the daytime. Within the downtown area, Rapid Routes 500, 522, and 525 run along Santa Clara Street with stops between First and Second Streets.

Table 4.8-1: Existing Bus Service Near the Project Site

Transit Route	Route Description	Hours of Operation	Headway[1]
Frequent Route 72	Downtown San José – Senter and Monterey via McLaughlin	5:30 AM to 10:15 PM	15 minutes
Frequent Route 73	Downtown San José – Senter and Monterey via Senter	5:30 AM to 10:15 PM	15 minutes

Notes:

[1] Approximate headways during peak commute periods.

Source: Hexagon Transportation Consultants. *Hillbrook High School – Transportation Analysis.* March 17, 2023. Page 13.

VTA Light Rail Transit (LRT) Service

The Santa Clara VTA currently operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The service operates nearly 24 hours a day with 15-minute headways during much of the day.

The Green and Blue LRT lines operate along First and Second Streets. The First/St. James and Second/St. James LRT stations are located approximately 500 feet from the project site. The San

Source: Hexagon Transportation Consultants, Inc., December 14, 2022.

EXISTING TRANSIT FACILITIES | FIGURE 4.8-2

José Diridon Station, approximately one mile away, is served by the Green LRT line and serves as a transfer point to Caltrain, ACE, and Amtrak services.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains that carry approximately 47,000 riders on an average weekday. The project site is located about one mile from the San José Diridon Station. The Diridon Station provides 781 parking spaces, 16 bike racks, 48 bike lockers, and 27 bike share docks. Trains stop frequently between 4:28 AM and 11:12 PM in the northbound direction and between 6:27 AM and 1:41 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours.

Altamont Commuter Express (ACE) Service

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes. ACE trains stop at the Diridon Station between 6:22 AM and 9:44 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station seven times during the weekdays between approximately 7:15 AM and 8:16 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during the weekdays between 6:18 AM and 6:05 PM.

Future Transit Services

Future transit services in the project vicinity will be provided by the VTA and BART. Phase II of the VTA's BART Silicon Valley Extension project will include a six-mile-long subway tunnel through downtown San José and will extend the BART system from the current terminus at the Berryessa/North San José Station. The project includes the addition of four BART stations including the Alum Rock, Downtown San José, Diridon, and Santa Clara stations. The BART extension will travel through downtown beneath Santa Clara Street and terminate at grade in the City of Santa Clara near the Santa Clara Caltrain Station. Passenger service for the Phase II Project is planned to begin in 2035.

The downtown San José BART Station would be located underground along Santa Clara Street between Market Street and Third Street. The main entrance will be located between Market and First Streets and the secondary entrance between First and Second Streets.

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant transportation impacts, as described below.

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

Transit Facilities

As discussed in Section 4.8.1.2 Existing Conditions, existing bus service in the project vicinity is provided by the VTA. The project area is served by light rail and frequent routes 72 and 73. The light rail station is located on First and Second Streets and bus stops for routes 72 and 73 are located at Second and Julian Streets. Marked crosswalks and pedestrian signal heads connect the project sites to bus stops and light rail stations. Since the project site is served by two light rail stations and two bus stops, it is assumed that some students and staff would utilize these transit services. It is estimated that the increase in transit demand generated by the project could be accommodated by the current available ridership capacity of the light rail and VTA bus service. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing transit facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Bicycle Facilities

As discussed in Section 4.8.1.2 Existing Conditions, existing bicycle facilities in the project vicinity consist of bike lanes, bike routes, and protected bike lanes. Existing facilities are not present along the project frontages on First and Devine Streets.

The City of San José currently designates Second Street, between Julian Street and St. John Street, as a Class III bike route. According to the City's Better Bike Plan 2025, this portion of Second Street is planned to be a Class III bike boulevard. Bike boulevards discourage cut-through motor vehicles and are designed to give bicyclists priority. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The proposed project would include both long-term and short-term bike parking. Long-term bike parking would be provided in lockers for students and staff at both buildings. Short-term bike parking would be provided at bike racks along First Street and Second Street. The project includes 32 lockers and three racks for a total of 35 bicycle parking spaces.

Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing bicycle facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Pedestrian Facilities

As discussed in Section 4.8.1.2 Existing Conditions, a complete network of sidewalks and crosswalks is found within the project vicinity. The project would not modify any existing pedestrian facilities along its frontages on First Street, Devine Street, and Second Street.

Students arriving by vehicle would be dropped off and picked up within the Moir Building parking lot, which has a direct entrance to the rear of the building. Students with classes in the Armory Building would utilize the existing pedestrian facilities along First, Devine, and Second Streets. Existing signage that alerts pedestrians of the light rail tracks are posted along the pedestrian sidewalk. A marked crosswalk across the light rail track is present on the southeast corner of First and Devine Streets. A marked crosswalk is missing across the light trail track at the southwest corner of Second and Devine Streets. The project would implement the following condition of approval.

Conditions of Approval:

- The project shall include striping of the crosswalk near the southwest corner of Second Street and Devine Street.

With implementation of the conditions of approval listed above, the project would not conflict with a program, plan, ordinance, or policy addressing pedestrian facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. The proposed Hillbrook High School Project was not analyzed as part of the Downtown EIR; therefore, a project-specific VMT analysis is required for the proposed project. As described in Section 4.8.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects. The methodology used to determine existing and project VMT and the analysis of the project's VMT impacts are described below.

Vehicle Miles Traveled Methodology

The City of San José's 2018 Transportation Analysis Handbook identifies screening criteria that determines whether a CEQA transportation analysis would be required for a particular development project. These criteria are based on the project's type, characteristics, and/or location. If a project meets the City's screening criteria, it is presumed that the project would result in a less-than-significant transportation impact and a detailed VMT analysis is not required. Per the City's VMT screening criteria, projects located in Planned Growth Areas with low VMT are exempt from a detailed, quantitative VMT analysis.[30] School projects are not specifically identified in the handbook; therefore, a VMT evaluation was completed for the proposed project.

For purposes of this analysis, the City's VMT tool was utilized to estimate VMT for school staff, and a student distribution model along with the City's Travel Demand Forecasting (TDF) model was used to analyze the VMT impact associated with the proposed students.

Per the City's screening criteria, office uses of 10,000 square feet or less are considered small infill projects and do not require a VMT evaluation since the VMT generated by such a small project would likely not result in a significant impact to VMT. The proposed school is expected to have staff with trip-making characteristics that are equivalent to 8,300 square feet of office space. Therefore, the school staff component of the proposed project satisfies the VMT screening criteria and is not analyzed as part of the VMT evaluation.

The results of the VMT analysis are discussed below.

Vehicle Miles Traveled Analysis

Of all potential students that would attend the proposed school, approximately 80 percent of students are currently attending private schools and 20 percent are currently attending public schools. Based on the estimated locations of the students that would be attending the proposed Hillbrook School, it was estimated that the average trip length for those students to attend other

[30] A low VMT area is an area where the per capita VMT is than or equal to the CEQA significance threshold for the land use.

existing private and public schools would be 9.92 miles per trip. Using the private school distribution model along with the City's TDF model, it was estimated that the average trip length for students at the proposed school would be 9.92 miles per trip. The per-student VMT projected to be generated by the proposed school would be approximately eight percent above the existing per-student VMT (9.92 miles per trip), which could be considered a VMT impact that would require mitigation. However, the proposed project is located within a transit-rich area of downtown San José and would implement a comprehensive TDM plan (refer to Appendix). Both of these factors would reduce the project's potential VMT impacts.

The TDM plan includes the following VMT-reducing measures which would be implemented as a project feature:

- Last Mile Shuttles – Hillbrook will offer a last-mile shuttle to Diridon Station, a major transit hub connecting buses, light rail, and heavy rail, and would facilitate increased transit usage by students and staff.
- Private Bus Program – Hillbrook will expand its current bus program serving its existing elementary and middle school campus in Los Gatos to serve the proposed downtown site. The bus program will include two new routes to serve San José and Los Altos.
- Student and Staff Transit Subsidies – Given the close proximity to an LRT station, the school plans to offer VTA bus/LRT subsidies to all students to encourage students and staff to utilize public transportation.

In addition, the TDM plan includes measures to encourage students and staff to carpool, walk, and ride a bicycle/scooter. The TDM plan estimates that up to a 70 percent school bus and transit mode share is possible. Therefore, the VMT-reducing project measures included in the TDM plan would reduce the project's VMT by greater than the eight percent needed to mitigate the project's VMT impact. For this reason, the project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b), and the project would have a less than significant VMT impact. **[Same Impact as 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)?

Student pick-up and drop-off would only occur in the Moir Building parking lot. No project-related driving or parking operations would occur in the Armory Building. The project does not propose to modify the Moir Building's existing parking lot and would utilize the existing parking spaces and drive aisles for drop-off and pick-up operations.

Geometric Design

Driveway Design

The project would be accessed by two existing one-way driveways along Devine Street for ingress and egress. The driveways are 26 feet wide, consistent with City design guidelines.

The project would implement the following conditions of approval to ensure vehicles do not enter the egress-only driveway.

Conditions of Approval:

- The project shall post an "EXIT ONLY" sign at the egress driveway so vehicles do not enter the egress only driveway.
- The project shall restrict all egress from the project site during peak hours to right-out only to avoid conflicting movements at the project driveway along Devine Street.

The above conditions of approval would be completed by the applicant and included on the project's public improvement permit.

Since the proposed drop-off/pick-up station would block the drive aisle, the project shall implement the following conditions of approval to maximize traffic flow during drop-off and pick-up hours.

Conditions of Approval:

- The project shall encourage staff parking the Moir lot to arrive at least 30 minutes before or after school begins. Staff parked in the Moir parking lot shall be encouraged to depart after 30 minutes following dismissal of students.
- The project shall require students to be dropped off and picked up from the Moir Building drop off area. No students shall be allowed to be dropped off or picked up along the adjacent streets. Implement staff monitors along First Street, Second Street, and Devine Streets to direct vehicles away from the Armory Building and towards the Moir Building.

The above conditions of approval would be completed by the applicant and included on the project's planning permit.

For the reasons described above, the project would not substantially increase hazards due to driveway design. **[Same Impact as Approved Project (Less than Significant Impact)]**

Sight Distance

There are no existing landscaping, roadway curvature, street trees, or other visual obstructions along the project frontage that could obscure sight distance at the project driveway. Street parking is allowed along the project frontage on Devine Street. Existing red curbs prohibit parking immediately adjacent to the driveways and ensure adequate sight distance is provided. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection by ensuring drivers have the ability to locate sufficient gaps in traffic. The minimum acceptable sight distance is considered the Caltrans stopping sight distance, which depends on roadway speeds. For Devine Street, which has a speed limit of 25 mph, the Caltrans stopping sight distance is 250 feet, meaning a driver must be able to see 250 feet down Devine Street to locate a sufficient gap to turn out of the driveway. No obstructions block the line of sight along either direction of Devine Street to Market or First Streets. Therefore, the project would provide adequate sight distance.

Incompatible Uses

As discussed in Section 4.5 Land Use and Planning, the proposed school use is compatible with the project site's land use designation and is considered compatible with the aforementioned surrounding developments. Because the project's land use is compatible with uses in the area, the project's use of circulation systems also would be compatible and would not create a hazard. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project result in inadequate emergency access?

Emergency vehicle access is provided along First Street and Devine Street for the Moir Building, and along Second Street for the Armory Building. The proposed change in land use would not alter the existing emergency vehicle access. Therefore, the proposed project would have a less than significant emergency vehicle access impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The proposed project is part of planned growth in the downtown; therefore, no CEQA transportation analysis is required. A Local Transportation Analysis (LTA) shall be prepared to identify any operational issues associated with the project. The following discussion is included for informational purposes only.

Trip Generation Estimates

Project trips were estimated using vehicle-trip rates for Private High School (Land Use 534) published from the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition (2021). Based on the TDM Plan, a 35 percent reduction was applied to the estimated project trips. Table 4.8-2 below provides a summary of the trip generation rates and reductions.

Table 4.8-2: Summary of Project Trip Generation

Proposed Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Private High School	651	117	81	198	22	35	57
Mode-Share Reduction[1]	*-228*	*-41*	*-28*	*-69*	*-8*	*-12*	*-20*
Total Project Trips	**423**	**76**	**53**	**129**	**14**	**23**	**37**

Notes:

[1] Mode-share reduction is based on the TDM plan prepared for the proposed project by TDM Specialists. The TDM plan estimates that up to a 70 percent school bus and transit mode share is possible. A conservative reduction of 35 percent is used for trip generation estimate purposes.

Source: Hexagon Transportation Consultants, Inc. *Hillbrook High School Transportation Analysis.* March 17, 2023.

As shown, the project would generate up to 423 daily trips with 129 in the AM Peak Hour and 37 in the PM Peak Hour.

The following condition of approval shall be implemented to ensure trips generated by the project are within 10 percent of the project's peak hour cap (129 AM and 37 PM peak hour trips).

Condition of Approval:

- The project shall complete annual trip generation counts at the Moir building driveways to demonstrate that vehicle trips generated by the project are within 10 percent of an established peak hour trip cap. The peak hour trip cap will be based on the project's estimated gross project trips consisting of 129 gross AM peak-hour trips and 37 gross PM peak-hour trips. This trip cap is based on 35 percent fewer trips than the calculated trip generation based on trip rates from the ITE Trip Generation Manual. If the counts show the project trip generation is higher than expected, then the TDM Plan will be altered or enhanced. Commuter surveys to gather trip and mode use data for students to augment the driveway counts may be necessary. If the project is not in conformance with the peak hour trip cap, the project may add additional TDM measures to lower the project's trip generation and meet the trip cap. A comprehensive discussion of monitoring and reporting requirements is included in the Hillbrook High School Transportation Demand Management Plan.

Parking Requirements

As discussed under impact discussion a), the proposed project would include both long-term and short-term bike parking. Long-term bike parking would be provided in lockers for students and staff at both buildings. Short-term bike parking would be provided at bike racks along First Street and Second Street. The project includes 32 lockers and three racks for a total of 35 bicycle parking spaces. The City requires one bicycle parking space for every ten full-time employees plus ten per classroom. Since the proposed project would serve up to 70 employees at full capacity, the project is consistent with City requirements.

4.9 Utilities and Service Systems

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San Jose adopted its most recent UWMP in June 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341, effective July 2012, sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826, effective October 2014, sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a

General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[31]

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

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

[31] CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

Reducing indoor water use by 20 percent;

Reducing wastewater by 20 percent;

Recycling and/or salvaging 65 percent of nonhazardous construction and demolition (C&D) debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (See San José specific CALGreen building code requirements below); and

Providing readily accessible areas for recycling by occupants.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the project.

General Plan Policies – Utilities and Service Systems

Water Conservation and Quality Policies	
MS-3.2	Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
Responsible Management of Water Supply Policies	
MS-17.1	Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled water programs to support the expanded use of recycled water within San José and neighboring jurisdictions.
Water Conservation Policies	
MS-18.4	Retrofit existing development to improve water conservation.
MS-18.5	Reduce per capita water consumption by 25 percent by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.
MS-18.6	Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.
Water Recycling Policies	
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Water Resources	
IN-1.7	Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated

	with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).
Water Supply, Sanitary Sewer, and Storm Drainage Policies	
IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis Guidelines to: • Prevent sanitary sewer overflows due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Wastewater Treatment and Water Reclamation Policies	
IN-4.1	Monitor and regulate growth so that the cumulative wastewater treatment demand of all development can be accommodated by San José's share of the treatment capacity at the San José/Santa Clara Regional Wastewater Facility.
IN-4.2	Maintain adequate operational capacity for wastewater treatment and water reclamation facilities to accommodate the City's economic and population growth.
IN-4.6	Encourage water conservation and other programs which result in reduced demand for wastewater treatment capacity.

Solid Waste – Materials Recovery/Landfill Policies	
IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private Material Recovery Facilities and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
Environmental Leadership/Stewardship Policies	
IP-17.1[32]	Use San José's adopted Green Vision as a tool to advance the 2040 General Plan Vision for Environmental Leadership. San José's Green Vision is a comprehensive fifteen-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked. Adopted in 2007, San José's Green Vision, adopted in 2007, establishes the following Environmental Leadership goals for the City through 2022: 5. Divert 100 percent of the waste from our landfill and convert waste to energy; Although the City has one of the highest waste diversion rates of any large city in the nation, many waste reduction opportunities remain. If San José and other local cities achieve no further waste reduction efforts over the next 15 years, solid waste landfill space in the region could reach capacity.

San José Zero Waste Strategic Plan/Climate Smart San José

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

Construction and Demolition Diversion Deposit Program

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

[32] Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

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

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

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

4.9.1.2 *Existing Conditions*

The project site consists of two existing buildings within the urban environment of downtown San José.

Water Service

Water service to the project site is provided by the San José Water Company (SJWC). The service area of SJWC is approximately 145 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. SJWC estimates that total system demand will be 135,648 acre-feet per year (AFY) of water in 2025.

There are existing water lines in the project area in North Second Street and North First Street.

Existing water use on the project site is estimated to be 15,580 gallons per day (gpd) for indoor uses and 9,550 gpd for outdoor uses for a total water use of 25,130 gpd.[33]

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site would be treated at the San José/Santa Clara Regional Wastewater Facility (Facility), which is administered and operated by the City Department of

[33] California Emissions Estimator Model (CalEEMod). "Appendix D Default Data Tables." Table 9.1 Water Use Rates for General Office Building. May 2021.

Environmental Services. The Facility has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of the existing capacity. The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the Facility for the City's wastewater treatment demands.[34]

Existing sanitary sewer facilities in the project area include 10-inch sewer lines in North Second Street and North First Street.

Based on the existing indoor water use (discussed above in Water Service), the existing wastewater generation on the project site is estimated to be 15,580 gpd.

Storm Drainage

The project site is located in the Guadalupe River Watersheds which drains approximately 170 square miles extending from the river's headwaters in the easter Santa Cruz Mountains to the tidal sloughs entering the San Francisco Bay.[35]

Impervious surfaces near the project site include the surrounding sidewalks and roadways. The project site is comprised almost entirely of impervious surfaces. Runoff from the site flows untreated into storm drain inlets and manholes in the site vicinity, where it is then conveyed to the City's storm drain system, to the Guadalupe River and eventually to the San Francisco Bay.

Existing storm drain facilities in the project area include 12-inch storm drain lines in North Second Street and North First Street.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.[36] The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.[37] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.[38]

Existing solid waste generation associated with the project site is estimated to be approximately

[34] City of San José. *Envision San José 2040 General Plan Final Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 648.
[35] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Monitoring and Assessment Summary Report: Guadalupe River.* September 15, 2009. https://scvurppp.org/2009/09/15/watershed-monitoring-and-assessment-summary-report-guadalupe-river/.
[36] City of San José. *2040 General Plan FEIR*. September 2011.
[37] City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.
[38] Santa Clara County. *Five-Year County IWMP/RAIWMP Review Report.* June 2016.

81.6 tons per year.[39] Commercial solid waste collection (including garbage, recycling, and compost collection) in San José is provided by the exclusive franchise hauler, Republic Services.

Electricity

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within San José. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[40] In 2020 California used 2,144 trillion Btu of natural gas.[41] In 2020, Santa Clara County used less than one percent of the state's total consumption of natural gas.[42]

4.9.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐

[39] California Emissions Estimator Model. "Appendix D Default Data Tables." Table 10.1 Solid Waste Disposal Rates for General Office Buildings. May 2021.
[40] California Gas and Electric Utilities. 2020 *California Gas Report.* Accessed September 16, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.
[41] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed September 16, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[42] California Energy Commission. "Natural Gas Consumption by County." Accessed September 16, 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.

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

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant utilities and service systems impacts, as described below.

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?

The proposed project would utilize existing water infrastructure, dispose of wastewater at the Facility, convey stormwater via the City's existing drainage system, and use existing utility lines in the site vicinity for electricity, natural gas, and telecommunication facilities, as described in detail below.

Water Facilities

The potable and irrigation water demands of the project would be met by existing service providers (SJWC), as is discussed under checklist question b). Existing water lines in North First Street and

North Second Street would be available to serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The Downtown Strategy 2040 FEIR determined that new or expanded entitlements for water supplies would not be required to serve future development under the proposed Downtown Strategy 2040 because future projects would comply with General Plan policies MS-18.5 and MS-18.6 requiring efficient water use.[43] Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Wastewater Treatment

The proposed project would utilize existing building connections to the City's existing sanitary sewer system. The project would be required to comply with all applicable Public Works requirements to ensure sanitary sewer and water mains would have capacity for water and sewer services required by the proposed project. Existing sanitary sewer lines in North First Street and North Second Street would be available to service the proposed project. The project would comply with all applicable General Plan policies to ensure adequate sanitary sewer capacity is available to serve the project.

The proposed project would dispose of wastewater at the Facility, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project. The Downtown Strategy 2040 FEIR determined that future development would not require new or expanded wastewater treatment facilities.[44] Therefore, no relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Storm Drainage

The proposed project would maintain the existing buildings and hardscape and would not increase the amount of impervious surfaces. As a result, the project would not increase runoff at the site. The project would utilize the existing stormwater infrastructure to capture and convey runoff into existing storm drain mains in North First Street and North Second Street. The Downtown Strategy 2040 FEIR determined that future development would not require new or expanded storm drainage facilities because the existing storm drain lines convey storm runoff adequately and development within the downtown area would occur in predominantly developed and paved areas.[45] Therefore, the proposed project would not result in significant impacts from construction or relocation of storm drainage utilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Electric Power, Natural Gas, and Telecommunications

Existing utility lines would be utilized by the project for electric power and natural gas services. Therefore, the proposed project would not result in significant impacts from construction or

[43] City of San José. *Downtown Strategy 2040 Final Integrated Environmental Impact Report.* SCH# 2003042127. December 2018. Page 332.
[44] Ibid. Page 333.
[45] Ibid. Page 333.

relocation of new or expanded electric power, natural gas, or telecommunications utilities. **[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?

As discussed in the Downtown Strategy 2040 FEIR, development under the proposed Downtown Strategy 2040 would contribute to total demand for SJWC and Valley Water supplies. Total future demand in the downtown area in 2040 would be roughly 7,533 AFY. The Downtown Strategy 2040 FEIR determined that the increase was accounted for in SJWC's UWMP and that the projected demand is within normal growth projections for water demand in Valley Water's systems.[46]

As discussed in Section 4.9.1.2 Existing Conditions, the existing site has a water demand of 25,130 gpd. Because the proposed project would not add or change the existing landscaping, the existing outdoor demand (9,550 gpd) would remain unchanged. Compared to the existing indoor water demand (15,580 gpd), the proposed project would have a water demand of approximately 11,195 gpd (45 AFY), resulting in lower demand.[47]

In comparison with SJWC's overall water demand of 135,648 AFY, the project would increase demand by less than one percent, which SJWC considers to be within normal growth projections for the system and would not require new or expanded water facilities. Based on the size of the site, the size of the development, and the anticipated water demand, the project does not meet the threshold for a 'water demand project' under CEQA Guidelines section 15155.

Therefore, the project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. **[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 discussed in Section 4.9.1.2 Existing Conditions, the Facility currently has an available capacity of 38.8 mgd of dry weather flow available to service the City of San José's wastewater treatment

[46] City of San José. *Downtown Strategy 2040 Final Integrated Environmental Impact Report.* SCH# 2003042127. December 2018. Page 322.

[47] California Emissions Estimator Model (CalEEMod). "Appendix D Default Data Tables." Table 9.1 Water Use Rates for High Schools (Employee and Student Size Metrics). May 2021.
The standard CalEEMod calculations for a school land use (based on 70 employees and 300 students) provide an estimated water demand of 11,195 gpd of indoor use and 28,786 gpd of outdoor use. The proposed project is not a standard school site with large turf areas and landscaping. These are two commercial buildings with minimal landscaping, and no changes to landscaping are proposed compared to existing conditions. Therefore, outdoor water use would be small compared to the indoor use.

demands. Planned build out under the General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would not exceed the capacity of the Facility. Under existing conditions, the project site generates approximately 15,580 gpd of wastewater.

Based on the proposed project's estimated indoor water demand (refer to checklist question b) above), the project would generate approximately 11,195 gpd of wastewater. The wastewater demands of the proposed project would be lower compared to existing conditions and would not result in an exceedance of wastewater treatment capacity at the Facility.

The construction of new wastewater treatment facilities would not be required as a result of the proposed project. The treatment capacity of the Facility would not be exceeded as a result of the proposed project. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The project is estimated to generate up to 110 tons of solid waste per year, which would be a net increase of over the existing conditions of 28.4 tons per year generated by the project site.[48]

The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The project would be required to meet the City's current diversion goal of 75 percent waste reduction and zero waste goal post-2022 by complying with the policies and strategies mandated in the City's Zero Waste Strategic Plan. In addition, the project would provide organic waste collection containers within waste collection areas as required by AB 1826. Given the City's annual disposal allocation at Newby Island Landfill (395,000 tons per year), NISL's remaining capacity (12.7 million tons), and the project's net increase in solid waste generation (110 tons), there is sufficient capacity at NISL to serve the project. In addition, according to the IWMP, the County has adequate disposal capacity beyond 2030.[49] Therefore, the project would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.[50] **[Same Impact as Approved Project (Less than Significant Impact)]**

[48] California Emissions Estimator Model. "Appendix D Default Data Tables." Table 10.1 Solid Waste Disposal Rates for High Schools (Employee and Student Size Metrics). May 2021.
[49] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[50] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 685.

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

The proposed project would support the goals of the Zero Waste Strategic Plan by providing readily accessible areas for recycling that serve all of the buildings on-site and provide organic waste collection containers within waste collection areas. The project does not involve demolition of structures and proposes minor exterior and interior construction work, thereby resulting in minimal construction debris. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the project would not conflict with applicable statutes and regulations related to solid waste, including CalGreen, AB 939, AB 341, and local waste diversion requirements. **[Same Impact as Approved Project (Less than Significant Impact)]**

Section 5.0 References

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

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California Emissions Estimator Model. "Appendix D Default Data Tables." Table 9.1 Water Use Rates for High Schools (Employee and Student Size Metrics). May 2021.

--. "Appendix D Default Data Tables." Table 9.1 Water Use Rates for General Office Buildings. May 2021.

--. "Appendix D Default Data Tables." Table 10.1 Solid Waste Disposal Rates for High Schools (Employee and Student Size Metrics). May 2021.

--. "Appendix D Default Data Tables." Table 10.1 Solid Waste Disposal Rates for General Office Buildings. May 2021.

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--. *Downtown Strategy 2040 Final Integrated Environmental Impact Report.* SCH# 2003042127. December 2018.

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San José
Department of Planning, Building and Code Enforcement
Cassandra van der Zweep, Supervising Planner
Nhu Nguyen, Planner I

6.2 Consultants

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Shannon George, Principal Project Manager
Maria Kisyova, Project Manager
Ryan Osako, Graphics Artist

Illingworth & Rodkin, Inc.
Air Quality and Acoustics Consultants
Michael Thill, Principal Consultant
Micah Black, Staff Consultant

TreanorHL
Architectural and Historic Consultants
Elizabeth Graux, Architect
Ana Borlas-Ivern, Historian

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ACE	Altamont Commuter Express
ACM	Asbestos-containing material
ACTMs	Air toxic control measures
AFY	Acre-feet per year
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CAP	Clean Air Plan
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
CNEL	Community Noise Level Equivalent
CO	Carbon monoxide
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DC	Downtown Primary Commercial Zoning
DDGS	City of San José Downtown Design Guidelines
DEPA	Downtown Employment Priority Area
DNL	Day-Night Level
DPM	Diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency

FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEIR	Final Environmental Impact Report
GHG	Greenhouse gas
gpd	Gallons per day
HRI	Historic Resources Inventory
HWSA	Hazardous and Solid Waste Amendments
IS	Initial Study
IWMP	Integrated Waste Management Plan
LRT	Light Rail Station
LTA	Local Transportation Analysis
mgd	Million gallons per day
MND	Mitigated Negative Declaration
mph	Miles per hour
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NISL	Newby Island Landfill
NOD	Notice of Determination
NO_x	Nitrogen oxides
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	Ozone
OPR	Office of Planning and Research
PCBs	Polychlorinated biphenyls
PG&E	Pacific Gas and Electric Company
PM_{10}	Coarse particulate matter
$PM_{2.5}$	Fine particulate matter
RCRA	Resource Conservation and Recovery Act

RWQCB	Regional Water Quality Control Board
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SJWC	San José Water Company
SO_x	Sulfur oxides
SSPM	Sewer System Management Plan
SWRCB	State Water Resources Control Board
TACs	Toxic air contaminants
TCMs	Transportation Control Measures
TDM	Transportation Demand Management
TSCA	Toxic Substances Control Act
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VMT	Vehicle miles traveled
VTA	Santa Clara Valley Transportation Authority