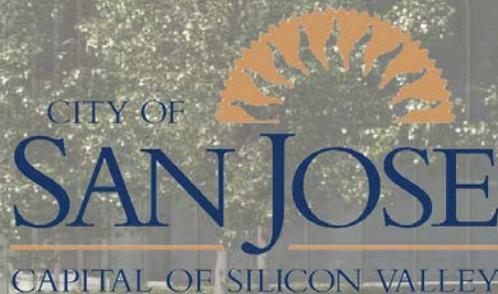


Addendum To The Final Program Environmental Impact Report
for the San José Downtown Strategy (SCH#2003042127)
Final Program Environmental Impact Report
for the Envision San José 2040 General Plan (SCH# 2009072096)
and the Supplemental Program Environmental Impact Report
for the Envision San José 2040 General Plan (SCH# 2009072096)

River Corporate Center Project, Phase III
353 West Julian Street

File Number: H16-013



December 2016

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study/Addendum to the Downtown Strategy 2000 Final Environmental Impact Report (Downtown Strategy 2000 FEIR), and the Envision San José 2040 General Plan Final Program FEIR (General Plan FPEIR) and the Supplemental Program Environmental Impact Report for the General Plan (General Plan SEIR) 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 regulations and policies of the City of San José. The purpose of this Initial Study is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

In 2005, the City of San José approved the San José Downtown Strategy 2000 plan, which is an update of the San José Downtown Strategy Plan 2010 (adopted in 1992) and is a long-range program for redevelopment and preservation of the central core of San José. The plan includes the following development:

- 11.2 million square feet of office space
- 1.4 million square feet of retail space
- 8,500 residential units
- 3,600 hotel guest rooms

The Downtown Strategy 2000 FEIR was a broad range, program-level environmental document, but did develop project-level information whenever possible, such as when a particular site was identified for a specific size and type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 has had project-specific supplemental environmental review.

The Downtown Strategy 2000 FEIR identified strategies and actions for the 12 areas described within the Downtown Strategy Area. The project site is within the North Gateway area of the Downtown Strategy 2000 (refer to Figure 1.1-1). Based on the FEIR, one of the goals for the North Gateway area was to encourage development of office and housing northwest of Market and St. James Streets.

In 2011, the City of San José approved the Envision San José 2040 General Plan (General Plan), which is a long range program for the future growth of the City. The General Plan FPEIR was a broad analysis of planned growth and did not analyze specific development projects. The intent was for the General Plan FPEIR to be a program-level document from which subsequent development consistent with the General Plan could tier.

In 2014, the City adopted an Addendum to the Downtown Strategy 2000 FEIR for a Phase I adjustment to allow for an increase in Phase I residential capacity from 2,125 units to 5,500 units (resulting in 3,375 additional units in Phase I) and, 2) decrease Phase I office capacity from 2,800,000 square feet to 1,400,000 square feet (a reduction of 1,400,000 square feet). These changes in Phase I growth capacity will be accommodated by increasing the amount of office space and decreasing residential capacity in subsequent phases of the Downtown Strategy.

In 2016, the City adopted a second Addendum to the Downtown Strategy 2000 FEIR for a Phase I second adjustment to allow for an increase residential capacity from 5,500 units to 7,500 units (an increase of 2,000 units); and 2) increase office capacity from 1.4 million square feet to 2 million square feet (an increase of 600,000 square feet). These increases in Phase I growth capacity will be accommodated by reducing the amount of development in the subsequent three phases of development.

The approved adjustment in the phase of development did not change the total amount of development at buildout proposed in the Downtown Strategy 2000 plan.

The proposed project is consistent with the goals for the North Gateway area of the Downtown Strategy 2000. The proposed project is the third and final phase of a larger River Corporate Center project, originally approved in 1998 under the Julian-Stockton Redevelopment EIR. The Downtown Strategy 2000 FEIR accounted for the Julian-Stockton Redevelopment area, and now supersedes the Julian-Stockton Redevelopment FEIR. Two existing buildings, located at 333 West Julian Street and 373 West Julian Street and one four-story parking structure were constructed as a part of the first and second phases of the River Corporate Center project.

The project proposes a Site Development Permit to construct a six-story, 191,400 square-foot office building. The project site was previously approved for a 170,000 square-foot, seven-story building under the Julian-Stockton Redevelopment FEIR. As outlined above, the Downtown Strategy 2000 FEIR accounted for the development analyzed in the Julian-Stockton Redevelopment FEIR. The additional 21,400 square-feet proposed is within the Downtown Strategy 2000 FEIR's office capacity. Thus the proposed project is part of the planned growth included in the Downtown Strategy 2000.

This Initial Study/Addendum has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the Downtown Strategy 2000 and General Plan.

This Initial Study/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.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

River Corporate Center Project, Phase III; File Number: H16-013

2.2 PROJECT LOCATION

The River Corporate Center site is surrounded by Bassett Street and Union Pacific Railroad (UPRR) tracks to the north, State Route 87 to the east, West Julian Street to the south, and the Guadalupe River Trail to the west. The project site (i.e., proposed development area at 353 West Julian Street) is surrounded by the Guadalupe River trail to the west, a parking garage to the north, and 333 West Julian Street and 373 West Julian Street office buildings to the east and south, respectively. A regional map and vicinity map of the project site are provided in Figures 2.2-1 and 2.2-2, respectively. An aerial photograph of the project site and its surrounding land uses is shown on Figure 2.2-3.

2.3 LEAD AGENCY CONTACT

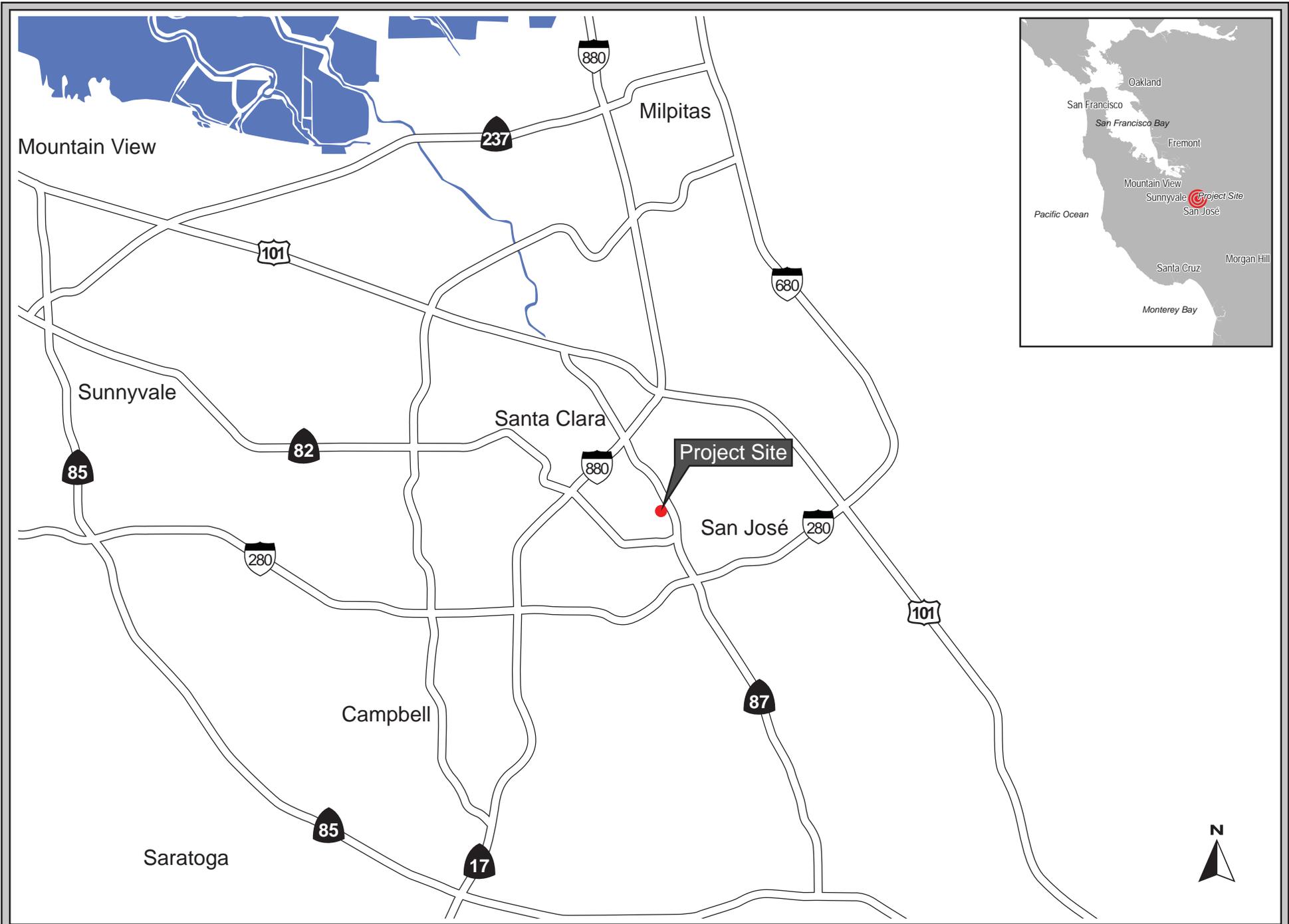
City of San José
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2.4 PROPERTY OWNER/PROJECT APPLICANT

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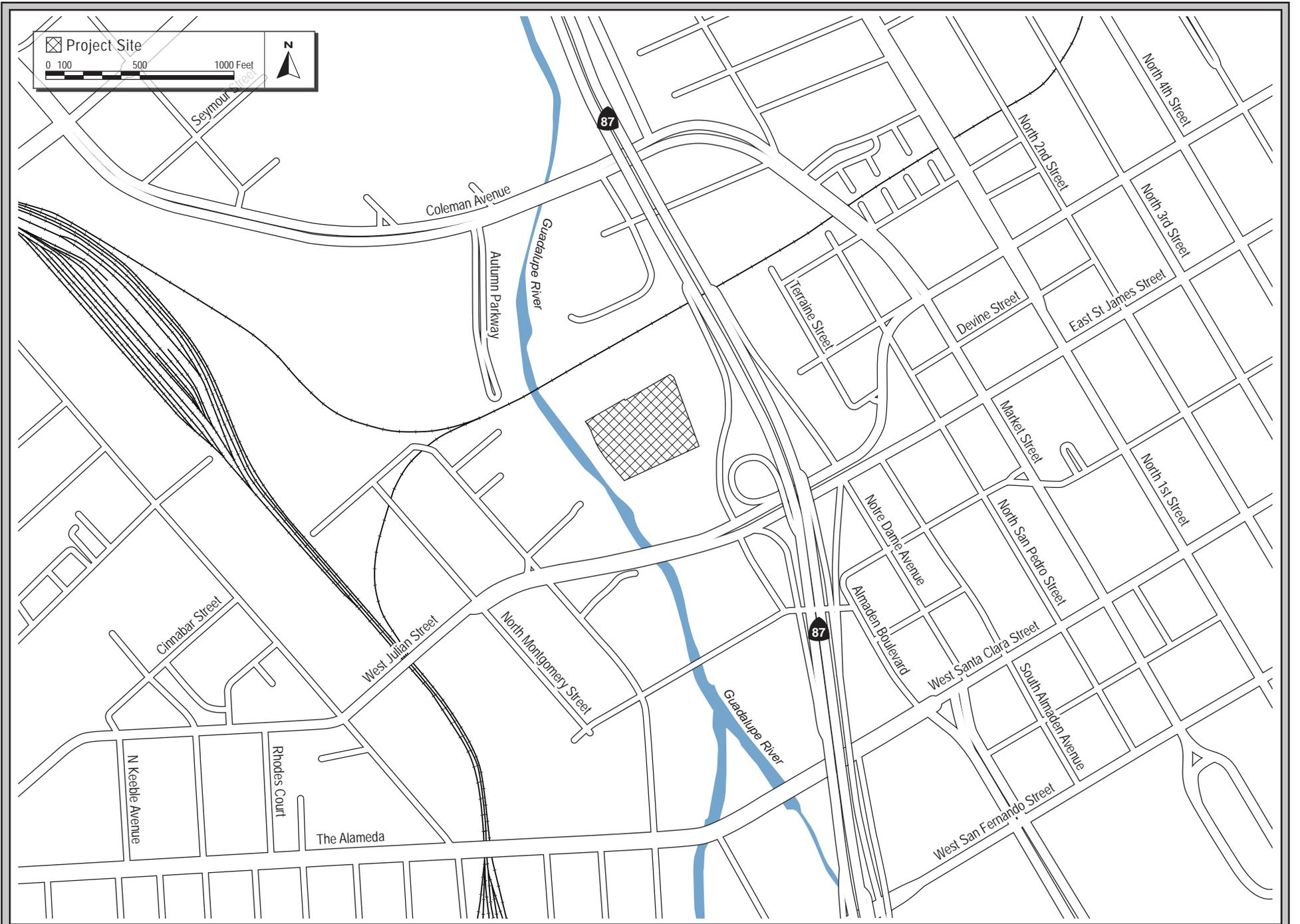
2.5 ASSESSOR'S PARCEL NUMBERS

259-24-036 (353 West Julian Street, Proposed Project)



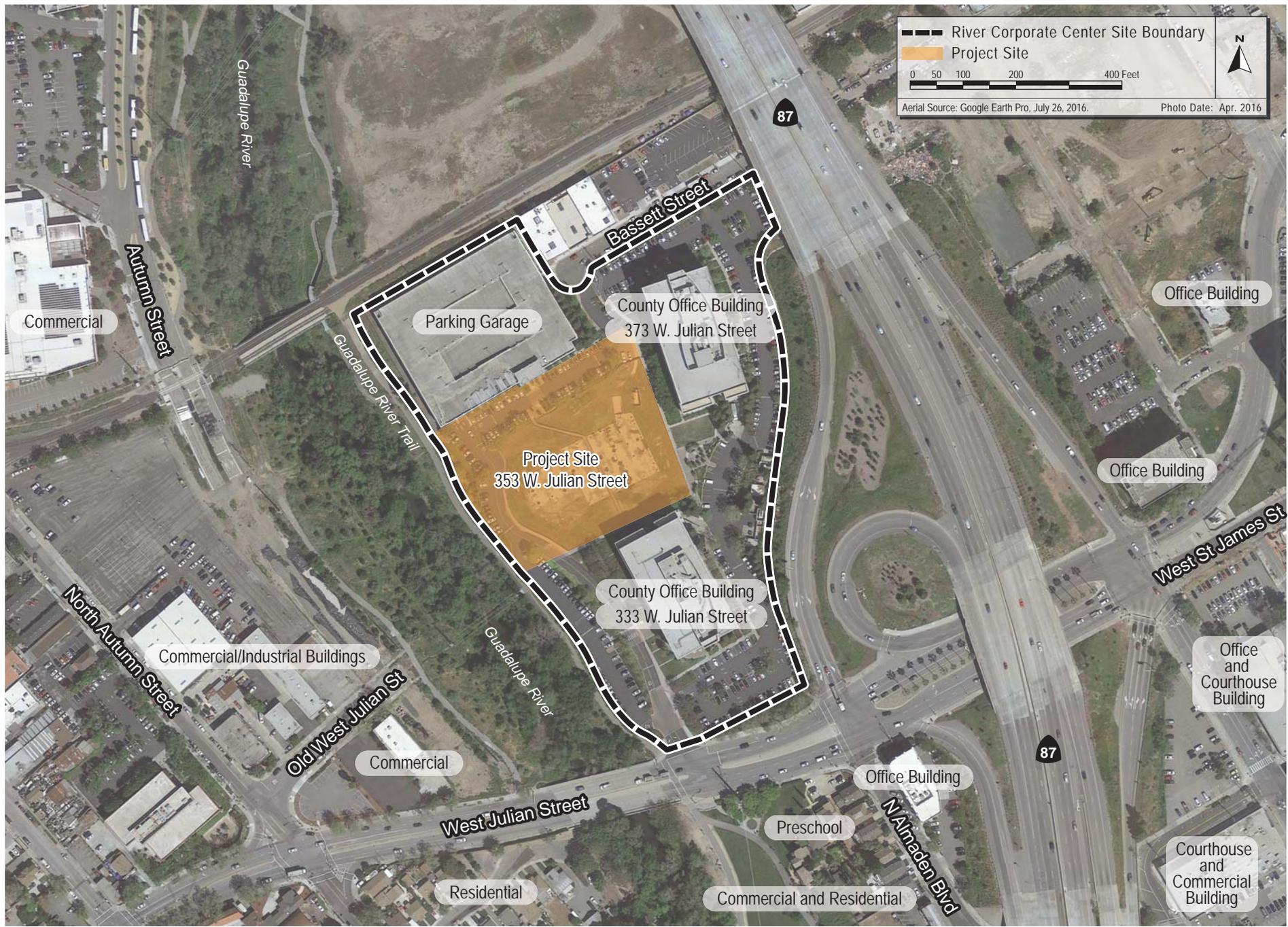
REGIONAL MAP

FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated *Combined Industrial/Commercial* under the adopted General Plan.

The project site is within the City's *IP - Industrial Park* zoning district.

2.7 HABITAT PLAN DESIGNATION(S)

Private Development Area:	Urban Development equal to or greater than two acres
Land Cover:	Urban-Suburban
Land Cover Fee Zone:	Urban Area (No Land Cover Fee)
Covered Species Potential Habitat:	Tri-colored Blackbird

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

The project would require the following review and permit approval to allow the development of the proposed office building and parking lot.

- Site Development Permit
- Grading Permit(s)
- Building Permit(s)

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

This Initial Study provides project-level CEQA analysis for a Site Development Permit to allow the development of a six-story, 191,400 square foot office building and surface parking, as well as the removal of 34 non-ordinance-sized trees at 353 West Julian Street in downtown San José.

3.1.1 Setting

The 12.3-acre River Corporate Center site is bound by Bassett Street, office buildings, and Union Pacific Railroad Tracks (UPRR) tracks to the north, State Route 87 to the east, West Julian Street to the south, and the Guadalupe River Trail to the west. The site is currently developed with two five-story buildings, located at 333 West Julian Street and 373 West Julian Street, respectively, and one four-story parking structure. The three-acre 353 West Julian Street site (i.e., proposed development area) is a part of the larger River Corporate Center site (the boundaries of the River Corporate Center and the 353 West Julian Street project site are shown in Figure 2.2-3).

The three-acre project site contains a concrete pad, a surface parking lot (occupied by vehicles of adjacent office tenants), non-native grassland, and 42 non-native trees. The project site has a General Plan land use designation of *Combined Industrial/Commercial* and is within the *IP - Industrial Park* zoning district.

3.2 PROPOSED DEVELOPMENT

3.2.1 Site Design

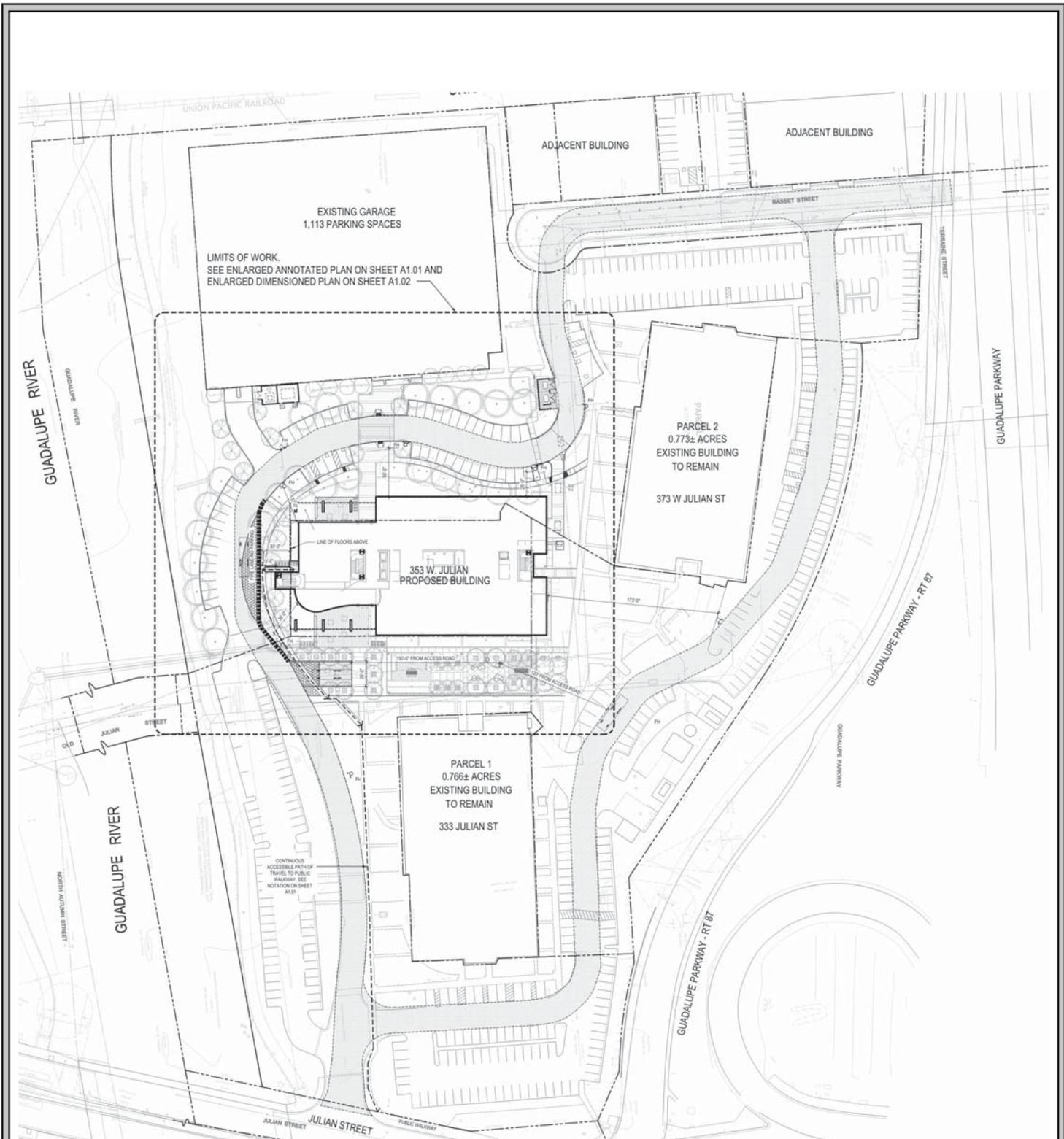
3.2.1.1 *Building Design*

The project would develop a six-story, 191,400 square-foot office building and a surface parking lot. The building would be comprised of office suites with stair and elevator access on each floor. Two small and one large balcony area would be accessible from the sixth floor. The large balcony includes outdoor seating, tables, and a barbecue area. Pedestrian entrances to the building would be located at the northern and southern facades of the building (refer to Figure 3.2-1 for the project site plan).

The maximum height of the building would be 92.8 feet above ground surface at the top of the parapet and 103.5 feet at the top of the roof screen (refer to building elevations on Figures 3.2-2 and 3.2-3).

Green Building Measures

The proposed project would be in compliance with the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed



Source: ARC TEC, Inc., 9/22/2016.

PROJECT SITE PLAN

FIGURE 3.2-1



North Elevation



West Elevation

Source: ARC TEC, Inc., 6/9/2016.



South Elevation



East Elevation

Source: ARC TEC, Inc., 6/9/2016.

office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32.

The project would include the following green building design features:

- Project located on a centrally located site with adequate density and transportation connectivity.
- Alternative transportation strategies include bicycle parking/storage and preferred parking for low emitting/fuel efficient vehicles.
- The roof of the project will be designed to mitigate the heat island effect by using reflectivity of building materials.
- The project has a potable water reduction goal of 35 percent minimum through the use of efficient fixtures and fittings.
- The project has a water efficient landscaping reduction goal of 50 percent via irrigation controls and landscape design for plant species.
- The project has an energy savings goal that ranges between 12 to 16 percent. Energy efficiency strategies include site design, a high-performance building envelope, heating, ventilation, and air conditioning (HVAC) systems, energy efficient lighting, and automatized building controls for HVAC systems via a building automation system.
- The waste management plan for the project would divert up to 75 percent of construction waste from landfills.
- The project would source 10 to 20 percent of the building materials from regional providers, which results in less traveled distance for suppliers to the project site.

3.2.1.2 *Site Access, Circulation and Parking*

The proposed development would be accessed via West Julian Street, which connects to the site's internal street. Improvements to the existing internal street would include 55 new surface parking stalls and the extension of the driveway that provides access to the existing parking structure. The proposed surface parking area would have 26-foot wide drive aisles. A fire lane would be located adjacent to the surface parking area. In addition to the proposed new surface parking stalls, the existing four-story parking structure, which provides 1,113 vehicular parking stalls, and 356 existing surface parking stalls would also be available to the future tenants. The project would include improvements to the existing parking structure, including the addition of 13 motorcycle spaces and 48 bicycle spaces.

3.2.1.3 *Landscaping*

The proposed development would have new landscaping, including 35 new trees. Eight existing fern pine trees would remain on the site throughout the duration of the project. Tree species to be planted include crape myrtle, purple leaf plum, cork oak, holly oak, Brisbane box, and hornbeam.

3.2.1.4 *Utilities*

Stormwater runoff from the site would be collected via new six- to 12-inch storm drains and roof downspouts which would be directed to bioretention ponds on the project site. The stormwater directed to the bioretention ponds would be treated then directed to the City's existing storm drains on the River Corporate Center site (refer to Figure 3.2-4 for the stormwater control plan).

The proposed development would have new six-inch sanitary sewer lines which would connect to existing sanitary sewer lines on the site. Water lines would connect to a fire service pump on the northeast corner of the site. A below-grade water tank would be installed as a source of secondary water supply.

Electricity and gas would be provided by Pacific Gas & Electric, and solid waste would be collected by Republic Services.

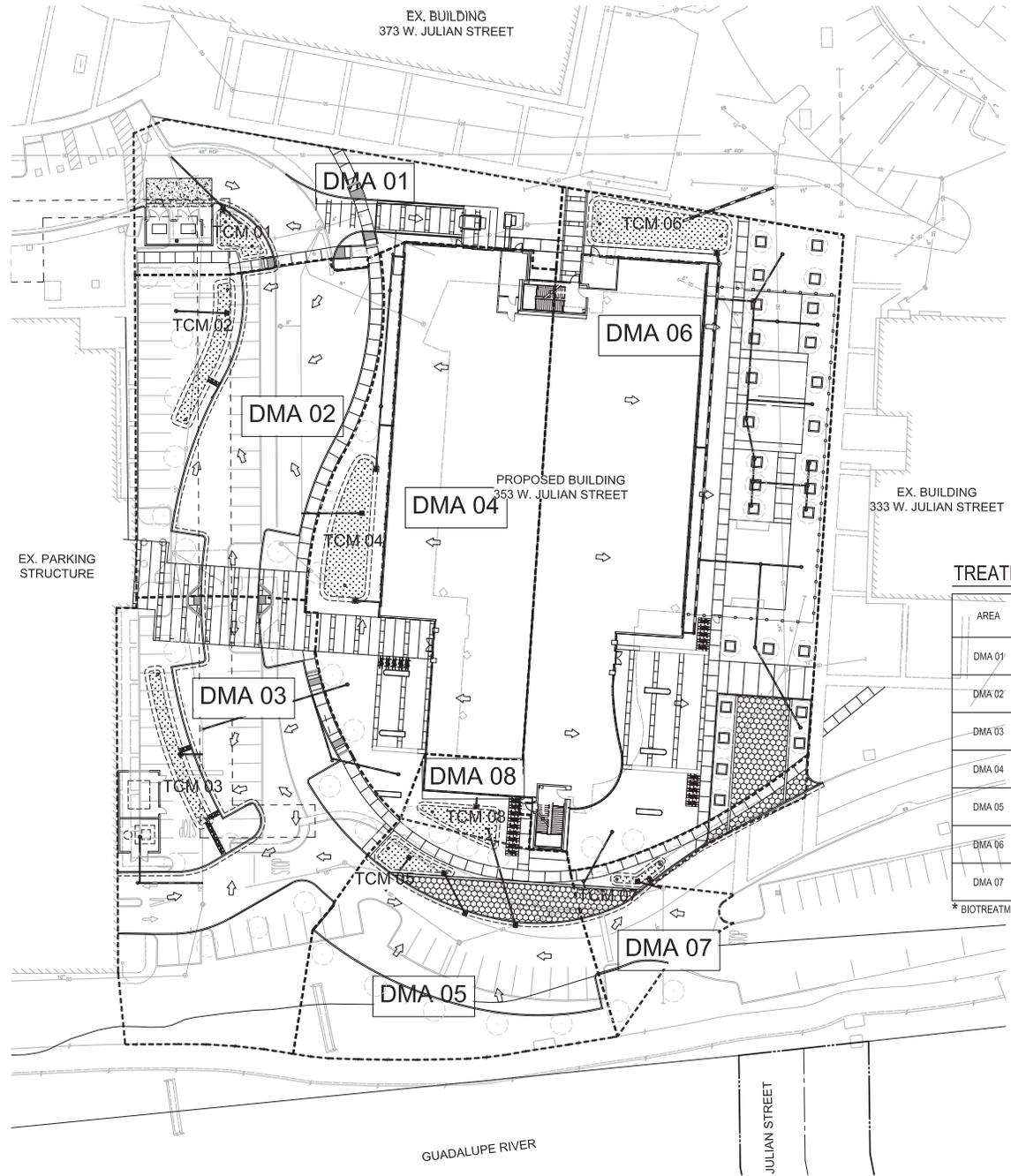
3.2.1.5 *Existing Land Use Designation and Zoning*

The project site is designated *CIC - Combined Industrial/Commercial* under the adopted General Plan and is zoned *IP – Industrial Park*. The General Plan designation allows for office, commercial and industrial developments or a compatible mix of these uses. The General Plan land use designation allows a floor area ratio (FAR) of up to 12.0 (one to 24 stories). The proposed development would be six stories and have a FAR of 0.85. Please refer to Section 4.10, *Land Use* for a discussion of the project's consistency with the General Plan land use designation.

Permitted land uses under the *IP – Industrial Park* zoning include manufacturing, assembly, testing, and office uses. Please refer to Section 4.10, *Land Use* for a discussion of the project's consistency with the zoning designation.

3.2.2 *Demolition and Construction*

The duration of construction for the proposed development would total approximately 16 months. No soil would be exported from the project site.



LEGEND

- BIOTREATMENT AREA
- TREATMENT AREA LIMITS
- DMA DRAINAGE MANAGEMENT AREA
- TCM TREATMENT CONTROL MEASURE

TREATMENT CONTROL SUMMARY TABLE

AREA	TCM #	IMPERVIOUS SURFACE	IMPERVIOUS AREA	TYPE	TREATMENT AREA REQ'D (SF)	TREATMENT AREA PROV'D (SF)
DMA 01	01	DRIVE AISLE SIDEWALK	5,537	BIORETENTION POND	223	267
DMA 02	02	DRIVE AISLE SIDEWALK	10,088	BIORETENTION POND	404	408
DMA 03	03	DRIVE AISLE SIDEWALK	9,278	BIORETENTION POND	371	380
DMA 04	04	ROOF SIDEWALK	18,040	BIORETENTION POND	722	984
DMA 05	05	DRIVE AISLE SIDEWALK	6,025	BIORETENTION POND	241	268
DMA 06	06	ROOF SIDEWALK	24,742	BIORETENTION POND	990	1,029
DMA 07	07	DRIVE AISLE	1,740	BIORETENTION POND	70	94

* BIOTREATMENT SIZING BASED ON UNIFORM INTENSITY METHOD (4% RULE).

Source: ARC TEC, Inc., 9/22/2016.

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370).

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) versus Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss project effects related to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk to future residents or in a high noise environment.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *River Corporate Center Site*

The 353 West Julian Street site (approximately three acres) currently contains a concrete pad, non-native grasses, trees, and surface parking. Trees such as London plane, fern pine, crape myrtle, coast redwood, and pear are located along the perimeter of the buildings in the surface parking lot and

along the perimeter of the project site. Views of the 353 West Julian Street site are shown in Photos 1-2, below.

4.1.1.2 *Surrounding Land Uses*

The 353 West Julian Street site is surrounded by two five-story office buildings to east and south (located at 333 and 373 West Julian Street), one four-story parking structure to the north, and the Guadalupe River and trail to the west on the 12.3-acre River Corporate Center site. Constructed in the early 2000s, the existing facades of the 333 and 373 West Julian Street buildings on the River Corporate Center site are comprised of white concrete, with tinted and reflective glass windows. The buildings are rectangular in shape and have flat roofs. The four-story parking structure is comprised of concrete and contains four levels of covered parking and one level of uncovered roof parking.

An office building to the north, on Bassett Street, is two-stories and is comprised of concrete on the eastern wing and brick on the middle and western wings. The office building, south of the River Corporate Center site, on West Julian Street is three-stories and comprised of stucco and a commercial building and preschool are wood-paneled one-story buildings (south of the River Corporate Center site). The Guadalupe River Trail is a concrete pedestrian/bicycle trail with trees and landscaping on both sides of the trail. Views of the 353 West Julian Street site's surroundings are show in Photos 3-4.

4.1.1.3 *Scenic Views*

The 353 West Julian Street site is flat and provides limited scenic views of the Diablo foothills to the east. Views of the mountains are limited since buildings, trees and infrastructure [e.g., Guadalupe Parkway (State Route 87) elevated structure and utility lines] obscure viewpoints. The project area is developed and no natural scenic resources such as rock outcroppings are present on the site or in the project area. Existing Downtown landmarks (which are a part of the Downtown skyline) such as the historic Bank of America Building, De Anza Hotel, SAP Center, Fairmont Hotel, City Hall and San José State University Campus, are not visible from the project site or its vicinity, due to existing urban development surrounding the area and distance from the landmarks.

The Guadalupe River and trail are adjacent to the project site. Views of the Diablo foothills are limited from the trail due to existing development.

Scenic Corridors

The project site is not located along a state-designated scenic highway. The nearest state-designated highway is State Route (SR) 9, approximately nine miles southwest of the site (at the SR 17 intersection). The project site is not visible from SR 9.

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The General Plan requires new development adjacent to Gateways and designated freeways to consist of



Photo 1: View of the project site (353 West Julian Street), existing 373 Julian Street building, and parking garage looking northeast.



Photo 2: View of the project site and existing 333 West Julian Street building and parking garage looking east.



Photo 3: View of the Guadalupe River Trail from the project site's parking area looking west.



Photo 4: View of two story office building on Bassett Street, to the north.

high-quality architecture and contribute to a positive image of San José. The nearest Gateway to the project site is 0.6 miles south of the site on South Montgomery Street; this Gateway is a segment (which transects Interstate 280) that extends from Coe Avenue to the South Montgomery Street/Autumn Street fork. Due to the flat topography of the project site and surrounding urban development, the project site is not visible from this Gateway.

The City has designated SR 87 from the US 101 interchange to SR 85, and I-280 from the I-880 intersection to Fair Oaks Avenue in Sunnyvale as Urban Throughways. The nearest SR 87 Urban Throughway segment to the project site is 300 feet east of the project site and the I-280 Urban Throughway segment is one mile south of the project site. The project site is visible from the elevated SR 87 freeway.

4.1.1.5 *Applicable Plans, Policies, and Regulations*

State Scenic Highways Program

The California Department of Transportation designates state scenic highways, based upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent that development modifies traveler's enjoyment of the view. The nearest state-designated highway is SR 9, approximately nine miles southwest of the site (at the SR 17 intersection).

City of San José Policies

Commercial Design Guidelines

The Commercial Design Guidelines address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design.

Envision San José 2040 General Plan

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics, as listed in the following table.

General Plan Policies: Aesthetics	
Attractive City	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Downtown Urban Design	
Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy CD-6.10	Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.
Attractive Gateways	
Policy CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.

4.1.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

Downtown Strategy 2000 FEIR and General Plan FPEIR - Aesthetics Conclusions

The Downtown Strategy 2000 FEIR concluded that with the implementation of urban design concepts, strategies, actions and guidelines to preserve and enhance scenic vistas and resources, and visual character and quality of the area listed in the EIR, development under the Downtown Strategy 2000 would not result in a significant impacts to scenic vistas, resources or visual character. Implementation of the urban design concepts and guidelines in the Downtown Strategy 2000 FEIR for development under the Downtown Strategy 2000 would result in a less than significant light and glare impacts. The General Plan FPEIR concluded that with the implementation of 2040 General Plan policies and actions, development in the Downtown area would result in a less than significant aesthetics impact.

4.1.2.1 Impacts to Scenic Views or Resources
(Checklist Questions 1 and 2)

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the

community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan, the General Plan FPEIR, and Downtown Strategy 2000 FEIR.

The 353 West Julian Street site is not located along a state scenic highway and is not a designated rural scenic corridor. Views of the project site are limited to the immediate area. The project site can be seen briefly by passersby on the elevated SR 87 Urban Throughway along the segment approximately 300 feet east of the project site.

The glimpse of the proposed building that would be seen by drivers on the elevated segment of SR-87 would not obstruct larger views of the Santa Cruz Mountains to the west that are in the direct line-of-sight of drivers on this freeway segment. The Guadalupe River and trail are not visible from the SR 87 and, therefore, the proposed project would not block views of the river or trail. Since key Downtown landmarks are to the east of SR 87 Urban Throughway and the proposed development is west of the SR 87, the proposed project would not block views of the Downtown skyline (i.e., Downtown landmarks). Due to the distance, surrounding landscaping and urban development, views from other City-designated Urban Throughways or Gateways would be limited. For these reasons, the proposed project would not substantially block scenic views from Urban Throughways or Gateways.

The proposed development would partially block views of the Diablo hills (to the east) from the adjacent Guadalupe River Trail. Given that the existing 333 and 373 Julian Street buildings and landscaping and the elevated SR 87 structure currently block views of the hills, the proposed development would not substantially block views from the trail.

Trees are considered visual resources in urban environments since they contribute to aesthetic interest and character. Thirty-four non-native trees would be removed from the three-acre project site and eight pine trees would remain and be a part of the proposed development. Based on the Arborist Report completed for the project site (refer to Appendix B), the 34 non-native trees to be removed have structural defects and are not considered to be in good health, or are trees that have recently been planted (i.e., are not mature trees). For these reasons, the on-site trees to be removed are not considered scenic resources. Additionally, approximately 35 trees would be planted in accordance with City policies to offset the aesthetic effects of tree removal.

Development of project site, therefore, would not have an adverse effect on a scenic vista or damage scenic resources within a state scenic highway.

[Same Impact as Approved Project (Less Than Significant Impact)]

4.1.2.2 *Impacts to Visual Character* *(Checklist Question 3)*

The project area is primarily comprised of commercial/office buildings, with varying architectural styles. The project site is located in an area that is not highly visible, except from the elevated SR 87 and the immediately adjacent Guadalupe River pedestrian/bicycle trail. Any new construction on this project site would be visible from SR 87 and the surrounding properties. The proposed

development is located in an urban area and is surrounded by a multitude of architectural styles and building heights.

The proposed building is similar in massing and scale as the existing buildings on the River Corporate Center site. The proposed office building would be six stories with a maximum building height of approximately 103.5 feet at the top of the roof screen. The building would be comprised of white-colored concrete, aluminum framing with tinted glass windows. The proposed development would have a maximum building height of approximately 103.5 feet above ground surface and would be similar in height and character as the existing 333 and 373 West Julian Street buildings. The project would conform with the Strategy 2000 Design Guidelines which includes guidelines for building character (e.g., materials of the highest quality shall be used on exteriors and colors of tall buildings shall be light to medium in value).

The proposed project is similar in character to the existing buildings on the River Corporate Center site and would not degrade the visual character of the project area. The General Plan FPEIR concluded that while new development and redevelopment allowed under the General Plan would alter the appearance of the City, implementation of the adopted policies and existing regulations would avoid substantial degradation of the visual character and quality of the City. As a result, the proposed project would be consistent with the General Plan and would have a less than significant impact on the visual character and quality of the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.3 *Light and Glare Impacts* (Checklist Question 4)

Development on the project site would be visible from SR 87 and surrounding areas. Sources of light and glare include external office lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The General Plan FPEIR concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of the adopted plans and existing regulations would avoid substantial light and glare impacts.

The Guadalupe River is a sensitive bayland resource in the project area that provides wildlife habitat and visual open space. In accordance with the City's Riparian Corridor Policy, City Council Policy 6-34, and General Plan Policies ER-2.1-2.3, the proposed office building would be set back 115 feet from the top of bank, consistent with the 100-foot setback minimum (refer to Section 4.4, *Biological Resources* for further discussion of these policies). To avoid light and glare impacts to the Guadalupe River riparian corridor and in accordance with the Riparian Corridor Policy, the project would not install lighting fixtures in the 100-foot riparian setback area. The project's compliance with the City's building setback guidelines would reduce of nighttime light spillage on the Guadalupe River.

In addition, the project is required to comply with all applicable urban design concepts adopted as part of the Downtown Strategy 2000. The final lighting plans would be reviewed subsequent to approval of the site development permit. As a result, the proposed project would not significantly

impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.3 Conclusion

Implementation of the proposed project would have the same less than significant aesthetic impact as previously identified in the Downtown Strategy 2000 FEIR and General Plan FPEIR. With the implementation of Strategy 2000 Design Guidelines and General Plan Policies, the proposed project would not result in significant impacts to the visual character to the site and its surroundings, scenic resources or vistas, nor would the project create substantial light or glare. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The three-acre 353 West Julian Street site is in an urban area and there are no agricultural or forestry resources surrounding the project site. The project site is zoned *IP – Industrial Park*, which allows for industrial, commercial and office uses.

4.2.1.2 *Agricultural Resources*

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as *Prime Farmland*. The project site is not designated as *Prime Farmland* or other farmland, and is not subject of a Williamson Act contract.¹ The site is designated as *Urban and Built-Up Land*. Common examples of *Urban and Built-Up Land* are industrial, commercial, golf courses, landfills, airports, and other utility uses.²

4.2.1.3 *Forestry Resources*

Forestry and timberland resources were not discussed in the Downtown Strategy 2000 FEIR. Based on Section 12220 (g) of the Public Resources Code, forest land is defined as land that supports 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. None of the trees within the proposed development area are native to the site or project area. Since the site does not support 10 percent native tree cover, the site is not considered a forestry resource.

Based on Section 4526 of the Public Resources Code, timberland is land designated by the State Board of Forestry and Fire Protection as experimental forestland, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site is not designated as timberland and is, therefore, not a timberland resource.

¹ Agricultural lands in California can be protected from development and reserved for agricultural purposes or open-space conservation under the California Land Conservation Act, commonly known as the Williamson Act. “Urban and Built-up Land is defined as land with at least six structures per 10 acres and utilized for residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes.”

² California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014.

4.2.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,6
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,7
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,7
4. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

Downtown Strategy 2000 FEIR - Agricultural and Forest Resources Conclusions

The Downtown Strategy 2000 FEIR disclosed that development under the Downtown Strategy 2000 would not result in a significant impact to agricultural resources. The General Plan FPEIR did not identify the project site or surrounding area as farmland, forestry or timberland resource. Based on the conclusions of the General Plan FPEIR, future development of the project site would not have a significant impact on the project site.

4.2.2.1 ***Agricultural and Forest Resources Impacts***
(Checklist Questions 1-4)

The proposed project would result in construction of a six-story office development. The project would not convert *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands or timberland resources on or adjacent to the project site and, therefore, would not result in the loss of forest lands in San José. For these reasons, the project would not result in a significant impact to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 **Conclusion**

The proposed project would not result in any new or more significant impacts to agricultural, forestry or timberland resources on the project site or project area than addressed in the Downtown Strategy 2000 FEIR and the 2040 General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background Information*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The Bay Area Quality Management District (BAAQMD) is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants, referred to as criteria pollutants, which are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O₃), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). As shown in Table 4.3-1, violations of State and Federal standards at the monitoring station in Downtown San José (the nearest monitoring station to the project site) during the 2013-2015 period (the most recent years for which data is available) include high levels of ozone and PM_{2.5}, PM₁₀.^{3,4}

Table 4.3-1: Number of Ambient Air Quality Standards Violations and Highest Concentrations (2013-2015)				
Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
SAN JOSÉ STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM ₁₀	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
PM _{2.5}	Federal 24-hour	6	2	2

The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level ozone State standards for PM₁₀, and Federal standards for PM_{2.5}. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a

³ PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

⁴ Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <<http://www.baaqmd.gov/about-air-quality/air-quality-summaries>>. Accessed August 18, 2016.

“nonattainment area” for ozone and PM₁₀ under the California Clean Air Act (CAA). The County is either in attainment or unclassified for other pollutants.

4.3.1.2 Toxic Air Contaminants

Another group of substances found in ambient air are Toxic Air Contaminants (TACs) under the California CAA. In California, TACs are caused by industry, agriculture, 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 near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level.

Particulate matter from diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM).

4.3.1.3 Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to exposure to pollutants (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks and places of assembly. The nearest sensitive receptors are single-family residences on West Julian Street, approximately 525 feet southwest of the project site.

4.3.1.4 Envision San José 2040 General Plan

Various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed in the following table.

General Plan Policies: Air Quality	
Air Pollutant Emission Reduction Policies	
Policy 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.
Policy 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.

General Plan Policies: Air Quality	
Action MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.

4.3.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,8
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,8,9
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,10
4. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,9
5. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,9

Downtown Strategy 2000 FEIR and General Plan FPEIR – Air Quality Conclusions

The Downtown Strategy 2000 FEIR identified that build out under the Downtown Strategy 2000 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. Implementation of the

Downtown Strategy 2000 would not conflict with or obstruct implementation of the 2010 CAP (applicable air quality plan).

As disclosed in the Downtown Strategy 2000 FEIR, build out of the Downtown Strategy 2000 would result in a net increase in ROG and NO_x in the San Francisco Bay Area, contributing to existing violations of ozone standards, which is a significant unavoidable cumulative impact. Build out of the Downtown Strategy 2000 would result in a cumulatively considerable contribution to the significant impact to regional air quality, which is also consistent with the conclusions in the General Plan FPEIR.

4.3.2.1 ***Bay Area 2010 Clean Air Plan Consistency***
(Checklist Question 1)

BAAQMD adopted the Bay Area 2010 Clean Air Plan (2010 CAP) in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The consistency of the proposed project with this regional plan is primarily a question of consistency with the population/employment assumptions used in development the 2010 CAP, which were based on ABAG Projections. The project is consistent with the City's General Plan and land use designations. Therefore, the project is consistent with the current growth projections in the 2010 CAP.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-2, below.

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Transportation Control Measures</i>		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	Existing bicycle facilities in the vicinity of the site include the adjacent Guadalupe River Trail. The project would provide 48 bicycle parking spaces and bicycle parking would be consistent with the City's Municipal Code. The project is consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site has been designed to be pedestrian- oriented. Pedestrian access to Downtown San José is provided via the adjacent Guadalupe River Trail. Bus transit service and stops are provided on West Santa Clara Street (bus stops) and Cahill Street (Diridon Transit Station). The project is consistent with this control measures.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The proposed development is adjacent to the Guadalupe River Trail which is designated for pedestrian and bicycle use. The trail connects to West Santa Clara Street, which provides access to transit stops. Due to nearby available services and existing transportation options, the project is consistent with this control measure.
<i>Energy and Climate Measures</i>		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be required to comply with Building Energy Efficiency Standards (Title 24) which would help reduce energy consumption. The proposed project would also be required to comply with the City's Green

Table 4.3-2: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
		Building Ordinance which would increase building efficiency over standard construction. The project proposes to achieve minimum LEED Gold certification. Therefore, the project is consistent with this control measure.
Urban Heat Island Mitigation	Mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project would comply with the City’s Green Building Ordinance which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO ₂ and other air pollutants.	The project would remove an estimated 34 trees and plant an estimated 65 new trees on-site. Conformance to the City’s tree requirements would reduce the urban heat island effect. The project is consistent with this control measure.

The project includes transportation and energy control measures and is consistent with the Clean Air Plan. The project is also consistent with the City’s General Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.2 *Impacts to Regional and Local Air Quality* (Checklist Questions 2 and 3)

The proposed project would result in construction of a six-story, 191,400 square foot office building, which is part of the planned growth included in the Downtown Strategy 2000.

A determination of the project’s potential to result in significant local air pollutant emissions (i.e., carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. Additional vehicle traffic (2,008 daily traffic trips) generated by the proposed project would not exceed the screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project would result in a less than significant local air quality impact.

The BAAQMD *CEQA Air Quality Guidelines* (2011) contains screening thresholds for operation-related impacts for criteria pollutants and their precursors [e.g., nitrogen oxides (NO_x), reactive organic gases (ROG)]. The operational screening threshold for new office buildings is 346,000 square feet for NO_x. The screening criteria provides lead agencies with a conservative indication of whether a project could result in significant air quality impacts by exceeding the emissions thresholds for criteria pollutants and their precursors (e.g., 54 lbs. per day for ROG, NO_x, or PM_{2.5} and 82 lbs. per day of PM₁₀). The size of the proposed development is below the BAAQMD screening threshold and, therefore, the project by itself would result in a less than significant regional air quality impact.

The Downtown Strategy 2000 FEIR concluded that development under the Downtown Strategy 2000 would have a significant unavoidable impact on criteria pollutants. The proposed project is an infill urban development that, due to the site's proximity to various transit modes, would promote non-auto travel for future site occupants due to the site's proximity to various transit modes.

The Downtown Strategy 2000 FEIR identified specific transportation demand management (TDM) measures to help reduce vehicle trip emissions, which are the primary contributor to criteria pollutants. The proposed project includes the following measures consistent with the mitigation identified in the Downtown Strategy 2000 FEIR:

1. Transit Measures:
 - a. Design and locate buildings to facilitate transit access.
2. Bicycle and Pedestrian Measures:
 - a. Provide secure, weather-protected bicycle parking.
 - b. Provide safe, direct access for bicyclists to adjacent bicycle routes.
 - c. Provide showers and lockers for employees bicycling or walking to work.
 - d. Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development.

While the project, by itself, would result in a less than significant regional air quality criteria pollutant impact, the project would contribute to the significant unavoidable impact on regional air quality from the implementation of the Downtown Strategy 2000 identified in the Downtown Strategy 2000 FEIR. A Statement of Overriding Consideration was adopted by City Council on June 21, 2005 which included air quality impacts from development under the Downtown Strategy 2000. Development of the proposed project would not result in a new or more significant air quality impact than previously identified in the Downtown Strategy 2000 FEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.3.2.3 **Construction Impacts to Regional and Local Air Quality** (Checklist Questions 2-4)

Criteria Pollutants (Checklist Questions 2 and 3)

As with operational impacts, BAAQMD developed screening criteria to provide a conservative indication of whether construction activities associated with a project would result in potentially significant criteria pollutant impacts. For construction-related emissions, the screening size is 277,000 square feet for general office buildings. The proposed project would be below the construction screening size for office development. Project construction would, therefore, not result in a cumulatively considerable contribution to regional criteria air pollutants. The General Plan FPEIR concluded that construction emission impacts would be reduced to a less than significant level with implementation of General Plan policies and existing regulations. In addition, these construction emissions would be temporary (full project construction is estimated to be approximately 16 months). Therefore, the project would have a less than significant criteria pollutant emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Dust Generation (Checklist Question 4)

Construction activities on-site would include demolition, grading, and trenching for utilities which may generate dust and other particulate matter. The nearest sensitive receptors to the project site are single-family residences on West Julian Street, located approximately 525 feet southwest of the project site. While the generation of dust and other particulate matter is unlikely to impact nearby sensitive receptors due to distance, consistent with the General Plan FPEIR, the project shall implement the following measures during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions: Consistent with the 2011 BAAQMD CEQA Air Quality Guidelines, GP Policy MS-13.1, and current City requirements, the project shall implement the following standard permit conditions during all phases of construction on the project site, to reduce dustfall emissions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily.
- All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operations.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the standard permit conditions, dust and other particulate matter generated during construction would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Community Risk Impacts – Toxic Air Contaminants (Checklist Questions 2 and 4)

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (DPM), organic TACs from all vehicles, and PM_{2.5}, which is a regulated air pollutant. As mentioned above, there are sensitive receptors located approximately 525 feet southwest of the project site.

Due to the distance between the project site and the nearest sensitive receptors (more than 500 feet) and prevailing wind conditions, TAC emissions associated with construction of the proposed project would not expose nearby sensitive receptors to substantial TAC emissions. In addition, consistent with the General Plan FPEIR, the standard permit conditions noted above would be implemented during construction to reduce TAC emissions. As a result, the proposed project would result in a less than significant community risk impact due to construction activities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.2.4 Odor Impacts (Checklist Question 5)

The project would generate localized emissions of diesel exhaust during equipment operation and truck activity. The odor emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3 Conclusion

Consistent with the Downtown Strategy 2000 FEIR, the implementation of the proposed project would not conflict with an applicable air quality plan (specifically the BAAQMD) 2010 Clean Air Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The proposed project would not result in significant local (carbon monoxide) air quality impacts. The Downtown Strategy FEIR included mitigation measures to minimize regional air quality impacts but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant regional air quality impacts resulting from implementation of the planned development considered in the Downtown Strategy 2000 FEIR. The project proposes to implement the above transit, bicycle and pedestrian measures to minimize regional air quality impacts and would not result in any new or greater impacts than were previously identified in the Downtown Strategy 2000 FEIR or the General Plan FPEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Given the distance of the nearest sensitive receptors to the project site, with the implementation of standard permit conditions, construction emissions would result in a less than significant impact to sensitive receptors. The project would not generate objectionable odors affecting a substantial number of people. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an arborist report prepared by *Arc Tec, Inc.* in June 2016. This report is attached as Appendix A to this Initial Study/Addendum.

4.4.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened, or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA are consistent with and complimentary to various Federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 *City of San José Tree Ordinance*

Ordinance-sized and heritage trees and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade. A tree removal permit is required from the City prior to removal of any trees.

4.4.1.2 *Riparian Corridor Policies*

The City's Riparian Corridor Policy Study was developed to explore in detail issues related to General Plan policies which promote the preservation of riparian corridors, the areas along natural streams, and how these corridors should be treated for consistency with the General Plan. This study identifies each riparian corridor within the City's Urban Service Area and Urban Reserves and defines the term "riparian corridor"; it discusses the importance of the riparian corridors, how they may be at risk and how they should be protected.

Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridor protection in the Council-adopted Santa Clara Valley Habitat Plan/Natural Community Conservation Plan, Zoning Code, and other City policies that provide for riparian protection. Policy 6-34 provides guidance for proposed project design that protects and preserves the City's Riparian Corridors.

4.4.2 Existing Setting

The project site consists of a concrete pad, non-native grasses and non-native trees. The project site is vacant, with the exception of a surface parking area occupied by vehicles of adjacent office tenants. The project site is located in an urbanized area of Downtown San José. Additionally, the Guadalupe River riparian corridor (at the top of bank) is located approximately 30 feet from the existing parking lot located on the project site's westernmost edge. Due to the extensive history of development on the project site, there is no native vegetation on-site.

4.4.2.1 *Special Status Species*

Special status species are plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California; and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, and serpentine grassland habitats are also not present on the project site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

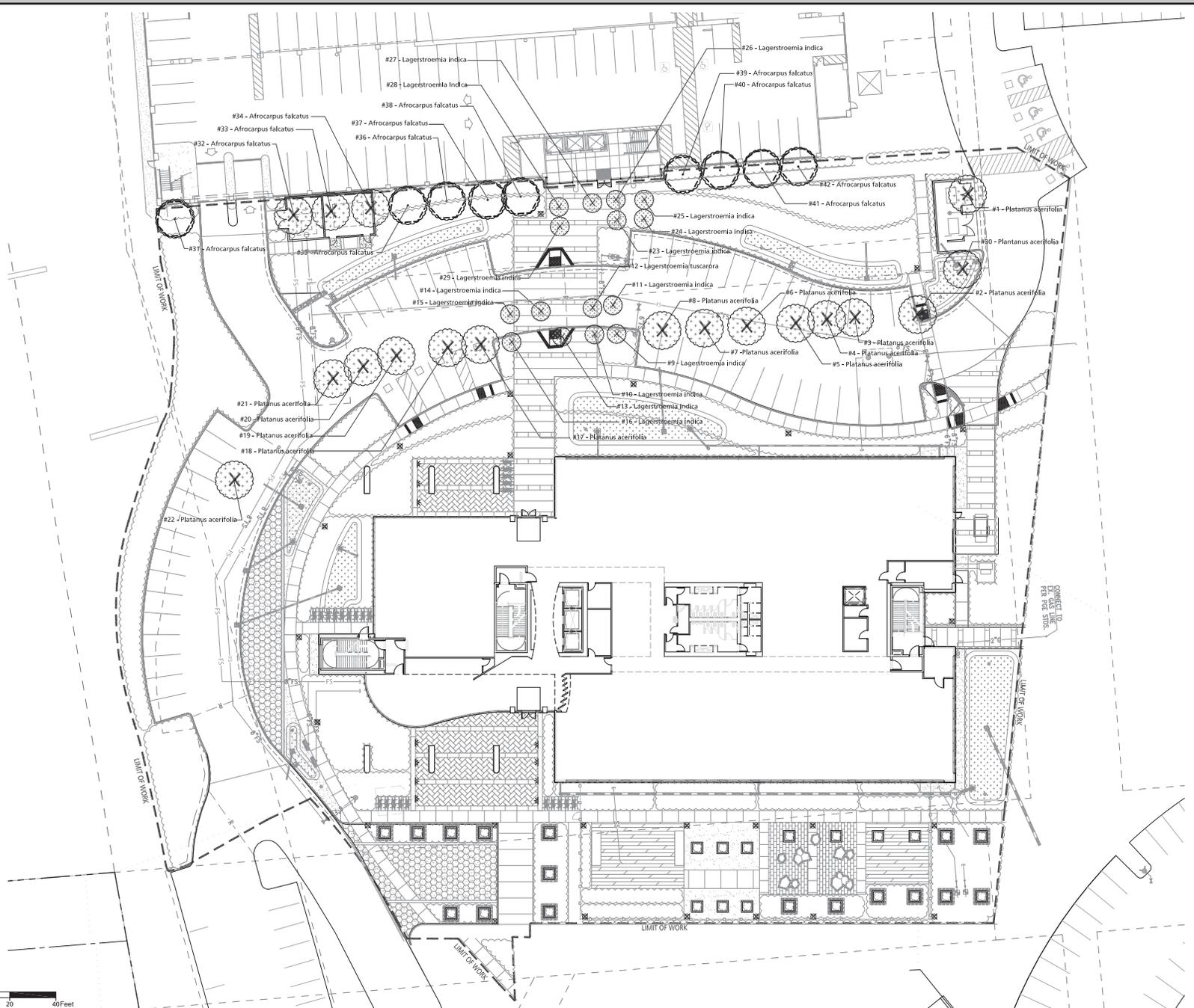
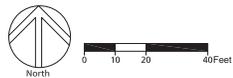
4.4.2.2 *Trees*

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

Trees located on the project site are non-native species in varying sizes. There are a total of 42 trees within the boundaries of the project site. There are also three trees adjacent to the proposed development area that are a part of the River Corporate Center site. Of the 42 trees on site, there are 15 London plane, 15 crape myrtle, and 12 fern pine trees. None of the trees are native species. While a majority of the trees would be removed by the project, eight trees (tree numbers 35-42) would be retained.

The following table lists all trees identified on and adjacent to the project site. The location of the trees is shown on Figure 4.4-1.

Tree Number	Common Name	Circumference	Disposition
1	London plane	31.4	Remove
2	London plane	30.1	Remove
3	London Plane	24.8	Remove
4	London plane	20.7	Remove
5	London plane	13.5	Remove
6	London plane	18.5	Remove
7	London plane	20.1	Remove
8	London plane	19.8	Remove
9	Crape myrtle	16.3	Remove
10	Crape myrtle	17.3	Remove
11	Crape myrtle	32.0	Remove
12	Crape myrtle	19.5	Remove
13	Crape myrtle	26.7	Remove
14	Crape myrtle	15.1	Remove
15	Crape myrtle	20.7	Remove
16	Crape myrtle	22.0	Remove
17	London plane	27.9	Remove
18	London plane	19.5	Remove
19	London plane	23.2	Remove
20	London plane	20.1	Remove
21	London plane	28.9	Remove
22	London plane	33.3	Remove
23	Crape myrtle	20.7	Remove
24	Crape myrtle-	19.8	Remove
25	Crape myrtle	17.3	Remove
26	Crape myrtle	25.7	Remove
27	Crape myrtle	22.9	Remove
28	Crape myrtle	25.1	Remove
29	Crape myrtle	24.2	Remove
30	London plane	31.7	Remove
31	Fern pine	38.3	Remove
32	Fern pine	26.4	Remove
33	Fern pine	27.3	Remove
34	Fern pine	23.2	Remove
35	Fern pine	26.4	Remain
36	Fern pine	30.5	Remain
37	Fern pine	29.2	Remain
38	Fern pine	35.5	Remain
39	Fern pine	25.4	Remain
40	Fern pine	29.8	Remain
41	Fern pine	25.4	Remain
42	Fern pine	22.9	Remain



Source: ARC TEC, Inc., 9/22/2016.

TREE DISPOSITION PLAN

FIGURE 4.4-1

4.4.2.3 *Envision San José 2040 General Plan*

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources, as listed in the following table.

General Plan Policies: Biological Resources	
Riparian Corridor Policies	
Policy ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
Policy ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
Migratory Birds	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Community Forest	
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

4.4.3 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,7, 11

	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"	Checklist Source(s)
Would the project:						
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12

Downtown Strategy 2000 FEIR and General Plan FPEIR – Biological Resources Conclusions

The Downtown Strategy 2000 FEIR concluded that with the implementation of mitigation measures, future development under the Downtown Strategy 2000 would have a less than significant impact on vegetation and wildlife.

Similarly, the General Plan FPEIR concluded that with the implementation of the General Plan policies and actions, development under the General Plan would result in less than significant direct impacts to natural communities and habitats (including impacts in combination with climate change and sea level rise), native fish and wildlife movement, special status plants and animals, and trees in the community forest. The General Plan FPEIR also concluded due to the increase of vehicle trips and nitrogen deposition, implementation of the General Plan would result in significant unavoidable impacts on serpentine habitats.

4.4.3.1 *Vegetation, Habitats, and Wildlife Impacts*
(Checklist Questions 1-4)

The majority of Downtown San José is developed with buildings, pavement, and landscaping. The remaining natural habitats are located within approximately 9,000 linear feet of the Guadalupe River and 3,750 linear feet of Los Gatos Creek that pass through the City.⁵ The Guadalupe River and Los Gatos Creek, and their surrounding riparian corridor provide the majority of significant habitat for vegetation and wildlife in the greater downtown. Native vegetation along Guadalupe River and Los Gatos Creek includes riparian and shaded riverine aquatic cover vegetation.

Future construction along the Guadalupe River and Los Gatos Creek corridors could increase disturbance to vegetation and wildlife; however, the wildlife inhabiting the riparian corridors along the river and creek have been accustomed to high levels of disturbance due to the proximity of urban development. The Downtown Strategy 2000 FEIR concluded that biological resources impacts would result primarily from development along the Guadalupe River and Los Gatos Creek corridors and from the loss of ordinance-sized trees. While the project site is adjacent to the Guadalupe River,

⁵ City of San José. *City of San José Downtown Strategy 2000 Final EIR*.

there are no sensitive or natural habitats on the project site. Additionally, the proposed building would be set back 115 feet from the Guadalupe River's top of bank, in accordance with the City's Riparian Corridor Policy, Council Policy 6-34, and General Plan Policies ER-2.1-2.3 (refer to Figure 4.4-2).

The Council Policy 6-34 requires new parking facilities to be set back 100 feet from a riparian corridor. The existing surface parking lot is approximately 30 feet from the Guadalupe River's riparian corridor. The proposed project would include minor improvements to the existing surface parking lot including concrete resurfacing and painting new parking stalls. Improvements to the surface parking would, therefore, not result in a significant impact to the riparian area.

During and after project construction, the spillover of lighting into the riparian area would be minimized by the use of low-intensity lighting or other appropriate low-dispersion lighting technology; orientating the lighting away from the riparian corridor adjacent to site. Low-intensity lighting, downcast lighting, or other appropriate lighting technology is incorporated into the project design to meet City's Riparian Corridor Policy to reduce potential adverse effects on animals within Guadalupe River and riparian setback area.

For these reason these reasons, the project would not result in significant impacts to natural plant communities or special status or endangered species on or adjacent to the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

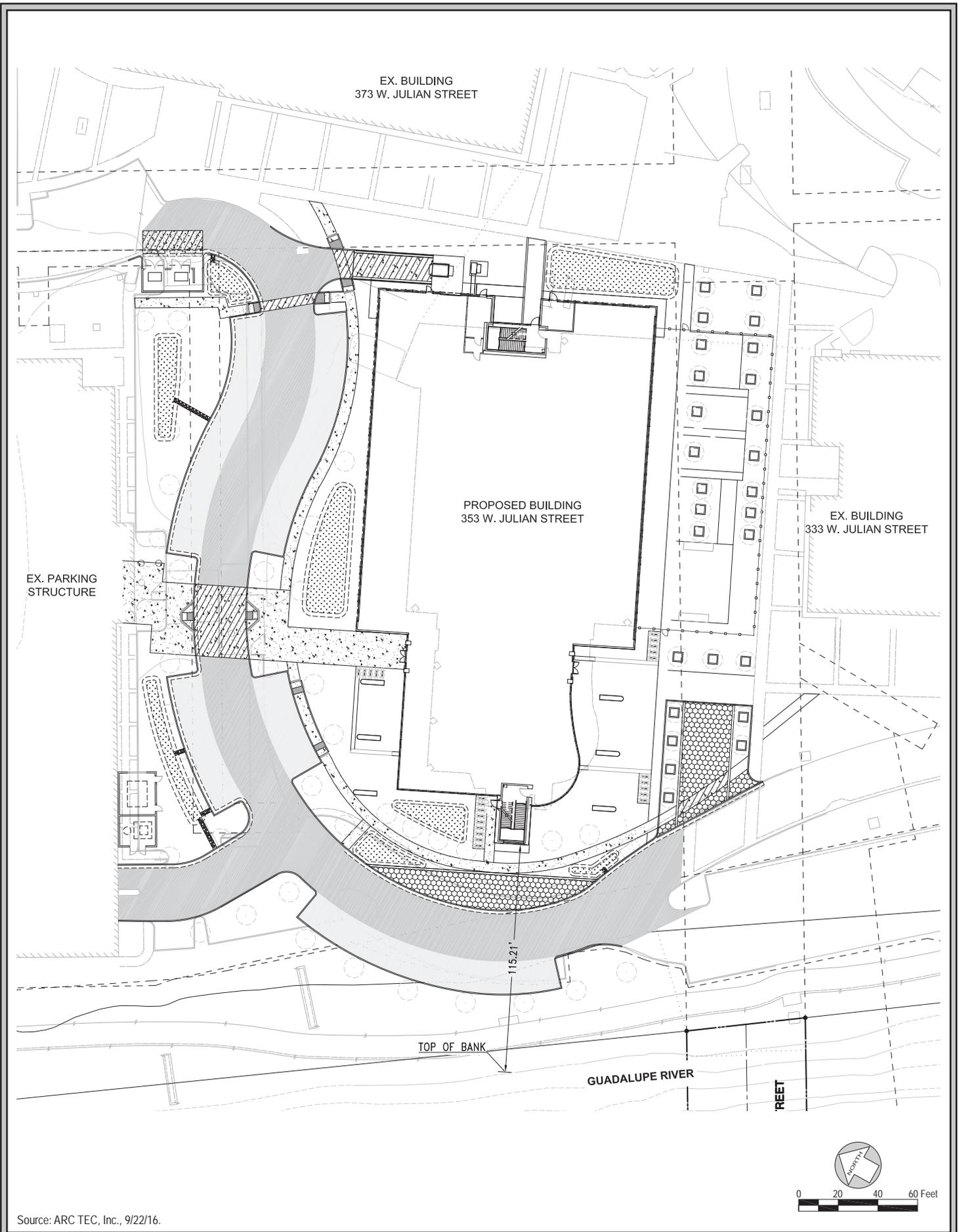
There are no federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on or in the vicinity of the project site. The proposed project would, therefore, not adversely affect special status species, riparian habitat, or wetland habitat.

[Same Impact as Approved Project (Less Than Significant Impact)]

4.4.3.2 *Habitat Conservation Plan* *(Checklist Question 6)*

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (HCP) was adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) in October 2013. The HCP was adopted subsequent to the certification of Downtown Strategy 2000 FEIR and General Plan FPEIR. The project site is within the HCP area. Private development in the plan area is subject to the HCP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;



RIPARIAN CORRIDOR SETBACK

FIGURE 4.4-2

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*;⁶ and
- In Figure 2-5 (of the HCP), the activity is located in an area identified as “Private Development is Covered,” or the activity is equal to or greater than two acres and
 - The project is located in an area identified as “Rural Development Equal to or Greater than 2 Acres is Covered,” or “Urban Development Equal to or Greater than 2 Acres is Covered” or
 - The activity is located in an area identified as “Rural Development is not Covered” but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The project will require discretionary approval by the City and is consistent with activity described in Section 2.3.2 of the HCP. Therefore, the project will be subject to all applicable HCP fees and conditions, and would have no impact on implementation of the HCP.

Nitrogen Deposition Impacts on Serpentine Habitat

All development covered by the HCP is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the HCP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the HCP area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in south Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the HCP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition, which

⁶ Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in “pockets” of unincorporated land inside the cities’ urban growth boundaries).

would offset the significant unavoidable impact to serpentine habitats disclosed in the General Plan FPEIR.

Standard Permit Condition: The project applicant shall pay all applicable fees (including nitrogen deposition fee) and comply with all applicable conditions prior to issuance of a grading permit.

[Same Impact as Approved Project (Less Than Significant Impact)]

4.4.3.3 *Impacts to Raptors and Nesting Birds* (Checklist Questions 1-4)

There are currently 42 trees non-ordinance-sized trees on the project site. While there is higher quality habitat in nearby parks and within the adjacent riparian corridor of the Guadalupe River, the trees on and adjacent to the project site could provide nesting and/or foraging habitats. Migratory birds, such as nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. The CDFW defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Based on the Downtown Strategy 2000 FEIR Mitigation Measure VEG-1c, and in order to avoid impacts to nesting birds protected under CDFG code and the MBTA, pre-construction surveys shall be conducted by a qualified biologist during the nesting season. Mitigation measures to reduce impacts on nesting raptors during construction are described below.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

Mitigation Measures: The following mitigation measures will be implemented during construction to avoid abandonment of raptor and other protected migratory bird nests:

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

MM BIO-1.2: If it is not possible to schedule demolition and construction between September 1st and January 31st, pre-construction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the qualified biologist or ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to

work areas to be disturbed by construction, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction. The project applicant shall submit a report to the City's Environmental Supervising Planner indicating the results of the survey and any designated buffer zones, and is to be completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permits.

With implementation of the identified General Plan policies and mitigation measures, the project's impact to nesting birds and raptors would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.4.3.4 *Impacts to the Urban Forest* (Checklist Question 5)

The urban forest consists of planted landscape trees along residential and commercial streets and in landscaped areas at residences, local parks, in parking lots, and the perimeter of commercial and industrial developments. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. Although the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

There are 42 trees on-site. Development of the project would result in the loss of up to 34 trees. Trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS 21-6

Standard Permit Condition: The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-2 below.

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
56 inches or greater	5:1	4:1	3:1	24-inch box
38-56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gal. container

x:x = tree replacement to tree loss ratio
 Note: Trees greater than or equal to 18-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Supervising Planner, prior to issuance of a development permit:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact the Department of Parks, Recreation & Neighborhood Services (PRNS) Landscape Maintenance Manager for specific park locations in need of trees.
- Donate \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. Thirty-three (33) trees would be replaced at a 1:1 ratio and one tree would be replaced at a 2:1 ratio. The total number of trees required to be planted on-site would be 35. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

The proposed project would be required to meet the requirements as noted above. The General Plan FPEIR concluded that compliance with local laws, policies, or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.1 Conclusion

Implementation of the project would not have a substantial adverse impact on any special status plant or animal species and would not conflict with adopted conservation plans, local policies, and local ordinances. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

The potential loss of raptor nests and/or eggs during construction would be mitigated to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

With the implementation of the above standard permit conditions, the project would have a less than significant impact on trees and would not conflict with the adopted HCP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a cultural resources literature review completed by *Holman & Associates* in August 2016. A copy of the report is available at the Department of Planning, Building and Code Enforcement during regular business hours.

4.5.1 Setting

4.5.1.1 *Prehistoric Period*

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people practiced hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the area in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the Downtown area, particularly near the Guadalupe River. The physical distance between the westernmost edge of the project site and Guadalupe River is approximately 75 feet.

4.5.1.2 *Mission Period*

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area, during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally located north of the project site, near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now Downtown San José. The current intersection of Santa Clara Street and Market Street in Downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is approximately 0.5 miles southeast.

4.5.1.3 *Post-Mission Period to Mid-20th Century*

In the mid-1800s, San José began to be redeveloped as America took over the territory from Mexico, and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. Much of San José, outside of the Downtown area, was undeveloped or used as farm land until after World War II.

From 1911 to 1927, the Anderson-Barngrover Company operated a factory which produced orchard and fruit processing equipment including the continuous pressure cooker and cooler. By 1928, the firm merged with John Bean Spray Pump Company and became the Food Machinery Corporation (FMC), which was considered the largest fruit machinery company in the world at that time. At the start of World War II (1940s), FMC began to primarily produce amphibious and armored vehicles for the military on the project site. After the war, the company created an award winning orange juicer machine. With the decline in fruit production in the Santa Clara Valley, however, FMC transitioned back to production for the defense industry.

Based on a cultural resources assessment completed in 1987, the former buildings were considered historically significant because of the contribution of the company to the food processing industry and more recently in defense technology and space exploration program. By 1999, all buildings at 353 West Julian Street had been demolished, and the project site is currently vacant (with the exception of a surface parking area occupied by vehicles of adjacent office tenants).

4.5.1.4 *Subsurface Resources*

In July 2016, a records search was completed at the Northwest Information Center of the California Historical Resources Information System (CHRIS), an adjunct to Sonoma State University located in Rohnert Park. All records of identified archaeological sites within one-quarter mile, and all other cultural resources and archaeological resources reports within and abutting the project site were reviewed along with selected nearby sites.

Based on the cultural resource records search, within a half mile of the project site, most of the identified cultural resources were architectural, however, eight of these contained Native American components. Isolated burials, discovered as shallow as 35 centimeters below the current surface, were most common, along with a few large villages.

Several isolated burials were encountered along the eastern bank of the Guadalupe River near the project area. Native American village sites have been identified on the flat valley terraces within a half mile of the Guadalupe River. Other archaeological sites were in proximity to springs and wetlands.

In 1975, a cultural resources assessment was completed for the project area as part of the 326-acre Julian-Stockton Redevelopment Project. While no archaeological resources were identified from the archaeological field review, the assessment concluded that any location within 200 yards of Guadalupe River in the Downtown area should be considered archaeologically sensitive for Native American deposits, cultural materials, and burials. Currently, archaeologists consider valley terraces

within one-quarter mile of the Downtown portion of Guadalupe River to be moderately to highly sensitive for archaeological sites, and those within one-quarter to a half mile from the river to be moderately sensitive.

In 1986 and 1987, cultural resource assessments were completed for the project area which summarized previous research, including reports not on file at the CHRIS and those conducted beyond the project site. The studies concluded that the area was considered sensitive for buried deposits. Subsurface testing was recommended prior to any ground-disturbing activities. Additionally, a cultural resources study for the Downtown Strategy 2000 EIR concluded that there was a moderate to high potential for prehistoric archaeological deposits at the project site.

4.5.1.4 *Paleontological Resources*

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The General Plan FPEIR found the project site to have a high sensitivity (at depth) for paleontological resources.

4.5.1.5 *Applicable Plans, Policies, and Regulations*

Native American Burials

California law protects Native American burials, skeletal remains, and associated grave materials and provides for the sensitive treatment and disposition of those remains (Section 7050.5(b) of the California Health and Safety Code). CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner or medical examiner be contacted to assess the remains. If the county coroner or medical examiner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The property owner is required to consult with the appropriate Native Americans identified by the NAHC as a “most likely descendant” to develop an agreement for the treatment and disposition of the remains.

Envision San José 2040 General Plan

Various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources, as listed in the following table.

General Plan Policies: Cultural Resource Impacts	
Archaeology and Paleontology	
Policy 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.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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.
Policy 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.

4.5.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,13
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,13
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
4. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,13

Downtown Strategy 2000 FEIR and General Plan FPEIR - Cultural Resources Conclusions

As described in the Downtown Strategy 2000 FEIR, implementation of mitigation measures would result in a less than significant impact to archaeological and historic resources in the Downtown area. The Downtown Strategy 2000 FEIR does not discuss paleontological resources nor does it conclude that future development under the Downtown area would result in a significant impact to these resources. The General Plan FPEIR concluded that with the implementation of General Plan policies to reduce impacts to archaeological, paleontological and historic resources, future development under the General Plan would result in a less than significant impact to these resources.

4.5.2.1 *Impacts to Historic Structures* *(Checklist Question 1)*

The project site contains no structures. The existing structures adjacent to the project site were constructed in the early 2000s, are less than 50 years old, and do not qualify as historic resources. A building located at 299 Bassett Street, approximately 170 feet north of the project site, was constructed in the 1890s and is listed on the City of San José's Historic Resources Inventory as a Historic Landmark Structure. No pile driving activities or significant vibration would result from project construction (refer to Section 4.12, *Noise*). Construction activities would, therefore, not result in structural damage to the historic building. Implementation of the project would have a less than significant impact on historic structures. [**Same Impact as Approved Project (Less Than Significant Impact)**]

4.5.2.2 *Impacts to Subsurface Cultural Resources* *(Checklist Questions 2-4)*

Prehistoric and Historic Resources

The project site is located approximately 75 feet east of the Guadalupe River, which is considered a moderately to highly sensitivity area for prehistoric and historic resources. Based on the cultural resources literature review completed for the proposed project (in accordance with Mitigation Measure CUL-3b of the Downtown Strategy 2000 FEIR), the project site has a high potential for Native American prehistoric archaeological deposits or cultural materials. Implementation of the proposed project would require excavation of the entire site to approximately five to 10 feet below the ground surface, which may result in the loss of all as yet unknown subsurface historic resources on the project site.

Impact CUL-1: Excavation of the site could result in the loss of unknown subsurface historic resources on the project site. (**Significant Impact**)

Mitigation and Avoidance Measures: The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) of the Guidelines states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, CEQA Guidelines Section 15126.4(b)(3) states that

public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and adopted prior to any excavation being undertaken.

MM CUL-1.1: Consistent with City policy, the project applicant shall be required to complete subsurface testing to determine the extent of possible resources on-site. Subsurface testing shall be completed by a qualified archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist. The treatment plan shall be submitted to the City's Environmental Supervising Planner and completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading permits.

MM CUL-1.2: Implementation of data recovery methods that are identified in the treatment plan, by a qualified archaeologist, shall be required prior to the issuance of demolition and any grading permits.

MM CUL-1.3: All historic-era features identified during the subsurface testing shall be evaluated based on the California Register of Historical Resources criteria consistent with the archaeological treatment plan. After completion of the field work, all artifacts shall be cataloged and the appropriate forms completed and filed with the Northwest Information Center (NWIC) of the California Archaeological Inventory at Sonoma State University.

In addition to the archaeological resources treatment plan outlined above, the project will include the following standard permit conditions.

In addition to the archaeological resources treatment plan outlined above, the following standard permit conditions.

Standard Permit Conditions: Implementation the following standard permit conditions would reduce impacts of the project on subsurface cultural resources:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does

meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendants (MLD), the descendants will make recommendations regarding proper burial (including the treatment of grave goods), which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

The archaeologist will recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery will be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]

4.5.2.3 *Impacts to Paleontological Resources*

The project would not require excavation of more than 10 feet and, therefore, paleontological resources would not likely be encountered at the site. In the unlikely event that paleontological resources are discovered at the project site, the City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources, including the following standard permit conditions for avoiding and reducing construction-related paleontological resources impacts.

Standard Permit Conditions: Implementation of the following standard permit conditions would reduce the impacts of construction on paleontological resources to a less than significant level:

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.

- If vertebrae fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The City will be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources, including the City's standard permit conditions, implementation of the proposed project would have a less than significant paleontological resources impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3 Conclusion

With implementation of the above mitigation measures and standard measures, the project would have a less than significant on archaeological resources and human remains. The proposed project would not result in any new or more significant impacts to archaeological or subsurface cultural resources than addressed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

The proposed development area contains no structures and the project would have a less than significant impact on historic structures. With the implementation of standard permit conditions, the project would have a less than significant impact on paleontological resources. The proposed project would not result in any new or more significant impacts to paleontological or historic resources than addressed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 GEOLOGY AND SOILS

The following discussion is based in part upon a geotechnical investigation report completed by *Cornerstone Earth Group* in May 2016. A copy of this report is provided in Appendix B of this Initial Study/Addendum.

4.6.1 Setting

4.6.1.1 *Geology and Soils*

The majority of the City of San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below the ground surface. The proposed development area is 80 feet above mean sea level (amsl) and is relatively flat. In accordance with Santa Clara County Geologic Hazards Map, the site is not in a landslide hazard zone.

Near surface soils at the project site would primarily be comprised silt loam, silty clay loam and silty clay. Investigations completed in 1998 and 2008 at the site generally encountered very stiff silty clay to depths ranging from 14 to 19 feet, followed by medium dense to dense poorly-graded sands with variable amounts of clay, silt and gravel that were encountered to depths ranging from 24 to 30 feet. The sand layers were underlain by medium stiff to stiff lean clays with variable amounts of silt and sand to depths ranging from 44 to 46 feet. The deeper sand layer was underlain by stiff to hard lean clay layers with variable amounts of silt and sand that were encountered at about 55 feet. Dense poorly-graded sands with variable amounts of clay, silt and gravel were encountered at the maximum depth explored of approximately 90 feet.

Based on plasticity index (PI) test of the project site's surficial soils, soils on-site have a low expansion potential to wetting and drying cycles. Expansive soils are subject to volume changes (shrink or swell) due to variations in moisture content.

4.6.1.2 *Seismicity and Seismic Hazards*

The project site is not located within the Alquist-Priolo Earthquake Fault Zone, the Santa Clara County Fault Hazard Zone, or the City of San José Potential Hazard Zone,⁷ and no active faults have been mapped on the project site. As a result, the risk of fault rupture is low.

The San Francisco Bay Area is a seismically active region. While seismologists cannot predict earthquake events, the U.S. Geological Survey's Working Group on California Earthquake Probabilities 2015 disclosed that earthquakes with a magnitude of approximately 6.7 are expected to occur about once every 6.3 years.

⁷ Santa Clara County. *Santa Clara County Geologic Hazard Zones*, Map 20. February 2002. Available at: <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf>. Accessed August 10, 2016.

Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 4.6-1.

Fault	Distance from Site
Hayward	6.0 miles
Monte Vista-Shannon	7.2 miles
Calaveras	8.8 miles
San Andreas	11.4 miles
Sargent	14.5 miles

4.6.1.3 Liquefaction, Lateral Spreading and Seismic Settlement

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. According to the California Geological Survey, the project area is located within a state-designated liquefaction hazard zone.⁸ Based on a liquefaction analysis completed for the project site, several layers could potentially experience liquefaction during a seismic event, which could result in post-liquefaction total settlement at the ground surface ranging from 0.5 to 1.5 inches.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Areas of San José most prone to lateral spreading include lands adjacent to the Guadalupe River and Coyote Creek. The Guadalupe River is approximately 75 feet from the western edge of the project site.

An underground box culvert constructed as part of the Guadalupe River Park Master Plan and Flood Control Project lies between the Guadalupe River and the project site. The box culvert is below the Guadalupe River Trail and the surface parking area on the western portion of the site. The box culvert is capable of supporting static and seismic activity, and collapse of the box culvert walls is not anticipated. The box culvert is also capable resisting potential lateral displacement of the site's shallower sands.

⁸ California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Map. <<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>>. Accessed August 10, 2016.

Seismic Settlement

Loose unsaturated sandy soils can settle during strong seismic shaking. As the soils encountered above the groundwater level at the project site (16 to 22 below ground surface) were predominantly stiff to very stiff clays and medium dense to dense sands, the potential for significant differential seismic settlement affecting the proposed development area is low. Differential seismic movement could range from 0.5 to 1.0 inch across a horizontal distance of 30 feet.

4.6.1.4 *Envision San José 2040 General Plan*

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

General Plan Policies: Geology, Soils, and Seismic Hazards	
Seismic Hazards	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
Policy EC-3.6	Restrict development in close proximity to water retention levees or dams unless it is demonstrated that such facilities will be stable and remain intact during and following an earthquake.
Geologic and Soil Hazards	
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

General Plan Policies: Geology, Soils, and Seismic Hazards	
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,14
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,14
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,14
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

	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"	Checklist Source(s)
Would the project:						
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,14
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,14
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Geology and Soils Conclusions

As described in the Downtown Strategy 2000 FEIR, development under the Downtown Strategy 2000 could contribute to significant impacts related to subsurface geological conditions. The implementation of mitigation measures for geologic hazards would reduce geologic and soil impacts on the physical environment to a less than significant level. The General Plan FPEIR concluded that with the implementation of General Plan policies (which are consistent with the Downtown Strategy 2000 FEIR mitigation measures related to geology and soils), development would result in less than significant soils, geology and seismicity impacts. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

4.6.2.1 Soils and Geological Impacts

Soils and Geological Impacts
(Checklist Questions 1a-c, 3 and 4)

The project site is located in the seismically active San Francisco Bay Area, where there is a 63 percent probability that an earthquake with a magnitude of 6.7 or greater will occur before 2036.⁹

⁹ U.S. Geological Survey. *Forecasting California’s Earthquakes - What Can We Expect in the Next 30 Years?* USGS Fact Sheet 2008-3027. August 2008.

Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. However, the Downtown Strategy 2000 FEIR disclosed that occupants of new development associated with the Downtown Strategy 2000 Plan would be subject to seismic-related hazards.

As discussed in the certified Downtown Strategy 2000 Final EIR, differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of the undocumented fill and expansive soils are not considered during project design and construction

Standard Permit Conditions: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of applicable City ordinances No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards, such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California"

All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.

4.6.2.2 *Erosion and Landslide Impacts* *(Checklist Question 1d and 2)*

The project site is relatively flat and would not expose adjacent or nearby properties to landslide hazards. Implementation of the project would require ground disturbance due to demolition of the existing concrete pad and surface parking lot, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FPEIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply with all applicable City regulatory programs pertaining to construction-related erosion.

Standard Permit Conditions: Implementation of the City’s following standard permit conditions during construction would reduce erosion impacts to a less than significant level:

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Since the proposed project would comply with the applicable City regulatory programs related to erosion, implementation of the proposed project would have a less than significant erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.2.3 *Soil Capability to Support Wastewater Disposal Systems* (Checklist Question 5)

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the project site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

4.6.2.4 *Project Geology Issues Not Covered Under CEQA – Planning Considerations*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions affecting a proposed project, which are addressed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The City of San José General Plan Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José’s Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

The soils in the project area contain weak soils with moderate to very high expansion potential. The project site has a high susceptibility to liquefaction and very strong ground shaking during an earthquake.

The proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code, which contains the regulations that govern the construction of structures in California. The General Plan FPEIR concluded that adherence to the California Building Code would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FPEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

With the implementation of the above standard permit conditions, the project would not result in significant seismic-related geologic hazards. The proposed project would not result in any new or more significant geologic or soil related impacts than addressed in the Downtown Strategy 2000 FEIR and is consistent with the General Plan FPEIR.

[Same Impact as Approved Project (Less Than Significant Impact)]

The project would not result in significant landslide hazards. With the implementation of the above standard permit conditions, the project would not result in significant erosion hazards. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Sewers are available to dispose wastewater from the project site and, as a result, the project site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (No Impact)]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Regulatory Background

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *State of California*

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California Assembly Bill (AB) 32, the California Global Warming Solutions Act, was signed into law in September 2006. AB 32 requires California to reduce its total GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease from current levels. In September 2007, the Air Resources Board approved a list of Discrete Early Actions to reduce GHG emissions which includes maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities).

State of California Executive Order S-3-05

Prior to adoption of AB 32, Governor Arnold Schwarzenegger signed Executive Order S-3-05, which established GHG emission reduction targets, created the Climate Action Team and directed the Secretary of the California Environmental Protection Agency (CalEPA) to coordinate with other state agencies to meet the emission reduction targets. The Executive Order S-03-05 requires statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, builds on AB 32 by requiring California Air Resources Board (CARB) to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. Metropolitan planning organizations (for the Bay Area, the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments) would be required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan for that region. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

4.7.1.2 Regional and Local Plans

2010 Bay Area Clean Plan

The Bay Area 2010 Clean Air Plan (2010 CAP) provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The *Bay Area 2010 Clean Air Plan* (2010 CAP) addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing GHG emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is determined by its consistency with the CAP.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.¹⁰ The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

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

¹⁰ The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The Envision San José 2040 General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for “qualified plans” as set forth by BAAQMD.

The GHG Reduction Strategy was approved by the City Council in December 2015. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FPEIR and a 2015 Supplement to the General Plan FPEIR. The City’s projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals, however, and the City adopted overriding considerations for identified future impacts associated with buildout of the City’s General Plan.

Additionally, various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG, as listed in the following table:

General Plan Policies: Greenhouse Gas Emissions	
Built Environmental and Energy	
Policy MS-1.1	Continue to demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City’s Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

General Plan Policies: Greenhouse Gas Emissions	
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Pedestrian, Bicycle Connections, and Transportation Measures	
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy 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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.7.2 Setting

4.7.2.1 *Existing On-Site GHG Emissions*

The project site contains a concrete pad, trees and a surface parking lot (occupied by vehicles of adjacent office tenants). GHG emissions are generated by minimal vehicle traffic trips affiliated with the adjacent buildings, to and from the project site.

4.7.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3

Downtown Strategy 2000 FEIR, General Plan FPEIR, and General Plan Supplemental EIR Greenhouse Gas Emissions Conclusions

The Downtown Strategy 2000 FEIR does not include a discussion of GHG emissions impacts. The General Plan EIR concluded that the City’s contribution to greenhouse gas emissions and climate change for the 2035 timeframe would be cumulatively considerable and result in a significant unavoidable greenhouse gas emissions impact. The Supplemental General Plan EIR, however, disclosed that projects under the General Plan that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020.

4.7.3.1 Greenhouse Gas Emissions Impact Assessment
(Checklist Questions 1 and 2)

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The proposed project was evaluated for consistency with the City’s GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City’s discretion.

Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction

Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Consistency with the San José Greenhouse Gas Reduction Strategy

The City of San José General Plan contains goals and policies adopted for the purpose of reducing GHG emissions. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects at the discretion of the City. The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
 - Solar Site Orientation
 - Site Design
 - Architectural Design
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with Zoning Ordinance
 - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable.
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable.
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable.
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan land use designation for the site. New structures would be constructed in compliance with the San José Green Building Ordinance (Policy

6-32) and the CALGreen. The proposed office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32. The number of bicycle parking spaces provided by the proposed project (48 bicycle stalls total) meets the City's requirements. Given the proximity to transit and the inclusion of green building measures and bicycle parking, the project would be consistent with the mandatory Criteria 1-3 described above.

Criteria 4, 5, and 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, and the project does not propose vehicle-serving uses. The project proposes a TDM plan and meets City standards and Criteria 6. The proposed TDM plan includes the following measures:

- Bicycle parking would be provided per the City's zoning ordinance.
- Preferential parking with charging facilities for electric or alternatively-fueled vehicles would be provided on-site.
- On-site showers and lockers would be provided.

The proposed project is consistent with the mandatory GHG Reduction Strategy goals and policies intended to reduce GHG emissions.

[(Same Impact as Approved Project (Less Than Significant Impact))]

4.7.3.2 ***Construction Emissions*** *(Checklist Questions 1 and 2)*

The proposed office development would result in temporary increases in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **[(Same Impact as Approved Project (Less Than Significant Impact))]**

4.7.4 **Conclusion**

The proposed development would result in less than significant operational GHG emissions, and would not result in any new or more significant impacts than disclosed in the General Plan FPEIR and Supplemental Program EIR for the General Plan. The proposed project would be consistent with applicable GHG plans, policies and regulations.

[(Same as Approved Project (Less Than Significant Impact))]

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared for the project by *EBI Consulting* in August 2016. A copy of the report is attached in Appendix C of this document.

4.8.1 Setting

The three-acre project site contains a concrete pad, non-native grasses, trees, a section of a private road, and surface parking.

Groundwater depth encountered on-site ranges from approximately 16 to 22 feet below ground surface. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the project area flows in a northwest direction.

4.8.1.1 *Historical Site Uses*

The project site was previously used for industrial purposes including the manufacturing of agricultural machinery, food processing equipment, and military tracked vehicles from the early 1900s to 1986. Below is a summary of the historical uses of the project site.

Period	Site Use
1905-1927	The project site was occupied by Anderson-Barngrover to manufacture agricultural machinery and food processing equipment. The site was also occupied by a warehouse and wine distillery.
1928-1986	Anderson-Barngrover merged with John Bean Spray Pump Company and became FMC Corporation. The site was occupied by FMC to manufacture agricultural machinery, food processing equipment and military tracked vehicles.
1986-1997	The site was leased for warehousing and storage.
1986-1998	FMC and developers completed environmental assessments and removal of FMC buildings.
1998 – 2000	Sobrato Development Company bought the property with the deed restrictions. On-site buildings were demolished.
2000 - Present	The existing concrete foundation was constructed; no structure was developed. The site is currently unoccupied (with the exception of surface parking).

On-Site Sources of Contamination

Based on a records search and review of environmental databases managed by federal and state agencies, the project site has been listed as an environmental concern on a number of these databases.¹¹ Databases that the project site is listed on are shown in Table 4.8-2.

Table 4.8-2: On-Site Sources of Contamination		
Hazardous Materials of Issue	Database Listings	Regulatory Status
Impacted soil and groundwater underlying the site.	Federal SEMS – Archive Sites	Environmental Conditions Discovered: 1980 Conditions Assessed: 1986 and 1988 Status: No Further Remedial Action Planned
	RCRA Hazardous Waste Generators	Large Quantity Generator Discovered: 1980 and 1990 Small Quantity Generator Discovered: 1996 Status: No Violations Reported
	DTSC’s Envirostor and Deed	Hazardous substance release site was reported to the RWQCB in 1991. The site is actively monitored by the RWQCB. Deed restrictions are in place for soil and groundwater at the site. The contaminants of concern are VOCs and motor oil.
	SLIC	Status: Open – Eligible for Closure
Notes: SEMS – Superfund Enterprise Management System RCRA – Resource Conservation and Recovery Act DTSC - Department of Toxic Substances Control RWQCB – San Francisco Bay Regional Water Quality Control Board SLIC – RWQCB’s Spills, Leaks, Investigations, and Cleanup VOCs - Volatile Organic Compounds		

Previous Sampling and Investigations

FMC (and predecessor) manufacturing operations occurred on the project site from 1905 to 1986. FMC initiated environmental investigations at the site in 1986. Metals (copper and lead), volatile organic compounds (VOCs) and petroleum hydrocarbons were found in soil in 1986. Chlorinated VOC contamination was discovered in shallow groundwater beneath the southern half of the site. Cleanup goals were set based on DTSC’s standards for lead, the U.S. Environmental Protection Agency Region IX Preliminary Remediation Goals (PRGs) for copper, and protective levels

¹¹ The project site (353 West Julian Street) is identified on environmental databases as 333 West Julian Street, since operations at the project site have been associated with this address. Manufacturing operations occurred at the project site and the 333 West Julian site.

developed for FMC's property at 333 West Brokaw Road, Santa Clara, for total petroleum hydrocarbons (TPH). Total VOCs in soils were remediated to below regulatory cleanup goals. Further investigations included the installation of groundwater monitoring wells that detected VOC constituents in shallow groundwater beneath the site. Quarterly groundwater monitoring at the site began in 1989. Between 1991 and 1994, the contaminated soil was removed from the site.

In 1998, a land use deed restriction was initiated at the project site. The deed restricts the site to commercial/industrial uses; restricts any groundwater use from beneath the site; requires preparation of health and safety plans prior to any activities involving exposure to contamination in soil or groundwater; requires that contaminated soil above cleanup levels be covered, properly treated, or disposed of, if encountered in redevelopment activities; and requires operation and maintenance monitoring reports to be submitted to RWQCB.

Based on the recommendations in a natural attenuation evaluation (completed in 2000), which considered methods of remediating the residual VOCs present in groundwater, injection of electron donor material in groundwater monitoring wells was completed in July 2001 and May 2003. The purpose of this remedial action was to enhance biodegradation of VOCs in groundwater, and ultimately reduce the concentrations of VOCs to below regulatory screening levels.

In September 2009, EBI Consulting completed a Phase I Environmental Site Assessment for the 12.3-acre River Corporate Center site. Based upon the site's open regulatory status, the identified release on the SLIC database was considered a recognized environmental condition to the project site. EBI recommended that the site owner continue to allow FMC and their contractors site access to complete groundwater monitoring, assessments and other remedial actions until the open SLIC case received closure through the RWQCB. The time frame to achieve closure was not known since the contaminant levels remained elevated.

Groundwater monitoring was completed in August 2015 in accordance with the 2001 RWQCB Final Site Cleanup Requirements and included sampling of groundwater monitoring wells on the River Corporate Center site. The monitoring report confirmed that semi-annual groundwater sampling had occurred from 2001 through 2014, and found that in general, groundwater quality data collected during this 2015 event were consistent with historical data trends, which indicated that concentrations of the contaminants of concern (COC) in groundwater beneath the site were generally stabilizing or decreasing over time.

The site's groundwater is actively being monitored by the RWQCB. FMC is responsible for the continued monitoring and reporting and any remedial activities required in accordance with RWQCB's Final Site Cleanup Requirements.

Vapor Mitigation

EBI completed a vapor migration screening survey of the 12.3-acre River Corporate Center site which disclosed that VOC impacted groundwater wells are present southeast and upgradient of the project site. To further evaluate the potential exposure from the concentrations of the COC identified in groundwater samples, site-specific risks were modeled by considering the highest concentration of

each COC as an exposure point. The modeling results indicated that there is a potential for a vapor intrusion risk at the site based on the highest vinyl chloride concentration detected in groundwater in the nearest wells located adjacent to (and 100 feet southeast of) the project site. The cancer risk under both residential and commercial land use scenarios exceeded the DTSC one case per million lifetime cancer risk threshold. Based on the results of the risk analysis, vapor intrusion is a possible concern for the site. In addition, comparison of 2014 and 2015 groundwater monitoring results at the site indicate that although contamination levels are generally consistent, some fluctuations continue to occur and can result in vapor migration concerns. For these reasons, potential vapor intrusion risk at the site is considered a recognized environmental condition.

4.8.1.2 *Surrounding Land Uses*

The project site is surrounded by surface parking and a parking structure to the north, office buildings to the east and south, and the Guadalupe River and trail to the west. The nearest school is a pre-kindergarten and kindergarten school, approximately 700 feet south of the site at 350 West Julian Street. From the early 1900s to 1986, the surrounding area was occupied by FMC manufacturing facilities for agricultural equipment, food processing equipment, and military tracked vehicles, until 1986. By 2000, the existing 333 and 373 West Julian Street office buildings and parking garage surrounded the site.

Off-Site Sources of Contamination

Groundwater flows generally northwest. The potential for off-site contamination sources to impact soil, soil vapor, or groundwater beneath the project site was determined by evaluating the type of spill incidents reported in the site's vicinity, the location of where the off-site incidents occurred in relation to the site, and the assumed groundwater flow direction beneath the off-site facilities. Over one hundred sites within one mile of the project site were identified on regulatory databases; however, these sites do not represent an environmental concern based on their distance from the project site, case closed status, and/or crossgradient location from the project site.

4.8.1.3 *Other Hazards*

Airports

Norman Y. Mineta San José International Airport (SJIA) is located approximately 1.2 miles north of the project site. Based on the Airport Comprehensive Land Use Plan, a portion of the project site is located within the Airport Influence Area (AIA). The project is not located in the vicinity of a private airstrip.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" 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 aircrafts in flight. Under Federal Aviation Regulations FAR Part 77, the Federal Aviation Administration (FAA) must be notified of certain proposed structures within an extended zone defined by a set of imaginary surfaces radiating out 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 also identified as being within the *Outer Safety Zone* for the SJIA, which has a maximum population density and open space requirements.

Wildland Fire Hazards

The project site is located in an urban area and is not subjected to wildland fires.¹²

4.8.1.4 *Envision San José 2040 General Plan Policies*

General Plan Policies: Hazards and Hazardous Materials	
Environmental Contamination	
Policy 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.
Policy 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.
Policy 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.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.

¹² California Department of Forestry and Fire Protection. *Santa Clara County FHSZ Map*. November 6, 2007. Available at: http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php. Accessed August 31, 2016.

General Plan Policies: Hazards and Hazardous Materials	
Action 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 in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Safe Airport	
Policy 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.
Policy TR-14.3	For development in the vicinity of airports, take into consideration the 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.
Policy TR-14.4	Require aviation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Community Health, Safety, and Wellness	
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.8.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,15
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,15
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,15
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,15
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

	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"	Checklist Source(s)
Would the project:						
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Hazards and Hazardous Materials Conclusions

The Downtown Strategy 2000 FEIR concluded that redevelopment under the Downtown Strategy 2000 could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. The FEIR concluded that with the implementation of FEIR’s mitigation measures, which are consistent with General Plan policies, redevelopment under the Downtown Strategy 2000 would result in a less than significant hazardous materials impact on construction workers, the public and the environment. Following implementation of Downtown Strategy 2000, the project would not result in the routine transport, use, or disposal of significant quantities of hazardous materials. Development under the Downtown Strategy 2000 would not interfere with an emergency response plan, and would not expose people to wildland fire hazards.

4.8.2.1 *Impacts of On-Site Contamination Sources*
(Checklist Questions 2-4)

The project site formerly contained manufacturing facilities for agricultural equipment, food processing equipment and military tracked vehicles from the early 1900s until 1986. As disclosed in the Downtown Strategy 2000 FEIR, the site is currently listed on regulatory environmental databases as a hazardous materials site due to chemical releases in the soil and groundwater from former operations at the site. Between 1991 and 1994, contaminated soils were removed from the site and were remediated to meet regulatory clean up goals. Groundwater monitoring is currently on-going at the project site, and would continue to be monitored in accordance with the RWQCB’s site cleanup requirements, until the case is considered closed. Based on a vapor migration screening survey, it is possible for vapor intrusion to occur in the proposed development due to fluctuations of groundwater contamination levels beneath the site.

Impact HAZ-1: Groundwater contamination at the project site could result in vapor intrusion and significantly impact future office tenants at the site.

Mitigation Measures: Implementation of the following mitigation measures would reduce the impacts of vapor intrusion on future office tenants to a less than significant level.

MM HAZ-1.1: A vapor mitigation system protective of potential fluctuating groundwater contamination levels shall be installed at the site. The vapor mitigation system shall be integrated into the proposed building foundation and shall be impervious to volatile organic compounds. The mitigation system shall be approved by the Regional Water Quality Control Board and documentation confirming the system installation shall be submitted to the City's Department of Planning, Building and Code Enforcement prior to installation. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

As disclosed in the Downtown Strategy 2000 FEIR, soil and groundwater contamination at the site could expose construction workers to elevated levels of hazardous materials which could result in significant health risks. Groundwater would not likely be encountered at the site since the excavation depth would not extend beyond 10 feet below ground surface (in comparison to encountered the groundwater depth range of 16 to 22 feet below ground surface at the site). In the unlikely event that contaminated soil or groundwater is encountered at the site, the following mitigation measures would be implemented during construction.

Impact HAZ-2: Construction workers could be exposed to elevated levels of contaminants of concern in soil or groundwater, which could be hazardous to construction workers. **(Significant Impact)**

Mitigation Measures: Consistent with the Downtown Strategy 2000 FEIR, implementation of the following mitigation measures would reduce hazards and hazardous materials impacts during construction to a less than significant level.

MM HAZ-2.1: A Site Management Plan (SMP) shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of lead-contaminated soils. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- Procedures for transporting and disposing the waste material generated during removal activities, if such transport and disposal is necessary
- Procedures for stockpiling soil on-site, if such stockpiling is necessary
- Provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities

- Provisions for confirmation soil sampling as appropriate to obtain a “No Further Action” letter (or equivalent) from the state and/or local agency assuming oversight for the site
- Procedures to ensure that fill and cap materials are verified as clean truck routes
- Staging and loading procedures and record keeping requirements

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City’s Department of Planning, Building and Code Enforcement, and Environmental Services Department prior to issuance of any grading permit.

MM HAZ-2.2:

All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. Each Health and Safety plan shall be implemented under the direction of a Site Safety and Health Officer. The Health and Safety Plan shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved HSP shall be provided to the City’s Department of Planning, Building and Code Enforcement, and Environmental Services Department prior to issuance of a grading permit.

[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]

The Downtown Strategy FEIR concluded that new development and redevelopment allowed under the Downtown Strategy 2000 could occur in areas with soil or groundwater contamination; however, implementation of the above mitigation measures and General Plan policies would substantially reduce hazards to the people and/or the environment. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.8.2.2 ***Impacts from Releases from Construction and Operations at the Site***
(Checklist Questions 1 and 3)

The proposed office development would routinely use limited amounts of cleaning materials and would not generate substantial hazardous emissions or accidental chemical releases from hazardous materials use, storage, or transport. As applicable, current regulations and programs for regulated hazardous materials use would reduce impacts to a less than significant level.

The implementation of mitigation measures MM HAZ-2.1 and MM HAZ-2.2 during construction would ensure that contaminated soils are properly stored, and transported for disposal, to avoid chemical releases into the environment.

The nearest school is a pre-kindergarten and kindergarten school, the Sabatino Memorial Family Resource Center, located at 350 West Julian Street, approximately 700 feet south of the site. With the implementation of standard permit conditions for dust control measures to reduce emissions during construction (Section, 4.3, *Air Quality*), the project's construction emissions would not have a significant effect on local schools.

4.8.2.3 ***Aircraft Flight Impacts***
(Checklist Question 5)

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 reflective surfaces, flashing lights, electronic interference and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

At the project site, any proposed structure higher than approximately 45 feet above ground must be filed with the FAA for airspace safety review pursuant to FAR Part 77. The applicant has complied with this requirement and received a Determination of No Hazard to Air Navigation in August 2016 for each high point of the proposed building, including the 103.5-foot top of roof screen. The project is required to file a notice with the FAA after construction of the project is completed.

The project site is also identified as being within the *Outer Safety Zone* of the SJIA, according to the Santa Clara County Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport (SJIA).¹³ The *Outer Safety Zone* does not restrict land use, but has maximum population density and open space requirements. For non-residential land use, the maximum population density is 300 people per acre, including parking and open area and one-half of the adjacent street area. The open space requirement is 20 percent of the gross area. Assuming an employee density of four employees per 1,000 square feet, the proposed 191,400 square-foot office building on the three acre site would have a population density of approximately 255 people per acre. The proposed building footprint also meets the open space requirement, including the open area

¹³ Santa Clara County Land Use Commission. *Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport*. May 2011.

surrounding the building. Lastly, the project is part of the larger River Corporate Center development that was approved in 1998 and the overall property filed an aviation easement with the City at that time. For these reasons, the project is consistent with the requirements of the CLUP.

The project site is located within the San José Airport Influence Area (AIA) which is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations. The project will be required to follow all applicable General Plan policies, regulations, and procedures outlined in the CLUP for the SJIA. Conformance with applicable policies and regulations substantially reduce aviation hazards to people and property. The project would not, therefore, result in a substantial safety hazard for people residing or working at the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.2.4 *Aircraft Flight Impacts – Private Airstrip*
(Checklist Question 6)

The project site is not located within the vicinity of a private airstrip. The project would not, therefore, result in a substantial private airstrip aircraft safety hazard for people residing or working at the project site. **[Less Impact Than Approved Project (No Impact)]**

4.8.2.5 *Implementation of Safety Plans*
(Checklist Question 7)

The development of the proposed project would not impair or interfere with the implementation of the City’s Emergency Operations Plan or any statewide emergency response or evacuation plans. **[Less Impact Than Approved Project (No Impact)]**

4.8.2.6 *Wildland Fire Hazards*
(Checklist Question 8)

The proposed project is located in a highly urbanized area that is not subject to wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Less Impact Than Approved Project (No Impact)]**

4.8.2.7 *Existing Hazardous Materials Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-7.1 requires the evaluation of a project site’s historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. Additionally, Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for the health of future

users and provide as part of the environmental review process. As such a Phase I ESA was prepared for the project site.

The potential for off-site contamination sources to impact soil, soil vapor, or groundwater beneath the project site was determined by evaluating the type of spill incidents reported in the site's vicinity, the location of where the off-site incidents occurred in relation to the site, and the assumed groundwater flow direction beneath the off-site facilities. None of these sites identified on regulatory databases represent an environmental concern, based on their distance from the project site, case closed status, and/or crossgradient location from the project site.

4.8.3 Conclusion

With the implementation of the above mitigation measures, hazardous substances/materials from the project site would not result in a significant impact to the public, future residents, or construction and maintenance workers. The proposed project would not result in any new or more significant hazards or hazardous materials impacts than addressed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

The project would not result in a significant aircraft hazard. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would not impact any adopted emergency response/evacuation plans and is not subject to wildfire hazards. The project is not within the vicinity of a private airstrip. **[Less Impact Than Approved Project (No Impact)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Flooding*

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map FM06085C0234H), the project site is located in Flood Zone X.¹⁴ Zone X (shaded) is designated as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods.

4.9.1.2 *Dam Failure*

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is within the Lexington and Anderson dam failure inundation hazard zones.^{15, 16}

4.9.1.3 *Seiches, Tsunamis, and Mudflows*

There are no landlocked bodies of water near the project site that will affect the site in the event of seiche. There are no bodies of water (i.e., the Pacific Ocean and the San Francisco Bay) near the project site that will affect the site in the event of a tsunami. The project area is flat and there are no mountains in proximity that will affect the site in the event of a mudflow.

4.9.1.4 *Storm Drainage System*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into the Guadalupe River. The Guadalupe River carries stormwater into San Francisco Bay. While the project site is adjacent to the Guadalupe River, there is no overland stormwater flow from the project site to the river.

Currently, the project site is developed and 53 percent of the site is pervious. There are existing storm drain lines in the on-site private street that serve the site.

¹⁴ Federal Emergency Management Agency. <<http://msc.fema.gov/portal>>. Accessed August 18, 2016. Zone X (shaded on map) is described as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods.

¹⁵ Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps*. 2009.

<<http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx>>. Accessed August 18, 2016.

¹⁶ Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps*. 2009.

<http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx> Accessed April 29, 2016.

4.9.1.5 *Water Quality*

As stated above, stormwater from the project site drains into the Guadalupe River. The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA),¹⁷ the Guadalupe River is currently listed on the California 303(d)¹⁸ list and the Total Maximum Daily Load (TMDL) high priority schedule for mercury.¹⁹ A TMDL for mercury was established in 2010.

Nonpoint Source Pollution Program

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations, under Section 402 of the Clean Water Act, include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES Construction General Permit (CGP) for the State of California. For any projects that disturb one or more acres of land, the project applicant is required to submit a Notice of Intent (NOI) to the State Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP addresses appropriate measures for reducing construction and post-construction impacts.

All development projects, whether subject to the CGP or not, shall comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

¹⁷ United States Environmental Protection Agency. *California 303(d) Listed Waters*. http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012 Accessed April 28, 2016.

¹⁸ The Clean Water Act, Section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

¹⁹ A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). The permit requires all members, including the City of San José, to implement programs that reduce urban runoff pollution and promote public awareness. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet of impervious surface are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) techniques.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Federal Environmental Protection Agency develop NPDES application requirements for storm water runoff.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

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

The City of San José's Policy No. 8-14 implements the hydromodification control requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects in subwatershed areas less than 65 percent impervious that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.²⁰

4.9.1.6 *Groundwater*

The depth to groundwater is approximately 16 to 22 feet below ground surface and groundwater flow is generally to the northwest. Fluctuations in ground water levels occur due to many factors including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors.

4.9.1.7 *Envision San José 2040 General Plan*

Various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality, as listed in the following table.

General Plan Policies: Hydrology and Water Quality	
Flooding and Stormwater Runoff	
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Action EC-5.18	Maintain City storm drainage infrastructure in a manner that reduces flood hazards. As the storm drainage system is extended or modified, provide capacity to adequately convey the 10-year storm event.
Stormwater	
Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

²⁰ Santa Clara Valley Urban Runoff Pollution Prevention Program. http://www.scvurppp-w2k.com/hmp_maps.htm
Accessed April 12, 2016.

General Plan Policies: Hydrology and Water Quality	
Groundwater	
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
Water Conservation and Quality	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
General Provision of Infrastructure	
Policy IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.

4.9.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,14

	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"	Checklist Source(s)
Would the project:						
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
6. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
10. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Hydrology and Water Quality Conclusions

The Downtown Strategy 2000 FEIR concluded that with the implementation of best management practices, General Plan policies and mitigation measures consistent with these policies, development under the Downtown Strategy 2000 would result in less than significant hydrology and water quality impacts. Similarly, the General Plan FPEIR concluded that implementation of the proposed General Plan in accordance with General Plan policies and actions would result in less than significant hydrology and water quality impacts.

4.9.2.1 *Water Quality Impacts* *(Checklist Questions 1 and 6)*

Construction Impacts

Implementation of the proposed project would involve demolition, excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the Guadalupe River, which flows into the San Francisco Bay. Because the project would disturb more than the one acre of land, the project would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities. In addition, the following measures (based on RWQCB recommendations) have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Construction Measures: Implementation of the following measures would reduce the construction impacts on water quality:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the proposed project would have a less than significant impact on water quality. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Currently, 47 percent of the project site is comprised of impervious surfaces. The proposed project would increase impervious surfaces by 14 percent (17,715 square feet). The project would add or replace more than 10,000 square feet of impervious surfaces. Therefore, the project will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit. In order to meet these requirements, the project proposes to include bioretention ponds on-site. Stormwater runoff would drain into the treatment area, pond, and allow for infiltration, meanwhile runoff that exceeds the capacity of the treatment system would enter the storm drainage system. The on-site treatment facilities would be numerically sized and required, as a condition of project approval, to have sufficient capacity to treat runoff entering the storm drainage system, consistent with the NPDES requirements.

The General Plan FPEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB, and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project and any future development under the proposed General Plan amendment would have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.2 Groundwater Impacts (Checklist Question 2)

The conversion of existing pervious surfaces to impervious surfaces may decrease groundwater infiltration into an underlying groundwater basin. The project site is not, however, a designated recharge area. With implementation of the project, the area of impervious surfaces on the project site would increase by 14 percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge, nor would it otherwise affect the operation of the percolation or recharge facilities. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply.

[Same Impact as Approved Project (Less Than Significant Impact)]

Construction of the proposed office development would include soil excavation to depths ranging from five to 10 feet below ground surface. Groundwater depth encountered on-site ranges from

approximately 16 to 22 feet below ground surface. Based on this data, the proposed development is not anticipated to interfere with the shallow groundwater aquifer (i.e., block its natural flow direction). The project would not interfere with overall groundwater flow (i.e., it would not preclude the shallow groundwater from flowing in a northwest direction) or impact the deeper groundwater aquifers.

Standard Permit Conditions: In the unlikely event that groundwater is encountered during construction, the following standard permit conditions will be implemented as part of the project, in accordance with City policies:

- **Construction Period.** As the project is regulated by the statewide Construction General Permit, it will be subject to the requirements of that permit related to construction-period pumped groundwater discharges.
- **Post-Construction.** Any pumped uncontaminated groundwater of less than 10,000 gallons/day shall be discharged to a landscaped area or stormwater treatment feature that is properly designed to accommodate the volume of pumped groundwater, or discharged to the sanitary sewer. Discharge to the sanitary sewer will require review by the City's Environmental Services Engineering section during the Building Permit stage and is subject to all wastewater permitting requirements and fees. In the event it is not feasible to pump groundwater to stormwater treatment features or the sanitary sewer, groundwater may be discharged to the storm sewer system if testing determines that the discharge is uncontaminated, as outlined in the City's Stormwater Permit - Provision C.15.b.i(2)(c)-(e). Pre-discharge sampling data collected for verification that the pumped groundwater is not contaminated shall be provided to the City of San José.

Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. Upon approval of the permit, a copy shall be provided to the City of San José with the Building Permit application submittal. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.3 *Drainage Pattern Impacts* (Checklist Question 3)

The proposed project would not substantially alter the existing drainage pattern of the project site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.4 *Storm Drainage Impacts* (Checklist Questions 4 and 5)

Table 4.9-1, below, provides a breakdown of the pervious and impervious surfaces on the project site under both existing and project conditions.

Table 4.9-1: Pervious and Impervious Surfaces On-Site						
Site Surface	Existing/ Pre-Construction (sf)	Percentage	Project/Post-Construction (sf)	Percentage	Difference (sf)	Percentage
Impervious						
Building Footprint and Hardscape	56,031	47	73,746	61	+17,715	+14
Pervious						
Pavement and Landscaping	63,907	53	46,192	39	-17,715	-14
Total	119,938	100	119,938	100		

Under existing conditions, the site is 47 percent pervious. Under project conditions, the site would be 61 percent pervious, which would result in a net increase in stormwater runoff.

The Downtown Strategy 2000 FEIR concluded that with the proposed changes in land use, full build-out of the Downtown Strategy 2000 plan would result in an overall net decrease in impermeable surfaces. Furthermore, the General Plan FPEIR concluded that although new development and redevelopment allowed under the General Plan may result in an increase in impervious surfaces, implementation of applicable City policies and existing regulations would substantially reduce drainage hazards. As a result, implementation of the proposed project would have a less than significant impact on the existing storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.5 *Flooding Impacts* (Checklist Questions 4 and 7-9)

The proposed project would result in construction of a six-story office development, and would not place housing within a 100-year flood hazard zone or redirect flood flows. The project site is located in Flood Zone X; areas determined to be outside the one percent annual chance floodplains. Implementation of the proposed project would not redirect flood flows or expose people or structures to significant flood hazards. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project site is located within the Lexington and Anderson dam failure inundation hazard zones. The physical distance between the project site and Lexington Dam is approximately 11 miles. The physical distance between the project site and Anderson Dam is approximately 17 miles. The SCVWD maintains and inspects the dams at the reservoirs and provides an annual report of the

reservoir's condition. As a result, the probability of a dam failure is low. The General Plan FPEIR concluded that new development and redevelopment under the General Plan could result in placement of new development in Special Flood Hazard Areas and dam failure inundation zones, and implementation of the City's policies and regulations would substantially reduce flooding hazards. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.2.6 *Seiches, Tsunamis, and Mudflows*
(Checklist Question 10)

Due to the location of the project site, the project would not be subject to inundation by seiche, tsunami, or mudflow. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3 **Conclusion**

With implementation of General Plan policies and standard permit conditions, development of the project site would not expose people or structures to a significant risk of loss, injury or death involving flooding. Impacts related to construction-related and long-term drainage or water quality and groundwater quality would also be less than significant. Implementation of the proposed project would have a less than significant hydrology impact.

[Same Impact as Approved Project (Less Than Significant Impact)]

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The River Corporate Center site is comprised of two office buildings at 333 and 373 West Julian Street, a parking garage and the project site at 353 West Julian Street.

The project site is currently vacant (with the exception of a surface parking area occupied by vehicles of adjacent office tenants) and comprised of a concrete pad, non-native grasses, a portion of a two-way private road, sidewalk and surface parking area.

4.10.1.2 *Surrounding Land Uses*

The River Corporate Center site is surrounded by Bassett Street and Union Pacific Railroad Tracks (UPRR) tracks to the north, State Route 87 to the east, West Julian Street to the South, and the Guadalupe River Trail to the west.

The three-acre project site is surrounded by the Guadalupe River Trail to the west, a parking garage and office building (on Bassett Street) to the north, and the 333 and 373 West Julian Street office buildings to the east and south, respectively.

4.10.1.3 *Existing Land Use Designation and Zoning*

The project site is designated *CIC - Combined Industrial/Commercial* under the adopted General Plan and is zoned *IP – Industrial Park*. The General Plan designation allows for office, commercial and industrial developments or a compatible mix of these uses. The General Plan land use designation also allows a floor area ratio (FAR) of up to 12.0 (one to 24 stories).

Permitted land uses under the *IP – Industrial Park* zoning include manufacturing, assembly, testing, and office uses.

4.10.1.4 *Envision San José 2040 General Plan*

The General Plan includes numerous policies and actions aimed at avoiding or mitigating an environmental effect, as listed in the applicable sections of this Initial Study/Addendum. Relevant policies adopted for the purpose of avoiding or mitigating land use impacts are summarized in the following table.

General Plan Policies: Land Use	
Compatibility Policies	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-4.5	For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.
Policy 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).

4.10.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,7
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12

Downtown Strategy 2000 FEIR and General Plan FPEIR - Land Use Conclusions

The Downtown Strategy 2000 FEIR concluded that development under the Downtown Strategy 2000 would not result in significant land use conflicts, nor would it significantly impact established communities with the implementation of the Downtown Strategy 2000 guidelines policies, consistent with General Plan policies. These conclusions are consistent with the conclusions in the General Plan FPEIR.

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning (Checklist Question 2)

As mentioned above, the project site is designated *CIC - Combined Industrial/Commercial* under the adopted General Plan and is zoned *IP – Industrial Park*. The *CIC - Combined Industrial/Commercial* designation allows for office developments with building heights of up to 24 stories and an FAR of up to 12.0. The proposed development would be six stories in height and have an FAR of 0.85.

Implementation of proposed project would develop a currently underutilized site with office development within the Downtown area, which is consistent with the Downtown Strategy 2000 and General Plan goals. The project would comply with Santa Clara County Land Use Commission’s Comprehensive Land Use Plan for Norman Y. Mineta San José International Airport safety, height

and noise regulations and Federal Aviation Administration (FAA) noticing requirements (refer to Sections 4.8, *Hazards and Hazardous Materials* and 4.12, *Noise*). As a result, the project would not conflict with any applicable land use plans, policies or regulations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.2 *Impacts to Established Communities*
(Checklist Question 1)

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is an office project located in the Downtown core. This area is characterized by office buildings, restaurants, small commercial establishments, and both low-rise and high-rise buildings. Based on the analysis prepared for the Downtown Strategy 2000 FEIR, the proposed project would not conflict with the adjacent and nearby land uses, because it is a compatible land use and would not physically divide an established community. **[Same Impact as Approved Project (No Impact)]**

4.10.2.3 *Other Land Use Impacts*
(Checklist Question 3)

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. Please see *Section 4.4, Biological Resources* for a complete discussion. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.3 Conclusion

Implementation of the project would not physically divide an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would not conflict with a land use plan, policy, or regulation. Implementation of the project would not result in new or more significant land use impacts than disclosed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

4.11.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

Downtown Strategy 2000 FEIR and General Plan FPEIR - Mineral Resources Conclusions

The Downtown Strategy 2000 FEIR and General Plan FPEIR concluded that future development of the Downtown area would not result in the loss of availability of a known mineral resource. As a result, development of the Downtown area would have no impact on mineral resources.

4.11.2.1 ***Impacts to Mineral Resources***
(Checklist Questions 1 and 2)

The physical distance between the project site and the Communications Hill area is approximately 3.5 miles. Implementation of the project would not result in impacts to known mineral resources.

Same Impact as Approved Project (No Impact)]

4.11.3 **Conclusion**

Given the project site's distance from known mineral resources within the City, the project would not result in a significant impact to mineral resources.

[Same Impact as Approved Project (No Impact)]

4.12 NOISE

4.12.1 Setting

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

4.12.1.1 *Construction Noise*

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

4.12.1.2 *Vibration*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the

maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

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

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

Structural damage can be classified as cosmetic, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.12.1.2 *Applicable Noise Standards and Policies*

General Plan

The General Plan includes noise compatibility guidelines for various land uses. These guidelines are provided in Table 4.12-1 below.

Table 4.12-1: Land Use Compatibility Guidelines for Community Noise in San José (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 ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required. 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:  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 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project.

General Plan Policies: Noise and Vibration	
Policy EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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:</p> <ul style="list-style-type: none"> • 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.
Policy EC-1.7	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
Policy EC-2.3	<p>Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize potential for cosmetic damage at buildings of normal conventional construction.</p>

Municipal Code – Construction Standards

According to San José Municipal Code Title 20 (Zoning Ordinance), construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.1.3 Existing Noise Conditions

Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87. Based on the General Plan FPEIR, the existing ambient noise levels at the project site are 65 to 70 dBA DNL. The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.2 miles. The project is within the airport's area of influence noise contours (65 CNEL). The nearest sensitive receptors are located approximately 525 feet southwest of the project site.

4.12.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16

	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"	Checklist Source(s)
Would the project result in:						
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16

Downtown Strategy 2000 FEIR and General Plan FPEIR – Noise Conclusions

The Downtown Strategy 2000 FEIR concluded that with the implementation of mitigation measures, which are consistent with General Plan policies and standard permit conditions, development under the Downtown Strategy 2000 would result in a less than significant noise impact.

The General Plan FPEIR concluded that development under the General Plan would result in significant and unavoidable traffic noise impacts to noise sensitive areas (e.g., residences, hotels) along roadways throughout the City where acceptable mitigation cannot be accommodated.

4.12.2.1 Noise Thresholds

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three 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 project, a noise level increase of five dBA DNL or greater is considered significant.

4.12.2.2 Noise Impacts from the Project
(Checklist Questions 1-4)

Project Generated Traffic Noise Impacts
(Checklist Questions 1 and 3)

An increase of three dBA is considered substantial in noise sensitive areas along roadways. Vehicular traffic on roadways in the City are anticipated to increase as development occurs and the population increases; however, the proposed project would have to double the existing traffic volume in the area to substantially increase noise levels (by three dBA or more). The proposed project would result in 2,008 daily traffic trips (refer to Section 4.16, *Transportation*). Although the increase in

traffic would result in an overall increase in traffic noise, these volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise

(Checklist Questions 1 and 3)

The proposed project would include various mechanical equipment necessary for the operation of the office building, such as air conditioners, exhaust fans, and elevator equipment. In addition, truck deliveries for the proposed ground floor would generate noise. Given that there are no residences adjacent to the site, the project's operational noise would not have a significant impact on any residences. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Noise Impacts

(Checklist Questions 1 and 4)

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. It is estimated the project would take approximately 16 months to construct. The nearest noise-sensitive receptors are residences, 525 feet southwest of the project site. The construction of the proposed project would involve demolition of the existing pad and pavement, site preparation, grading and excavation, trenching, building erection, and paving.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site. Consistent with the Municipal Code and in accordance with the General Plan FPEIR, particularly Policy EC-1.7, the proposed project would be required to implement the following measures as standard permit conditions during all phases of construction on the project site:

Standard Permit Conditions: Consistent with the, General Plan Policy EC-1.7 and Municipal Code, the project proposes to implement the following standard measure to reduce construction-related noise impacts to a less than significant level:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, hotels, and other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Consider the use of "acoustical blankets" for receptors located within 100 feet of the site during pile driving activities.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the identified standard permit conditions, the project would have a less than significant impact on the temporary increase in ambient noise levels in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundborne Vibration Impact *(Checklist Questions 1 and 2)*

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may also generate substantial vibration in the immediate site vicinity. Construction of the office building is not anticipated to be a source of substantial vibration, and construction vibration would not be substantial for the majority of the construction schedule.

The nearest sensitive historic building to the project site is at 299 Bassett Street, approximately 170 feet north of the project site. The nearest conventionally constructed building is located within 30 feet of the project site. According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction and a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to the historic building. With implementation of General Plan Policy EC-2.3, the

project would have a less than significant construction vibration impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.2.3 *Airport Noise*
(Checklist Questions 5 and 6)

The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.2 miles. According to the City's projected noise contours for the Airport, the project site will be exposed to aircraft noise levels of 65-70 dB CNEL. Consistent with the policies of the San Jose General Plan and the ALUC's Comprehensive Land Use Plan for the Airport, the proposed commercial development is considered a compatible land use within such an aircraft noise exposure area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.2.4 *Existing Noise Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. noise) affecting a proposed project, which are addressed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Based on the General Plan noise and land use compatibility guidelines, commercial/office development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL.

As mentioned above, noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87. Existing ambient noise levels at the project site are 65 to 70 dBA DNL. Future noise levels are estimated to increase to 75 dBA DNL.

The California Green Building Code requires that commercial building be constructed to provide an interior noise environment of 50 dBA in occupied areas during any hour of operation. A typical commercial building envelope provides at least a 30 dBA reduction in traffic noise. With exterior noise levels up to 75 dBA DNL, the interior noise levels would be 45 dBA with standard construction techniques. As a result, interior noise levels would comply with Green Building Code standards.

4.12.3 **Conclusion**

Implementation of standard permit conditions by the proposed project would reduce temporary construction noise and vibration impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The City of San José population living in households was estimated to be approximately 1,028,415 with a total of 319,490 occupied housing units in January 2016.²¹ The average number of persons per household in San José was estimated at 3.2. The City has approximately 415,000 jobs and 468,100 employed residents.²² Based on the City's General Plan, the projected population in 2035 would be 1.3 million persons occupying 429,350 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. By 2035, San José could have 1.3 jobs per employed resident, which is a substantial change beyond the existing 0.9 ratio.

San José currently has a higher number of employed residents than jobs, but this trend is projected to reverse with full build-out under the current General Plan.

4.13.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

²¹ California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2016 with 2010 Census Benchmark*. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed August 4, 2016.

²² Association of Bay Area Governments. *Plan Bay Area Projections 2013*. December 2013.

Downtown Strategy 2000 FEIR and General Plan FPEIR – Population and Housing Conclusions

The Downtown Strategy 2000 FEIR concluded that the implementation of the Downtown Strategy 2000 would not result in a significant impact to population, employment and housing. The General Plan FPEIR concluded that buildout of the General Plan would reverse the City's current jobs/housing imbalance and result in a jobs/employed resident ratio of 1.3, causing a demand for housing outside of the City.

4.13.2.1 *Impacts to Population Growth* *(Checklist Question 1)*

The proposed project would result in construction of a six-story, 191,400 square foot office building which would accommodate approximately 770 employees. Development of the proposed project would result in an increase in jobs citywide. The Downtown Strategy 2000 FEIR estimated a development of up to 11 million square feet of office space and 45,000 new employees. The proposed office development is consistent with the General Plan land use designation for the site, and would not induce growth beyond anticipated in the Downtown Strategy 2000 Plan and General Plan projections. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.2.2 *Population Growth and People/Housing Displacement* *(Checklist Questions 2 and 3)*

No existing residences or structures are on the project site. For this reason, the project would not result in the displacement of people or existing housing, or necessitate the construction of housing elsewhere. **[Less Impact Than Approved Project (No Impact)]**

4.13.3 Conclusion

The proposed project would not induce substantial population growth and would not result in any new or more significant impacts to population growth than discussed in the Downtown Strategy 2000 FEIR or General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The proposed project would not displace people or housing necessitating the construction of replacement housing elsewhere. **[Less Impact Than Approved Project (No Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Protection Services*

Fire protection services for the project are provided by the SJFD. Fire stations are located throughout the City to provide adequate response times to calls for service. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (nonemergency) calls.

The closest station to the project site is Station No. 1, located at 225 North Market Street. The physical distance between the project site and Station No. 1 is approximately 0.5 miles.

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The physical distance between police headquarters and the project site is approximately 1.25 miles.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (nonemergency) calls.

4.14.1.3 *Schools*

The City of San José includes 22 public school districts that currently operate approximately 220 public schools. The project site is located within the San José Unified School District (SJUSD). SJUSD has 27 elementary schools, six middle schools, and nine high schools in operation.

4.14.1.4 *Parks*

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José own approximately 180 neighborhood-serving parks and nine regional parks.

The General Plan objective for neighborhood/community serving parkland is 3.5 acres of land per 1,000 population. A minimum of 1.5 acres of City-owned parkland and up to two acres of recreational school grounds would be located within a reasonable walking distance. The General Plan estimated a population of 1.3 million by 2035 which would increase the demand for park and recreational facilities and create a parkland deficit of 2,187 acres (including regional and local park lands).

The closest park and recreational facilities to the project site are the Guadalupe River Trail, immediately adjacent and west of the site, and Guadalupe River Park on West Julian Street, approximately 570 feet south of the proposed development area.

4.14.1.5 Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the Downtown area are served by the Dr. Martin Luther King Jr. Library (the main library). The Dr. Martin Luther King Jr. Library is located at 150 East San Fernando Street, approximately 0.8 miles southeast of the proposed development area.

4.14.1.6 Envision San José 2040 General Plan

Various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

General Plan Policies: Public Facilities and Services	
Community, Health, Safety and Wellness	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Law Enforcement and Fire Protection	
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: <ul style="list-style-type: none"> a. 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. b. 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. c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. d. Measure service delivery to identify the degree to which services are meeting the needs of San José’s community.

General Plan Policies: Public Facilities and Services	
	e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy 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.
Policy 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.
Parks, Trails, Open Space, and Recreation	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-3.2	Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a one-third mile radius of all San José residents by either acquiring lands within one-third mile or providing safe connections to existing recreation facilities outside of the one-third mile radius. This is consistent with the United Nation’s Urban Environmental Accords, as adopted by the City for recreation open space.

4.14.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:						
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Public Services Conclusions

While implementation of the Downtown Strategy 2000 would incrementally increase the demand for public services, the Downtown Strategy 2000 FEIR and General Plan FPEIR concludes that compliance with General Plan and applicable regulations related to reducing impacts on police and fire services, parks and recreation, schools, and libraries would result in a less than significant impact on public services.

4.14.2.1 Impacts to Public Services
(Checklist Question 1)

Fire Protection Services

The proposed office development would place more people on-site during regular business hours than exist currently and, as a result, would increase demand for fire response and related emergency services. The project is consistent with the planned growth in the General Plan and construction of new fire stations, other than those already planned, would not be required to provide service to the site.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FPEIR to avoid unsafe building conditions and promote public safety. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Police Protection Services

The proposed project would place more people on-site during regular business hours than exist currently, but would not permanently increase the resident population because no housing is proposed as part of the project. The project is consistent with the planned growth in the General Plan and new facilities or expansion of existing facilities would not be required to provide adequate police services to serve the proposed project beyond that assumed in the General Plan FPEIR. The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FPEIR to avoid unsafe building conditions and promote public safety. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Schools

The project proposes to construct an office development and does not include new residences. No new students would be generated by implementation of the proposed project. The proposed project would, therefore, have no impact on school facilities or capacities in the City. **[Less Significant Impact Than Approved Project (No Impact)]**

Parks

The proposed project would result in construction of a six-story office building. An increase in workers in the City would not result in a substantial increase in usage of parks and recreational facilities. Although future employees may use City parks, trails or other recreational facilities, future weekday employees would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. The proposed project would not increase the usage of existing parks and recreation facilities such that the construction of new or expanded recreational facilities would be required. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Libraries

The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. The proposed project would construct a new office building and would not include any residential uses. The proposed project would, therefore, have minimal impact on library facilities in the City of San José. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

The proposed project would contribute to increased demand for fire and police protection services, libraries, school, parkland, and recreational facilities in San José, but planned growth is not anticipated to result in the need for construction of facilities in excess of those currently planned, and would not result in significant impacts on the physical environment resulting from increased demand for public facilities or services, which is consistent with the discussion in the Downtown Strategy 2000 FEIR and General Plan FPEIR.

[Same Impact as Approved Project (Less than Significant Impact)]

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 187 neighborhood parks (including skate parks), 51 neighborhood community centers, nine regional parks, and over 57 miles of urban trails. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. The closest park and recreational facilities to the project site are the Guadalupe River Trail, immediately adjacent and west of the site, and Guadalupe River Park on West Julian Street, approximately 570 feet south of the proposed development area.

4.15.1.2 *Envision San José 2040 General Plan*

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

General Plan Policies: Parkland and Recreational Facilities	
Parks, Trails, Open Space, and Recreation	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

4.15.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Parks and Recreation Conclusions

The Downtown Strategy 2000 FEIR and General Plan FPEIR concluded that with the implementation of General Plan policies, the future development of the Downtown area would result in a less than significant impact on recreational facilities.

4.15.2.1 Impacts to Recreational Facilities
(Checklist Questions 1 and 2)

The proposed project would result in construction of a six-story office building. An increase in workers in the City would not result in a substantial increase in usage of recreational facilities. Although future employees may use City parks, trails or other recreational facilities, future weekday employees would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. The proposed project would not increase the usage of existing parks and recreation facilities such that the construction of new or expanded recreational facilities would be required. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15.3 Conclusion

The proposed project would not result in new or more significant impacts to recreation than disclosed in the certified Downtown Strategy 2000 EIR and General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16 TRANSPORTATION

The following analysis is based in part on a traffic operations study completed by *Hexagon Transportation Consultants* in August 2016. A copy of the report is provided in Appendix D.

4.16.1 Setting

4.16.1.1 *Roadway Network*

Regional access to the project site is provided via State Route (SR) 87 as described below:

- SR 87 is primarily a six-lane freeway [four mixed-flow lanes and two high-occupancy vehicle (HOV) lanes] that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the site to and from SR 87 is provided via a full interchange at Julian Street/St. James Street.

Local access to the project site is provided by West Julian Street, West St. James Street, and Bassett Street.

- West Julian Street is an east-west arterial that serves as the southern boundary of the 12.3-acre River Corporate Center site. It provides access to the project site via an interchange with SR 87. East of SR 87 Julian Street is a two-lane one-way street (westbound). West of SR 87, Julian Street is a two-lane, two-way street. Julian Street provides direct access to the southern end of the 12.3-acre River Corporate Center site via a signalized intersection located approximately 250 feet west of the SR 87 southbound off-ramp. West Julian Street provides access to a two-way private road that provides access to the project site.
- West St. James Street is a one-way street in the eastbound direction. It begins at Notre Dame Avenue as a transition from West Julian Street. West Saint James Street is three lanes between Notre Dame Avenue and Market Street. East of Market Street it narrows to two lanes and transitions into a two-way two-lane street at North Fourth Street.
- Bassett Street is an east-west two-lane street that provides direct access to the northern end of the project site. Bassett Street extends east from Terraine Street to North Second Street. Between North First Street and North Second Street, Bassett Street is a one-lane eastbound one-way street.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian Facilities

Pedestrian access to and from the project site is provided via sidewalks along the project frontages on Julian Street and Bassett Street (west of SR 87), as well as the Guadalupe River Trail. Sidewalks within the 12.3-acre River Corporate Center site provide access to the project site.

The overall network of sidewalks and crosswalks in the study area has good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the Downtown area. The area immediately east of SR 87 is currently undergoing redevelopment, and sidewalks will be added to Bassett Street.

The signalized crosswalk on West Julian Street at the main project site entrance provides direct access to the Guadalupe River Trail system. Crosswalks with pedestrian signal heads and push buttons are provided at all of the signalized intersections in the vicinity of the project site.

Bicycle Facilities

The only bicycle facility in the immediate vicinity of the project site is the 11-mile Guadalupe River Trail. The trail system provides connections to other streets with bicycle facilities, both inside and outside the Downtown area. The Guadalupe River Trail runs through the City of San José along the Guadalupe River. The trail is a Class I bikeway since it is shared between pedestrians and bicyclists, and separated from motor vehicle traffic. The Guadalupe River Trail is continuous and extends from Curtner Avenue to Alviso (from south to north). A direct connection to the trail system is provided on the project site via an entrance at the northwestern corner of the project site. The trail can also be accessed via the signalized intersection on West Julian Street (where the site's driveway intersects West Julian Street).

The City of San José participates in the Bay Area Bike Share program, which allows users to rent and return bicycles at various locations around the Downtown area. There are currently 16 Bike Share stations in Downtown San José with two stations located within one-third mile of the project site: at the Arena Green East Park on North Autumn Street (approximately one-quarter mile south of the site) and at North San Pedro Street (near the West St. John intersection), approximately 0.3 miles southeast of the project site.

4.16.1.3 Existing Transit Service

Transit services in the project area are provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak.

VTA Service

The VTA operates local bus routes and two light rail transit (LRT) lines within the project vicinity. The nearest bus stop is on West Santa Clara Street, approximately one half mile walking distance from the project site. This bus stop serves Local Routes 17, 22, and 68. In addition to the bus lines listed, the VTA also provides a free shuttle service within the Downtown area. The Downtown Area Shuttle (i.e., DASH, Route 201) provides free shuttle service from the San José Diridon station to San José State University, and the Paseo De San Antonio and Convention Center LRT stations via San Fernando and San Carlos Streets.

The VTA currently operates the 42-mile 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 Mountain View-Winchester (Route 902) and Santa Teresa-Alum Rock (Route 901) LRT lines operate within one-half mile of the project site. The San Fernando LRT station is located approximately one-half mile walk south of the site and is accessible via the Guadalupe River Trail. The St. James LRT station is located about one-half mile walk east of the project site via West Julian Street/West St. James Street.

San José Diridon Station

The San José Diridon Station, located approximately three quarters of a mile walking distance from the project site, is situated along the Mountain View-Winchester LRT line and is served by Caltrain, ACE and Amtrak.

Caltrain is a regional, intercity commuter rail service between San Francisco and Gilroy. Caltrain provides service with approximately 20- to 30-minute headways during the weekday AM and PM commute hours. Trains stop frequently at the Diridon Station between 4:30 AM and 10:30 PM in the northbound direction, and between 6:28 AM and 1:34 AM in the southbound direction.

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening with headways averaging 60 minutes. ACE trains stop at the Diridon station between 6:32 AM and 9:17 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area. The Capitol Corridor trains stop at the Diridon station eight times during the weekdays between approximately 7:38 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during the week between 6:40 AM and 7:15 PM.

4.16.1.3 *Envision San José 2040 General Plan*

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

General Plan Policies: Transportation	
Policy 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).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy 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.
Policy TR-5.3	<p>The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:</p> <ul style="list-style-type: none"> • Vehicular Traffic Mitigation Measures. Review development mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts. • Area Development Policy. An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year. • Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies. • Downtown Core Area. In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from traffic mitigation requirements. Intersections within and on the

General Plan Policies: Transportation	
	<p>boundary of this area are also exempted from the level of service “D” performance criteria.</p> <ul style="list-style-type: none"> • <u>Special Strategy Areas.</u> In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City’s adopted General Plan and include Corridors and Villages, Transit Station Areas, and Specific Plan Areas. <p><u>Protected Intersections.</u> In recognition that roadway capacity-enhancing improvement measures can impede the City’s ability to encourage infill, preserve community livability, and promote transportation alternatives do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City’s designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.</p>
Policy 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.
Policy 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.
Policy 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.
Policy 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.
Policy CD-2.3	<p>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.</p> <ol style="list-style-type: none"> a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one

General Plan Policies: Transportation	
	<p>area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.</p> <p>c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.</p> <p>d. Locate retail and other active uses at the street level.</p> <p>e. Create easily identifiable and accessible building entrances located on street frontages or paseos.</p> <p>f. Accommodate the physical needs of elderly populations and persons with disabilities.</p> <p>g. Integrate existing or proposed transit stops into project designs.</p>
Policy CD-3	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

4.16.2 Environmental Checklist and Discussion of Impacts

	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"	Checklist Source(s)
Would the project:						
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,18

	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"	Checklist Source(s)
Would the project:						
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,18
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4,16
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,18
5. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,18

Downtown Strategy 2000 FEIR and General Plan FPEIR – Transportation Conclusions

Buildout of the Downtown Strategy 2000 would not result in a significant impact transportation hazards, emergency access, or air traffic patterns. Implementation of the Downtown Strategy 2000, however, would result in a significant unavoidable impact intersection and freeway segment operations when compared to existing conditions. These conclusions are consistent with the conclusions disclosed in the General Plan FEIR.

4.16.2.1 Project Trip Generation

Vehicle trip generation resulting from the proposed project were based on the City's established trip generation rates for office developments. Trip reductions associated with the site's proximity to Downtown transit services and bicycle/pedestrian facilities were applied to trip generation estimates.

The project site is located within one half mile of the San Fernando and St. James LRT stations, as well as nearly 20 local bus routes. The site is also located approximately three quarters of a mile from the existing Diridon Caltrain Station and future Diridon BART Station location, 2,000 feet from a future Bus Rapid Transit stop located on Santa Clara Street adjacent to the SAP Center, and immediately adjacent to the Guadalupe River Trail (refer to Section 4.16.2.5, *Other Transportation Impacts* for a description of future transit services). The trail system provides connections to many streets with bicycle facilities, both inside and outside the downtown area, and provides a connection to the Diridon Station via West San Fernando Street (a City-designated bicycle route). For these reasons, a six percent transit/bike/walk trip reduction was applied to the office project.

After applying the City's trip generation rates and the above trip reductions, the project is estimated to generate 2,008 new daily vehicle trips, with 281 new trips occurring during the AM and PM peak hours (refer to Table 4.16-1). The proposed project is estimated to generate 247 new inbound and 34 new outbound trips during the AM peak hour, and 48 new inbound and 233 new outbound trips during the PM peak hour.

Land Use	Daily Trip Rates	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Office Development ¹	11	2,136	263	36	299	51	248	299
<i>Six percent transit reduction for proposed office development²</i>	--	(128)	(16)	(2)	(18)	(3)	(15)	(18)
Net Project Trips		2,008	247	34	281	48	233	281
Notes:								
¹ Daily trip rates based on: City of San José Traffic Impact Analysis Handbook, November 2009.								
² A six percent transit/bike/pedestrian reduction was applied, since the project site is located within walking distance of the San Fernando and St. James LRT Stations (Santa Clara VTA TIA Guidelines, October 2014) and is located immediately adjacent to the Guadalupe River Trail.								

4.16.2.2 *Intersection and Freeway Segment Level of Service Impacts* (Checklist Questions 1 and 2)

The proposed 191,400 square foot office development is a part of the 11 million square feet of office space projected for the Downtown Strategy 2000 FEIR. The certified Downtown Strategy FEIR evaluated the operating conditions of 164 study intersections in and outside of the Downtown Core. With the implementation of mitigation measures and planned improvements, all of these study intersections would continue to operate at LOS D or better during both peak hours under existing plus Downtown Strategy 2000 build-out conditions, with the exception of Autumn Street/Santa Clara Street and Bird Avenue and San Carlos Street, SR 87 and East Julian Street intersections. Build-out of the Downtown Strategy 2000, including the project, would result in a significant unavoidable impact to the three intersections. These intersections have been built to their maximum capacity due to right-of-way restrictions and there are no feasible improvements that would improve the level of service at these intersections to LOS D during the AM and/or PM peak hours. Build-out of the Downtown Strategy 2000 would also result in a significant unavoidable impact on 48 directional mixed flow freeway segments and 25 directional HOV lane freeway segments during at least one peak hour, when compared to existing conditions.

Although the proposed project alone would not result in significant level of service impacts, the project would contribute to the significant unavoidable intersection and freeway level of service impacts disclosed in the Downtown Strategy 2000 FEIR. The proposed project is part of the planned growth in the Downtown Strategy 2000 area and would not result in any new impacts or impacts of greater severity than previously disclosed in the certified Downtown Strategy 2000 FEIR.

[Same Impact as Approved Project (Significant Unavoidable Impact)]

In August 2016, the signalized intersections of the River Corporate Center's driveway/West Julian Street, SR 87 northbound off-ramp/Julian Street, and SR 87 southbound off-ramp/Julian Street were evaluated for turn pocket storage and vehicle queuing issues for the turning movements where the project would add a substantial amount of traffic. Queuing was evaluated for the AM and PM peak hours. The queuing analysis indicates that the existing turn pocket storage at all three intersections are adequate to accommodate the maximum vehicle queues that currently occur, and would continue to provide adequate vehicle storage under project traffic conditions.

4.16.2.3 *Site Access and Circulation Impacts* (Checklist Questions 4, 5, and 6)

Driveway Access (Checklist Question 4)

Primary access to the proposed office building would be provided via an existing signalized driveway on West Julian Street. This driveway has one inbound lane and two outbound lanes and is approximately 40 feet wide. Full outbound access is provided at this driveway, however, vehicles that enter the site are limited to right turns only. Secondary access would continue to be provided via Bassett Street, which provides direct access to both the surface parking lots and the existing parking structure. The proposed driveways would provide safe access to and from the site and would not

result would not vehicular hazards. **[Same Impact as Approved Project (Less Than Significant Impact)]**

West Julian Street Driveway Operations

Adequate storage is currently provided on site to accommodate the outbound vehicle queues that develop during the PM peak hour, which is when the majority of vehicles exit the site. Based on the estimated volume of traffic that would exit the Julian Street driveway during the PM peak hour under project conditions, on-site vehicle storage would continue to be adequate. The maximum outbound vehicle queue estimated to occur at the Julian Street driveway with the addition of project trips is six vehicles long, or approximately 150 feet in length. The existing maximum outbound vehicle queue observed in the field during the PM observation period was five vehicles in length, or about 125 feet. Based on field observations and the results of the queuing analysis, the signalized West Julian Street driveway is expected to continue to operate adequately with the addition of traffic generated by the new office building.

Bassett Street Driveway Access

There are two driveways off of Bassett Street that would provide access to the project site. The western driveway located within the cul-du-sac on Bassett Street would be 26 feet wide. The eastern driveway, situated about 100 feet from the SR 87 overpass, is also shown to be 26 feet wide. Bassett Street also provides street parking. The project does not propose any changes to the driveways currently serving the site.

On-Site Vehicular and Truck Circulation

(Checklist Questions 4 and 5)

Vehicular Circulation

On-site vehicular circulation was reviewed for the project in accordance with the City of San José design guidelines and traffic engineering standards. The existing drive aisles throughout the site are 26 feet wide, in accordance with the City's standards for two-way drive aisles where 90-degree parking stalls are provided. The proposed drive aisle improvements include the removal of two stop signs and improvements to a curve near the southeast corner of the existing parking garage. The proposed changes to the site would improve the current on-site vehicular circulation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Truck and Emergency Vehicle Circulation

Trucks would access the site via the signalized West Julian Street driveway and use the loading space located at the northeast corner of the new office building. Large trucks could adequately access the loading space. Trucks would exit the project site via the western Bassett Street driveway.

Garbage trucks would have adequate access to the trash bins (which would be located midway between the new office building and the western Bassett Street driveway). Since the bins would be

stored outside, adequate overhead clearance would be available to empty the dumpsters over the truck.

Adequate emergency vehicle access would continue to be provided at the project driveways. The City of San José Fire Department requires that all portions of the buildings are within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the building. All portions of the office building would be within 150 feet of a fire access road, and the project would meet the six-foot requirement for building clearance on all sides. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.4 ***Other Transportation Impacts***
(Checklist Questions 3 and 6)

Airport Operations
(Checklist Question 3)

The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 1.2 miles. Since the project would comply with the FAA Part 77 standards (refer to Section 4.8, *Hazards and Hazardous Materials*), the proposed project would not result in a change in air traffic patterns or obstruct airport operations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Safety and Performance of Pedestrian, Bicycle Access, and Transit Facilities
(Checklist Question 6)

The existing sidewalks along the project frontages on West Julian Street and Bassett Street, as well as the Guadalupe River Trail, would continue to provide pedestrian access to and from the project site. A pedestrian crosswalk at the signalized project driveway provides Guadalupe River trail users with a safe way to cross West Julian Street. The project would remove and replace the existing handicap ramps at the northwest and northeast corners of this signalized intersection to current City ADA standards. The overall network of sidewalks and crosswalks in the study area has good connectivity and would continue to provide pedestrians with safe routes to transit services and other points of interest in the Downtown area.

The Guadalupe River Trail (immediately adjacent to the site) provides connections to other streets with bicycle facilities and transit stops both inside and outside the Downtown area. The adopted City Bike Master Plan establishes goals, policies and actions to make bicycling a daily part of life in San José. In accordance with Bike Master Plan 2020 map, future bicycle facilities are planned on Julian Street between The Alameda and Market Street. With the addition of future bicycle lanes on Julian Street, the availability of bicycle facilities in the project area would provide the project site with viable connections to transit services.

The proposed project's proximity to existing and planned major transit services would provide the opportunity for multi-modal travel to and from the project site. Increased transit demand generated by the proposed project could be accommodated by the ridership capacities of the existing and future

transit services in the project area. Future transit services would include The Santa Clara/Alum Rock Bus Rapid Transit, with the nearest bus stop within 0.4 miles of the site, and the Diridon Bay Area Rapid Transit Station, approximately three quarters of a mile from the site.

The proposed project would not conflict with the safety or performance of any existing or planned pedestrian, bicycle, and transit facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.5 *Operational Transportation Issues Not Covered Under CEQA*

Parking Supply

The project proposes 1,524 parking stalls to serve the entire 12.3-acre River Corporate Center site. In accordance with the City's parking standards, an office project is typically required to provide parking at a rate of one parking stall per 250 square feet, or a total of 1,633 parking stalls to serve all three buildings on the River Corporate Center site.

The project is proposing to implement various parking reduction strategies as part of a comprehensive Transportation Demand Management (TDM) Plan to address the parking deficit. The TDM Plan would allow for a reduction of at least seven percent of the current City parking requirement. The TDM measures proposed by the project are in accordance with parking reduction requirements outlined in the San José Code of Ordinances. The TDM measures to be implemented by the project include the following:

- Bicycle parking will be provided per the City's zoning ordinance. The project would provide 48 bicycle parking spaces which exceed the City's requirement by approximately seven spaces.
- Preferential parking with charging facilities for electric or alternatively-fueled vehicles will be provided on-site.
- On-site showers and lockers would be provided.

The applicant will implement the above measures as a part of the TDM Plan required by the City. The applicant will be submit annual reports to the City of San José for three years, and then upon request of the City for the life of the project with the following information:

- Findings of the vehicle parking counts and employee mode share surveys [which will provide quantitative data regarding the number of employees who utilize alternative modes of transportation (e.g., bike-to-work) to commute to work], including the reduction in parking demand.
- Effectiveness of individual program components from the annual employee mode share survey.
- A description of the TDM programs and services that are currently offered to employees/tenants.

With the implementation of the above TDM Plan, the proposed project would meet the City's parking standards.

Bicycle Parking

Based on the City's Bicycle Parking Standards (Chapter 20.90, Table 20-190), the project is required to provide bicycle parking for the new building at a rate of one bicycle parking space for every 4,000 square of office space. This equates to a requirement of approximately 41 bicycle parking spaces for the proposed project.

The project is proposing 24 short-term bicycle spaces (bicycle racks) at the pedestrian entrances to the new building, and 24 secured long-term bicycle spaces within the reconfigured parking structure, for a total of 48 bicycle spaces. This exceeds the number of bicycle parking spaces required by the City's zoning code.

4.16.3 **Conclusion**

Implementation of the proposed project would not result in new or more significant transportation impacts than previously disclosed in the Downtown Strategy 2000 FEIR or General Plan FPEIR. Further, because the project site is located within the Downtown Core, no traffic mitigation is required. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

With the implementation of General Plan policies, the project would not result in significant impacts to traffic transportation hazards, emergency access, or air traffic patterns.
[Same Impact as Approved Project (Less Than Significant Impact)]

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Services*

Water service is provided to the City of San José by three water retailers: the San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company. The current water usage rates from the San José Water Company is 0.10 gallons per day (gpd) per square foot of building area for office uses.²³ The project site is currently vacant (with the exception of a surface parking area occupied by vehicles of adjacent office tenants); water is not used on the site. There is an existing 12-inch water main on the southern end of the site on the private street which services the River Corporate Center site) on the western end of the site.

4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.²⁴ The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations.

For the purposes of this analysis, wastewater flow rates are assumed to be 80 percent of the total on-site water use due to the limited landscaping. The project site does not currently generate wastewater.

There is an existing 30-inch sanitary sewer line on the southern end of the project site and the private street, which is owned and maintained by the City of San José.

4.17.1.3 *Stormwater Drainage*

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 75 feet from

²³ San José Water Company. *Santana West Project Water Supply Assessment*. January 2016. Table 6.

²⁴ City of San José, San José-Santa Clara Regional Wastewater Facility, <http://www.sanjoseca.gov/?nid=1663>. Accessed September 7, 2016.

Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is 47 percent impervious. There are existing storm drain lines ranging from 10 to 54 inches that surround the project site.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. According to the IWMP, the County adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The project site does not currently generate solid waste.

4.17.1.5 *Envision San José 2040 General Plan*

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

General Plan Policies: Utilities and Service Systems	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy 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.

General Plan Policies: Utilities and Service Systems	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

4.17.2 Environmental Checklist and Discussion of Impacts

	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”	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

	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"	Checklist Source(s)
Would the project:						
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
7. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

Downtown Strategy 2000 FEIR and General Plan FPEIR – Utilities and Service Systems Conclusions

The Downtown Strategy 2000 FEIR concluded that, with the implementation of mitigation measures, consistent with the General Plan policies, the project would result in a less than significant impact to utilities and service systems.

The General Plan FPEIR concluded that implementation of the General Plan, in accordance with General Plan policies and actions, would result in less than significant impacts from construction of utilities and service systems to serve increased demand.

4.17.2.1 Water Supply Impacts
(Checklist Questions 2 and 4)

Currently, the project site is vacant (with the exception of a surface parking area occupied by vehicles of adjacent office tenants) and does not use any water. The proposed project would result in construction of a six-story office building. As a result, the project would intensify the demand for water use on the site over existing conditions, and slightly increase the overall water demand in San José. Based on the size of the proposed office building, (191,400 square feet), the proposed project would use 19,140 gpd of water.²⁵

²⁵ San José Water Company office rate of 0.10 gpd/square foot.

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

New water lines would connect to a fire service pump on the northeast corner of the site. A below-grade water tank would be installed as a source of secondary water supply.

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan FPEIR. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 *Sanitary Sewer Capacity Impacts* (Checklist Questions 1, 2, and 5)

The project site does not currently generate wastewater. Implementation of the proposed project would generate approximately 15,312 gpd of wastewater.²⁶

The proposed development would include new six-inch sanitary sewer lines, which would connect to an existing 30-inch sanitary sewer line on the southern end of the site.

The City currently has approximately 38.8 million gallons per day (mgd) of excess wastewater treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FPEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 *Storm Drainage System Impacts* (Checklist Question 3)

Under existing conditions, approximately 56,031 square feet (47 percent) of the project site is covered with impervious surfaces. Under project conditions, the project site would be covered with approximately 73,746 square feet (61 percent) of impervious surfaces. Implementation of the project would result in a 14 percent increase in impervious surfaces at the project site, which would result in an increase in stormwater runoff.

²⁶ The proposed uses on the project site are primarily office with minimal landscaping, therefore wastewater is estimated at 80 percent of total water usage.

Stormwater runoff from the site would be collected via new six- to 12-inch storm drains and roof downspouts which would be directed to bioretention ponds on the project site. The stormwater directed to the bioretention ponds would be treated then directed to the City's existing storm drains on the River Corporate Center site.

The Downtown Strategy 2000 FEIR concluded that full buildout of the *Downtown Strategy 2000* plan would result in an overall net decrease in impermeable surfaces. Although the proposed project would result in a small increase in stormwater runoff, the existing storm drainage system would have sufficient capacity to support the development proposed under the *Downtown Strategy 2000 FEIR*, including the proposed project. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 ***Solid Waste Impacts*** (Checklist Questions 6 and 7)

The new office development on-site would generate approximately 975 pounds of solid waste per day.²⁷

The proposed project would increase the total solid waste generated by the project site, compared to conditions on-site if the existing building were occupied. The General Plan FPEIR concluded that implementation of the General Plan would not exceed the capacity of existing landfills serving the City of San José. The estimated increases in solid waste generation from development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 **Conclusion**

Implementation of the proposed project would have the same less than significant utilities and service system impacts as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FPEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

²⁷ Solid waste generation was estimated at a rate of 5.1 pounds per 1,000 square feet per day for office space. California Air Pollution Control Officers Association. *California Emissions Estimator Model User's Guide Version 2013.2, Appendix D – Default Data Tables, Table 10.1 Solid Waste Disposal Rates*. September 2013. Available at: <<http://www.aqmd.gov/caleemod/user's-guide>>. Accessed August 18, 2016.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	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"	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4, 11,12, 13
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-18
3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5, 14-18

4.18.1 **Project Impacts**
(Checklist Question 1)

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in Section 4.4, *Biological Resources*, the project would not impact sensitive habitat or species. The project would not result in new or more significant impacts than identified in the certified Downtown Strategy 2000 FEIR and Envision San José 2040 General Plan FPEIR.

4.18.2 **Cumulative Impacts**
(Checklist Question 2)

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

With the implementation of the identified mitigation measures, best management practices, and standard permit conditions, the project would not impact cultural resources, geology and soils, hydrology and water quality, and noise, and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project’s contribution to a cumulative impact on aesthetics, biological resources, land use, population and housing, public services, recreation were analyzed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. The proposed project would not result in a more significant cumulative impact related to these issues than disclosed within these documents.

The project would contribute to the significant unavoidable cumulative air quality and transportation impacts from the full buildout of the Downtown Strategy 2000 and General Plan. The proposed project would, however, not result in any new or more significant cumulative impacts than previously disclosed in the Downtown Strategy 2000 FEIR and General Plan FPEIR. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for both plans.

4.18.3 **Direct or Indirect Adverse Effects on Human Beings**
(Checklist Question 3)

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project

has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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