Addendum to the Downtown Strategy 2000 Final Environmental Impact Report and addenda thereto, Downtown Strategy 2040 Final Environmental Impact Report, and Envision San José 2040 General Plan Final Environmental Impact Report as Supplemented

Adobe North Tower

File No. H18-037

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

May 2019

ADDENDUM TO THE DOWNTOWN STRATEGY 2000 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127) AND ADDENDA THERETO, DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2003042127), AND ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AS SUPPLEMENTED (SCH# 2009072096)

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Downtown Strategy 2000 Final Environmental Impact Report (Downtown Strategy 2000 FEIR) and addenda thereto, Downtown Strategy 2040 Final Environmental Impact Report (Downtown Strategy 2040 FEIR), and Envision San José 2040 General Plan Final Environmental Impact Report (General Plan FEIR) as supplemented (General Plan SEIR); because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

H18-037 – Adobe North Tower. Site Development Permit to allow the development of an approximately 1,315,000-square-foot building, 690,328 square feet of research and development and office use, up to 8,132 square feet of retail use, a private pedestrian bridge connecting to existing office buildings to the south, extended weekday and Saturday construction hours, and a limited number (up to 30) of 24-hour workdays on an approximately 2.49-gross-acre site.

Location: North side of W San Fernando Street, approximately 380 feet westerly of Almaden Boulevard, immediately east of State Route (SR) 87, in downtown San José.

Assessor's Parcel Numbers: 259-39-116, 259-39-118, and 259-39-123 **Council District:** 3.

The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: "The Downtown Strategy 2000 Final Environmental Impact Report," adopted by City Council Resolution No. 72767 on June 21, 2005; "Downtown Strategy 2040 Project Environmental Impact Report" adopted by City Council Resolution No. 78942 on December 18, 2018; "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; and "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

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

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

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

ANALYSIS

The Downtown Strategy 2000 FEIR was a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000: 11.2 million square feet of office development; 8,500 residential dwelling units; 1.4 million square feet of retail development; and 3,600 hotel rooms. While traffic impacts of the Downtown Strategy 2000 Plan were evaluated at a project- or site-specific level and recently updated in 2016, the Downtown Strategy 2000 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review.

In November 2016, the previously approved development project (File No. H16-018) for this project site entitled "West San Fernando Office Tower" analyzed the development of a new 1,513,941-square foot 18-story building with up to 700,000 square feet of office and retail uses. This project was assessed in a subsequent development-project-level Initial Study/Addendum to the Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto, dated October 2016.

Subsequently, in December 2018, the City Council certified the Downtown Strategy 2040 FEIR and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms.

Since certification of the 2016 Initial Study/Addendum, changes to the development project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified development project. While the certified Initial Study/Addendum for the approved project tiered from the previous Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto, this Addendum for the modified project tiers from the certified Initial Study/Addendum, the General Plan FEIR, SEIR, and Addenda thereto, and the Downtown Strategy 2040 FEIR which is the most current planning document for the downtown area of San José.

The proposed project would result in a smaller office building in the same location as the 2016 previously approved project. The primary change between the 2016 previously approved project and the modified project would be the proposed pedestrian bridge spanning West San Fernando Street and the overall change in the building design. As discussed in the attached supporting document, further analysis was prepared in the resource areas of aesthetics, air quality, biological resources, greenhouse gas emission, hydrology and water quality, land use, and noise. This analysis determined that the proposed project would result in the same impact as the 2016 previously approved project.

No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2000 FEIR, Downtown Strategy 2400 FEIR, General Plan FEIR, and General Plan SEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2000 FEIR, Downtown Strategy 2040 FEIR, General Plan FEIR, General Plan SEIR, and addenda thereto has been prepared for the proposed project.

The attached supporting analysis provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project. This Addendum will not be circulated for public review, but will be attached to the Downtown Strategy 2000 FEIR, Downtown Strategy 2040 FEIR, General Plan FEIR, and General Plan SEIR as supplemented pursuant of CEQA Guidelines §15164(c).

Krinjal Mathur
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

5/16/19
Date

Deputy

Attachment: Adobe North Tower Addendum Supporting Analysis, dated May 2019

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE ADDENDUM

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

The City of San José, as the Lead Agency, has prepared this Addendum for the Adobe North Tower Office Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations/policies of the City of San José, California.

1.1.1 Background

1.1.1.1 *Downtown Strategy*

1.1.1.1 *Downtown Strategy 2000*

On June 21, 2005, the City Council certified the Downtown Strategy 2000 Final Environmental Impact Report (FEIR) (Resolution No. 72767) and adopted the Downtown Strategy 2000 Plan which provided a vision for future housing, office, commercial, and hotel development within the Downtown area consistent with the San José 2020 General Plan. The Downtown Strategy 2000 Plan was a strategic redevelopment plan that initially anticipated a planning horizon of 2000-2010 with implementation to 2020 that focused on the revitalization of downtown San José by supporting higher density infill development and redevelopment of underutilized properties. While the planning horizon of the Downtown Strategy 2000 was originally 2010, implementation of the plan was delayed due to economic conditions including the Recession of 2008. As part of the 2005 Downtown Strategy 2000 FEIR's analysis, the traffic analysis projected traffic conditions to 2020, which turned out to be a more realistic timeframe for full implementation of the plan. The Downtown Strategy 2000 Plan had a development capacity of 11.2 million square feet of office, with 2,000,000 square feet of office allowed in Phase 1.

The Downtown Strategy 2000 FEIR evaluated all environmental impacts, including noise, air quality, biological resources, and land use at a program (General Plan) level. The program-level environmental impacts were updated as part of the Envision San José 2040 General Plan FEIR, SEIR, and Addenda thereto, certified in September 2011 and supplemented in December 2015. Traffic impacts were addressed at a project level. The approximately 1,023,000 square feet of office and retail development included in the approved project were evaluated in the Downtown Strategy 2000 FEIR at a program-level.

Further, an Initial Study/Addendum to the Downtown Strategy 2000 FEIR was prepared in October 2016 which updated traffic conditions a decade after the Downtown Strategy 2000 FEIR was certified, and determined that no new impacts would occur related to the construction of Phase 1 of

the Downtown Strategy 2000 (2,000,000 square feet of office space). Utilizing 2014-2015 traffic counts and the City's updated CUBE transportation analysis model, it was determined that up to 2,000,000 square feet of office space could be constructed within downtown without resulting in new or different traffic impacts than had been disclosed in the Downtown Strategy 2000 FEIR. For this reason and those described above, the Downtown Strategy 2000 FEIR continued to be an accurate evaluation of program-level impacts of proposed Phase 1 development projects downtown, of which the previously approved project was a part.

The Downtown Strategy 2000 FEIR was a broad-range, program-level environmental document. All subsequent development that has occurred as part of the Downtown Strategy 2000 plan has had development-project-specific supplemental environmental review. While traffic impacts of the Downtown Strategy 2000 Plan were evaluated at a project- or site-specific level and recently updated in 2016, the Downtown Strategy 2000 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. The Initial Study/Addendum prepared for the previously approved project provided that subsequent project-level environmental review.

1.1.1.2 *Envision San José 2040 General Plan*

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 FEIR, SEIR, and Addenda thereto is a broad range analysis of the planned growth and did not analyze specific development projects. The intent was for the General Plan FEIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan FEIR did, however, provide development-project-level information whenever possible, such as when a particular site was identified for a specific size and type of development. The General Plan FEIR also identified mitigation measures and adopted a Statement of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development.

In December 2015, the City of San José approved the Envision San José 2040 Plan Supplemental FEIR (General Plan SFEIR*)* for the General Plan to include and update the greenhouse gas emissions analysis. On December 13, 2016, as part of the General Plan 4-Year Review, the City Council approved an addendum to the General Plan FEIR, SEIR, and Addenda thereto and SFEIR, to modify the job capacity to 751,650, reducing the number of jobs by 87,800. The number of residential units remained the same.

1.1.1.3 *Environmental Clearance Covering the Project Site*

As noted above, the previously approved development project (File No. H16-018) was assessed in a development-project-level Initial Study/Addendum to the Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto, dated October 2016.

1.1.1.4 *Downtown Strategy 2040*

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final EIR (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of

office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides development project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program level.

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

1.1.2 Preparation of This Addendum

Since certification of the Initial Study/Addendum, changes to the development project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the 2018 modified development project (see Section 2.0, *Description of the Proposed Changes to the Project*).

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

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

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete of the Negative Declaration was adopted, shows any of the following:

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

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

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

While the certified Initial Study/Addendum for the approved project tiered from the previous Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto, this Addendum for the modified project tiers from the certified Initial Study/Addendum, the General Plan FEIR, SEIR, and Addenda thereto, and the Downtown Strategy 2040 FEIR which is the most current planning document for the downtown area of San José.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Adobe North Tower Office Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Krinjal Mathur
krinjal.mathur@sanjoseca.gov
(408) 535-7874
200 East Santa Clara Street
San José, CA 95113

2.3 PROJECT APPLICANT

Adobe Systems Incorporated

2.4 PROJECT LOCATION

The 2.5-acre project site is comprised of three parcels (APNs 259-39-116, -118, and -123) located on the north side of West San Fernando Street, immediately east of State Route (SR) 87, in downtown San José.

2.5 ASSESSOR'S PARCEL NUMBER

259-39-116
259-39-118
259-39-123

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated Downtown under the adopted General Plan and is zoned DC – Downtown Commercial.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Architectural Review
- Grading Permit(s)
- Building Permit(s)
- Encroachment Permit(s) – Major and Minor

SECTION 3.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

Section 3.1.1 describes the project as approved under Site Development Permit No. H16-018 and analyzed in the West San Fernando Office Initial Study/Addendum. Section 3.1.2 describes the proposed changes to the approved project.

3.1.1 Summary of Approved Project

The approved project allows for development of a 1,513,941 square foot, 18-story (246 feet tall) office tower with ground-floor retail and an integrated parking structure. The tower would include 8,132 square feet of ground floor retail space and 690,328 square feet of office space, for a total occupiable space of 698,460 square feet.

The tower would be located along the West San Fernando Street frontage. Open space would be provided on all floors except floors seven, 11, 12, and 15. The maximum height of the building is 246 feet. The project also includes landscaping along the street frontage.

Five levels of below-grade parking and five levels of above-grade parking are included within the building. The parking structure would have a total of 1,603 parking spaces (931 standard/self-parking stalls, 35 accessible parking stalls, five accessible van parking stalls, and 632 compact parking stalls). The project also includes 180 bicycle parking spaces in compliance with the bicycle parking spaces requirement in Section 20.70.485 of Chapter 20.70 "Downtown Zoning Regulations" of the San José Municipal Code Title 20 "Zoning."

Access to the project site is provided via two existing driveways on West San Fernando Street: the east driveway and the west driveway. The east driveway, a full access driveway, is approximately 30 feet wide and has a raised median that separates inbound and outbound traffic. The east driveway is gated about midway along the driveway. The west driveway, a limited access driveway, is approximately 30 feet wide and provides secondary access to the site. The existing gate-control arms at the west driveway would be removed as part of the project.

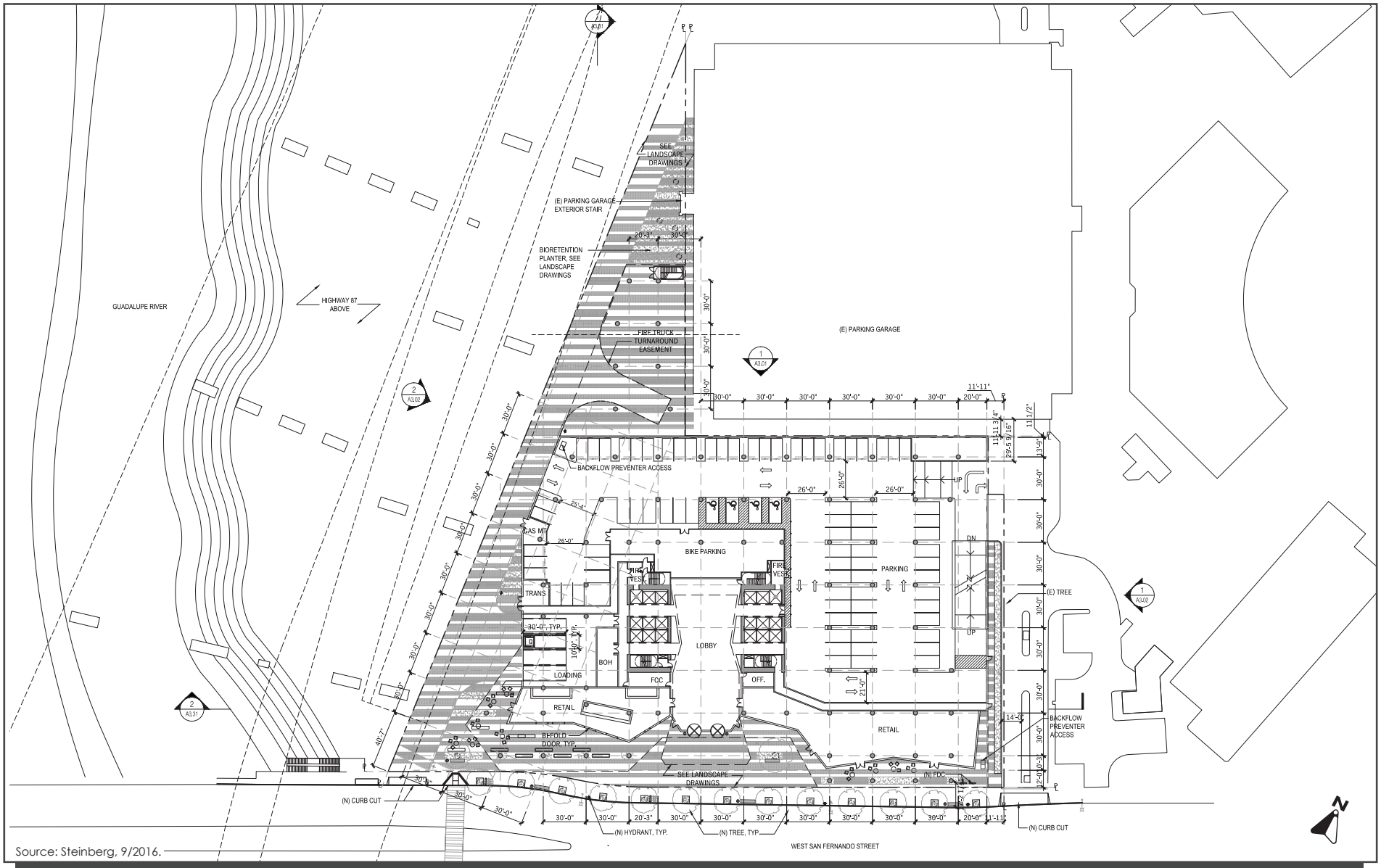
Construction of the tower would take 24 months.

The approved site plan is shown in Figure 3.1-1, below.

3.1.1.1 *Green Building Measures*

The project is required to meet California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32 "Private Sector Green Building Policy," and San José Municipal Code Chapter 17.84 "Green Building Regulations for Private Development," and includes the following green building design features:

- Bicycle Storage and Changing Rooms;
- Public Transportation Access



Source: Steinberg, 9/2016.

APPROVED SITE PLAN

FIGURE 3.1-1

- Preferable Parking for Low-Emitting and Fuel-Efficient Vehicles;
- Storm Water Quality Control;
- Minimizing Heat Island Effect (Both Roof and Non-Roof);
- Water-efficient landscaping.

3.1.2 Proposed Modified Project

As proposed, the modified project would develop an approximately 1,301,512 square foot tower with an integrated parking structure. The tower would include approximately 690,328 square feet of office space and between 2,700 and 8,132 square feet of retail. The building would be 18 stories tall, including a ground floor that is double-height, with a maximum building height of 242.5 feet to the top of the roof. The office space would be located on floors 6-18.

The tower would be located along the West San Fernando Street frontage. The site would include approximately 56,256 square feet of open space that would be provided on floors 7, 9, and 18, as well as at the ground level.

The project proposes a pedestrian bridge that would span across West San Fernando Street from the proposed North Tower to the existing Adobe tower on the south side of the roadway, which would require approval of a Major Encroachment Permit by the City. The bridge would connect the buildings at the sixth floor.

Two levels of below-grade and six levels of above-grade parking are included within the building. The parking structure would have a total of 1,285 parking spaces. The project also includes up to 165 bicycle parking spaces consistent with the bicycle parking requirement in Chapter 20.70 "Downtown Zoning Regulations" of the San José Municipal Code.

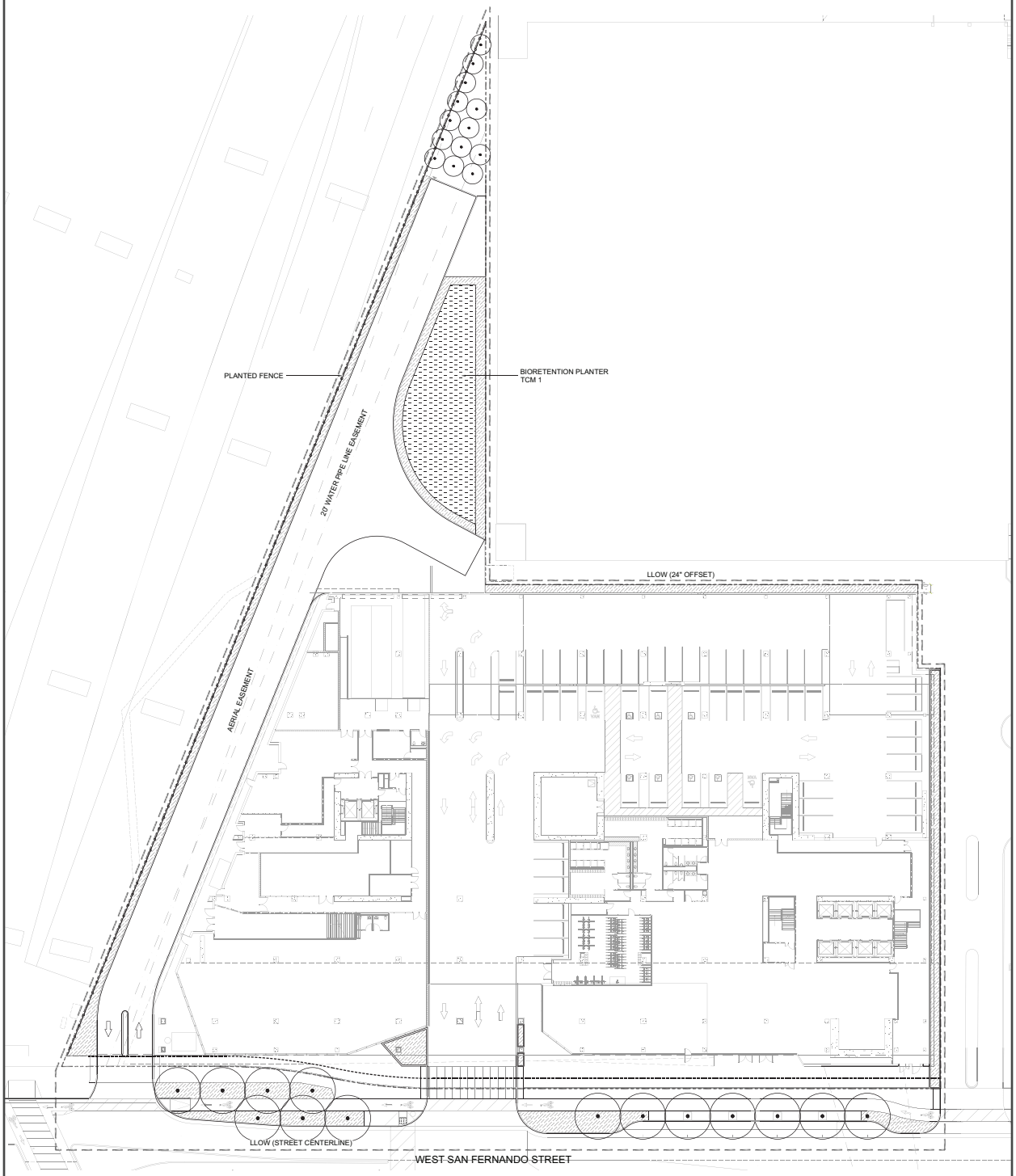
Access to the project site would not change relative to the approved project.

Construction of the tower and bridge would take 24 to 30 months. While not specifically proposed, the project applicant may request extended construction hours for the project.

Table 3.1-1: Summary of Proposed Changes to the Approved Project

Project Component	Approved Project	Proposed Project
Building Height	246 Feet	242.5 Feet
Total Building Square Footage	1,513,941	1,301,512
Office Square Footage	690,328	690,328
Retail Square Footage	8,132	8,132
Total Auto Parking Spaces	1,603	1,185
Total Bicycle Parking Spaces	180	165
Below Grade Parking Levels	5	2
Elevated Pedestrian Bridge	Not Proposed	Proposed
Length of Construction	24 months	24-30 months

The modified site plan is shown in Figure 3.1-2, below.



MODIFIED SITE PLAN | FIGURE 3.1-2

3.1.2.1 *Green Building Measures*

The project is required to meet the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The office building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32 "Private Sector Green Building Policy," and San José Municipal Code Chapter 17.84 "Green Building Regulations for Private Development," and includes the following green building design features:

- Bicycle Storage and Changing Rooms;
- Public Transportation Access
- Preferable Parking for Low-Emitting and Fuel-Efficient Vehicles;
- Storm Water Quality Control;
- Minimizing Heat Island Effect (Both Roof and Non-Roof);
- Water efficient landscaping.

3.1.2.2 *Bird Safe Design Measures*

The proposed building is near the Guadalupe River corridor and the glazed surfaces could pose a potential obstruction to birds in flight. The proposed building includes the following bird-safety measures:

- Reduction of clear and/or reflective glass surfaces by utilizing acid etched glass frit or printed patterns on the building glazing.
- Opaque panels (i.e., solid guardrails or spandrel panels)
- External shading devices.
- Avoidance of highly reflective glass coatings.
- All landscaping lighting will be minimized to the extent practical and directed downwards, which minimizes light emissions upwards from the landscaping. Landscape lighting will provide the minimum required site lighting for pedestrian safety and in conformance with San José "dark sky" requirements.
- Minimization of light emittance from the interior of the building with the following design features: 1) non-emergency interior lights on occupancy sensors per Title 24, and 2) interior lights will be programmed to shut off during non-work hours and between 10:00PM and sunrise.
- No exterior spotlights.
- Landscaped vegetation will be placed to minimize the potential for collisions with the building and vegetation types that are highly attractive to birds will not be placed at interior locations where birds can see them from the exterior.
- No water features.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

4.1 BASIS OF ANALYSIS

The City of San José certified the West San Fernando Office Initial Study/Addendum in November, 2016 and approved the West San Fernando Office Project. The modified project would result in a smaller office building in the same location as the approved project. The primary change between the approved project and the modified project would be the proposed pedestrian bridge spanning West San Fernando Street and the overall change in the building design. As a result, for several resource areas, impacts from the modified project would be the same or less than the impacts identified under the approved project. The following resource areas would not experience measurable changes in the level of impacts from the modified project as discussed in the West San Fernando Office Initial Study/Addendum (November 2016):

- Agricultural and Forestry Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

Specifically, the site is not designated farmland or forest land, has no mineral resources, and would be required to be constructed in accordance with the California Building Code and the site-specific geotechnical report. Furthermore, ground disturbance impacts related to cultural resources and tribal cultural resources would be the same as the approved project and the same permit conditions would be required. Consistent with the approved project, the modified project would be required to comply to the City's requirements for FAA clearance and remediation of any asbestos or lead on-site resulting from the age of the existing building. The project site does not contain mineral resources. The proposed land use has not changed, and the leasable office and retail space is the same as the approved project, so there would be no measurable change to population and housing, public services, recreation, or utilities relative to the proposed project. Traffic volumes would be comparable to the approved project and site access and circulation would remain the same.

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

4.3 Aesthetics
4.4 Air Quality
4.5 Biological Resources
4.6 Greenhouse Gas Emissions
4.7 Hydrology and Water Quality
4.8 Land Use
4.9 Noise

These resource areas are discussed in Sections 4.4-4.9.

4.2 EXISTING SETTING

The project site is in an urban area immediately north of West San Fernando Street in downtown San José. The project site is bound by office development and structured parking to the north and east,

West San Fernando Street to the south, and the elevated State Route 87 (SR 87) highway to the west. The Guadalupe River is immediately west of SR 87. Since approval of the project in 2016, the only change to the environmental setting of the immediate project area is the demolition of the two-story commercial building that was previously located on-site. No development has occurred. Multiple projects have been approved in the surrounding area, but no projects are currently under construction that would be relevant when considering changes to the physical environmental setting of the immediate project area that could impact the project or be impacted by the project.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)* 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 has policies that address existing conditions affecting a proposed project, which are also discussed in this EIR. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA document can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this Addendum will discuss operational issues as they relate to City of San José policies where applicable.

4.3 AESTHETICS

The change to the 2016 approved project relevant to aesthetics is the change in building design and the proposed pedestrian bridge over West San Fernando Street.

4.3.1 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
3) Substantially degrade the existing visual character or quality of public views[1] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐

4.3.2 Findings of the Previously Certified Initial Study/Addendum

The Initial Study/Addendum concluded that the project would have a less than significant impact on scenic vistas and resources because there are no designated scenic vistas or other resources in the project area. The analysis also determined that the visual character of the project area would not be significantly altered as the project would develop a high-rise office tower in an area primarily developed with commercial/office buildings in varying architectural styles. Lastly, the analysis concluded that while the building would be highly visible from SR 87 and surrounding properties, the final design and lighting plan would be reviewed for consistency with City standards. As a result, the building would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. These findings were found to be consistent with the Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto.

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

4.3.3 Aesthetics Impacts Resulting from the 2018 Modified Project

4.3.3.1 *Scenic Vistas and Resources (Checklist Questions 1 and 2)*

As previously noted, there are no scenic vistas or resources in the project area. The modified project would construct the same size office building as the approved project, and in the same location. The development would still be consistent with other development in the immediate area and would not damage or diminish scenic views in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.2 *Visual Character (Checklist Question 3)*

As previously stated, the project area is primarily commercial/office buildings, with varying architectural styles. The site is located in an area that is not highly visible, except from the immediately adjacent SR 87. Any new construction on this site would be visible from SR 87 and the surrounding properties. The modified project would construct the same size office building as the approved project, and in the same location. While the overall design of the building is different from the approved project, the building would not be out of character with the variety of commercial buildings in the area.

The modified project includes a pedestrian bridge that would span over West San Fernando Street and connect the new building to one of the existing Adobe buildings on the south side of the roadway. The bridge would be approximately seven feet tall and would be approximately 60 feet above the roadway (as measured to the bottom of the bridge). The total span of the bridge would be 247 feet and the width of the bridge would range from 15.5 to 63.5 feet.

The bridge would be cement with an approximately four-foot glass railing. Consistent with the bird safe design features, the glass railing would be coating to avoid high reflectivity. Due to the development already in the area the bridge would only be visible to persons on San Fernando Street, on Highway 87, inside the surrounding buildings, at John P. McEnery Park, and on the small portion of the Guadalupe River Trail nearest the project site. While the bridge would be visible and would be alter the visual character of the immediate area, it would not be a significant impact. The bridge has been designed to be an extension of the existing building and would have decorative plants and seating areas along the walkway. Given its size and massing, it would be less visually obtrusive than Highway 87, which is elevated over West San Fernando Street adjacent to the site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.3 *Light and Glare (Checklist Question 4)*

Consistent with the approved project, the modified project is required to comply with all applicable urban design concepts which were originally adopted for the Downtown Strategy 2000 and have been adopted as part of the Downtown Strategy 2040. The final lighting plans would be reviewed subsequent to approval of the site development permit. As a result, the modified 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)]**

4.4 AIR QUALITY

The change to the 2016 approved project relevant to air quality is the potential for extended construction hours.

4.4.1 Impact Discussion

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

4.4.2 Findings of the Previously Certified Initial Study/Addendum

The Initial Study/Addendum concluded that the approved project would have a less than significant criteria pollutant construction air quality impact and would implementation standard permit conditions to control dust emissions.

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern to sensitive receptors due to release of diesel particulate matter (DPM), organic toxic air contaminants (TACs) from all vehicles, and $PM_{2.5}$, which is a regulated air pollutant. The nearest sensitive receptors are residences located approximately 500 feet west of the project site.

The Initial Study/Addendum concluded that the approved project would have a less than significant impact from construction TACs due to the distance between the project site and the nearest sensitive receptors and prevailing wind conditions. These findings were found to be consistent with the Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto.

4.4.3 Air Quality Impacts Resulting from the 2018 Modified Project

TAC emissions associated with construction of the proposed project would not expose nearby sensitive receptors to TAC emissions.[2] In addition, consistent with the approved project, the standard permit conditions noted below would be implemented during construction to reduce TAC emissions.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or 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 mph.
- 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 5 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 operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

4.4.3.1 *Construction Impacts (Checklist Questions 1 and 3)*

The modified project is proposing to extend construction hours beyond those designated in the Municipal Code and established for the approved project. Specifically, the project proposes construction on Saturdays from 8:00 am to 5:00 pm and up to 30 24-hour concrete pours over the 24-month construction period. As noted above, the approved project was found to have a less than significant criteria pollutant construction air quality impact and TAC emissions impact and would implementation standard permit conditions to control dust emissions.

Construction emissions are estimated based on multiple factors including the number of days of construction and the type of equipment used and the duration of the use. To quantify construction period emissions, data is inputted into the CalEEMod Model. The data is computed and then averaged over the total duration of the construction period. Regardless of when construction occurs within the construction timeframe, either weekdays or weekends, the pollutant emissions would be the same.

[2] Personal Communication: James Reyff, Illingworth & Rodkin. June 27, 2016.

The approved project was assumed to have a 24-month construction timeframe (approximately 510 work days)[3]. The modified project is assumed to have a 24- to 30-month construction timeframe (approximately 614 to 770 work days)[4]. With or without the extended construction hours, the total timeframe for construction of the modified project would be equal to or greater than the approved project. Because the modified project would have a greater number of total construction days, the daily pollutant levels (averaged over the length of the construction period) would be less than the approved project. Furthermore, the modified project would still be required to implement the standard permit conditions included in the approved project. As a result, the extension of construction hours would not increase overall emissions during the construction period. Therefore, the modified project would not exceed BAAQMD thresholds for construction and would not result in any new significant air quality impact or an impact of greater severity than was previously identified. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.3.2 *Odors and Cumulative Operational Criteria Pollutant Impacts (Checklist Questions 2 and 4)*

The approved project was found to have a less than significant impact on odors. The approved project would, however, have a significant operational criteria pollutant impact. The proposed changes to the approved project are not relevant to these issues as the land uses would be the same and the size of the proposed building is slightly less. As such, the modified project would not result in any new significant air quality or odor impact or an impact of greater severity than was previously identified. **[Same Impact as Approved Project (Significant Impact)]**

[3] The estimate of 510 work days is based on five work days per week, for 52 weeks per year, minus ten days for holidays.
[4] At 24 months, the modified project would have an estimated 614 work days which accounts for Saturday construction. At 30 months, the modified project would have an estimated 770 work days including Saturdays.

4.5 BIOLOGICAL RESOURCES

The change to the 2016 approved project relevant to biological resources is the change in the geographic area identified for implementation of the City's Bird Strike policy. The following analysis is based on an Avian Collision Risk Assessment prepared by *H.T. Harvey & Associates* in November 2018. A copy of the report can be found in Appendix A of this document.

4.5.1 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐
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 CDFW or USFWS?	☐	☐	☐	☒	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
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, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐

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

4.5.2 Findings of the Previously Certified Initial Study/Addendum

The Initial Study/Addendum did not address potential bird-strike impacts because: 1) the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) is only required north of State Route 237; 2) the lack of riparian habitat in the immediate project area; and 3) because there is an elevated roadway between the Guadalupe River and the project site.

4.5.3 Bird Strikes Impacts Resulting from the 2018 Modified Project

H.T. Harvey & Associates concluded that no bird strike analysis would be required for this project under CEQA due to the lack of high-quality riparian habitat along this reach of the river, the lack of appropriate habitat at John P. McEnery Park, and the presence of other tall buildings in the vicinity. Therefore, implantation of the modified project would have a less than significant impact on birds. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.4 Operational Biological Resources Issues Not Covered Under CEQA Resulting from the 2018 Modified Project

While the modified project would not result in a CEQA impact related to bird strikes, the City's Riparian Corridor Protection and Bird-Safe Design Policy (City Council Policy 6-34) has been applied to the project site at the discretion of the City. Therefore, the project's consistency with City Council Policy 6-34 is addressed below.

4.5.4.1 *Existing Conditions*

The project area consists of a mix of high-density commercial development. The Guadalupe River flows under SR 87 approximately 150 feet to the west of the site, and the Guadalupe River Trail and approximately 1.3-acre John P. McEnery Park provides landscaping which attract some birds to the area. These green spaces are relatively small, and no extensive natural areas are located in the immediate site vicinity. The riparian habitat adjacent to the site is highly fragmented due to the surrounding high-density urban development and the presence of bridges, road crossings, and channelization along nearby portions of the river, and therefore lacks connectivity to higher-quality riparian habitats in the region. The Guadalupe River Park, located 0.25 miles to the northwest and southeast of the site, offers some native riparian habitat.

Vegetation in this area is very limited in extent and consists almost entirely of non-native landscaped trees and shrubs. Non-native vegetation supports fewer resources required by native birds than native vegetation, and the structural simplicity of the vegetation (without well-developed ground cover, understory, and canopy layers) further limits resources available to birds. As a result, some common bird species likely use the vegetation in the project area but would do so in low numbers. Rare species or species of concern are not expected to occur on or close to the project site. As a result, the number of individual birds that inhabit and regularly use vegetation on the project site and surrounding area at any given time is relatively low under existing conditions. The project site and immediate area are not considered an important flight path for birds and although some songbirds that migrate along the Pacific Flyway and travel through the project area may be attracted to this reach of the Guadalupe River, the habitat is not likely to be heavily used by migrating birds.

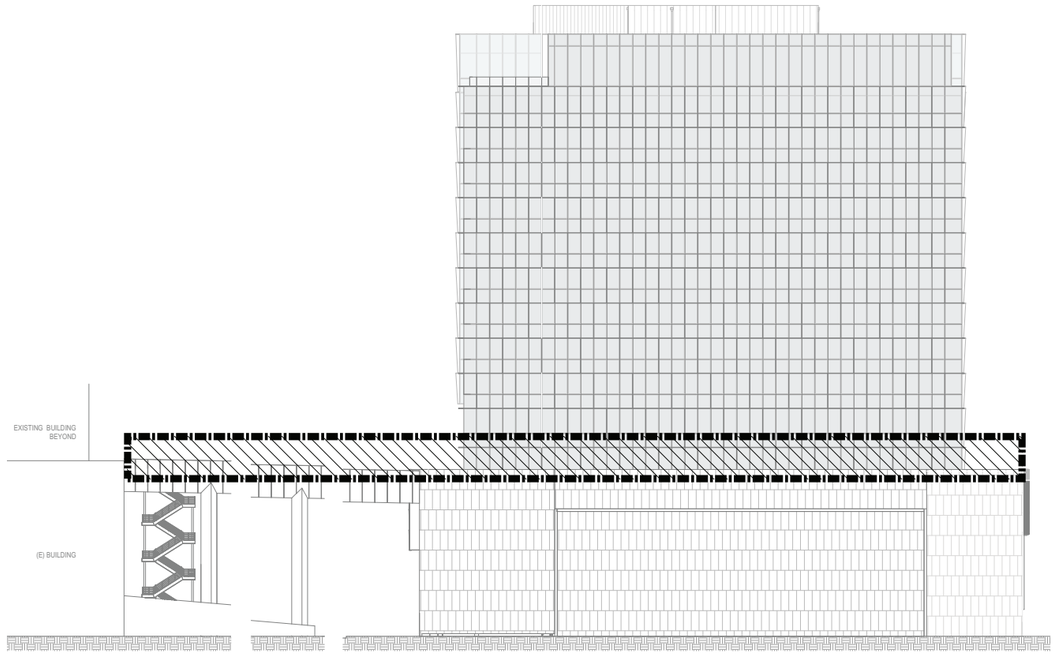
4.5.4.2 *Bird Strike Issues Based on Project Design*

Based on the plans provided, the site would not provide habitat that is of substantially greater value to birds with development of the modified project. Birds that occur on-site and in the vicinity would be attracted to new trees and landscaped areas along the street and the planting areas on the sixth floor. Due to the small size and type of vegetation, and the height from the ground, the landscaping on the 18th floor would not attract many birds. Similarly, the landscaping on the pedestrian bridge would have minimal appeal to birds due to size, type, and location of the vegetation relative to other trees and landscaping in the project area. Birds that utilize the vegetation at ground level and the seventh and ninth floors would primarily move between the small areas of landscaping on-site and in the surrounding vicinity. The small number of trees and plants, coupled with the lack of structural diversity, would not provide high-quality habitat for native birds. As a result, implementation of the modified project may result in a slightly higher numbers of regionally common, resident and migrant urban-adapted bird species compared to existing conditions, but no substantial increases in bird abundance or diversity in the immediate site vicinity would occur.

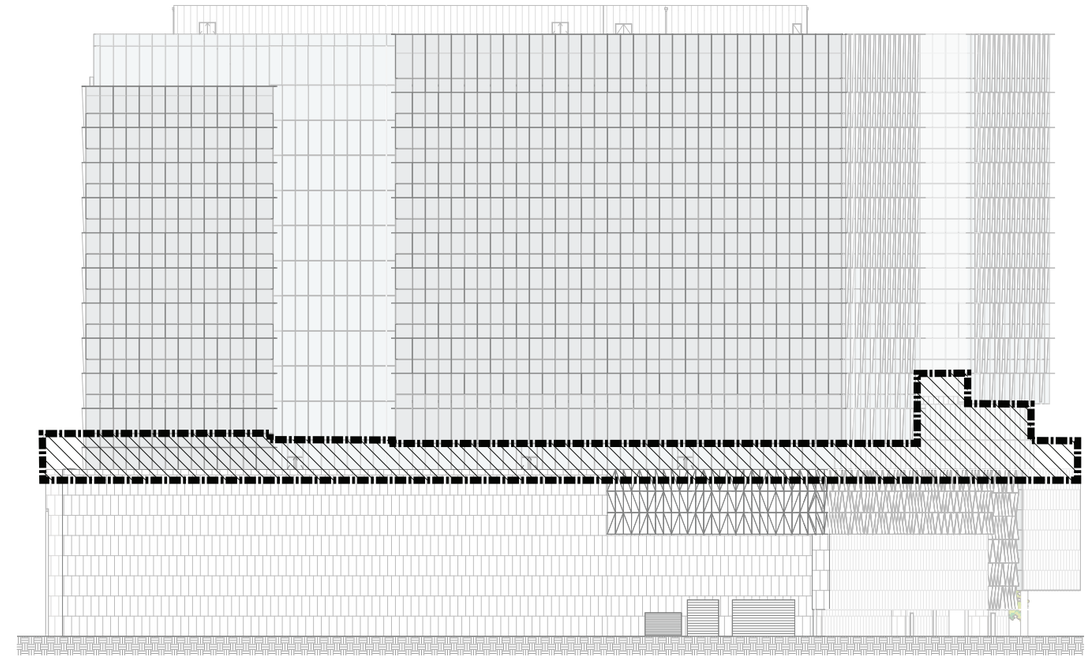
While the likelihood of bird strikes is low, the modified project includes bird safe design features to further reduce potential bird strike issues. Specifically, the project plans include vertical and horizontal louvres and spandrel panels that would be used to break up the glass façades of the proposed building above the 7th floor. The louvres and spandrel panels would increase the ability of the birds to perceive the building as a solid obstruction. No spandrel panels are proposed on the clear glass curtain wall over the main entrance or on the ground levels. The opaque perforated panels over the garage levels (floors 2-6) would, however, make the upper floors appear more solid.

In addition, the modified project proposes to restrict landscape lighting to the minimum needed for pedestrian safety, minimizing light emittance from the building, avoiding the use of exterior spotlights, and to use low-reflective glass coatings on specific locations on the building. The pedestrian bridge would be a solid surface material. Figure 4.5-1 shows the proposed locations of the treated glass. Figures 4.5-2 and 4.5-3 show renderings of the proposed building.

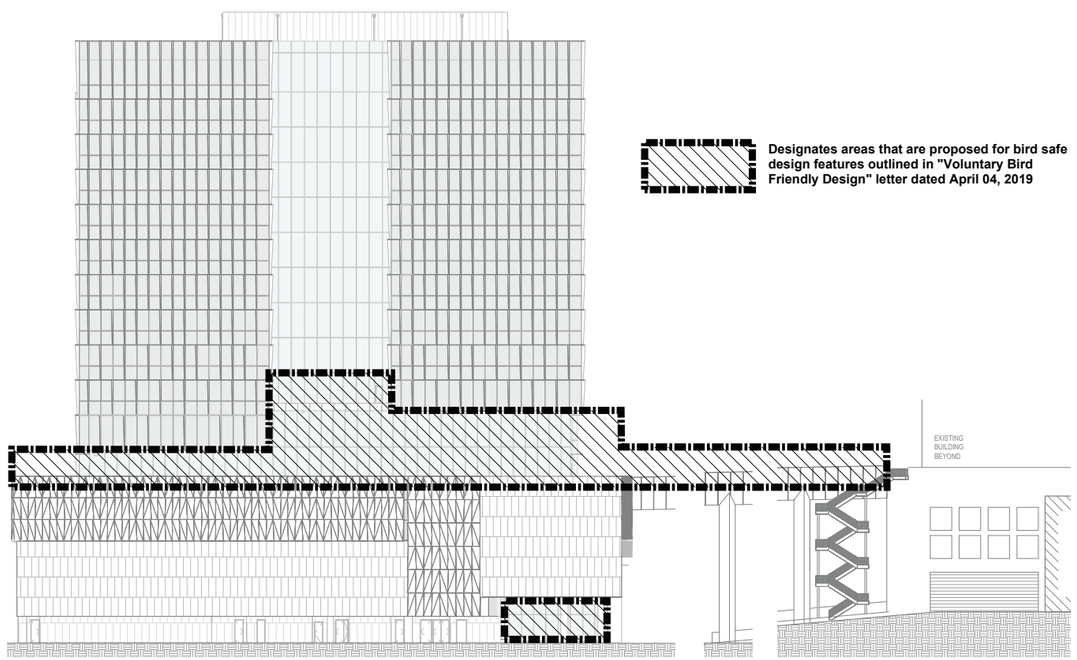
The fin structures themselves and the shadows cast by these features would help reduce reflections of the sky or vegetation in the glass. Nevertheless, birds approaching the building head-on could perceive the glass panels between the fins as open flight paths.



BUILDING ELEVATION - EAST

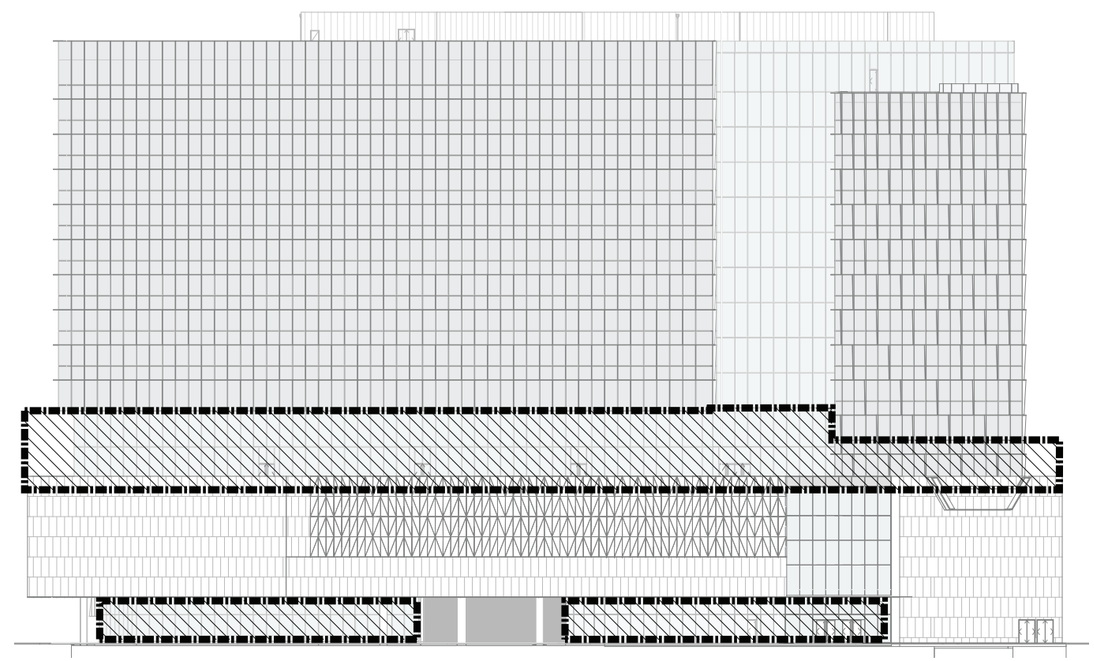


BUILDING ELEVATION - NORTH



Designates areas that are proposed for bird safe design features outlined in "Voluntary Bird Friendly Design" letter dated April 04, 2019

BUILDING ELEVATION - WEST



BUILDING ELEVATION - SOUTH

BIRD SAFE DESIGN LOCATIONS

FIGURE 4.5-1

RENDERING OF THE SOUTHERN FACADE OF THE PROPOSED BUILDING

FIGURE 4.5-2

RENDERING OF THE SOUTH AND WEST FACADES OF THE PROPOSED BUILDING

FIGURE 4.5-3

There are some features of the proposed building where bird collisions are more likely to occur because they may not be as easily perceived as physical obstructions. Birds would not heavily use the vegetation on the walkway and the green roofs on levels 9 and 17 due to its patchy nature, the use of non-native plants, and human disturbance, but some birds would likely move between the ground level, the vegetation around the building on the seventh floor, and the bridge. Because the bridge would be a solid surface, bird collisions would not be a concern. Migrants and other birds flying overhead may, however, occasionally descend to the green roofs and could collide with the glass railings. In addition, the shallow alcove from level 7 to the top of the building would be surrounded on three sides by glass, including a clear-glass curtain wall composed of highly transparent glass. Renderings of the project show vegetation inside the building (behind glass) within this alcove, and some birds are likely to collide with the clear glass while trying to reach that vegetation. Birds may also collide with the corners of the buildings, as they may perceive the ability to fly "through" the glass in those areas.

Given the lack of habitat in the project area, in the Bird Strike Analysis (Appendix A) the biologist concluded that the frequency of bird collisions with the proposed building and pedestrian bridge would be low and would most likely be common resident bird species.

Because the project area is lacking in vegetation to support large numbers of birds and is not a primary flight path, and because the modified project would include some bird safe design features, the project would be consistent with Council Policy 6-34.

4.6 GREENHOUSE GAS EMISSIONS

The change to the 2016 approved project relevant to greenhouse gas (GHG) emissions are the upcoming milestones in the State law and changes to the timing of development on-site relative to the GHG milestones (construction completed after the year 2020). The following analysis is based on a CalEEMod air quality model run completed by David J. Powers & Associates in November 2018. A copy of the analysis can be found in Appendix B of this document.

4.6.1 Impact Discussion

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

4.6.2 Findings of the Previously Certified Initial Study/Addendum

The analysis for the approved project assumed the project would be constructed and operational by January 1, 2021 and, therefore, was based on the year 2020 GHG reduction targets established by the Bay Air Quality Management District (BAAQMD). The Initial Study/Addendum concluded that the project would have a less than significant GHG emissions impact because the approved project is consistent with the General Plan land use designation for the site and the land use assumptions of the City's GHG Reduction Strategy. Furthermore, the approved project is in compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction Strategy.

The Initial Study/Addendum also found that development of the approved project would result in a temporary increase 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. Because project construction is a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of State Assembly Bill (AB) 32, the temporary increase in emissions would be less than significant.

These findings were found to be consistent with the General Plan FEIR, SEIR, and Addenda thereto.

4.6.3 Greenhouse Gas Emissions Impacts Resulting from the 2018 Modified Project

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

For a project to rely on the 2020 threshold, the project must be fully constructed and operational prior to January 1, 2021. Given the project applicants estimated construction timeframe of 24-30 months,

it is reasonable to assume that the project would not be operational prior to January 1, 2021 and must, therefore, be assessed based on the 2030 GHG reduction target.

The State has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for the State and local governments to comply with the State Senate Bill (SB) 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a "Substantial Progress" efficiency metric of 2.6 MT CO2e/year/service population has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels. It should be noted that the approved project was estimated to have a 20 percent reduction in traffic trips due to the site's proximity to Diridon Station. The modified project is estimated to have the same trip reduction. In addition, the modified project proposes a 15 percent parking reduction.[5] Assuming no additional GHG reduction measures (other than the trip and parking reductions) would be included in the project, the project would generate approximately 2.3 MT CO2e/SP per year and would be below the 2.6 MT CO2e/year/service population threshold.[6]

Consistent with the approved project, the modified project would be required to build to the California Green Building Code (CALGreen) which includes design provisions intended to minimize wasteful energy consumption. In addition, the proposed development would be designed to achieve minimum LEED certification consistent with City Council Policy 6-32 Private Sector Green Building Policy, though no specific building measures have been identified at this time. Because no specific building measures have been identified, no GHG emissions reductions were taken, resulting in a conservative estimation of GHG emissions.

The project is consistent with the development assumptions in the General Plan and operational GHG emissions would be below the 2030 substantial progress threshold. The modified project would not result in a new impact or substantially increase the severity of the previously identified GHG emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[5] The CalEEMod model inputs can be found in Appendix B.
[6] Per the CalEEMod model analysis, the total GHG emissions of the project would be 5,021 MTCO2e annually. This was divided by a service population of 2,210 employees which assumes 3.4 employees per 1,000 gross square feet of office space consistent with the Institute of Transportation Engineers (ITE) population estimates.

4.7 HYDROLOGY AND WATER QUALITY

The change to the 2016 approved project relevant to hydrology and water quality is the proposed change to the site plan which would result in a change in pervious and impervious surfaces on-site. Changes to the impervious surface area on-site could impact the volume and quality of stormwater runoff.

4.7.1 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒	☐
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	☐
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☐	☒	☐
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	☐
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	☐

4.7.2 Findings of the Previously Certified Initial Study/Addendum

The project site was 11 percent pervious surfaces under the existing conditions at the time the approved project was assessed. With the approved project, the site would be one percent pervious, which would result in a net increase in stormwater runoff.

The Initial Study/Addendum noted that with the proposed changes in land use, full build-out of the Downtown Strategy 2000 would result in an overall net decrease in impermeable surfaces. Furthermore, the General Plan FEIR, SEIR, and Addenda thereto 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 project would have a less than significant impact on the existing storm drainage system.

The Initial Study/Addendum also found that the project would be required to comply with City Policy 6-29 and the Regional Water Quality Control Board (RWQCB) Municipal Regional Stormwater Permit (MRP). As such, the on-site treatment facilities would be numerically sized and is required to have sufficient capacity to treat runoff entering the storm drainage system, consistent with the National Pollutant Discharge Elimination System (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. Therefore, 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 project would have a less than significant water quality impact.

4.7.3 Hydrology and Water Quality Impacts Resulting from the 2018 Modified Project

4.7.3.1 *Post-Construction Impacts (Checklist Questions 1 and 5)*

Currently, 89 percent of the project site is comprised of impervious surfaces. The modified project would reduce impervious surfaces by 16 percent (17,383 square feet). The project would add or replace more than 10,000 square feet of impervious surfaces. Therefore, the project would be required to comply with the City Council Policy 6-29 Post-Construction Urban Runoff and the RWQCB Municipal Regional Stormwater Permit (MRP) consistent with the approved project. In order to meet these requirements, the project must treat post-construction stormwater runoff with numerically sized Low Impact Development (LID) treatment controls. If the project is granted Special LID Reduction Credits, the project would be allowed to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to granting any LID credit reduction, the City must first establish a narrative discussion submitted by the applicant that describes why the implementation of 100 percent LID treatment measures is not feasible, in accordance with the MRP.

The on-site treatment facilities would be numerically sized and is required to have sufficient capacity to treat runoff entering the storm drainage system, consistent with the NPDES requirements. Details of the specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design to

minimize and properly treat stormwater runoff to the satisfaction of the Director of Planning, Building and Code Enforcement.

The General Plan FEIR 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 modified project would have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.3.2 *Storm Drainage Impacts (Checklist Question 3)*

Under existing conditions, the site is approximately 10 percent pervious. Under project conditions, the site would be approximately 24 percent pervious, which would result in a net decrease in stormwater runoff compared to current conditions and the approved project.

The approved project was found to have a less than significant impact on the capacity of the existing storm drainage system. Because the modified project would have less impervious surface area than either the existing conditions or the approved project, the volume of runoff would be less. As a result, implementation of the modified project would have a less than significant impact on the capacity of the existing storm drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.7.3.3 *Flooding and Groundwater (Checklist Questions 2 and 4)*

The approved project had a less than significant impact on groundwater recharge and supply. In addition, the approved project had a less than significant impact as a result of flooding, either by location within a flood zone, seiche, tsunami, mudflow, or dam failure. The proposed changes to the approved project are not relevant to these hydrology issues. As such, implementation of the modified project would have a less than significant impact on flooding, groundwater recharge, and groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8 LAND USE AND PLANNING

The change to the 2016 approved project relevant to land use is the proposed pedestrian bridge and the bridge's consistency with applicable City policies.

4.8.1 Impact Discussion

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

4.8.2 Findings of the Previously Certified Initial Study/Addendum

The approved project is consistent with the General Plan and zoning designations. The Initial Study/Addendum concluded that the project would not conflict with any applicable land use plans, policies, or regulations.

The approved project did not address potential impacts from increased shading because the only open space near the project site is to the south of the building location. As the building would not cast shadows to the south, no analysis was required.

4.8.3 Land Use Impacts Resulting from the 2018 Modified Project

4.8.3.1 *Established Communities*

Consistent with the approved project, the modified project is an office/retail 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. Therefore, the modified 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.

4.8.3.2 *Consistency with the General Plan Land Use Designation and Zoning*

The project site has a land use designation of *Downtown* under the adopted General Plan and is in the *DC – Downtown Primary Commercial* Zoning District. The *Downtown* land use designation allows for building heights of three to 30 stories and a FAR of up to 30.0. Consistent with the approved project, implementation of the modified project would result in the redevelopment of an underutilized site with office and retail space within the downtown area, consistent with the General Plan designation and zoning district. As a result, the project would not conflict with any applicable land use plans, policies, or regulations.

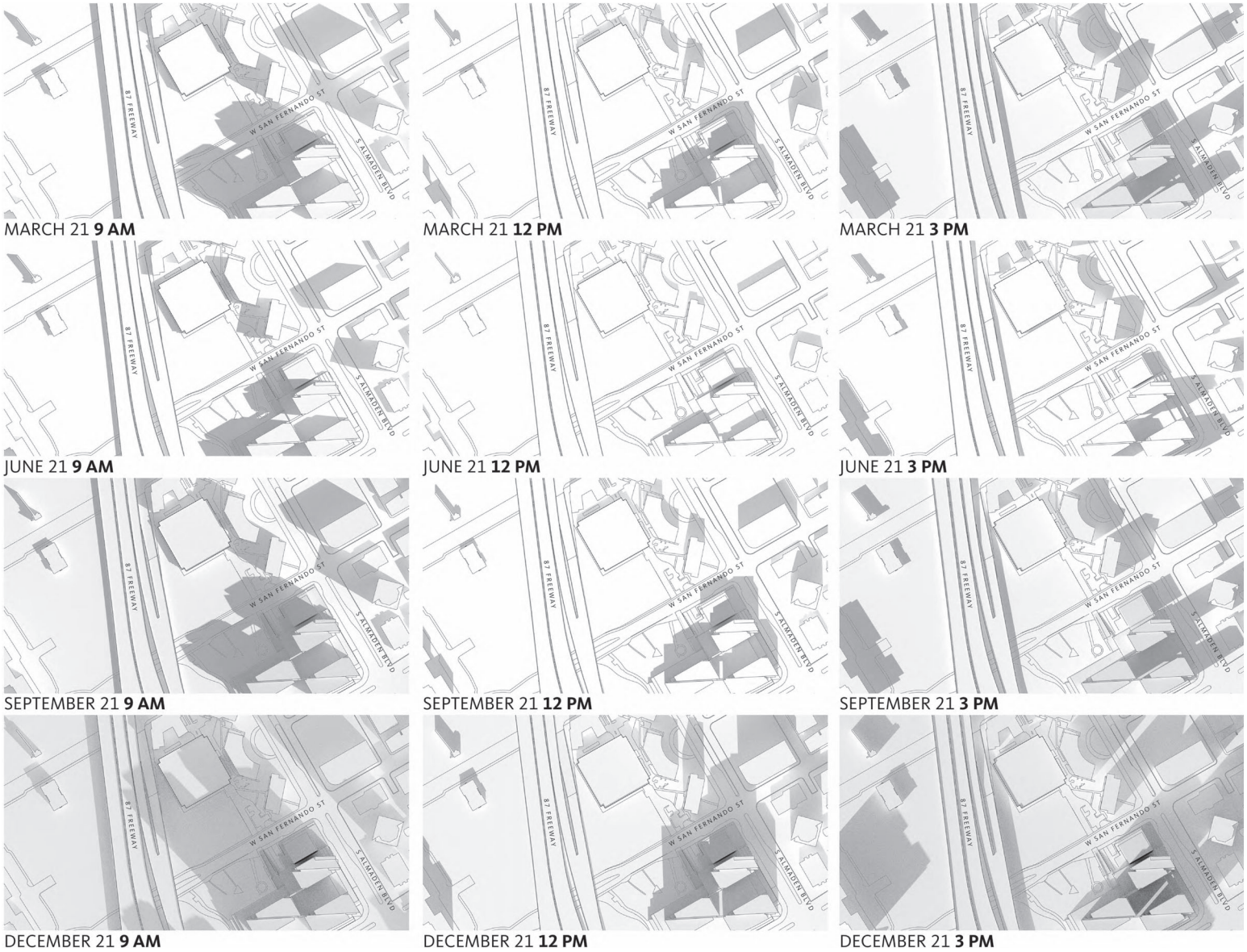
4.8.3.3 *Shade and Shadow Impacts (Checklist Question 3)*

Under existing conditions, the existing Adobe Towers on the south side of West San Fernando Street shade the adjacent McEnery Park in the morning hours year-round and during mid-day in the spring, fall, and winter. The towers do not shade the park in the afternoon hours. See Figure 4.7-1.

Consistent with the approved project, the building proposed under the modified project would not shade McEnery Park as the building is located north of the park. The proposed pedestrian bridge would, however, be located adjacent to the eastern edge of the park. While a small portion of the pedestrian bridge directly adjacent to the park would cast shadows on the park, it would be at the same time and in the same location as the existing Adobe towers are casting shadows. The pedestrian bridge alone would not result in a 10 percent or greater increase in the shadow cast on McEnery Park. As a result, development of the pedestrian bridge would have a less than significant shading impact. **[New Less Than Significant Impact (Less Than Significant Impact)]**

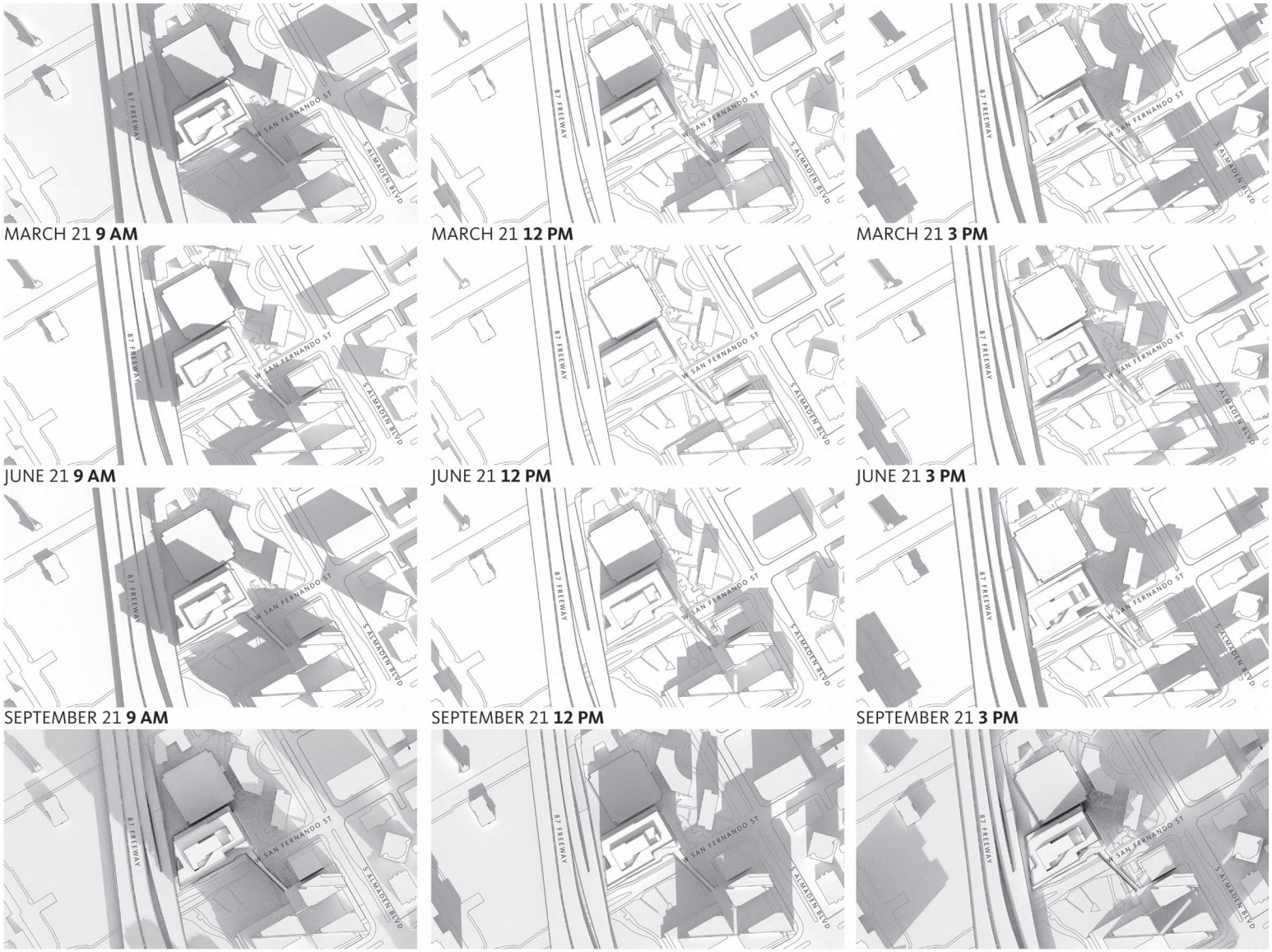
4.8.4 <u>Non-CEQA Considerations</u>

The Top Priorities of the Downtown Strategy 2040 include considering Major Encroachments into the public right-of-way to help activate public life. As defined in Chapter 13.37 of the San José Municipal Code in Title 13 “Streets, Sidewalks and Public Places,” a Major Encroachment is “any Encroachment that is a non-temporary improvement or object not readily removable with minimal alteration or damage to adjoining Public Property or private property, including, without limitation, footings, foundations, basements, vaults, earth retaining structures, walls, roof overhangs and ramps. Major Encroachment shall include any Encroachment that is not a Minor Encroachment.” As stated in the memorandum from staff to the City Council for the June 27, 2017 Council hearing on the ordinance to allow these types of encroachments, Major Encroachments can result in buildings that are more architecturally interesting and attractive to users and can improve project feasibility for applicants. The intent is to allow flexibility for the City to consider these types of encroachments under certain terms and conditions if they are consistent with the public's rights in the public property at issue. The City Council adopted the ordinance with provisions for Major Encroachments on August 8, 2017. The key for consideration is that a proposed Major Encroachment must be consistent with the public’s rights in the public property. Therefore, the proposed pedestrian bridge must be safe, attractive, architecturally interesting, and consistent with the City’s relevant goals and policies for protecting the public’s right in the public property.



EXISTING SHADING ANALYSIS

FIGURE 4.7-1



MARCH 21 **9 AM**
MARCH 21 **12 PM**
MARCH 21 **3 PM**
JUNE 21 **9 AM**
JUNE 21 **12 PM**
JUNE 21 **3 PM**
SEPTEMBER 21 **9 AM**
SEPTEMBER 21 **12 PM**
SEPTEMBER 21 **3 PM**
DECEMBER 21 **9 AM**
DECEMBER 21 **12 PM**
DECEMBER 21 **3 PM**

SHADING ANALYSIS WITH MODIFIED PROJECT

FIGURE 4.7-2

4.9 NOISE AND VIBRATION

The change to the 2016 approved project relevant to noise and vibration is the potential for extended construction hours.

4.9.1 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

4.9.2 Findings of the Previously Certified Initial Study/Addendum

The Initial Study/Addendum concluded that the approved project would have a less than significant construction noise impact with implementation of the City's standard permit conditions. Vibration impacts from construction were found to be significant if pile driving were to occur, as outlined below.

Impact NOI-1: Pile driving could cause vibration levels in excess of City standards and result in physical damage to nearby structures.

MM NOI 1-1: If piles are utilized for project construction, the construction workers' shall use either drilled piers, rammed aggregate piers, or equivalent alternatives, which shall result in lower vibration levels and are the preferred foundation method where geological conditions permit. All mitigation measures shall be printed on all construction documents and project plans, prior to issuance of grading permits.

With implementation of the identified mitigation, the vibration impact was found to be less than significant.

4.9.3 Noise and Vibration Impacts Resulting from the 2018 Modified Project

4.9.3.1 *Construction Impacts (Checklist Question 1)*

The modified project is proposing to extend construction hours beyond those designated in the Municipal Code and established for the approved project. Specifically, the project proposes construction on Saturdays from 8:00 am to 5:00 pm and up to 30 24-hour concrete pours over the 24-month construction period. As noted above, the approved project was found to have a less than significant construction noise impact with implementation of the standard permit conditions. Pursuant to Section 20.100.440 of the San Jose Municipal Code, construction is allowed within 500 feet of residences outside the hours of 7:00 AM to 7:00 PM Monday through Friday if expressly allowed by a Development Permit or other planning approval. There is one existing sensitive receptor that is 500 feet from the project site. The receptor is a single-family house adjacent to the light rail tracks and Highway 87, and within the 65 dBA noise contour for Norman Y. Mineta San José International Airport. Due to the distance of the receptor from the site, and the existing noise environment no receptors would be exposed to an increase in ambient noise levels during extended construction hours. The following standard permit condition for the approved project will also apply to the modified project.

Standard Permit Conditions

- 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, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- 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.
- 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 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-dill 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, if applicable.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

In addition to the standard permit conditions, the modified project will include the following conditions of approval to further reduce noise associated with the proposed 24-hour concrete pours.

- Cement trucks and equipment shall be stationed near the southeast corner of the project site on West San Fernando Street to provide separation between the equipment and the nearby residences.

- The staging area for the cement trucks and equipment shall have noise barriers on three sides, leaving one side open for access. The open side of the three-sided noise barrier shall not face the existing residences to the west.

Consistent with the approved project, the applicant would be required to implement the City's standard permit conditions during all phases of construction as a condition of project approval. In addition, the project would be required to implement the identified conditions of approval to further reduce noise from the 24-hour concrete pours. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3.2 *Operational Noise, Construction Vibration, and Airport Impacts (Checklist Questions 1-3)*

The approved project was found to have a less than significant impact from operation noise and airport noise. The approved project would, however, have a significant construction vibration impact. The proposed changes to the approved project are not relevant to these issues as the land uses would be the same and the size of the proposed building is slightly less. As such, the modified project would not result in any new significant noise or vibration impact or an impact of greater severity than was previously identified. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

4.10 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
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐
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)?	☐	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐

4.10.1 Findings of the Previously Certified Initial Study/Addendum

The approved project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures and 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 FEIR.

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, and transportation 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 not contribute to the significant cumulative transportation impact that would occur under full build out of the Downtown Strategy 2000 and General Plan. The project would not result in any new or more significant cumulative impacts than the approved projects. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for both plans.

Construction of the approved project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project would redevelop an infill location in Downtown San José and any short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this Downtown site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy and the building would be designed to achieve minimum LEED Gold certification consistent with San José Council Policy 6-32. The project will incorporate energy use and conserve water design features. With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

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.

4.10.2 Mandatory Findings of Significance Resulting from the 2018 Modified Project

4.10.2.1 *Project Impacts (Checklist Question 1)*

Based on the analysis provided in this addendum, the modified project would not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with implementation of applicable General Plan policies and other regulations consistent with the approved project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.2 *Cumulative Impacts (Checklist Question 2)*

Based on the analysis provided in this addendum, the modified project would not significantly contribute to cumulative impacts that are not addressed and mitigated within the General Plan FEIR, SEIR, and Addenda thereto, the Downtown Strategy FEIR, or the West San Fernando Office Initial Study/Addendum. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Based on the analysis provided in this addendum, the modified project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or

indirectly with implementation of applicable General Plan policies and other regulations consistent with the approved project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

SECTION 5.0 REFERENCES

1. CEQA Guidelines – Environmental Thresholds (professional judgement and expertise and review of project plans).
2. City of San José. San José General Plan and City Code.
3. City of San José. General Plan FEIR (as amended)
4. City of San José. Downtown Strategy 2000 FEIR
5. City of San José. Downtown Strategy 2040 FEIR
6. City of San José. West San Fernando Office Initial Study/Addendum
7. H.T Harvey & Associates. Adobe North Tower – Avian Collision Risk Assessment
8. CalEEMod model run

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Thai Chau-Le, Supervising Planner
Krinjal Mathur, Planner

6.2 CONSULTANTS

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Environmental Consultants and Planners

Shannon George, Principal Project Manager
Amber Sharpe, Project Manager

H.T. Harvey & Associates
Biological Consultants