

Addendum

Starcity Residential Project

File No. SPA17-023-01

Prepared by the



May 2019

ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127)

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

SPA17-023-01 – Starcity Co-Living. A Special Use Permit Amendment to demolish the existing structures and construct an 18-story tower with up to 803 co-living residential units, 3,800 square feet of retail/market, and three levels of underground parking with 189 parking spaces. The co-living units would have private bedrooms and bathrooms, but would have shared kitchen and living spaces. Based on an equivalency calculation, the 803 co-living units would equate to a minimum of 380 standard units and a maximum of 573 standard units.

Location: The 0.77-acre project site is comprised of three parcels on the north side of Bassett Street between Terraine Street and North San Pedro Street in downtown San José.

Assessor’s Parcel Number: 259-23-005, 259-23-006, 259-51-007

Council District: 3

The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: “The Downtown Strategy 2040 Final Environmental Impact Report,” adopted by City Council Resolution No. 78942 on December 18, 2018. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

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

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

BACKGROUND

Downtown Strategy 2040 FEIR

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

The Downtown Strategy 2040 is an update and replacement of the *Downtown Strategy 2000: San José Greater Downtown Strategy for Development* (Downtown Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy 2040 is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown capacity that would be available now. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program-level, as they relate to site-specific conditions that cannot feasibly be evaluated in the absence of specific development project details.

The Downtown Strategy 2040 FEIR tiers off the analyses in the Envision San José 2040 Envision San José 2040 General Plan FEIR (General Plan FEIR) and Downtown Strategy 2000 EIR, and provided project-level review (where possible) and program-level review for future actions under the Downtown Strategy 2040. The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional environmental review that would occur at the time of the development proposal stage.

EXISTING SETTING

The project site is in an urban area immediately north of Bassett Street in downtown San Jose. The project site is bounded by North San Pedro Street to the east, Bassett Street to the south, Terrain Street to the west, and the UPRR rail line to the north. Immediately north of the UPRR rail line is a four-story multi-family apartment complex. The apartment complex is a cluster of five buildings and two parking structures. The parcel is located south of the project site has been cleared and is the site of an approved high-rise building with 313 residential units and ground floor retail, similar to the approved project. West of Terrain Street are vacant lots and the elevated State Route 87 (SR 87) The Guadalupe River and multiple office/commercial buildings are to the west of the highway.

APPROVED PROJECT VERSUS AND PROPOSED MODIFIED PROJECT

The approved project (SP17-023) permitted the development of an 18-story tower with up to 302 standard apartment residential units and approximately 9,300 square feet of ground floor commercial.¹ The approved project would be approximately 183 feet tall to the roof line and 195 feet tall to the top of the rooftop mechanical screening. Parking includes three retail stalls on the first floor and 302 residential stalls in four levels of below grade parking. The existing driveways would be removed and replaced with a full access driveway on North San Pedro Street, which would provide access to the parking structure.

As proposed, the modified project (SPA17-023-01) would construct an 18-story tower with up to 803 co-living residential units (as defined by Municipal Code 20.80.290 and 20.200.197), 3,800 square feet of retail/market, and three levels of underground parking. The modified project proposes an approximately 412,399 square foot tower with an integrated parking structure. The garage would provide 189 parking spaces.

As mentioned above, the approved project was for standard apartment units, but the modified project proposes co-living units. The co-living units would have private bedrooms and bathrooms and with shared kitchen and living spaces. Based on an equivalency calculation, the 803 co-living units would equate to a minimum of

¹ The approved Special Use Permit (SP17-023) conservatively analyzed for the total of 10,150 square feet as commercial retail and the permit allows for 9,300 square feet of commercial ground floor.

380² standard units and a maximum of 573³ standard units based on the number of people sharing a bedroom. Conservatively, this analysis is based on the 803 co-living units being equivalent to 573 standard residential units.

The height, massing, and location of the tower on the property would be the same as the approved project. In addition, access to the modified project site would not change relative to the approved project. Construction of the tower is estimated for 22 months.

Table 1: Summary of Proposed Changes to the Approved Project		
Project Component	Approved Project File No. SP17-023	Proposed Modified Project File No. SPA17-023-01
Building Height	195 Feet	197 Feet
No. of Residential Units	302	573 ^{2,3}
Retail Square Footage	9,300 ¹	3,800
Total Auto Parking Spaces	305	189
Total Bicycle Parking	84	192
Below Grade Parking Levels	4	3
Estimated Length of Construction	22 months	22 months

The currently proposed (“modified”) project is a mixed-use project of approximately 803 rooms that is approximately 573 standard units under the population equivalency standards. The project site is within the Downtown Strategy area.

ANALYSIS

Previously, the City of San Jose approved the Bassett Street Residential Project Initial Study/Addendum to the Brandenburg EIR and Downtown Strategy 2000 FEIR (SP17-023) in November 2017 and approved the Bassett Street Residential Project. Since then, the Downtown Strategy 2000 has been updated to Downtown Strategy 2040. The Downtown Strategy 2040 incorporated both the Brandenburg and Downtown Strategy 2000 areas and updated development capacity and environmental conditions of the area. Furthermore, since the approval of the project in 2017 (SP17-023), the only change to the environmental setting in the immediate project area is the construction of multi-family housing at the southeast corner of North San Pedro Street and Bassett Street, along Coleman Avenue.

The primary change between the approved project and the modified project is the change in residential units to co-living units. Therefore, the analysis from the approved project is still relevant and, for most resource areas, impacts from the modified project would be the same or less than the impacts identified under the approved project. The modified project would result in a residential high-rise building within the same footprint, mass, and location as the approved project. More detailed analysis for all the resource areas can be found in the Attachment.

Specifically, as the modified project is in exact same location within the larger Downtown area as the approved project, 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. In addition, the modified project would still be required to replace the 36 trees proposed for removal and complete pre-construction nesting bird surveys. Furthermore, ground disturbance impacts related to cultural resources and tribal cultural resources would be the same as the approved project and the same permit

² Assumes 1.0 persons per bed x 803 beds = 803 people. 803 people/2.1 residents per unit in the downtown = 382 units.

³ Assumes 1.5 persons per bed x 803 beds = 1,205 people. 1,205 people/2.1 residents per unit in the downtown = 573 units.

conditions would be required. Consistent with the approved project, the modified project would be required to comply to the City's stormwater policies and the Municipal Regional Permit, and would implement the City's standard measures for dewatering, FAA clearance, and remediation of any asbestos or lead on-site resulting from the age of the existing building. Lastly, consistent with the approved project, the modified project would be consistent with the 2017 Clean Air Plan and would not exceed the operational air quality emissions estimated for build out of the downtown. Because the modified project would be the same size and massing as the approved project, and constructed in the same timeframe, construction noise, vibration, and emissions would be the same as the approved project. Consistent with the approved project and the updated Downtown Strategy 2040 FEIR, the modified project will implement all applicable conditions and mitigation measures such as air quality equipment restrictions, pre-construction raptor surveys, cultural resource monitoring during construction, and noise and vibration monitoring during construction.

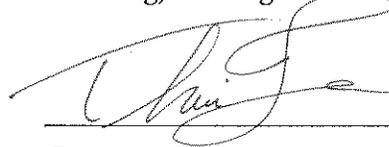
The Addendum, as in the Attachment, discloses further analyses for resource areas that may change, in addition to resource areas that have recently been included in the updated CEQA Checklist as of December 28, 2018 such as:

- Aesthetics
- Transportation
- Population and Housing
- Recreation
- Land Use
- Wildfires
- Greenhouse Gas Emissions
- Utilities and Service Systems
- Public Services

Based on the analysis in the Addendum, the modified project would not result in new or more impact than the approved FEIR (as described in the attachments). The scale and scope of the modified project is within the development capacity analyzed in the Downtown Strategy 2040 FEIR. No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2040 FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FEIR been identified. The modified project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the FEIR. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2040 FEIR, and addenda thereto has been prepared for the proposed project.

The attached Addendum and associated technical reports provide background on the modified project description, specific project-level impacts, and the relationship between previously approved project and currently modified project. This addendum (including attachments) will not be circulated for public review, but will be attached to the Downtown Strategy 2040 FEIR pursuant of CEQA Guidelines §15164(c).

Rosalynn Hughey, Director
Planning, Building and Code Enforcement



Deputy

5/13/19

Date

Environmental Project Manager: Thai-Chau Le

Attachment: Addendum and Associated Technical Reports

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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 Starcity Residential 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 San José Downtown Strategy 2000

On June 21, 2005, the City Council certified the Downtown Strategy Final Environmental Impact Report (Downtown Strategy 2000 FEIR) (Resolution No. 72767) and adopted the Downtown Strategy 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 plan is a strategic redevelopment plan that initially anticipated a planning horizon of 2000-2010 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 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 FEIR's analysis, the traffic analysis projected traffic conditions to 2020, which has turned out to be a more realistic timeframe for full implementation of the plan.

The Downtown Strategy 2000 has a development capacity of 8,500 residential dwelling units, 11.2 million square feet of office, 1.4 million square feet of retail development, and 3,600 hotel rooms.

The Downtown Strategy 2000 FEIR evaluated all environmental impacts, including traffic, 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 General Plan FEIR, SEIR, and Addenda thereto, certified in September 2011 and supplemented in December 2015 (refer to Section 1.1.1).

Further, an Initial Study/Addendum to the Downtown Strategy FEIR was prepared in July 2016 which updated traffic conditions a decade after the Downtown Strategy FEIR was certified, and determined that no new impacts would occur related to the construction of Phase 1 of the Downtown Strategy (2,000,000 square feet of office space). Utilizing 2014-2015 traffic counts and the City's updated CUBE 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 FEIR. For this reason and those described above, the Downtown Strategy FEIR continues to be an accurate evaluation of program-level impacts of proposed Phase 1 development projects Downtown.

1.1.2 Envision San José 2040 General Plan

In 2011, the City of San José approved the 2040 General Plan and the *Envision San José 2040 General Plan Final Program Environmental Impact Report* (General Plan FEIR), which is a long-range program for the future growth of the City. The General Plan FEIR (as amended) was 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, develop 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 Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development. The City of San José also approved an Envision San José 2040 General Plan Supplemental FEIR (General Plan SFEIR) to include and update the greenhouse gas emissions analysis in December 2015. On December 13, 2016, as part of the General Plan 4-Year Review, the City Council approved an addendum to the General Plan FEIR (as amended) 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.

1.1.3 Downtown Strategy 2040 Final Environmental Impact Report

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

The Downtown Strategy 2040 is an update and replacement of the Strategy 2000: San José Greater Downtown Strategy for Development (Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown capacity available now. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development.

This Addendum has been prepared as part of the supplemental environmental review process needed to evaluate the modified project in terms of the overall development envisioned in the Downtown Strategy 2040 FEIR.

1.1.4 Environmental Clearance Covering the Project Site

The previously approved Special Use Permit (SP17-023) and Vesting Tentative Map (T17-026) to allow for the demolition of the existing buildings (totaling approximately 26,8000 square feet), merge three existing lots into one, and the construction of an 18-story tower with up to 302 standard apartment residential units with up to 10,146 square feet of ground floor commercial retail space on a

0.77-acre site comprised of three parcels (APNs 259-23-005, 259-23-006, and 259-51-007). The project would have a density of approximately 392 dwelling units per acre (du/ac) and would be approximately 183 feet tall to the roof line and 195 feet tall to the top of the rooftop mechanical screening. The project included 305 parking spaces in a four-level below grade structure.

An Initial Study/Addendum was completed to analyze the project. The Initial Study/Addendum found that, with the project-level mitigation measures and standard permit conditions, the project would not result in new or more significant environmental impacts beyond those identified in the approved Downtown Strategy 2000 FEIR, General Plan FEIR, and General Plan SEIR, and addenda thereto.

The Special Use Permit, Vesting Tentative Map, and the Initial Study/Addendum was approved by Director of Planning, Building and Code Enforcement on November 15, 2017. However, the Vesting Tentative Map was appealed and heard before the City of San Jose City Council on January 23, 2018. City Council adopted a Resolution (Resolution No. 78495) denying the Vesting Tentative Map appeal and approved the Vesting Tentative map.

1.1.5 Preparation of This Addendum

Since certification of the Initial Study/Addendum, changes to the project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the 2019 modified 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 approved Initial Study/Addendum for the approved project addendized from the previous Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto, this Addendum for the modified project will reference the approved Initial Study/Addendum for the Bassett Street Residential Project and addendize the Downtown Strategy 2040 (where applicable) as it is the most updated programmatic environmental document.

1.2 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Starcity Residential Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Thai-Chau Le
Thai-Chau.Le@sanjoseca.gov
(408) 535-5658
200 East Santa Clara Street
San José, CA 95113

2.3 PROJECT APPLICANT

Starcity (Attn: Mo Sakrani)
1020 Kerny Street,
San Francisco, CA 94133

2.4 PROJECT LOCATION

The 0.77-acre project site is comprised of three parcels on the north side of Bassett Street between Terraine Street and North San Pedro Street in downtown San José.

2.5 ASSESSOR'S PARCEL NUMBER(S)

259-23-005
259-23-006
259-51-007

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated *Downtown* under the City of San José's General Plan and has a zoning designation of *DC – Downtown Commercial*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Tentative Map
- Demolition, Grading, Building, and Occupancy Permits
- Special Use Permit Amendment
- Other Subsequent Public Works Clearance

SECTION 3.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

Section 3.1.1 describes the project as approved under Special Use Permit (SP17-023) and Vesting Tentative Map (T17-026) and analyzed in the Bassett Street Residential 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 the construction of an 18-story tower with up to 302 standard apartment residential units and approximately 7,821 square feet of ground floor retail. The project would have a density of approximately 392 dwelling units per acre (du/ac) and would be approximately 183 feet tall to the roof line and 195 feet tall to the top of the rooftop mechanical screening.

The 7,821 square feet of retail space includes approximately 1,996 square feet of restaurant and 5,825 square feet of retail space. In addition, the project includes a 1,458 square foot leasing office and a lobby. The total non-residential square footage on the first floor is approximately 10,150 square feet.¹ Entrance to the lobby, leasing office, and retail space is located on the first floor along Bassett Street. Other non-residential space includes an approximately 2,652 square foot fitness area on the second floor, common terrace area and amenity space on the fifth floor, and a pool deck and a common terrace area on the 17th floor.

Parking includes three retail stalls on the first floor and 302 residential stalls in four levels of below-grade parking.

The existing driveways would be removed and replaced with a full access driveway on North San Pedro Street, which would provide access to the parking structure.

3.1.2 Proposed Modified Project

As proposed, the modified project would construct an 18-story tower with up to 803 co-living residential units, 3,800 square feet of retail/market, and three levels of underground parking. The modified project proposes an approximately 412,399 square foot tower with an integrated parking structure. The garage would provide 189 parking spaces.

As mentioned above, the approved project was for standard apartment units, but the modified project proposes co-living units. The co-living units would have private bedrooms and bathrooms, but would have shared kitchen and living spaces. Based on an equivalency calculation, the 803 co-living units would equate to a minimum of 380² standard units and a maximum of 573³ standard units. Conservatively, this analysis is based on the 803 co-living units being equivalent to 573 standard residential units.

¹ The approved Special Use Permit (SP17-023) conservatively analyzed for the total of 10,150 square feet as commercial retail and the permit allows for 9,300 square feet of commercial ground floor.

² Assumes 1.0 persons per bed x 803 beds = 803 people. 803 people/2.1 residents per unit in the downtown = 382 units.

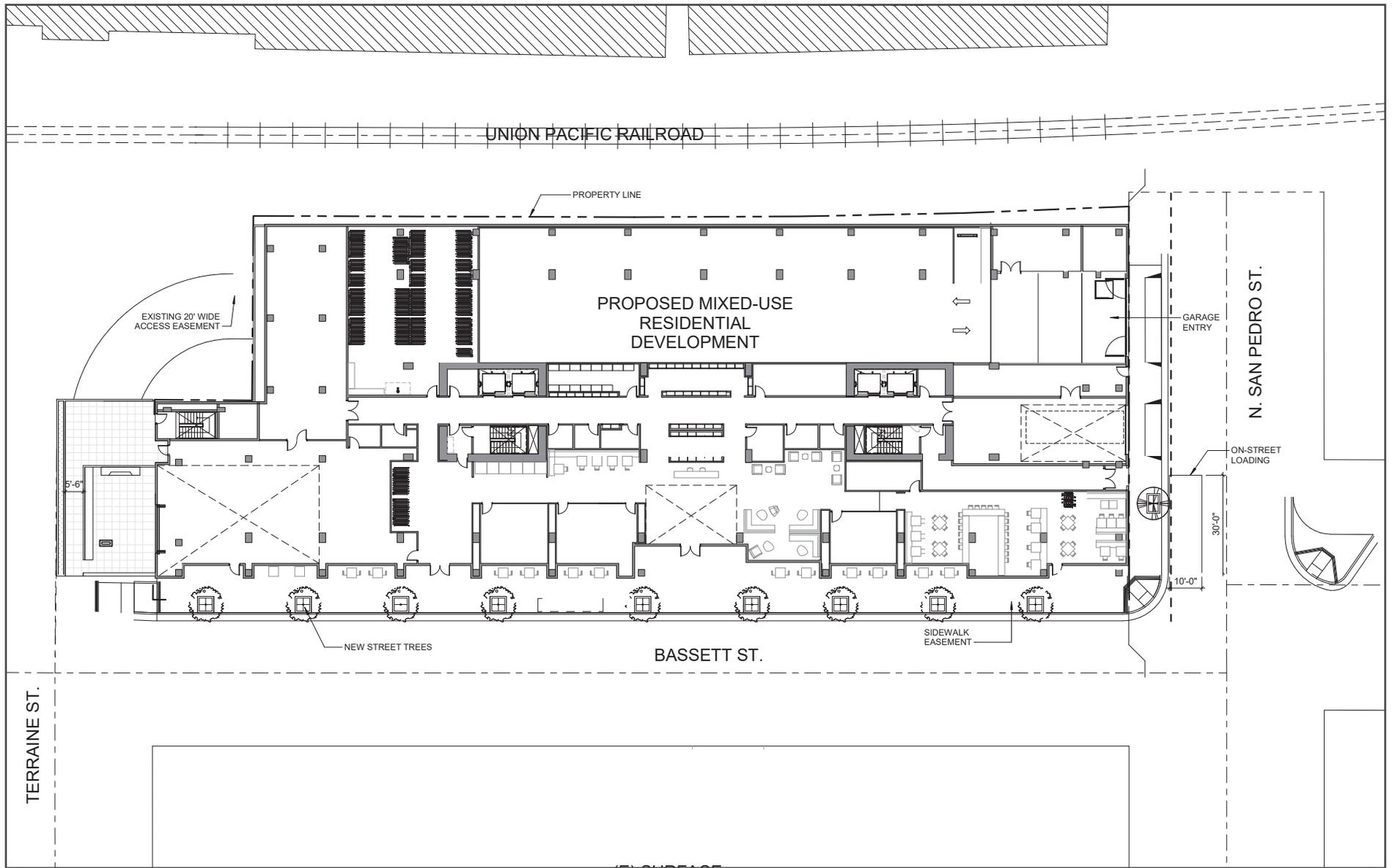
³ Assumes 1.5 persons per bed x 803 beds = 1,205 people. 1,205 people/2.1 residents per unit in the downtown = 573 units.

The height, massing, and location of the tower on the property would be the same as the approved project. In addition, access to the project site would not change relative to the approved project.

Construction of the tower would take 22 months.

Table 3.1-1: Summary of Proposed Changes to the Approved Project		
Project Component	Approved Project File No. SP17-023	Proposed Modified Project File No. SPA17-023-01
Building Height	195 Feet	197 Feet
No. of Residential Units	302	573 ^{2,3}
Retail Square Footage	9,300 ¹	3,800
Total Auto Parking Spaces	305	189
Total Bicycle Parking	84	192
Below Grade Parking Levels	4	3
Estimated Length of Construction	22 months	22 months

The modified site plan is shown in Figure 3.0-1, below.



2019 MODIFIED SITE PLAN

FIGURE 3.0-1

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

4.1 BASIS OF ANALYSIS

The City of San Jose approved the Bassett Street Residential Project Initial Study/Addendum in November 2017 and approved the Bassett Street Residential Project. The modified project would result in a comparable residential building in the same location as the approved project. The primary change between the approved project and the modified project would be the change in the type of residential units proposed and the increased residential density that would result. Furthermore, the environmental setting of the project site and surrounding area has not substantially changed since the approved of the 2017 project (refer to *Section 4.2 Existing Settings* below). For these reasons, for most resource areas, impacts from the modified project would be the same or less than the impacts identified under the approved project. Sections that would not experience measurable changes in the level of impacts from the modified project include:

- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Noise and Vibration
- Tribal Cultural Resources

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. In addition, the project would still be required to replace the 36 trees proposed for removal and complete pre-construction nesting bird surveys. 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 stormwater policies and the Municipal Regional Permit, and would implement the City's standard measures for dewatering, FAA clearance, and remediation of any asbestos or lead on-site resulting from the age of the existing building. Lastly, consistent with the approved project, the modified project would be consistent with the 2017 Clean Air Plan and would not exceed the operational air quality emissions estimated for build out of the downtown. Because the modified project would be the same size and massing as the approved project, and constructed in the same timeframe, construction noise, vibration, and emissions would be the same as the approved project and all previously identified permit conditions and mitigation would apply.

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

- 4.4 Aesthetics
- 4.6 Greenhouse Gas Emissions
- 4.7 Land Use
- 4.8 Population and Housing
- 4.9 Public Services
- 4.10 Recreation
- 4.11 Transportation
- 4.12 Utilities and Service Systems
- 4.13 Wildfires

In addition, Energy and Wildfires are now included in the CEQA Checklist (as of December 28, 2018) and have been added to this analysis in Sections 4.5 and 4.13, respectively. All these resource areas are discussed in Sections 4.4-4.13.

4.2 EXISTING SETTING

The project site is in an urban area immediately north of Bassett Street in downtown San Jose. The project site is bounded by North San Pedro Street to the east, Bassett Street to the south, Terrain Street to the west, and the UPRR rail line to the north. Immediately north of the UPRR rail line is a four-story multi-family apartment complex. The apartment complex is a cluster of five buildings and two parking structures. The parcel located south of the project site has been cleared and prepped for development of a high-rise building with 313 residential units and ground floor retail, similar to the approved project. West of Terrain Street are vacant lots and the elevated State Route 87 (SR 87) The Guadalupe River and multiple office/commercial buildings are to the west of the highway. Since the approval of the project in 2017 (SP17-023), the only change to the environmental setting of the immediate project area is the construction of multi-family housing at the southeast corner of North San Pedro Street and Bassett Street, along Coleman Avenue.

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 Jose has policies that address existing conditions affecting a proposed project, which are also discussed in this Addendum. 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 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 Initial Study/Addendum will discuss operational issues as they relate to City of San Jose policies where applicable.

Furthermore, this focused Initial Study has been formatted in accordance with the revisions to the CEQA Checklist contained in the recently-adopted revised CEQA Guidelines.

4.3 AESTHETICS

The change to the 2017 approved project relevant to aesthetics is the change in building design.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views ⁴ 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Create a new source of substantial light or glare which would 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"/>

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

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 residential tower in an area developed with buildings ranging from one to 16 stories and 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.

⁴ Public views are those that are experienced from publicly accessible vantage points.

4.3.3 Aesthetics Impacts Resulting from the 2019 Modified Project

AES-1: The project would not have a substantial adverse effect on a scenic vista. **[Same Impact as Approved Project (Less than Significant Impact)]**

As previously noted, the project site is flat, and the scenic views are limited due to the existing built environment and lack of designated scenic resources within the proximity of the site. Therefore, the construction of a 196-foot tower on site would not significantly change the setting or diminish scenic views in the area. **[Same Impact as Approved Project (Less than Significant Impact)]**

AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **[Same Impact as Approved Project (Less than Significant Impact)]**

As previously noted, there are no scenic vistas or designated scenic resources in the project area. The modified project would construct the same size 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 or designated scenic resources in the project area. Therefore, the modified project would not result in a new impact or substantially increase the severity of the previously identified aesthetics impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is not in an urbanized area. / The project would not conflict with applicable zoning and other regulations governing scenic quality. **[Same Impact as Approved Project (Less than Significant Impact)]**

As previously stated, the project area is a mix of architectural styles and building heights. The site is in an area that is not highly visible, except from 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 building as the approved project, and in the same location. The approved project is designed as a primarily glass building with stone cladding accents. While the overall design of the building is different from the approved project the materials would be the same and used in generally the same proportions. As a result, the building would not be out of character with the other buildings in the area and the modified project would not result in a new impact or substantially increase the severity of the previously identified aesthetics impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **[Same Impact as Approved Project (Less than Significant Impact)]**

As previously noted in the approved Initial Study/Addendum, sources of light and glare include external building lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The project exterior design is similar to the approved project. Consistent with the approved project, the modified project would go through a design review process prior to issuance of building permits and would be reviewed for consistency with the City's Design Guidelines, including guidelines on building lighting and materials. Therefore, the modified project would not result in a new impact or substantially increase the severity of the previously identified aesthetics impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.4 ENERGY

At the time the 2017 Initial Study/Addendum was prepared, energy was not a required analysis and was not included. The 2019 CEQA Guidelines (adopted December 28, 2018) now include energy in the CEQA Checklist. As a result, a complete checklist has been included in this Addendum. The following discussion is based upon CalEEMod Modeling prepared by *David J. Powers & Associates, Inc.* in April 2019. The report is attached as Appendix B of this document.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.⁵

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

⁵ California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed April 2, 2019. <https://www.dgs.ca.gov/BSC/Codes>.

Local

San José Clean Energy

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

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Envision San José 2040 General Plan

The 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

Table 4.5-1: General Plan Policies - Energy	
Green Building Policy Leadership	
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Waste Reduction	
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Reduce Consumption and Increase Efficiency	
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

Table 4.5-1: General Plan Policies - Energy	
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, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
Water Recycling	
Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Policy MS-19.10	Develop incentives to encourage the use of recycled water. Enact ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.
Solid Waste Materials Recovery/Landfill	
Policy IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City’s Zero Waste goals.
Sustainable Parks and Recreation	
Policy PR-6.4	Consistent with the Green Vision, complete San José’s trail network and where feasible develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.
Policy PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
Neighborhood Serving Commercial	
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.
Transportation	
Policy TR-1.4 ⁶	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of

⁶ Policy TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.

Table 4.5-1: General Plan Policies - Energy	
	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-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.

4.4.1.2 Existing Conditions

Total energy usage in California was approximately 7,826 trillion Btu in the year 2016, the most recent year for which data is available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 17 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,852 trillion Btu) for industrial uses, and 40 percent (3,113 trillion Btu) for transportation.⁷ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2017 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2017, a total of approximately 17,190 GWh of electricity was consumed in Santa Clara County.⁸

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

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California’s natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.⁹ In 2017, residential and commercial customers in California

⁷ U.S. Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed April 2, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

⁸ CEC. Energy Consumption Data Management System. “Electricity Consumption by County”. Accessed April 2, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

⁹ CEC. “2017 Natural Gas Market Trends and Outlook”. Accessed April 2, 2019. <https://efiling.energy.ca.gov/getdocument.aspx?tn=222400>.

used 32 percent, power plants used 28 percent, and the industrial sector used 36 percent. Transportation accounted for one percent of natural gas use in California.¹⁰ Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state’s total consumption of natural gas.¹¹

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.¹² The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970’s to 22 mpg in 2016.¹³ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.^{14,15} In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.¹⁶

4.4.1.3 Energy Use by Existing Development

For the purposes of this analysis, it is assumed that the existing buildings on-site are vacant and do not currently have any energy demand. Therefore, the energy estimates used for this analysis are conservative.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁰ U.S. Energy Information Administration. “Natural Gas”. Accessed April 2, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcua_sca_a.htm.

¹¹ CEC. “Natural Gas Consumption by County”. Accessed April 2, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

¹² California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed April 2, 2019. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

¹³ U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed April 2, 2019. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>.

¹⁴ U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed April 2, 2019. <http://www.afdc.energy.gov/laws/eisa>.

¹⁵ Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed April 2, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

¹⁶ The White House. Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards. August 28, 2012. Accessed April 2, 2019. <https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard>.

	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:					
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.4.3 Findings of the Previously Certified Initial Study/Addendum

Project specific energy impacts were not analyzed in the 2017 approved project, but was included in the Downtown Strategy 2000 FEIR. Energy was also analyzed in the Downtown Strategy 2040 FEIR

4.4.4 Energy Impacts Resulting from the 2019 Modified Project

4.4.4.1 *Estimated Energy Use of the Proposed Modified Project*

Operation of the modified project would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, and water heating. The following table summarizes the estimated energy use of the modified project.

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline ¹⁷ (gallons per year)
Apartments High-Rise – 573 units	2,365,540	4,950,400	123,783
Enclosed Parking with Elevator – 191 spaces	545,824	0	0
Strip Mall – 4,350 square feet	46,512	10,312	6,007
Total:	2,957,876	4,960,712	129,790

Source: David J. Powers & Associates, Inc. *CalEEMod Modeling*. April 2019.

4.4.4.2 *Site Transportation-Related Energy Use*

The total annual gasoline usage for the project would be approximately 129,790 gallons per year.

EN-1 and EN-2: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.
[New Less than Significant Impact (Less than Significant Impact)]

¹⁷ The annual VMT for High-Rise Apartments and Strip Mall are 2,723,222 and 132,161, respectively. Using the U.S. EPA fuel economy estimates (22.0 mpg), the project would have a gasoline usage of 129,790 gallons per year.

The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. [**New Less than Significant Impact (Less than Significant Impact)**]

Construction

The project would require demolition, site preparation, grading, paving, architectural coating, and building construction. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The modified project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the City's Standard Permit Conditions detailed in *Section 4.3, Air Quality* of the approved project, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idling equipment.

Implementation of existing applicable General Plan policies, regulations, and programs such as the Green Building Policy would also reduce energy waste from construction and demolition. Therefore, the modified project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. [**New Less than Significant Impact (Less than Significant Impact)**]

Operation

The modified project would result in electricity usage of approximately 2,957,876 kWh and natural gas usage of approximately 4,960,712 kBtu. Annual gasoline consumption as a result of the modified project would be approximately 129,790 gallons.

The energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. The project would be built to the most recent CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption, and Title 24 energy efficiency standards, which would ensure the energy efficiency of the overall project. Additionally, San José Clean Energy would provide electricity to the proposed development from renewable sources including solar, wind, and hydropower. Though the modified project does not include on-site renewable energy resources, the modified project would comply with the San José's Council Policy 6-32 Private Sector Green Building.

The modified project proposes more bicycle parking spaces while reducing vehicle parking to only 189 spaces. Additionally, the project proposes a TDM program which includes the following measures: secure bicycle parking for residents, unbundled parking, and electric vehicle plug-in stations.¹⁸ The proposed TDM measures and inclusion of bicycle parking would help reduce potential gasoline consumption.

¹⁸ The TDM measures were provided via personal communication with Nathan Miller of C2K Architecture (March 29, 2019).

Based on the measures required for LEED certification, the modified project would comply with existing state energy standards and would not obstruct implementation of a state or local plan for renewable energy or energy efficiency. **[New Less than Significant Impact (Less than Significant Impact)]**

4.5 GREENHOUSE GAS EMISSIONS

The change to the 2017 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).

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) Generate greenhouse gas (GHG) 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"/>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.5.2 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 AB32, the temporary increase in emissions would be less than significant.

4.5.3 Greenhouse Gas Emissions Impacts from the 2019 Modified Project

**GHG-1 and
GHG-2:**

The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Since the approval of the 2017 project, 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 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 Senate Bill 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

While the project would result in new vehicle trips during the operation of the project, the project would generate approximately 1.7 MT CO₂e/service population per year and therefore, would be below the 2.6 MT CO₂e/year/service population threshold for projects that would construct and operation after 2020.^{19,20}

Furthermore, the modified project would reduce the vehicle parking spaces and implement a TDM program that would reduce vehicle trips. Consistent with the approved project, the modified project would also 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 required to comply with San José Council Policy 6-32, 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)]**

¹⁹ David J. Powers & Associates, Inc. *CalEEMod Modeling*. April 2019.

²⁰ Per the CalEEMod model analysis, the total GHG emissions of the project would be 2,066 MTCO₂e annually. This was divided by a service population of 1,205 residents, consistent with the City’s assumed occupancy rate of the building.

4.6 LAND USE AND PLANNING

The change to the 2017 approved project relevant to land use is the change in the type of residential units proposed. The approved project includes standard apartment units and the modified project proposes co-living units.

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) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.6.2 Findings of the Previously Certified Initial Study/Addendum

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

LU-1: The project would not physically divide an established community. [**Same Impact as Approved Project (Less than Significant Impact)**]

The modified project would change the residential unit type in an already approved residential project. The Initial Study/Addendum concluded that the approved project would not divide an established community. The size and location of the residential building would not change and, as a result, the modified project would not divide an established community. The modified project would not result in a new impact or substantially increase the severity of the previously identified land use impact. [**Same Impact as Approved Project (Less than Significant Impact)**]

LU-2: The project would not 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. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project site is designated *Downtown* under the adopted General Plan and is zoned *DC – Downtown Commercial*. The *Downtown* designation allows for building heights of three to 30 stories and an FAR of up to 30.0. The modified project, as proposed, is consistent with the land use designations.

Implementation of modified project would result in the redevelopment of an underutilized site with residential and retail space within the downtown area, consistent with development proposed under the Downtown Strategy 2040. While the project would utilize more residential capacity under the Downtown Strategy 2040 than the approved project, an increase of up to 179 units on-site units would not preclude other residential development within the downtown area or significantly reduce the available residential capacity. As a result, the modified project would not conflict with any applicable land use plans, policies or regulations, and would not result in a new impact or substantially increase the severity of the previously identified land use impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

LU-3: The project would not 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). **[Same Impact as Approved Project (Less than Significant Impact)]**

The project site is not in proximity to St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, or McEnery Park. The site is located more than 1,000 feet from the nearest point of the Guadalupe River Park (the southeast corner of the park adjacent to the SR 87/Coleman Avenue intersection) and is separated from the project site by SR 87, Coleman Avenue, and existing residential development. The Initial Study/Addendum concluded that the approved project would not increase shading on any of the six major open space areas downtown. The modified project would be the same height as the approved project. Therefore, the modified project would not increase shading on any of the six major open space areas downtown and would not result in a new impact or substantially increase the severity of the previously identified shading impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 POPULATION AND HOUSING

The change to the 2017 approved project relevant to population and housing is the increase in residential units.

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

4.7.2 Findings of the Previously Certified Initial Study/Addendum

The 2017 approved project is an 18-story residential tower with up to 302 residential units which could accommodate up to 972 new residents²¹ in the City. The residential units were accounted for under the Downtown Strategy 2000 FEIR and the General Plan FEIR, SEIR, and Addenda thereto. The 2017 approved project would not result in unplanned residential growth nor would it impact the jobs/housing imbalance. In addition, the site is currently developed with two commercial/warehouse buildings and would not result in the displacement of people or necessitate the construction of housing elsewhere.

4.7.3 Population and Housing Impacts Resulting from the 2019 Modified Project

POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
[Same Impact as Approved Project (Less than Significant Impact)]

As proposed, the modified project would construct an 18-story tower with up to 803 co-living residential units and 3,800 square feet of retail/market. The modified project could accommodate up to 1,205²² new residents. The increase in housing on-site would be part of the 14,360 dwelling units approved for in the downtown area. The retail proposed would be less than the approved project.

²¹Assumed 3.22 persons per household, consistent with the Citywide average.

²²Assumes 1.5 persons per bedroom x 803 beds = 1,205 people.

Additionally, the modified project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the modified project would not induce unplanned population growth and would not result in a new impact or substantially increase the severity of the previously identified population and housing impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
[Same Impact as Approved Project (Less than Significant Impact)]

The site is currently developed with two commercial/warehouse buildings and, consistent with the approved project, the modified project would not result in the displacement of people or necessitate the construction of housing elsewhere. As a result, the modified project would not induce unplanned population growth and would not result in a new impact or substantially increase the severity of the previously identified population and housing impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8 PUBLIC SERVICES

The change to the 2017 approved project relevant to public services is the increase in residential units on-site.

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 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:					
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.8.2 Findings of the Previously Certified Initial Study/Addendum

Fire and Police Protection Services

The approved project would intensify use of the site and generate additional residents in the area. The approved project represents a small fraction of the total growth identified in the General Plan, which accounted for developed and approved projects under the Brandenburg project and Downtown Strategy Plan. The approved 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 FEIR, SEIR, and Addenda thereto to avoid unsafe building conditions and promote public safety.

Schools

Although the approved project would increase the number of students attending local schools including Grant Elementary School, Burnett Middle School, and Abraham Lincoln High School, the project is required to comply with State Law (Government Code Section 65996). Government Code 65996 specifies that an acceptable method of offsetting a project’s effect on the adequacy of school facilities under CEQA is the payment of a school impact fee prior to the issuance of a Building Permit. The Initial Study/Addendum concluded that implementation of applicable General Plan policies and programs and payment of impact fees would reduce impacts to local schools to a less than significant level.

Parks

The approved project is required to pay the applicable Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan policies PR-2.4 and PR-2.5. Since the project would comply with the PDO requirements, the project would not have a significant impact on park facilities.

Libraries

The approved residential development on the project site is part of the planned growth analyzed in the General Plan, which concluded that development and redevelopment allowed under the proposed General Plan would be adequately served by existing and planned library facilities.

4.8.3 Public Services Impacts Resulting from the 2019 Modified Project

PS-1 and PS-2: The project would not 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 *fire protection services*. [**Same Impact as Approved Project (Less than Significant Impact)**]

The project would not 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 *police protection services*. [**Same Impact as Approved Project (Less than Significant Impact)**]

The modified project would have up to 1,205 new residents, an increase of approximately 233 residents above the previously approved project, which have been accounted for in the planned growth for the City under the Downtown Strategy 2040. Consistent with the approved project, the modified project would be constructed in accordance with current building codes and would be required to be maintained in accordance with the municipal code and applicable City policies to avoid unsafe building conditions and promote public safety. While the modified project would result in a higher population than the approved the project, the project is within the Downtown Core and is planned for growth consistent with the Downtown Strategy 2040. For these reasons, the modified project would not preclude the San José Fire Department (SJFD) or the San José Police Department (SJPD) from meeting its service goals and would not require new police stations or fire stations to be constructed or existing facilities to be expanded to serve the development while maintaining City service goals. As a result, the modified project would not result in a new impact or substantially

increase the severity of the previously identified public services impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

PS-3: The project would not 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 *schools*. **[Same Impact as Approved Project (Less than Significant Impact)]**

The approved project would add approximately 83 new students to local schools. The modified project would add approximately 156 students to local schools, a net increase of 73 students compared to the approved project.²³ Consistent with the approved project, the modified project would have to implement the City’s Standard Permit Condition which requires residential projects to pay school impact fees pursuant to Government Code Section 65996. The payment of public school impact fees would allow the local school district to provide sufficient services for students generated by the project. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified school impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

PS-4: The project would not 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 *parks*. **[Same Impact as Approved Project (Less than Significant Impact)]**

The modified project would increase the residential density of the project site compared to the approved project. The increase in residents could increase usage of park facilities in the City. Consistent with the approved project, the modified project would have to implement the City’s Standard Permit Condition which requires residential projects to pay the applicable PDO/PIO fees. The payment of applicable parkland impact fees would allow the City to provide sufficient services for local residents. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified park impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

²³ Multi-family residential development generates approximately 0.139 elementary students, 0.059 middle school students, and 0.074 high school students per unit.

PS-5: The project would not 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 *other public facilities*. **[Same Impact as Approved Project (Less than Significant Impact)]**

The modified project would increase the residential density of the project site compared to the approved project. The increase in residents could increase usage of library facilities in the City. Consistent with the approved project, the modified project is within the planned growth for the downtown area and future residents would be provided library services consistent with City's per capita service goal. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified park impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9 RECREATION

The change to the 2017 approved project relevant to recreation is the increase in residential units on-site.

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
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"/>
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"/>

4.9.2 Findings of the Previously Certified Initial Study/Addendum

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

4.9.3 Recreation Impacts Resulting from the 2019 Modified Project

REC-1 and REC-2: The project would not increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

The modified project would increase the residential density of the project site compared to the approved project. The increase in residents could increase usage of recreational facilities in the City. Consistent with the approved project, the modified project is within the planned growth for the downtown area and would have to implement the City's Standard Permit Condition which requires residential projects to pay the applicable PDO/PIO fees. The payment of applicable impact fees would allow the City to provide sufficient services for local residents and the modified project would

not cause substantial physical deterioration of local, off-site recreational facilities and would not result in the need for construction of new facilities or expansion of existing recreational facilities. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified park impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 TRANSPORTATION

The change to the 2017 approved project relevant to transportation is the change in the type and number of residential units proposed. The approved project includes 302 standard apartment units and the modified project would have up to 803 co-living units, equivalent to 573 standard apartment units.

4.10.1 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
<hr/> Would the project:					
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Substantially increase hazards due to a geometric 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"/>
4) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TRN-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. [**Same Impact as Approved Project (Less than Significant Impact)**]

Consistent with the approved project, the modified project would conform to all applicable General Plan policies and would not conflict with adopted plans, policies, or programs related to alternative transportation. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified transportation impact. [**Same Impact as Approved Project (Less Than Significant Impact)**]

TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [**Same Impact as Approved Project (Less than Significant Impact)**]

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

significant VMT impact. Under Policy 5-1, the screening criteria are:

1. Small infill projects;
2. Local-serving retail;
3. Local-serving public facilities;
4. Transit supportive projects in Planned Growth Areas with low VMT and high quality transit;
5. Restricted affordable, transit supportive residential projects in Planned Growth Areas with
6. high quality transit;
7. Transportation projects that reduce or do not increase VMT

Within the screening criteria, residential projects are exempt from full VMT analysis if 1) it is located within a Planned Growth Area and, 2) the site is located within 0.5-mile of an existing major transit stop or an existing stop along a high-quality transit corridor and, 3) the site is located in an area in which the per capita VMT is less than or equal to the CEQA significance threshold for the land use, and 4) has a minimum FAR of 0.75 for office projects or components or a minimum of 35 units per acre, and 5) has no more than the minimum number of parking spaces required; if located in Downtown, the number of parking spaces must be adjusted to the lowest amount allowed; however, if the parking is shared, publicly available, and/or “unbundled”, the number of parking spaces can be up to the zoned minimum, and 6) would not negatively impact transit, bike or pedestrian infrastructure.

The Downtown Strategy 2040 FEIR analyzed the potential transportation impacts that could occur from the addition of 4,000 residential units and 3,000,000 square feet of office space to the downtown area using the methodology outlined in the City’s Transportation Analysis Handbook, per City Council Policy 5-1. The VMT data for the Downtown Strategy 2040 was calculated using the City’s Travel Demand Forecasting (TDF) model. Based on the Downtown Strategy 2040 FEIR, future development within the Downtown would result in low VMT.

The modified project is located within the downtown area and is located within walking distance (approximately 2,000 feet) to bus stops serving high-frequency bus lines on Santa Clara Street and the St. James Light Rail Station. The project is also less than a mile from the Diridon Station, served by commuter rail and Amtrak. Based on the City’s off-street parking requirements for co-living developments, the project would be required to provide a total of 201 off-street parking spaces.²⁴ The project proposes to utilize the 20 percent parking reduction due to its proximity to public transit. With the application of the parking reduction, the project would be required to provide a total of 161 off-street parking spaces.²⁵ The modified project proposes a total of 189 on-site parking spaces. In addition, the project applicant proposes 100 percent unbundled parking for all residential spaces as part of the project’s TDM plan. Construction of the project would not impact transit, bike and/or any pedestrian infrastructure. For these reasons, the modified project is consistent with the adopted VMT policy and would be exempt from full VMT analysis. **[New Less Than Significant Impact (Less Than Significant Impact)]**

²⁴ 0.25 space per bed x 803 = 200.75

²⁵ [(0.25 space per bed x 803) x 20% = 40.15] = 160.6

TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **[Same Impact as Approved Project (No Impact)]**

The project site is located along the northwestern corner of Bassett Street and North San Pedro Street and would construct a full access driveway on North San Pedro Street to access the parking structure. A loading dock access would also be located on North San Pedro Street. Consistent with the approved project, the modified project would construct a 10-foot sidewalk and Americans with Disabilities Act (ADA) ramps along both project frontages, thus improving the pedestrian environment. The garage driveway and improvements would not substantially increase hazards and the modified project would not result in a new impact or substantially increase the severity of the previously identified transportation impact. **[Same Impact as Approved Project (No Impact)]**

TRN-4: The project would not result in inadequate emergency access. **[Same Impact as Approved Project (Less than Significant Impact)]**

The California Fire Code requires driveways to provide 32 feet of clearance for fire access. Consistent with the approved project, the final site design of the modified project would be reviewed for consistency with applicable fire department standards. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified emergency access impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.11 UTILITIES AND SERVICE SYSTEMS

The change to the 2019 approved project relevant to utilities and service systems is the increase in residential units on-site.

4.11.1 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) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.11.2 Findings of the Previously Certified Initial Study/Addendum

The approved project was estimated to use 45,770 gallons of water and wastewater per day, and was found to have a less than significant impact on the City's water supply and wastewater treatment capacity. Impervious surfaces on-site would increase by approximately 45 feet as a result of the approved project. With implementation of post-construction Best Management Practices (BMPs) and

compliance with the RWQCB MRP, the approved project would have a less than significant impact on the City's storm drainage system.

The approved project was estimated to generate 1,202 pounds of solid waste per day. With implementation of CALGreen requirements, the Zero Waste Strategic Plan, and other existing federal, state, and local programs and regulations, the project was found to have a less than significant impact on solid waste disposal capacity.

4.11.3 Utility and Service Systems Impacts Resulting from the 2019 Modified Project

UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **[Same Impact as Approved Project (Less than Significant Impact)]**

Under the approved project, impervious surfaces on-site would be reduced by seven percent and the existing storm drainage system was found to have sufficient capacity to support the project. The modified project would reduce impervious surfaces on-site by eight percent compared to existing conditions. Consistent with the approved project, the modified project would be required to implement post-construction BMPs consistent with City Policy No. 6-29 and comply with the Regional Water Quality Control Board Municipal Regional Permit. As discussed under Impacts UTL-2 and UTL-3, the modified project would have less water demand and generate less wastewater than the approved project. The infrastructure systems were found to be adequate for the approved project, so they would be adequate for the modified project. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified infrastructure impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

Electricity, natural gas, and telecommunications facilities were not assessed as part of the approved project but are now required as part of the new CEQA checklist. The modified project would utilize existing connections to the City's electric, natural gas, and telecommunications systems. The modified project would incrementally increase the demand on these services but would not require relocation of existing or construction of new facilities needed to service the project. Further discussion of electric and natural gas in *Section 4.5 Energy*. **[New Less Than Significant Impact (Less than Significant Impact)]**

UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **[Same Impact as Approved Project (Less than Significant Impact)]**

The Downtown Strategy 2040 FEIR include a Water Supply Assessment for the full build out of the Downtown capacity. The modified project is within the capacity of the Downtown Strategy 2040. The modified project also include an updated Water Supply Assessment from the San Jose Water

Company which found the project would use approximately 121,700 gallons of water per day.²⁶ As noted in the approved Initial Study/Addendum, the approved project was estimated to have a water demand of 121,582 gallons per day. This equates to an overall increase in water demand on-site of 118 gallons per day. San Jose Water concluded that the water use on-site is within the estimated demand accounted for in the Urban Water Management Plan and that the modified project can be adequately served. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified water supply impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **[Same Impact as Approved Project (Less than Significant Impact)]**

The approved project was estimated to generate approximately 103,344 gallons per day of wastewater (which assumes 85 percent of total portable water use would be discharged to the sanitary sewer system). Using the same methodology, the modified project is estimated to generate approximately 102,595 gallons per day of wastewater. The City concluded that the approved project would not exceed the capacity of the wastewater treatment system. Because the modified project would result of the net reduction in wastewater generation, the modified project would not result in a new impact or substantially increase the severity of the previously identified sanitary sewer impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

UTL-4: The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project would generate approximately 3,043 pounds of solid waste per day, a net increase of 1,841 pounds per day, compared to the approved project.^{27,28} The project, however, is consistent with the planned growth for downtown and would not exceed the capacity of existing landfills serving the City of San José. As a result, the modified project would not result in a new impact or substantially increase the severity of the previously identified solid waste impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

UTL-5: The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **[Same Impact as Approved Project (Less than Significant Impact)]**

²⁶ The Water Supply Assessment conservatively analyzed each bed as a unit.

²⁷ CalRecycle. "Estimated Solid Waste Generation Rates". Accessed April 5, 2019. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

²⁸ Solid waste generation was estimated at a rate of 5.31 pounds per dwelling unit per day for multi-family residences and 2.5 pounds per 1,000 square feet per day for commercial retail.

With implementation of the City's Zero Waste Strategic Plan and in combination with existing regulations and programs, the modified project would not result in a new impact or substantially increase the severity of the previously identified solid waste impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.12 WILDFIRE

At the time the 2017 Initial Study/Addendum was prepared, wildfire was not a required analysis and was not included. The 2019 CEQA Guidelines (adopted December 28, 2018) now include wildfire in the CEQA Checklist. As a result, a complete checklist has been included in this Addendum.

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.²⁹

4.12.1 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
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

²⁹ Sources: 1) State of California Department of Forestry and Fire Protection. *Santa Clara County Fire Hazard Severity Zones in SRA*. Adopted November 7, 2007. and 2) State of California Department of Forestry and Fire Protection. *San José City Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE*. Adopted October 8, 2008.

4.13 MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

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

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Same Impact as Approved Project. 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.

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

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

SECTION 5.0 REFERENCES

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

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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Department of Planning, Building and Code Enforcement

Rosalynn Hughey, Director of Planning, Building and Code Enforcement

Thai-Chau Le, Planner IV

6.1 CONSULTANTS

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service