Initial Study/Addendum

440 West Julian Street Office Project

File No. SP18-020 & T17-064

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

May 2018

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2011092022), THE DOWNTOWN STRATEGY 2000 FINAL ENVIRONMENTAL IMPACT REPORT FOR (SCH# 2003042127), THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096) AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH#2009072096), AND ADDENDA THERETO

Pursuant to CEQA Guidelines, the City of San José as the Lead Agency, has prepared an Addendum to the Diridon Station Area Plan (DSAP) Final Environmental Impact Report (FEIR), the Downtown Strategy 2000 FEIR, the Envision San José 2040 General Plan FEIR and Supplemental Environmental Impact Report (SEIR), and addenda thereto, because minor changes made to the project, do not raise important new issues about the significant impacts on the environment.

Name of Project: 440 Julian Street Office Project

Project File No.: SP18-020 & T17-064

Project Description: Special Use Permit to demolish existing buildings and improvements, and allow construction of three, six-story buildings totaling up to 1,023,000 square feet of office space, site improvements, and landscaping on an approximately 5.45 gross acre site.

Location: At the northwest corner of West Julian Street and Autumn Parkway. (Michael G. Akatiff, Owner). **Council District:** 3.

The environmental impacts of this project were addressed by the DSAP FEIR (Resolution No. 77096), the Downtown Strategy 2000 FEIR (Resolution No. 72767), the Envision San José 2040 General Plan FEIR (Resolution No. 76041) and SEIR (Resolution 77617), and addenda thereto. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

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The following impacts were reviewed and found to be adequately considered by the DSAP FEIR, the Downtown Strategy 2000 FEIR, the Envision San José 2040 General Plan FEIR and SEIR, and addenda thereto:

☒ Traffic and Circulation	☒ Soils and Geology	☒ Noise
☒ Cultural Resources	☒ Hazardous Materials	☒ Land Use
☒ Urban Services	☒ Biotic Resources	☒ Air Quality
☒ Aesthetics	☒ Airport Considerations	☒ Microclimate
☒ Energy	☒ Greenhouse Gas Emissions	☒ Construction Period Impacts
☒ Water Quality	☒ Utilities	☒ Facilities and Services

ANALYSIS

The attached Initial Study/Addendum (Attachment 1) evaluates the project-specific environmental impacts that were not addressed in these previously certified EIRs. The Initial Study/Addendum concluded that the proposed project would not result in any new impacts not previously disclosed in the EIRs. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum has been prepared for the proposed project to the DSAP FEIR, the Downtown Strategy 2000 FEIR, the Envision San José 2040 General Plan FEIR and SEIR, and addenda thereto.

This addendum will not be circulated for public review, but will be attached to the DSAP FEIR, the Downtown Strategy 2000 FEIR, the Envision San José 2040 General Plan FEIR and SEIR, and addenda thereto thereto pursuant to CEQA Guidelines §15164(c).

Dipa Chundur
Environmental Project Manager

05/09/2018
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Meenaxi R P.
Deputy

Attachment:

1) Initial Study/Addendum, dated May 2018.

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE ADDENDUM

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

1.1.1 Downtown Strategy

On June 21, 2005, the City Council certified the Downtown Strategy Final Environmental Impact Report (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 existing Downtown Strategy has a development capacity of 11.2 million square feet of office, with 2,000,000 square feet of office allowed in Phase 1. At the time this IS/Addendum was prepared, the development capacity had not been met including constructed, approved, and projects currently on file.

The Downtown Strategy 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 (as amended), certified in September 2011 and supplemented in December 2015. Therefore, the approximately 1,023,000 square feet of office included in the proposed project have been evaluated in the Downtown Strategy FEIR at a program-level, which remains current.

Further, an IS/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, of which this project is a part.

The Downtown Strategy FEIR was a broad range, program-level environmental document. All subsequent development that has occurred as part of the Downtown Strategy plan has had project specific supplemental environmental review. While traffic impacts of the Downtown Strategy were

evaluated at a project- or site-specific level and recently updated in 2016, the Downtown Strategy FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. This IS/Addendum provides that subsequent project-level environmental review.

1.1.2 Envision San José 2040 General Plan

In 2011, the City of San José approved the 2040 General Plan, 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. In December 2015, the City of San José approved an Envision San José 2040 Plan Supplemental FEIR (General Plan SFEIR*)* for the General Plan to include and update the greenhouse gas emissions analysis. On December 13, 2016, as part of the General Plan 4-Year Review, the City Council approved an addendum to the General Plan FEIR (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 Diridon Station Area Plan

In 2014, the City approved the Diridon Station Area Plan (DSAP) project and certified the final Environmental Impact Report (SCH #2011092022, August 2014), which establishes a vision for Diridon Station and the surrounding area in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José. The approximately 250-acre DSAP is divided into three Identity Zones (Northern, Central, and Southern) and each Identity Zone was divided into subareas. The project site is located within Subarea A – Arena North of the Northern Zone. The Northern Zone is expected to be a high-intensity business district north of The Alameda that includes innovative office, research and development, and incubator space for product and business development, including "green technology". The plan for this zone also includes a new 900-space parking structure in the Arena North subarea. Development in the Northern Zone includes approximately 3,012,400 square feet of office/research and development/light industrial uses, 81,100 square feet of retail/restaurant space, and up to 223 residential units.

This IS/Addendum has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the Downtown Strategy plan, the General Plan, and the DSAP. In accordance with CEQA, this IS/Addendum is based on the environmental analysis of the Downtown Strategy FEIR, DSAP FEIR, and the complete General Plan FEIRs (and all addenda thereto). The project's mitigation measures are based on the above enumerated programmatic EIRs. The mitigation measures are applicable to the Project and clarified as applicable for Project implementation.

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

1.2 NOTICE OF DETERMINATION

If the project is approved, the City of San José shall file a Notice of Determination (NOD), which shall 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

440 West Julian Street Office Project

2.2 LEAD AGENCY CONTACT

Meenaxi Panakkal
meenaxi.panakkal@sanjoseca.gov
(408) 535-7895
200 East Santa Clara Street
San José, CA 95113

2.3 PROJECT APPLICANT

TMG-VOP Julian, LLC

2.4 PROJECT LOCATION

The 5.45-acre project site is located at the northwest corner of West Julian Street and Autumn Parkway, in the Diridon Station Area of the City of San José.

The project site is shown in the following figures:

Figure 2.4-1: Regional Map
Figure 2.4-2: Vicinity Map
Figure 2.4-3: Aerial Photograph with Surrounding Land Uses

2.5 ASSESSOR'S PARCEL NUMBERS

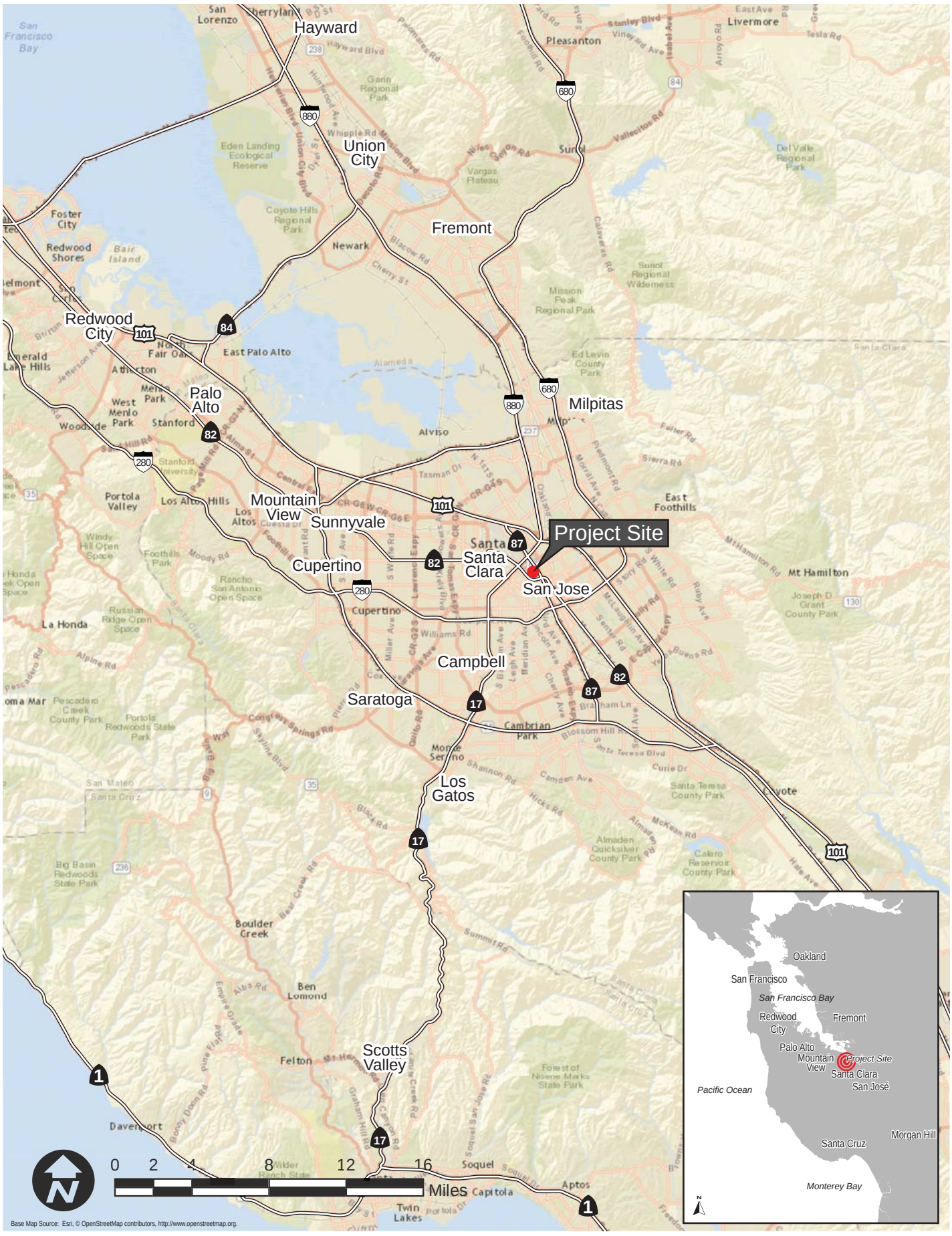
259-25-004	259-25-042	259-29-093
259-25-005	259-25-059	259-29-099
259-25-007	259-25-061	259-29-104
259-25-035	259-25-063	

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

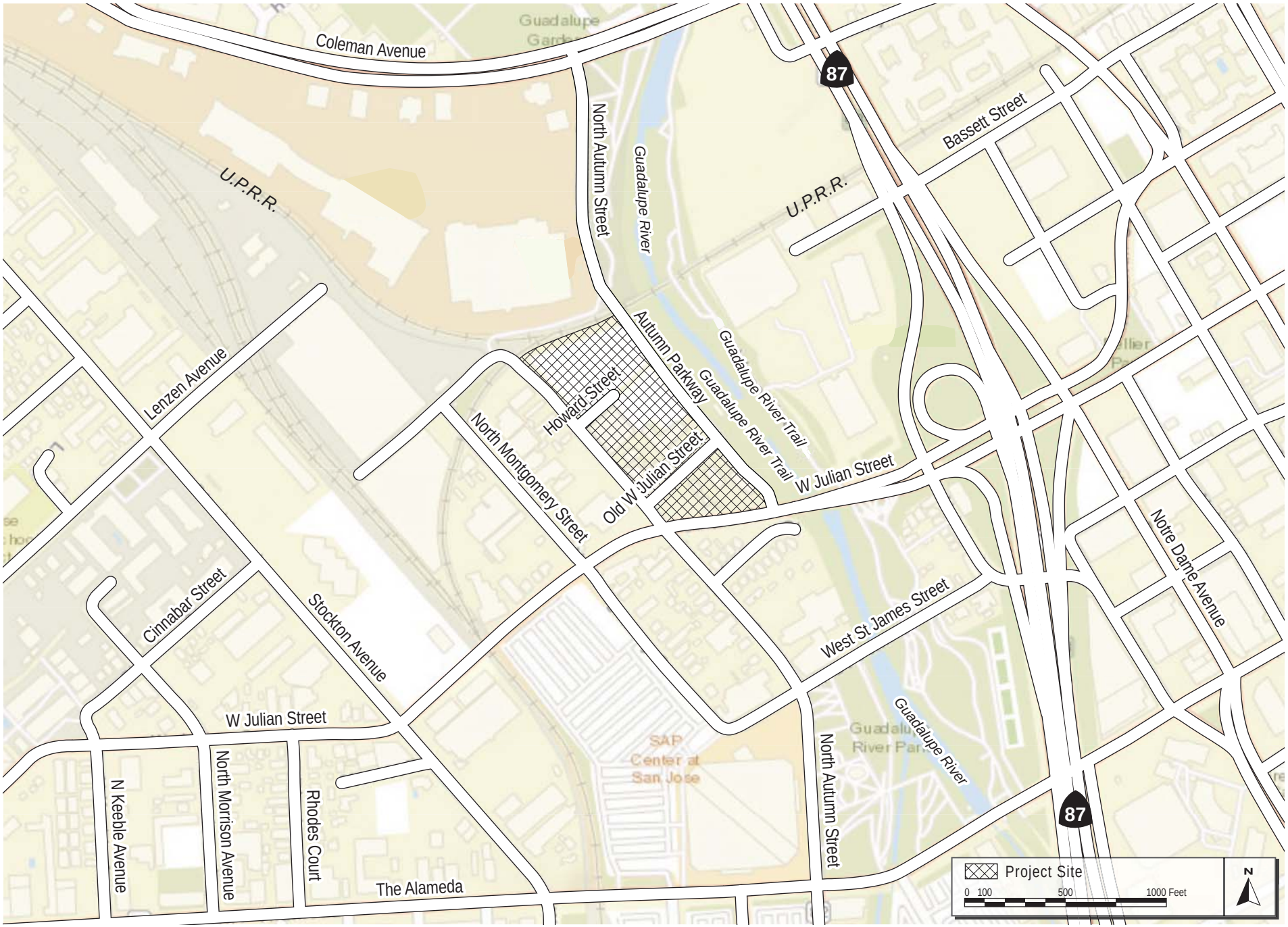
The project site is designated *TEC – Transit Employment Center* in the General Plan and a *TEC – Transit Employment Center Zoning Designation*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Architectural Review
- Demolition Permit(s)
- Grading Permit(s)
- Building Permit(s)
- Special Use Permit
- Tentative Map
- Public Works Permits and Clearances

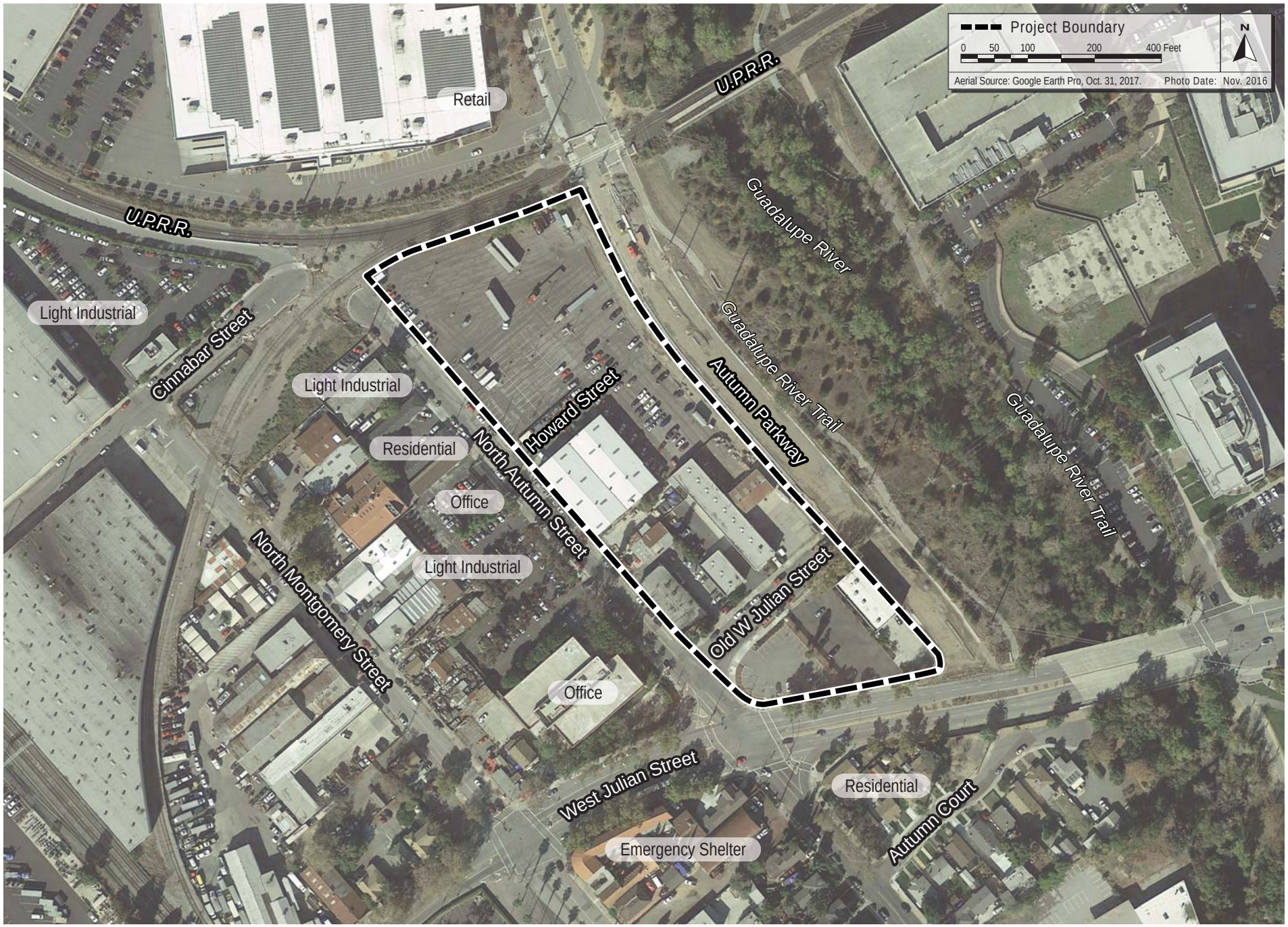


REGIONAL MAP FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The 5.45-acre project site is comprised of 11 parcels (APNs 259-25-004, -005, -007, -035, -042, -059, -061, -063, and 259-29-093, -099, -104) located at the northwest corner of W. Julian Street and N. Autumn Parkway, within the Diridon Station Area Plan boundaries of the City of San José. Old Julian Street currently bisects the project site. The site is currently developed with six industrial/ commercial buildings (approximately 40,727 square feet), two accessory structures, and surface parking lots.

3.1.1 Existing General Plan and Zoning Designation

The project site is located within the Downtown Envision Growth Area and the DSAP. The site has a *TEC – Transit Employment Center* General Plan land use designation. The *TEC* designation is intended to support San José's growth as a Regional Employment Center. Uses allowed in the *IP – Industrial Park* General Plan designation, including research and development, manufacturing, assembly, testing and offices are appropriate under the *TEC* designation. An important difference between *TEC* and *IP* is that the development intensity and site design elements in *TEC* areas should reflect a more intense, transit-oriented land use pattern than that typically found in *IP* areas. This designation allows for a floor area ratio (FAR) of up to 12.0 (four to 25 stories).

The project site is zoned *TEC – Transit Employment Center*. The *TEC* zoning designation is intended for intensive industrial park and supportive commercial uses with development at least four stories in height, consistent with General Plan height policies, and in proximity to existing or planned transit in employment districts designated as growth areas in the General Plan. The *TEC* zoning designation is suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park uses on all floors.

Please refer to *Section 4.10 Land Use* for a complete discussion of the project's consistency with the General Plan and zoning designations.

3.1.2 Diridon Station Area Plan

The DSAP FEIR, which includes the project site, was certified in 2013. The site is located within the Northern "Innovation" Zone of the DSAP which includes approximately 3,012,400 square feet of office/research and development/light industrial uses. Within the Northern Zone, the site is located within the Julian North subarea of the DSAP (Site B), which is planned for up to 1,634,000 square feet of office space.

3.2 PROPOSED PROJECT

3.2.1 Demolition and Site Clearing

The project proposes to demolish the six existing industrial/commercial buildings (approximately 40,727 square feet), two accessory shed structures, and surface parking lots. Landscaping on-site

consists of 65 trees which are proposed to be removed as part of the project. No ordinance sized trees are proposed for removal.

3.2.2 Proposed Development, Amenities, and Landscape

The project proposes to construct three, six-story buildings (Buildings A, B, and C as shown on Figure 3.0-1) totaling up to 1,023,000 square feet of office space. The buildings would have a maximum height of 91 feet as measured at the roof line (Figure 3.0-2 and Figure 3.0-3). The 15 parcels on-site would be consolidated into a single parcel.

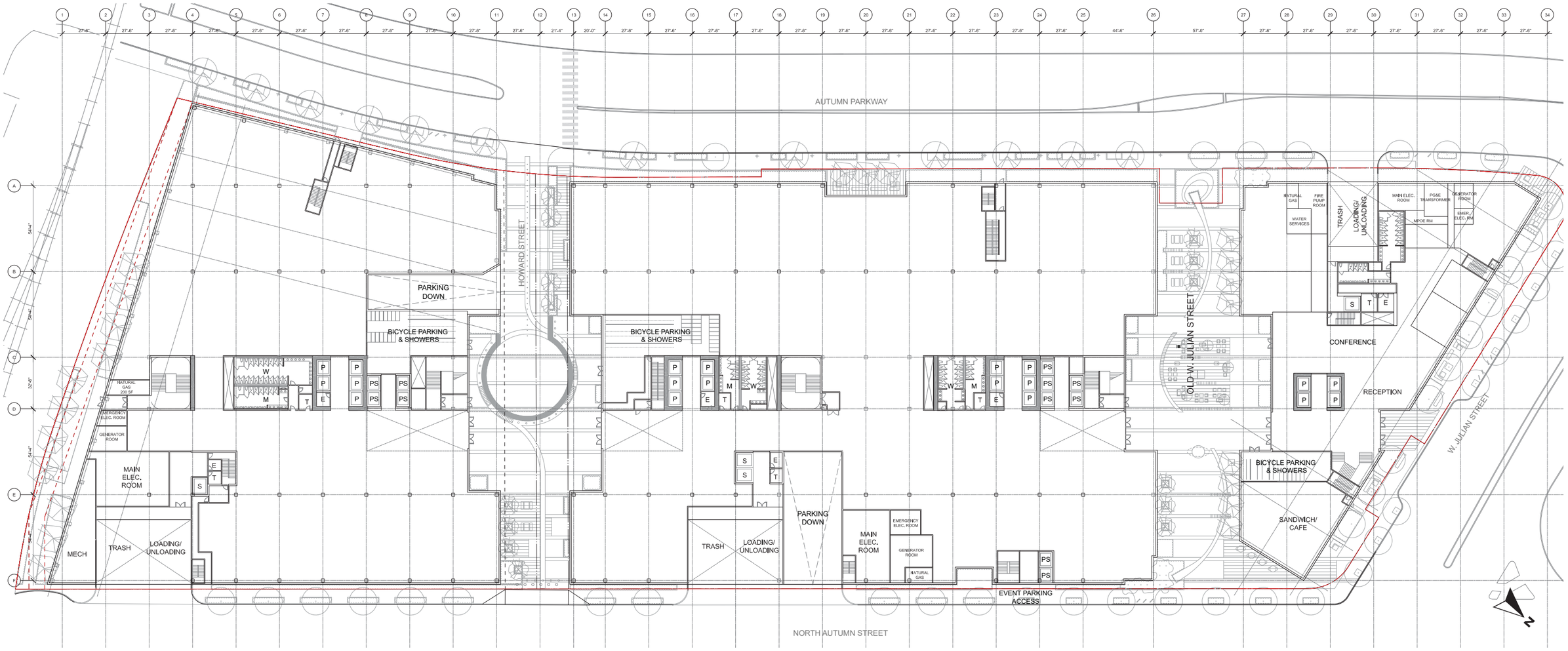
Two emergency backup generators are proposed, one that would provide emergency backup power to Buildings A and B and another that would provide emergency backup power to Building C.

The ground level of Building C would consist of a café located at the southwestern portion of the site. The second level of Building C includes a fitness area. A large open space area with a lounge, furniture, and a game and group event space is proposed between Buildings B and C. Additionally, landscape terraces are proposed on all three buildings which includes outdoor workspaces, outdoor lounges, fire pits, hammock seating, BBQ counters, and bar seating.

3.2.3 Building Interface with Guadalupe River

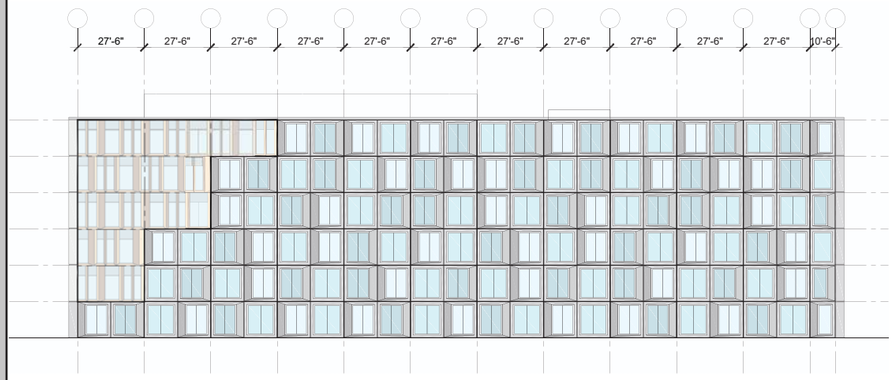
The proposed buildings A, B, and C face the Guadalupe River corridor and the glazed surfaces could pose a potential obstruction to birds in flight. Based on this preliminary finding, the building's design was modified such that the elevations of Buildings A, B, and C have bird safety design measures. These measures are based on best known practices implemented in cities such as San Francisco. As shown in Figure 3.0-4, the elevations of Buildings A, B, C facing the Guadalupe River include the following bird-safety measures:

- No more than 10 percent of the surface area of the façades of Buildings A, B, and C that face the Guadalupe River shall have untreated glazing between the ground and 60 feet above ground.
- The project includes fritting, netting, permanent stencils, frosted glass, exterior screens, and physical grids placed on the exterior of the glazing and/or ultraviolet patterns visible to birds. The vertical elements to be included would be 0.25-inch wide at a maximum spacing of four inches, with horizontal elements of at least 0.125 inches wide at a maximum spacing of two inches.
- No more than 10 percent of the surface area of the exterior building façades of Buildings A, B, and within 12 vertical feet above and/or below landscaped terraces shall have untreated glazing.
- All glazing panels at corners on the exterior façades of Buildings A, B, and C that face the Guadalupe River between the ground and 60 feet above ground and/or within 12 vertical feet above and/or below landscaped terraces (regardless of their height above ground) will be 100% treated.
- No free-standing glass walls, wind barriers, skywalks, balconies, greenhouses, or similar structures are proposed as part of the project design.

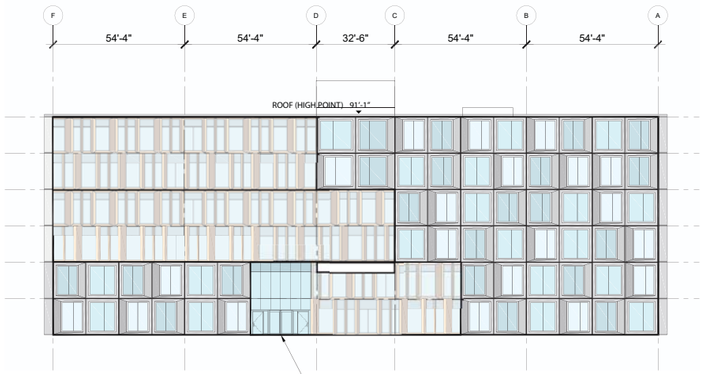


SITE PLAN

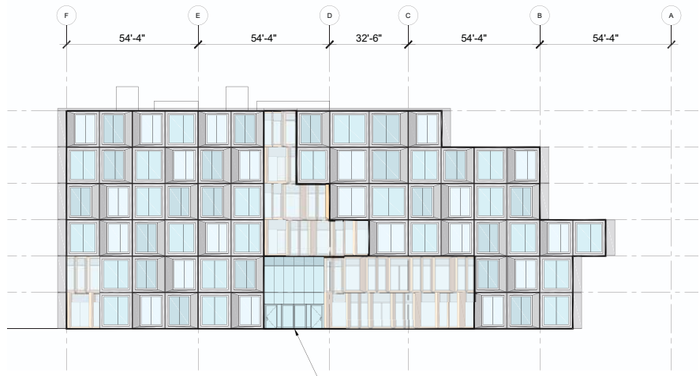
FIGURE 3.0-1



1 NORTH ELEVATION A

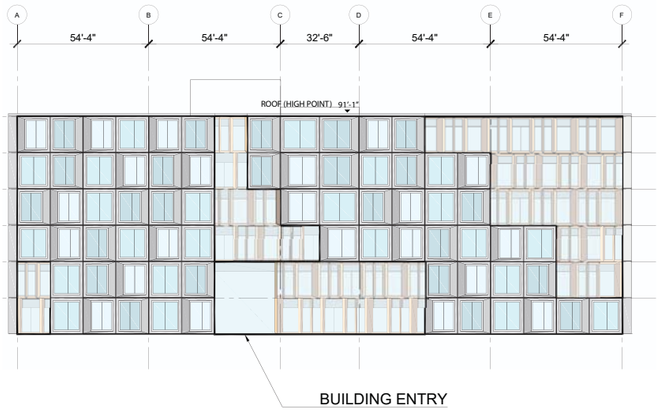


2 NORTH ELEVATION B

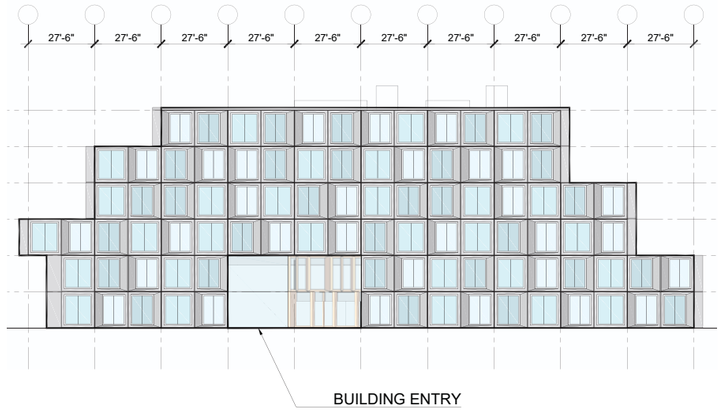


3 NORTH ELEVATION C

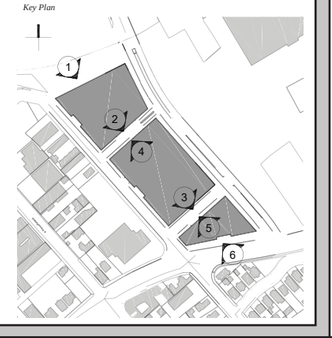
4 SOUTH ELEVATION A



5 SOUTH ELEVATION B

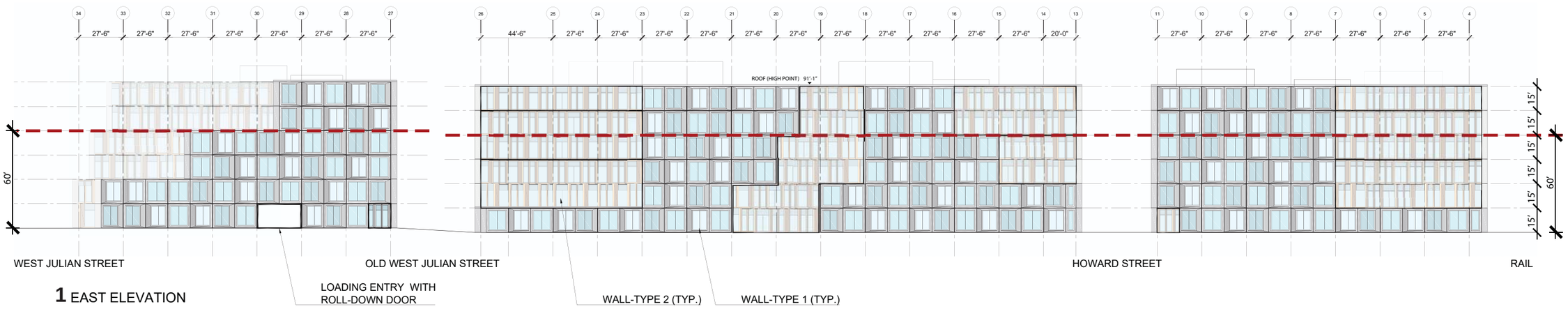


6 SOUTH ELEVATION C

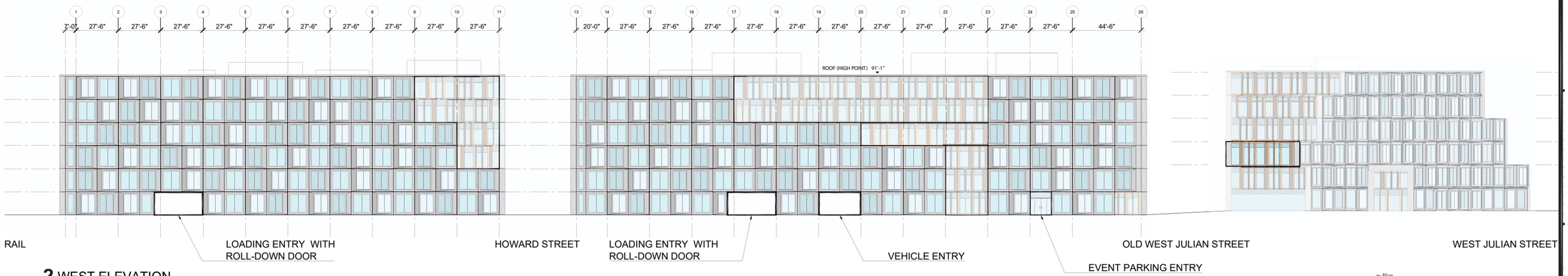


NORTH & SOUTH ELEVATIONS

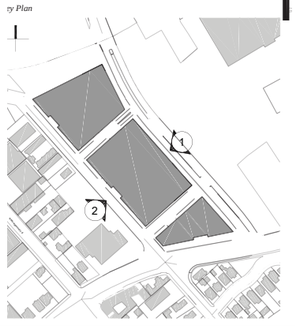
FIGURE 3.0-2



1 EAST ELEVATION

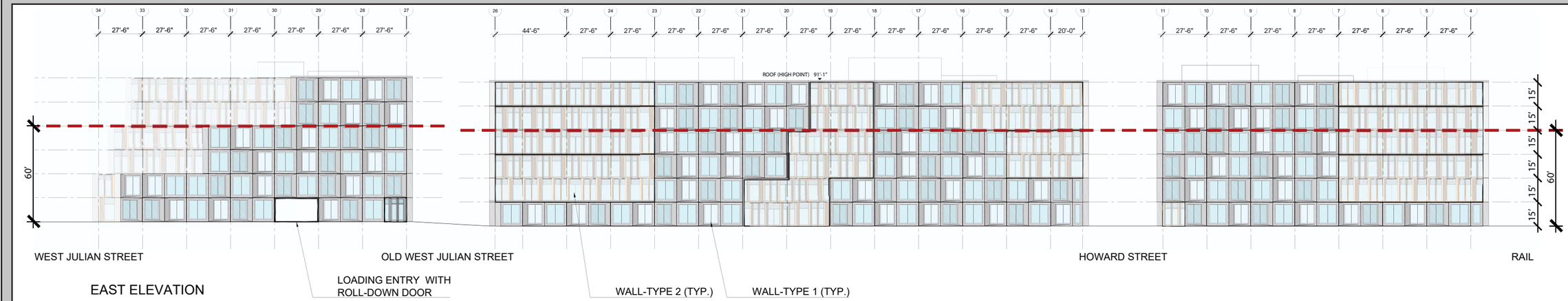


2 WEST ELEVATION

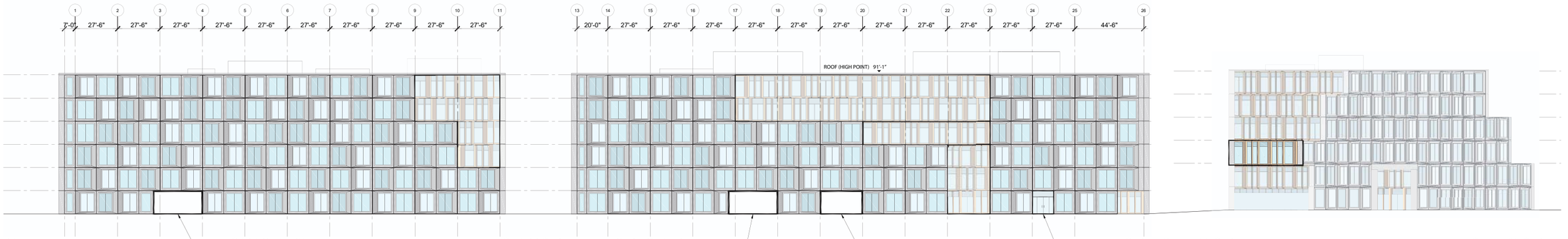


EAST & WEST ELEVATIONS

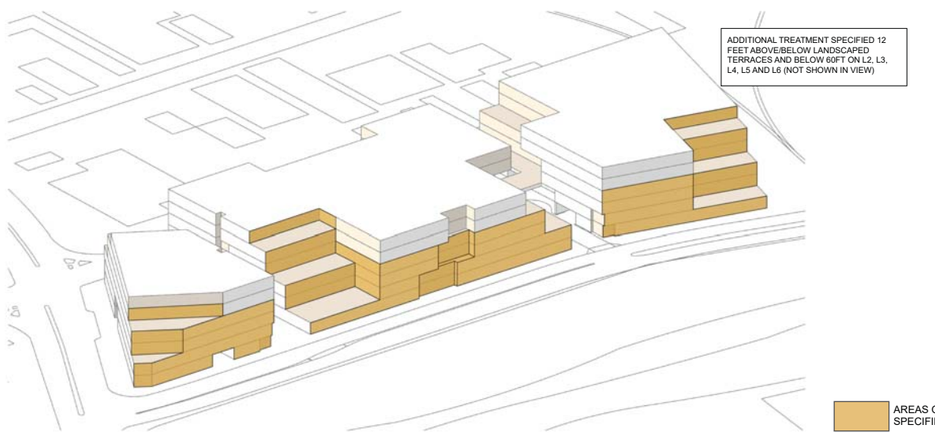
FIGURE 3.0-3



EAST ELEVATION



WEST ELEVATION



The Project's design will includes the following "Bird-Safe" protocols:

a. **Glazing**: The building includes glazing treatments as follows:
   1. For the exterior building façades of Buildings A and B and the building façade of Building C facing the Guadalupe River:
      i. No more than 10 percent of the surface area has untreated glazing between the ground and 60 feet above ground.
      ii. No more than 10 percent of the surface area within 12 vertical feet above and/or below landscaped terraces has untreated glazing.
      iii. All glazing panels at the corners between the ground and 60 feet above ground and/or within 12 vertical feet above and/or below landscaped terraces, regardless of the height above ground, are 100 percent treated.
   2. Free-standing glass walls, wind barriers, skywalks, balconies, greenhouses, or similar structures that have unbroken glazed segments greater than 24 square feet are 100 percent treated.
   3. Glazing treatments include any of the following: fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, and/or ultraviolet patterns visible to birds.
   4. Vertical elements of the window patterns are at least 0.25 inches wide at a maximum spacing of 4 inches, or have horizontal elements at least 0.125 inches wide at a maximum spacing of 2 inches.

b. **Exterior Lighting**: All exterior lights are directed toward facilities on the project site and shielded to ensure that light is not directed outward toward Guadalupe River. Exterior lighting will be minimized as feasible, except as needed for safety.

c. **Interior Lighting**:
   1. Occupancy sensors or other switch control devices are installed on interior lights, with the exception of emergency lights or lights needed for safety purposes.
   2. Interior lights are programmed to shut off during non-work hours and between 10:00 PM and sunrise.

BIRD SAFE DESIGN MEASURES

FIGURE 3.0-4

3.2.4 Outdoor Lighting

All outdoor lighting would conform to the City Council's Outdoor Lighting Policy 4-3. Additionally, the project includes the following lighting measures at the building interfaces with the Guadalupe River:

- Exterior lighting on the side of the project site facing the Guadalupe River will be minimized, except as needed for safety. All exterior lights shall be directed toward facilities on the project site and shielded to ensure that light is not directed outward toward Guadalupe River.
- No exterior up-lighting will be used on the project site
- Occupancy sensors or other switch control devices would be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. These lights would be programmed to shut off during non-work hours and between 10:00 PM and sunrise.

3.2.5 Parking, Vehicular Access, and Other Improvements

The project proposes a four-level, below-grade parking structure that would be constructed beneath Buildings A and B. No parking is proposed beneath Building C. Buildings A, B, and C would have bicycle parking and showers. Per Chapter 20.90 of the City's Municipal Code, the proposed project would be required to provide between 2,833 and 3,400 parking stalls. The project proposes up to 2,267 parking stalls which includes 52 tandem parking stalls, 473 valet parking stalls, and 1,742 self-parking stalls.

Vehicular access to the project site is currently provided via 13 driveways: two at Autumn Parkway, five at Old West Julian Street, and six at North Autumn Street. The 13 driveways would be removed and replaced with two new driveways. The new driveways are proposed along Howard Street and North Autumn Street.

The project includes a transportation demand management (TDM) program, consistent with the DSAP FEIR. The project would include the following TDM measures listed in the table below.

Table 3.2-1: TDM Measures for Proposed Project

TDM Measure	Description	Implementation
Building and Site Design		
Passenger Loading Zones	Passenger loading zones would be located near the main building entrances for carpools, vanpools, and ride hailing vehicles picking up and dropping off passengers.	Passenger loading zones will be provided along the east side of Autumn Street, in Howard Street, and along West Julian Street.
Pedestrian Connectivity and Access	The site would be designed for pedestrian connectivity with attractive and safe connections between buildings and to the surrounding streets.	The three buildings would be connected by pedestrian promenades on Howard Street and Old West Julian Street. The proposed project would also connect to the surrounding sidewalks and pedestrian crossings.

Table 3.2-1: TDM Measures for Proposed Project		
TDM Measure	**Description**	**Implementation**
DIY Bike Repair Stands	Do-it-yourself bicycle repair stands would allow bicycle commuters to make simple repairs and adjustments.	The project includes repair stands near the bicycle storage areas within each building.
Zoning Ordinance		
Preferential Parking for Vanpools and Carpools	Designating parking spaces for carpools and vanpools would be located near building entrances to prioritize these multi-passenger modes.	The project would include a total of 188 clear air parking stalls.
Subsidized Transit Passes	Tenants would be required to provide subsidized transit passes by purchasing VTA SmartPasses, Caltrain passes, or Clipper Cards to remove the financial barrier for employees to use transit.	The subsidized transit passes would be included in the lease agreements for tenants.
Preferential Parking with Charging Stations	---	The project would provide parking stalls that would be designated with charging stations.
Transportation Coordinator	Transportation coordinators would be responsible for marketing and implementing TDM programmatic measures.	A property management staff member will be designated as the overall Transportation Coordinator.
Showers and Lockers	Shower and changing rooms would be provided to help promote bicycling (and walking) as an alternative commute option.	All three proposed buildings would include shower and changing facilities.

The project proposes vacation of the Old West Julian Street roadway segment which currently bisects the project site and the abandonment and relocation of the public service easement in Howard Street.

3.3 GREEN BUILDING MEASURES

The proposed project would be required to build to the California Green Building Code, which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be designed to achieve Leadership in Energy and Environmental Design (LEED) Gold certification.

3.4 CONSTRUCTION

It is anticipated that the project would be constructed over an approximate 28 month period beginning in 2018.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that would minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

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

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

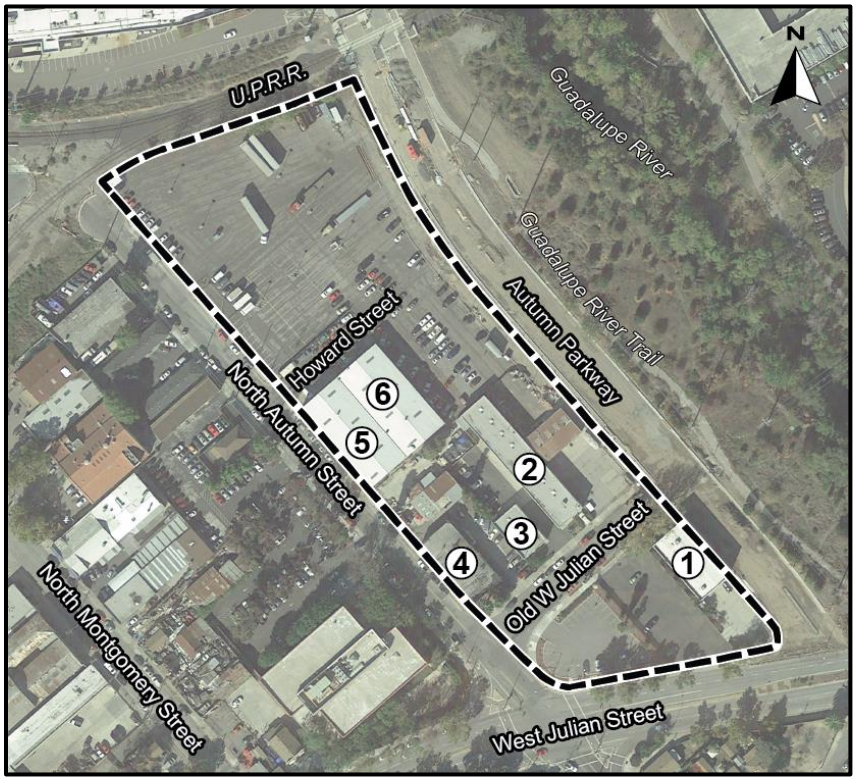
Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter shall discuss operational issues that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Project Site*

The site is currently developed with a cluster of six industrial/commercial buildings, and two accessory structures. The majority of the site is covered with surface parking lots. The buildings are one- to two-stories tall. Vehicular access to the site is provided via two driveways along Autumn Parkway, five driveways along Old West Julian Street, and six driveways along North Autumn Street. A majority of the site is surrounded by a chain-link fence. Landscaping on-site consists of a total of 65 trees, including one dead tree, and shrubs.



The locations of the existing buildings is shown in the above figure. A description of the buildings is further discussed below by building number (Building Nos. 1 through 6).

Building 1: The southernmost building on the project site is a two-story building (constructed in 1980) which is primarily red brick with blue tinted windows. The windows located on the second story are arch shaped whereas the windows on the first story are square shaped (see Photo 1). The building is set back from the roadways by surface parking and sidewalks.

Buildings 2 and 3: The two, one-story buildings located at 465 and 475 Old West Julian Street (constructed in 1978) utilize the same building materials. Both buildings are primarily grey brick and have vertical paneling located above the storefront. In addition, both buildings are set back from Old West Julian Street by a sidewalk, a small surface lot, and minimal landscaping.

PHOTO 1: View of project site and surrounding areas, looking north from the West Julian Street/Autumn Parkway intersection.

PHOTO 2: View of project site, looking north from West Julian Street.

PHOTOS 1 AND 2

PHOTO 3: View of the project site, looking southeast from North Autumn Street.

PHOTO 4: View of surrounding development, looking west from North Autumn Street.

PHOTOS 3 AND 4

PHOTO 5: View of surrounding development, looking west from North Autumn Street.

PHOTO 6: View of the Guadalupe River Trail, looking south on Guadalupe River Trail.

PHOTOS 5 AND 6

PHOTO 7: View of surrounding development, looking west from Autumn Court.

PHOTO 7

Building 4: The building located at 495 Old West Julian Street (constructed in 1953) is set back from the roadway by a chain-link fence, a few trees, and a sidewalk. The one-story building located at 495 Old West Julian Street is primarily stucco. Located on the southern building façade is a tile sign and a single-paneled wooden door (see Photo 2). The lower portions of the wall along the eastern building façade have been repainted. The accessory structure located north of this building has vertical paneling and is in poor condition.

Buildings 5 and 6: There are two, one-story industrial buildings located at 442 Howard Street (constructed circa 1960). The buildings have vertical panels and metal garage doors and are set back from the roadways by sidewalks (see Photo 3). Similar to Building 4, portions of the eastern building façade have been repainted. Located north of Buildings 5 and 6 is a large surface parking lot. There is little to no landscaping in the parking lot.

4.1.1.2 *Surrounding Land Uses*

Development in the project area consist of residential, commercial, office, and light industrial land uses. Building heights within the vicinity of the site vary from one- to two-stories. Located west of the project site is, North Autumn Street, a two-lane, multi-directional roadway with a cul-de-sac at the northern end of the street. Located west of North Autumn Street are five buildings: an office, a single-family house, a commercial business, a multi-family apartment building, and an automobile repair shop. The two-story building located at the northwest corner of West Julian Street and North Autumn Street (505 West Julian Street) was constructed in 1990 and utilizes the same building materials as the brick building located at 440 West Julian Street. Landscaping on this property includes street trees, trees, and shrubs. The building and landscaping are both very well maintained (see Photo 4).

The one-story, single-family house located at 345 North Autumn Street was constructed between 1915 and 1932. The single-family house has been converted into an office building. The single-family house has horizontal wood siding and an asphalt shingle-clad hipped roof. A privacy fence is located east of the residence, facing North Autumn Street (see Photo 5).

Immediately north of the single-family north is a two-story commercial building (constructed in 1967) with horizontal wood siding and a shed-style roof (see Photo 6). The commercial building is set back from North Autumn Street by a sidewalk and has no landscaping. Located north of the commercial building is a one-story, multi-family apartment building constructed in 1940.

Similar to the commercial building located immediately south, the apartment building is set back from North Autumn Street by a sidewalk and has no landscaping. The apartments surround the surface parking lot. An automobile repair shop is located north of the apartment building. There are nine metal garage doors located along the southern building façade. The automobile repair shop has limited landscaping including trees, street trees, and shrubs.

Located north of the project site is the Union Pacific Rail Road (UPRR) rail line and a commercial plaza. Located immediately east of the site is Autumn Parkway, a four-lane roadway with a median. There are new street trees planted and pedestrian-scale lighting along Autumn Parkway. East of Autumn Parkway is the Guadalupe River Trail, a paved multi-use trail with trees and shrubs (see Photo 7). South of the project site is West Julian Street, an east-west, two- to four-lane roadway that

extends from The Alameda to Market Street. South of West Julian Street are primarily single-family residences. The single-family residences range from one- to two-stories and have gable roofs. The residences are set back from the roadway by landscaping (see Photo 8).

4.1.1.3 *Scenic Views*

Based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are scenic features in the San José area. Given that the project site and surrounding areas are relatively flat, prominent viewpoints of the mountains are limited. Views of the Guadalupe River corridor can be seen from the project site.

4.1.1.4 *Applicable Aesthetics Regulations and Policies*

Envision San José 2040 General Plan

The General Plan includes the following aesthetic policies applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

Policy CD-1.11: To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.18: Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best management practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Policy CD-6.2: Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.

Policy CD-6.10: Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.

Diridon Station Area Plan

The DSAP also include Design Guidelines specific to projects within the DSAP boundary. The DSAP Guidelines are separated into three categories: 1) Built Form, 2) Public Open Space, and 3) Streetscape (as described below).

Built Form

The Build Form guidelines include standards and recommendations for site planning and building design, including maximum building heights based on location within the DSAP. Based on the guidelines, new buildings should be oriented to the street and designed to have articulated façades, small blocks, broken-up building masses, and integrated plazas and seating areas. Long stretches of blank walls should be avoided. Projects should utilize high quality materials, pavement, lighting, fencing, public art, and green infrastructure. New development should be designed to minimize the visual effect of service areas, garage entrances, and utilities by locating them away from public streets and pathways.

Within the Northern Zone, the block size should not be larger than 350 feet on either side to provide a high level of flexibility for different commercial and office uses while encouraging walkability. The design guidelines allow a building height of 90 feet for the project site. Buildings within the

Northern Zone should be oriented parallel to streets or public spaces, and along the edges of a site to create a tight urban fabric. The walls fronting the street should not be blank and should vary in architectural detail and façade treatments to provide texture and interest to the pedestrian environment.

Parking should be accommodated in above-ground or below-ground structures. Above-ground structures should be integrated into the pedestrian-oriented environment and screen from the street as much as possible through wrapping with habitable spaces, locating them in the center of blocks, and utilizing public art and landscaping for screening and visual enhancement.

General design guidelines for parking structures within the Northern Zone include:

- Locating garage entrances away from public streets or on streets with less activity;
- Provide a high-quality, multi-layered architectural façade on any side of a parking structure that is visible from a street, driveway, or path.

Public Open Space

The Public Open Space guidelines includes goals, standards and recommendations for site landscaping, green fingers, and the design character of each district within the DSAP. Based on the guidelines, new development should implement principles of sustainable design including bioswales; permeable paving; educational ecological design; enriched pedestrian spaces and networks; generous use of trees and other plant material to provide shading and reduce water run-off; and native and drought-tolerant plants. Within the Northern Zone, development should emphasize green technologies and sustainable design in open spaces within this district to reflect its unique character as an incubator of technology and green design.

Streetscape

The Streetscape guidelines includes standards and recommendations for streetscape design. Development located along rail road tracks would provide attractive and protective fencing.

Council Policy 6-34

On August 23, 2016, the City of San Jose implemented the Riparian Corridor Protection and Bird-Safe Design policy. The purpose of the policy is to 1) protect, preserve, and restore riparian habitat; 2) limit the creation of new impervious surfaces within riparian corridor setbacks to minimize flooding from urban runoff, and erosion control; and 3) encourage bird-safe design in baylands and riparian habitats of the lower Coyote Creek north of State Route 237.

Council Policy 4-3

On March 1, 1983, the City of San Jose implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San Jose that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

4.1.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-5
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-5
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-5
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-5

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. For the subject project, this process involved a staff-level analysis of consistency with the DSAP design guidelines, which address building form and siting, building street frontage, building architecture, and open space. A consistency discussion is included in the Visual Character section, below.

The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the DSAP FEIR, the General Plan FEIR (as amended), and the Downtown Strategy FEIR. Similar to the development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in less than significant aesthetics impacts, as described below.

4.1.2.1 ***Scenic Vistas and Resources*** *(Checklist Questions a and b)*

The site is not located along or visible from a designated state scenic highway or City scenic rural corridor. Additionally, views of the foothills and mountains from the project site are obscured by existing development. The project site is located approximately 250 feet west of the Guadalupe River and approximately 100 feet west of the Guadalupe River Trail. Views of the Guadalupe River corridor can be seen from the project site.

According to the General Plan, new development and redevelopment from full build out of the General Plan would generally occur on the valley floor and would not adversely affect scenic hillside

resources. Development of the proposed project could alter views from roadways that currently provide substantial views of the natural environment (including the Guadalupe River riparian corridor).

As mentioned previously, views of the Downtown skyline are considered scenic resources. Compliance with appropriate setbacks and height, and implementation of applicable General Plan policies (consistent with the DSAP FEIR), including General Plan Policies CD-1.1, CD-1.7, CD-1.11, CD-1.12, and CD-6.10, and other City regulations and guidelines would avoid or substantially reduce impacts to scenic vistas and resources. Additionally, the DSAP includes strategies aimed at enhancing views of Diridon Station and the riparian corridors of the Guadalupe River and Los Gatos Creek. Therefore, the project would not damage or diminish scenic views in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Visual Character (Checklist Question c)*

As mentioned in *Section 4.1.1.3*, the project site and surrounding areas are flat, and prominent views, other than of buildings and the Guadalupe River Trail, are limited. Existing buildings in the project area range from one- to two-stories, and are of a mix of contemporary office and utilitarian industrial styles to the west of the site, including brick, metal and concrete buildings; and one and two-story post-war era tract homes to the south, across W. Julian Street from the project site. These residences back onto W. Julian Street, with six-foot rear yard fences facing the project site. The residences front onto Autumn Court, which parallels W. Julian Street to the south. The project was deemed consistent with the DSAP design guidelines as follows:

Site Access and Circulation

- *The maximum block size should not exceed 350 feet on either side to provide a high level of flexibility for different commercial and office uses while encouraging walkability*. The project is consistent in that it would be broken up into three buildings separated by 50-foot wide paseos, with a maximum building length of 300 feet.

- *Provide as many pedestrian and bicycle access points from public streets as possible. Pedestrian and bicyclists should be able to directly access the building from the street at each building entrance. Encourage publicly-accessible pedestrian paths through larger, single-use developments such as office campuses or residential complexes to provide a walkable and bike-able environment for residents, employees, and visitors.* The project complies with this guideline in that it would include two primary pedestrian entrances with direct access to the public sidewalk and street, and multiple entrances facing the paseos, which in turn connect directly to the surrounding public sidewalk. The paseos would be publically accessible, resulting in a seamless pedestrian connection with the public sidewalk.

Building Form and Building Siting

- *Maximize a building's active spaces along its public street perimeter by locating retail, office, or commercial uses with customer activity on the ground floor level*. The project is consistent with this guideline in that the majority of the ground floor spaces would be occupied by active office uses, with clear views into the building from the surrounding sidewalks and streets. A commercial retail use fronting on the street is also proposed at the

prominent southwestern corner of W. Julian Street and N. Autumn Street, with street-oriented pedestrian access.

- *Vary dimensions, height and design to avoid monolithic feel and to add variety and texture*. The building design incorporates a visually interesting combination of recesses; terraces, recesses and projections, and step downs; as well as articulated modular window casements that vary the glazing angles to create dynamic wall planes facing both the public street and public/private paseos.

Development of three, six-story office buildings (totaling up to 1,023,000 square feet) would be taller than the existing one- to two-story buildings on-site. While the proposed development would change the visual character of the immediate project area, the project would not substantially reduce views of the hillsides or nearby riparian habitats, and would also be consistent with the allowable building heights of the surrounding properties as stated in the DSAP (up to 90 feet to the west and up to 100 feet to the south. Implementation of adopted policies and existing regulations would avoid substantial degradation of the visual character or quality of the City and, as a result, the proposed project would have a less than significant impact on the visual character of the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.3 *Light and Glare (Checklist Question d)*

Sources of light and glare in the project area include streetlights, parking lot lights from nearby businesses, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. Implementation of the project would increase nighttime light and glare compared to existing conditions due to the proposed building design and the net increase in vehicles traveling to and from the site. The proposed project would be required to comply with the City's Outdoor Lighting on Private Development Policy (Policy 4-3).[1] Additionally, the project would go through a design review process, prior to the issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines, the DSAP Design Guidelines, and other applicable codes, policies, and regulations.

The proposed project would be required to comply with the City's Riparian Corridor Protection and Bird-Safe Design Policy (Policy 6-34). The project is located outside of the 100-foot riparian setback. To comply with this policy, the project would comply with the following standard permit conditions:

Standard Permit Condition

- All exterior lights on-site would be directed toward facilities on-site and shielded to ensure that light is not directed toward Guadalupe River. Additionally, no more than 10 percent of the surface area of the façades of Buildings A, B, and C that face Guadalupe River shall have untreated glazing between the ground and 60 feet above ground and between 12 vertical feet above and/or below landscaped terraces. All glazing panels at the corners on the facades of Buildings A, B, and C that face Guadalupe River between the ground and 60 feet above ground and/or within 12 vertical feet above and/or below landscaped terraces would be 100

[1] Policy 4-3 requires exterior lighting on private property to use be low-pressure sodium lighting. The lighting must be directed downward and fully or partially shielded depending on lumen levels.

percent treated. Vertical elements of the project's window patterns would be approximately 0.25 inches wide at a maximum spacing of four inches with horizontal elements of at least 0.125 wide at a maximum spacing of two inches.

As a result, the proposed project would not significantly impact adjacent land uses, including the Guadalupe River riparian corridor, with increased nighttime light levels or daytime glare from building materials. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.3 Conclusion

The project would have a less than significant impact on the visual character of the project area and would not impact any designated scenic resources. In addition, the project would have a less than significant impact on light and glare. Implementation of the project would have a less than significant visual impact, consistent with the DSAP FEIR, Downtown Strategy FEIR, and the San José General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

The Santa Clara County Important Farmland 2014 Map designates the project site as *Urban and Built-Up Land*.[2] *Urban and Built-Up Land* is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is currently developed with industrial buildings and surface parking lots. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.[3]

4.2.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1-6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1-6
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	☐	1-5
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-5

[2] California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed: November 20, 2017. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.
[3] County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement." Accessed November 20, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would have no impact on agricultural and forest resources, as described below.

4.2.2.1 *Impacts to Agricultural and Forest Resources (Checklist Questions a – e)*

Implementation of the project would result in construction of three six-story buildings with up to 1,023,000 square feet of office space. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, the project would not result in the loss of forest lands in San José. For these reasons, the project would not result in impacts to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.2.3 Conclusion

The project would have no impacts on agricultural or forest lands, consistent with the findings of the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based upon an air quality assessment prepared by *Illingworth & Rodkin* in March 2018. A copy of this report is attached in Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Background*

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the U.S. Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act (CAA) and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California CAA.

Regional and Local Criteria Pollutants

The federal CAA requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as "criteria pollutants"): particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides (SO_x), nitrogen oxides (NO_x), and lead (Pb). The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. "Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$), nor does it meet state standards for respirable particulate matter (PM_{10}). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants and Fine Particulate Matter (Local Community Risks)

Besides criteria pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. TACs are primarily regulated through state and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. A chemical becomes a regulated TAC in California based on designation by the California Office of Environmental Health Hazard Assessment (OEHHA). Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air and accounts for roughly 60 percent of the total cancer risk associated with TACs in the Bay Area. Other TACs found in urban air include lead, benzene and formaldehyde.

$PM_{2.5}$ is a complex mixture of substances that includes elements such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs. According to the Bay Area Air Quality Management District (BAAQMD), $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents.

Common stationary sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common mobile source is motor vehicles on roadways and freeways. Unlike regional criteria pollutants, local risks associated with TACs and $PM_{2.5}$ are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

Bay Area Air Quality Management District

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan, Spare the Air, Cool the Climate* (2017 CAP). The 2017 CAP focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD would continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

4.3.1.2 *Existing Conditions*

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

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O_3, nitrogen dioxide (NO_2), and PM_{10} and $PM_{2.5}$. As shown in Table 4.3-1, violations of state and federal standards at the monitoring

station in Downtown San José (the nearest monitoring station to the project site) during the 2014 - 2016 period (the most recent years for which data is available) include O_3, $PM_{2.5}$, and PM_{10}.[4,5]

Table 4.3-1: Ambient Air Quality Standards Violations and Highest Concentrations

Pollutant	Standard	Days Exceeding Standard		
		2014	2015	2016
SAN JOSÉ STATION				
Ozone	State 1-hour	0	0	0
	Federal 8-hour	0	2	0
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	1	1	0
$PM_{2.5}$	Federal 24-hour	2	2	0

Source: Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed: January 22, 2018. Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level O_3, state standards for PM_{10}, and federal standards for $PM_{2.5}$. The area is either in attainment or unclassified for all other pollutants.

4.3.1.3 *Toxic Air Contaminants*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as TACs under the California CAA. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs tend to be localized and are found in relatively low concentrations; however, exposure to low concentrations over long periods can result in adverse chronic health effects.

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

4.3.1.4 *Sensitive Receptors*

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks, and places of assembly.

[4] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[5] Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed: January 22, 2018. Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

The nearest sensitive receptors to the project site are the residences located approximately 65 feet west and 129 feet south of the project site.[6]

4.3.1.5 *Applicable Air Quality Regulations and Policies*

Envision San José 2040 General Plan

The General Plan include the following air quality policies applicable to the proposed project.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to State and Federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Diridon Station Area Plan

Additionally, a TDM plan is required for all projects located within DSAP to reduce emissions associated with vehicle travel. Please refer to *Section 3.2* for the proposed project's list of TDM measures.

4.3.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1-5

[6] For the purposes of this analysis, the nearest residences are defined as being west and south of the project site.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1-5,7,8
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1-5,7,8
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐	1-5,7,8
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1-5,8

Similar to the development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would not, by itself, result in a significant impact due to emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors as discussed below. The DSAP FEIR, Downtown Strategy FEIR, and the General Plan FEIR (as amended) did, however, identify a significant unavoidable cumulative regional air quality impact. Please see *Section 4.18* for a discussion of the project's contribution to the significant unavoidable air quality impacts.

4.3.3 CEQA Thresholds of Significance

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data.

The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: Thresholds of Significance Used in Air Quality Analyses			
Pollutant	**Construction**	**Operation-Related**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	BMPs	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 µ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 µ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Sources: *BAAQMD* CEQA *Thresholds Options and Justification Report (2009)* and *BAAQMD CEQA Air Quality Guidelines* (dated May 2017).			

4.3.3.1 *Bay Area 2017 Clean Air Plan Consistency (Checklist Question a)*

The BAAQMD CEQA *Air Quality Guidelines* set forth criteria for determining consistency with the 2017 CAP. In general a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures. As shown in Table 4.3-3 below, the proposed project would generally be consistent with the intent of the 2017 CAP measures intended to reduce automobile trips, as well as energy, water, and waste.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The proposed site is located within proximity to Caltrain, Altamont Commuter Express (ACE), Amtrak, Santa Clara Valley Transportation Authority (VTA), Santa Cruz Metropolitan Transit (Santa Cruz Metro), and Monterey-Salinas Transit (MST). In addition, the project includes bicycle parking consistent with City standards. The project is consistent with this measure.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City standards. The existing pedestrian facilities would provide future employees with a safe connection between the project site and the surrounding land uses. The project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action places and other local best practices.	The project site is located within close proximity to transit services; therefore, the project is consistent with this measure (refer to *Section 4.16 Transportation* for more information).
Building Measures		
Green Buildings	Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Ordinance and the most recent California Building Code. The project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The project would be required to comply with the City's Green Building Ordinance and the most recent California Building Code which would increase building efficiency over standard construction. While the project would comply with the California Building Code requirements, there is currently no specific proposals for cool roofs or cool paving. Therefore, the project is inconsistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

The project is consistent with most applicable transportation, building, natural and working lands, and waste management control measures identified in the table above and is consistent with the population projections in the 2017 CAP. The project would not result in a significant impact related to consistency with the 2017 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.2 *Impacts to Regional and Local Air Quality (Checklist Questions b and d)*

Operational Criteria Pollutant Emissions

BAAQMD developed screening criteria to provide a conservative indication of whether a project would result in potentially significant criteria pollutant impacts. For operational impacts, the screening size for a general office building land use type is 346,000 square feet. The proposed project would result in the construction of approximately 1,023,000 square feet of office which exceeds the screening size for the proposed land use. As a result, a detailed air quality assessment was prepared to address operational air quality impacts associated with the project.

Table 4.3-4 shows an estimate of daily air emissions from operation of the proposed project using CalEEMod. Full operation of the site was assumed to occur in 2021 and operate 365 days per year. Stationary air pollutants associated with operation of the site include two emergency backup generators. The generator emissions were also modeled using CalEEMod.

Table 4.3-4: Operational Emissions for the Project				
Description	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Tons Per Year				
2021 Project	6.65	9.01	6.97	1.95
Building A/B Generator	0.07	0.31	0.01	0.01
Building C Generator	0.02	0.07	<0.01	<0.01
Project Total Operational Emissions	6.74	9.39	<6.99	<1.97
BAAQMD Thresholds	**10**	**10**	**15**	**10**
Exceed BAAQMD Threshold?	***No***	***No***	***No***	***No***
Pounds Per Day				
Project Total Operational Emissions	36.9	51.5	<38.3	<10.8
BAAQMD Thresholds	**54**	**54**	**82**	**54**
Exceed BAAQMD Threshold?	***No***	***No***	***No***	***No***

The operational emissions would not exceed BAAQMD thresholds; therefore, the project would have a less than significant operational criteria pollutant emissions impact. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from full build out of the DSAP FEIR. To reduce emissions associated with vehicle travel, future development within the DSAP would be required to implement a TDM plan. Please refer to Table 3.2-1 for a list of TDM measures that would be incorporated into the project.

The project is part of the planned growth in the downtown area and DSAP and would not result in any new impacts or impacts of greater severity than were already disclosed in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Emissions – Carbon Monoxide Emissions

CO emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. Air pollutant monitoring data indicate that CO levels have been below state and federal standards in the Bay Area since the early 1990s; therefore, Santa Clara County is in attainment for CO. The number of trips generated by the project (8,195 new daily trips)[7] is insufficient to increase the traffic volume at any local intersection above the BAAQMD screening criteria of 44,000 vehicles per hour. Implementation of the project would not result in significant CO emission impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Community Risk Impacts

A community health risk assessment was completed to evaluate emissions of DPM and $PM_{2.5}$. There are sensitive receptors (residences) located approximately 65 feet west and approximately 129 feet south of the project site. The project includes two emergency backup generators, one 1,250 kilowatt (kW) generator that would provide emergency backup power to Buildings A and B, and a 450 kW

[7] The number of new daily trips is based on the "General Office Building" land use rate contained in the San José TIA Handbook, 2009.

generator for Building C. The generators would be operated for testing and maintenance purposes for a maximum of 50 hours per year. During testing periods, the engines would run for an hour or less and would be required to meet the U.S. EPA emission standards. Emissions from the operation of the generators were calculated using CalEEMod. To quantify the effects of DPM and $PM_{2.5}$ on the nearby sensitive receptors from the proposed generators, U.S. EPA AERMOD dispersion modeling was used. The models and assumptions are described further in Appendix A.

Figure 4.3-1: Project Site and Sensitive Receptors Locations

Figure 4.3-1 shows the location of where the maximum-modeled TAC impact occurred and the locations of nearby sensitive receptors. Residential receptors are designated in yellow and the location of the maximum off-site TAC exposure location is circled in pink.

The maximum modeled DPM and $PM_{2.5}$ concentrations occurred at a single-family residence located south of the project site. At this location, the maximum modeled annual DPM and $PM_{2.5}$ concentrations were 0.0064 $\mu g/m^3$. The maximum infant DPM risk would be 4.8 per million and the Hazard Index (HI) would be less than 0.001 which are both below the BAAQMD's significance thresholds of 10 in one million for DPM and HI of 1.0, respectively. As a result, implementation of the project would result in a less than significant operational community risk impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3.3 *Construction Air Quality Impacts (Checklist Questions b and d)*

Construction Period Emissions – Criteria Pollutants

Construction period criteria pollutants emissions were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The analysis assumed construction of the project would be built out over a period of 28 months (approximately 616 construction workdays), beginning in June 2018. Table 4.3-5 below shows the average daily emissions from criteria pollutants during the 616-day construction period.

Table 4.3-5: Construction Period Criteria Pollutant Emissions

Description	ROG	NOx	PM_{10}	$PM_{2.5}$
Total Construction Emissions (tons)	6.44	15.42	0.27	0.25
Average Daily Emissions (pounds per day)	20.9	50.1	0.9	0.8
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed BAAQMD Threshold?	***No***	***No***	***No***	***No***

Construction activity on-site includes demolition of the existing buildings, grading and site preparation, trenching, building construction, architectural coating, and paving. As shown in the table above, operational emissions associated with the project would not exceed the BAAQMD thresholds. Therefore, implementation of the project would result in a less than significant construction emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Dust Generation

Construction activities on-site may generate dust and other particulate matter that could temporarily impact nearby sensitive receptors and the adjacent land uses. Consistent with City policies, mitigation measures, and control measures identified in the aforementioned FEIRs, the project shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded area, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the Standard Permit Conditions, construction dust and other particulate matter would have a less than significant temporary construction air quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Community Risk Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of DPM, organic TACs, and $PM_{2.5}$, which are regulated air pollutants. There are existing residences located approximately 65 feet west and approximately 129 feet south of the site. The U.S. EPA AERMOD dispersion model was used to predict DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The models, assumptions, and results are described further in Appendix A.

As noted in Table 4.3-2 above, community risk thresholds for TACs, PM2.5, and non-cancer risks are as follows:

- Increased cancer risk of >10.0 in one million
- Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute)
- Ambient $PM_{2.5}$ increase: > 0.3 µ/m3

As mentioned above, the maximum modeled DPM (both TACs and non-cancer risks) and $PM_{2.5}$ concentrations occurred at a single-family residence located south of the project site. The BAAQMD recommended exposure parameters were used for the cancer risk calculations (refer to Appendix A). The results are provided below.

TAC Exposure – Cancer Risk

At this location, the maximum residential excess cancer risk would be 52 per one million for an infant exposure and 0.9 per million for an adult exposure. The maximum infant excess cancer risk would be greater than the BAAQMD significance threshold of 10 in one million.

$PM_{2.5}$ Exposure

The maximum modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.39 $\mu g/m^3$, occurring at the same location where the maximum cancer risk would occur. This annual $PM_{2.5}$ concentration would exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$.

Non-Cancer Health Hazard

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.27 $\mu g/m^3$. The maximum computed hazard index based on this DPM concentration is 0.04, which is below the BAAQMD significance criterion of a hazard index greater than 1.0. Therefore, construction of the project would not have an impact on sensitive receptors from non-cancer health risks.

Impact AIR-1: Construction activities associated with the proposed project would expose infants near the project site to temporary TAC emissions in excess of acceptable thresholds. In addition, construction activities on-site would expose sensitive receptors to $PM_{2.5}$ emissions in excess of acceptable thresholds. **(Significant Impact)**

Mitigation and Avoidance Measures

The DSAP FEIR concluded that construction control measures required under General Plan Policy MS-13.1 would reduce both dust and exhaust emissions at nearby land uses. With implementation of applicable General Plan policies, construction within the DSAP would have a less than significant impact on sensitive receptors.

In addition to the Standard Permit Conditions identified in *Section 4.3.3.3* and in conformance with General Plan policies MS-10.1 and MS-13.1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts.

MM AIR-1.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Supervising Planner of the Environmental Review Division of the Department of Planning, Building and Code Enforcement, demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 81 percent reduction in Diesel Particulate Matter (DPM) exhaust emissions.

All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines or equivalent.

MM AIR-1.2: Alternatively, in lieu of the Tier 4 mitigation identified in MM AIR-1.1, the construction contractor may use other measures to minimize construction period DPM emissions to reduce the estimated cancer risk below the thresholds. For example, the use of equipment that includes California Air Resources Board-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel or electric), added exhaust devices, or a combination of these measures could meet this requirement. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans which includes specifications of the equipment to be used during construction. Any alternative measures shall reduce DPM emissions to the same level or greater than MM AIR-1.1.

The construction operations plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit the construction operations plan to the Supervising Planner of the Environmental Review Division of the Department of Planning, Building and Code Enforcement for approval.

Implementation of the Standard Permit Conditions (refer to *Section 4.3.3.3*) would reduce the exhaust emission by five percent and fugitive dust emissions by over 50 percent. Implementation of MM AIR-1.1, consistent with General Plan Policies MS-10.1 and MS-13.1 would further reduce on-

site diesel exhaust emissions. Implementation of both the identified Standard Permit Conditions and MM AIR-1.1 would reduce the infant residential cancer risk to 8.5 per one million or less and the maximum $PM_{2.5}$ concentration would be 0.09 $\mu g/m^3$, which would be below the BAAQMD significance threshold of 10 in one million for cancer risk and the maximum $PM_{2.5}$ concentration of 0.3 $\mu g/m^3$. Implementation of MM AIR-1.2, combined with the Standard Permit Conditions, would also reduce the infant residential cancer risk and the maximum $PM_{2.5}$ concentration below the significance thresholds. Therefore, the proposed project would reduce community risk impacts from construction to less than significant. **[Less Than Significant Impact with Mitigation Incorporated (Less Than Significant Impact with Mitigation)]**

4.3.3.4 *Odor Impacts (Checklist Question e)*

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

4.3.3.5 *Cumulative Air Quality Impacts (Checklist Question c)*

BAAQMD recommends a 1,000-foot radius for assessing community risks and hazards from TAC mobile and stationary sources. There are no stationary sources of air pollution within 1,000 feet of the maximally exposed individual (MEI). BAAQMD's *Roadway Screening Analysis Calculator* was used to assess whether roadways with traffic volumes over 10,000 vehicles per day may have potentially significant effect on the proposed project. A review of the project area indicates traffic on West Julian Street would have a daily traffic volume of more than 10,000 vehicles. The calculator uses EMFAC2011 emission rates for the year 2014. Overall, emission rates would decrease by the time the project is constructed and occupied. A new version of the emissions factor model, EMFAC2014, predicts lower emission rates. Adjustments to the *Roadway Screening Analysis Calculator* and the emission factor model are described further in Appendix A.

The average daily traffic (ADT) on West Julian Street was estimated to be 16,340. Using the *Roadway Screening Analysis Calculator* for Santa Clara County, the estimated cancer risk at the MEI, approximately 25 feet south of West Julian Street, would be 9.4 per million and $PM_{2.5}$ concentration would be 0.25 $\mu g/m^3$. The chronic or acute HI for this roadway would be below 0.03. The following table summarizes the cumulative impacts from nearby sources at the MEI.

Table 4.3-6: Cumulative Sources at the MEI

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Project Construction	52.0	0.39	0.04
West Julian Street	9.4	0.25	<0.03
Cumulative Total	61.4	0.64	<0.07
BAAQMD Threshold – Cumulative Sources	100	0.8	10.0
Threshold Exceeded?	***No***	***No***	***No***

Impacts from the noted sources above would generate emissions below the BAAQMD significance thresholds and, as a result, the cumulative effect of project construction combined with traffic on West Julian Street would not be cumulatively considerable and would not result in a health risk to sensitive receptors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Build out of the DSAP FEIR would exceed BAAQMD operational thresholds for ROG and NO_x, resulting in a cumulatively considerable net increase in ozone precursors, consistent with the Downtown Strategy FEIR and General Plan FEIR (as amended). Although full build out of the DSAP could substantially reduce long-term emissions of regional air pollutants, it cannot be determined whether implementation of General Plan policies and proposed measures would reduce the impact to less than significant. To reduce emissions associated with vehicle travel, development in the DSAP (including the proposed project) would be required to implement a TDM plan. The TDM measures proposed are listed in Table 3.2-1. The proposed project would result in the same impact that was identified in the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR (as amended). **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.3.4 Conclusion

The project would not result in significant operational regional or local air quality impacts, conflict with applicable air quality plans and standards, or expose sensitive receptors to substantial pollutant concentrations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

With implementation of the identified Standard Permit Conditions, the project would not result in significant construction-related regional or local air quality impacts. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

With implementation of the identified Standard Permit Conditions and mitigation measure, the project would reduce community risk impacts from construction to less than significant. **[New Less Than Significant Impact with Mitigation Incorporated (Less Than Significant Impact with Mitigation)]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based on an arborist report prepared by *HMH Engineers* in November 2017 and a biological assessment prepared by *H.T. Harvey & Associates* in May 2018. Copies of these reports are attached in Appendices B and C of this document, respectively.

4.4.1 Regulatory Framework

4.4.1.1 *Federal and State*

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the Federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

Federal and state laws also protect most bird species. The federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of prey, such as owls and hawks, are protected in California under provisions of the state Fish and Game Code. The code states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to

regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Regional and City of San José

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was adopted by City Council in 2013, and covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), US Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

The project site is located within the Habitat Plan study area and is designated as "Urban-Suburban" land. "Urban-Suburban" land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

City of San José Riparian Corridor Policy Study

The City of San José's Riparian Corridor defines a riparian corridor as any stream channel, including the area up to the bank full-flow line, as well as all riparian (streamside vegetation) in contiguous adjacent uplands. The policy states that riparian setbacks should be measured 100 feet from the outside edges of riparian habitat or the top of bank, whichever is greater. For the purposes of this project, the riparian setback extends 100 feet from the top of bank of Guadalupe River. The project site does not fall within this setback.

Riparian Corridor Protection and Bird-Safe Design Policy (Policy 6-34)

The City's Riparian Corridor and Bird-Safe Building Policy (Policy 6-34) was adopted in August 2016. Policy 6-34 provides guidance consistent with the goals, policies, and actions of the General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within Riparian Corridor setbacks to minimize flooding from urban runoff, and control erosion; and 3) encouraging bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of State Route 237. It supplements the regulations for riparian corridor protection in the Council-adopted Santa Clara Valley Habitat Plan, the Zoning Code (Title 29 of the San José Municipal Code), and other existing City policies that may provide for protection and bird-safe design.

The general guidelines for setbacks and lighting apply to development projects within 300 feet of riparian corridors. As mentioned above, the riparian policy states that riparian setbacks should be measured 100 feet from the outside edges of riparian habitat (or the top of bank, whichever is greater). The City's policy allows for exceptions, based on adjacent land uses and setback, existing setbacks, and other factors. The setback for a project is typically determined on a case-by-case basis.

4.4.2 Existing Conditions

4.4.2.1 *Overview of Habitat Found on the Project Site*

The site is currently developed with commercial/industrial buildings and surface parking lots. The project site is located in an urbanized area of downtown San José. Vegetation on-site includes limited areas of trees and shrubs. The project site is located approximately 250 feet west of the Guadalupe River edge of the channel. Riparian habitat along Guadalupe River consists of Coast live oak and tree of heaven trees. Julian Street, a four-lane roadways, separates the project site from riparian zone.

4.4.2.2 *Special Status Species*

Special-status species are those plants and animals listed under the state and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the CDFW. Additionally, nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in trees in the area surrounding the project site.

4.4.2.3 *Trees*

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

species that vary in size and levels of health. There is one native tree present on-site (Tree No. 57, Coastal Redwood).

There are a total of 65 trees located on-site, including one dead tree (Tree No. 13, flowering pear). Of the 64 live trees, there are 19 tree of heavens, 13 golden maiden hairs, seven London plane trees, six Mexican fan palm, five flowering plums, four citrus plants, two flowering pears, three crepe myrtles, one fig tree, one canary island date palm, one coastal redwood, one black acacia, and one avocado tree. The following table lists all trees identified on the project site. The location of the trees is shown on Figure 4.4-1.

Table 4.4-1: Tree Species Observed On-Site

Tree #	Scientific Name	Common Name	Circumference*	Diameter*
1	*Plantanus acerifolia*	London plane	52	17
2	*Plantanus acerifolia*	London plane	47	15
3	*Plantanus acerifolia*	London plane	43	14
4	*Lagerstroemia indica*	Crepe myrtle	10	3
5	*Lagerstroemia indica*	Crepe myrtle	10	3
6	*Washingtonia robusta*	Mexican fan palm	45	24
7	*Acacia melanoxylon*	Black acacia	33	11
8	*Lagerstroemia indica*	Crepe myrtle	22	7
9	*Washingtonia robusta*	Mexican fan palm	68	22
10	*Plantanus acerifolia*	London plane	34	11
11	*Plantanus acerifolia*	London plane	33	11
12	*Washingtonia robusta*	Mexican fan palm	59	19
13	*Pyrus kawakamii*	Flowering pear	41	13
14	*Ailanthus altissima*	Tree of heaven	24	8
15	*Prunus blireiana*	Flowering plum	20	6
16	*Prunus blireiana*	Flowering plum	18	6
17	*Pyrus kawakamii*	Flowering pear	21	7
18	*Pyrus kawakamii*	Flowering pear	7	2
19	*Prunus blireiana*	Flowering plum	8	3
20	*Prunus blireiana*	Flowering plum	8	2
21	*Prunus blireiana*	Flowering plum	7	2
22	*Plantanus acerifolia*	London plane	73	23
23	*Plantanus acerifolia*	London plane	74	24
24	*Ginkgo biloba*	Golden maiden hair	3	1
25	*Ginkgo biloba*	Golden maiden hair	3	1
26	*Ginkgo biloba*	Golden maiden hair	3	1
27	*Ginkgo biloba*	Golden maiden hair	3	1
28	*Ginkgo biloba*	Golden maiden hair	3	1
29	*Ginkgo biloba*	Golden maiden hair	3	1
30	*Ginkgo biloba*	Golden maiden hair	3	1
31	*Ginkgo biloba*	Golden maiden hair	3	1
32	*Ginkgo biloba*	Golden maiden hair	3	1
33	*Ginkgo biloba*	Golden maiden hair	3	1
34	*Ginkgo biloba*	Golden maiden hair	3	1
35	*Ginkgo biloba*	Golden maiden hair	3	1
36	*Ginkgo biloba*	Golden maiden hair	3	1

Table 4.4-1: Tree Species Observed On-Site				
Tree #	**Scientific Name**	**Common Name**	**Circumference***	**Diameter***
37	*Ailanthus altissima*	Tree of heaven	48	15
38	*Ailanthus altissima*	Tree of heaven	62	20
39	*Ailanthus altissima*	Tree of heaven	85	27
40	*Ailanthus altissima*	Tree of heaven	36	11
41	*Ailanthus altissima*	Tree of heaven	39	13
42	*Ailanthus altissima*	Tree of heaven	66	21
43	*Ailanthus altissima*	Tree of heaven	25	8
44	*Ailanthus altissima*	Tree of heaven	126	40
45	*Ailanthus altissima*	Tree of heaven	22	7
46	*Ailanthus altissima*	Tree of heaven	22	7
47	*Ailanthus altissima*	Tree of heaven	15	5
48	*Ailanthus altissima*	Tree of heaven	30	10
49	*Ailanthus altissima*	Tree of heaven	85	27
50	*Ailanthus altissima*	Tree of heaven	49	16
51	*Ailanthus altissima*	Tree of heaven	38	12
52	*Ailanthus altissima*	Tree of heaven	21	7
53	*Ailanthus altissima*	Tree of heaven	38	12
54	*Ailanthus altissima*	Tree of heaven	25	8
55	*Washingtonia robusta*	Mexican fan palm	94	30
56	*Ficus carica*	Fig tree	44	14
57	*Sequoia sempervirens*	Coastal redwood	51	16
58	*Citrus*	Citrus plants	27	9
59	*Citrus*	Citrus plants	26	8
60	*Citrus*	Citrus plants	22	7
61	*Washingtonia robusta*	Mexican fan palm	66	21
62	*Phoenix canariensis*	Canary island date palm	192	61
63	*Washingtonia robusta*	Mexican fan palm	95	30
64	*Citrus*	Citrus plants	37	12
65	*Persea americana*	Avocado	42	14

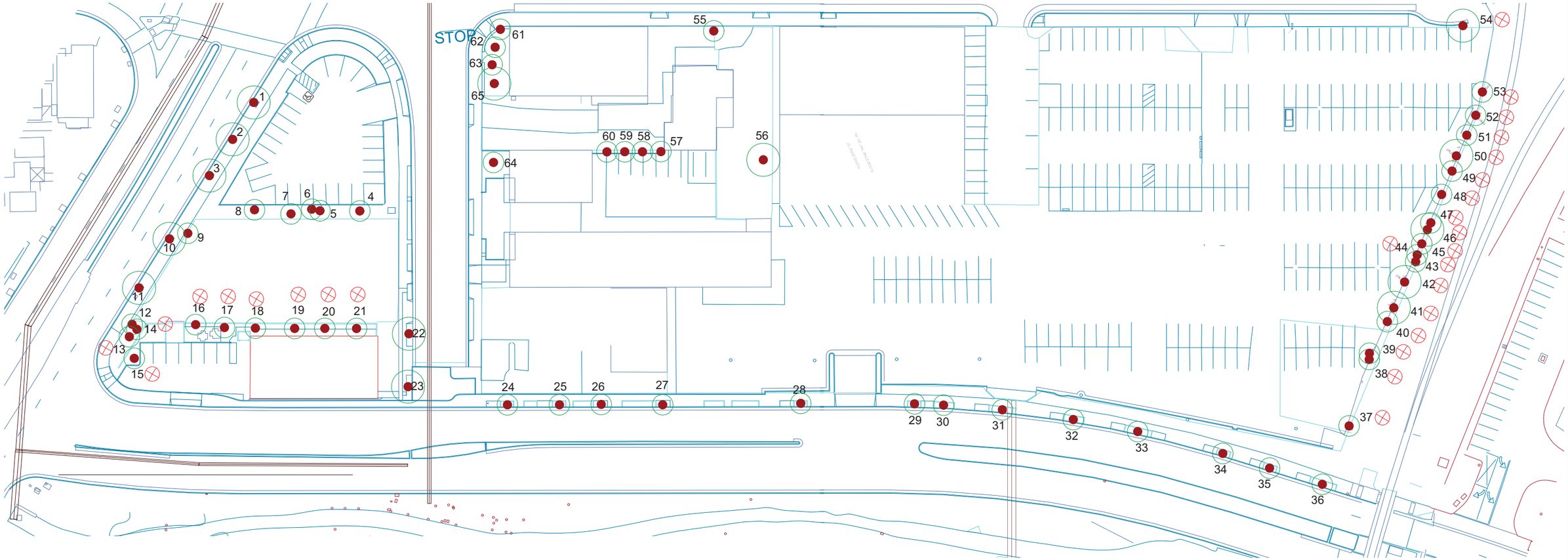
Note: Ordinance sized trees are 38+ inches in circumference (12.1+ inches in diameter)
*Circumference and Diameter measured in inches.

4.4.2.4 *Applicable Biological Regulations and Policies*

The General Plan includes the following biological resource policies applicable to the proposed project.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.



TREE MAP

FIGURE 4.4-1

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

4.4.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐	1-5,10
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐	1-5,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1-5

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1-5,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1-5, 9
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would not result in significant biological impacts, as described below.

4.4.3.1 *Biological Resources Impacts (Checklist Questions a – d)*

Impacts to Nesting Migratory Birds

While the project site is located within an urban environment, the trees located on-site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

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

Mitigation and Avoidance Measures

In conformance with the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR (as amended) and current City practice, the following mitigation measures shall be implemented during construction to avoid abandonment of raptor and other protected migratory bird nests:

MM BIO-1.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

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

Impacts to Roosting Bats

There are several trees and buildings on-site that could provide roosting sites for bats. No bats or signs of bat presence were observed in the trees. The buildings located at 445 and 475 West Julian Street, the accessory structure at 495 West Julian Street, and two adjacent buildings at 442 Howard Street, provide suitable habitat for bats, but no bats were observed in any of these buildings.

The remaining buildings located at 440, 465, and 495 West Julian Street do not have any openings in which bats can enter; therefore, the buildings would not provide potential roosting habitat for bats. Due to the high levels of human-related disturbances on-site, bats are not expected to be found on-site. For these reasons, implementation of the proposed project would not impact local bat populations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Avian Collisions With New Buildings

Glass windows and building facades can result in injury or mortality of birds due to birds' collisions with these surfaces. Because birds do not perceive glass as an obstruction the way humans do, they

may collide with glass when the sky or vegetation is reflected in the glass (e.g., they see the glass as sky or vegetated areas); when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation results in attempts by birds to fly through glass to reach that vegetation.
The project site is located approximately 250 feet west of Guadalupe River. Birds, such as songbirds, using the riparian habitat along the Guadalupe River may fly over to the project site to look for food and/or to rest in the landscaped terraces proposed on-site. The proposed development would create a significant amount of glazing on the building façades. Glass windows and building façades could result in the injury or mortality of birds due to bird collisions with the glass. High-rise buildings (500 feet or taller) may pose a threat to birds that are migrating through the area. The proposed project would have glass windows and be approximately 91 feet tall, which may result in bird collisions with the glass due to the following reasons:

- Trees and other landscaping proposed on-site would attract birds. The birds using the vegetation may not perceive the glass as a solid structure. The vegetation would be reflected in the glass of the building's façades, causing birds to fly towards the reflected "vegetation" and strike the glass.
- Night lighting associated with the proposed development could disorient the birds. As a result, birds migrating through the site at night may be disoriented by night lighting and could collide with the buildings.

As proposed, the project includes bird-safe building design measures (refer to *Section 3.2* for the list of proposed measures). These measures would increase the visibility (to birds) of glazing on the exterior façades of Buildings A, B, and C that face the Guadalupe River by applying a bird-safe glazing treatment to these façades. The addition of fritting, netting, stencils, or ultraviolet patterns to approximately 90 percent of the glazing facing the Guadalupe River prevents accidental collisions as birds discern the obstruction and do not see an unbroken reflection of surrounding landscape. The project design avoids constructing feature-related hazards such as free-standing glass walls, wind barriers, skywalks, balconies, greenhouses or similar structures that pose a high collision risk to birds. By reducing night-time exterior lighting, avoiding up-lighting, and use of occupancy sensor for interior lighting controls, the potential for night-migrating birds to collide with the building is minimized.

As mentioned in *Section 4.1.2.3*, the proposed project would be required to comply with the setbacks defined in the City's Riparian Corridor Protection and Bird-Safe Design Policy (Policy 6-34). The proposed development would be located outside the 100-foot setback and include bird-safe building design measures as identified in *Section 3.2*. Incorporation of the bird-safe design elements would reduce the number of bird collisions to less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Stream/Riparian Buffer Encroachment

There are no riparian or wetland habitats present on-site. The project site is located approximately 250 feet west of the Guadalupe River and approximately 100 feet west of the Guadalupe River Trail. According to the biological resources assessment, the project site would remain outside the 100 foot setback from the top of bank. Autumn Parkway, a four-lane roadway that extends between Coleman Avenue and Julian Street, would act as a buffer between the project site and Guadalupe River. As

mentioned in *Section 4.1.2.3*, the proposed project would be required to comply with the setbacks defined in the City's Riparian Corridor Protection and Bird-Safe Design Policy (Policy 6-34). The proposed development would be located outside the 100-foot setback. Therefore, the proposed project would not encroach on the riparian buffer and would have a less than significant impact on the Guadalupe River. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.3.2 *Trees (Checklist Question e)*

The urban forest is comprised of all native and non-native trees planted in yards and parks, along streets, and as landscaping in building complexes and parking lots. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. Although the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

Table 4.4-2: City of San José Standard Tree Replacement Ratios[8]

Circumference of Tree to Be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or greater[3]	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

[1]As measured 4.5 feet above ground level
[2] x:x = tree replacement to tree loss ratio
[3]Ordinance-sized tree
Notes: Trees greater than 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
One 24-inch box tree = two 15-gallon trees.

As mentioned previously, there are 65 trees on-site, including one dead tree (Tree No. 13, flowering pear). Of the 64 live trees, there are 25 ordinance-sized trees (Tree Nos. one, two, three, six, nine, 12, 13, 22, 23, 37, 38, 39, 41, 42, 44, 49, 50, 51, 53, 55, 56, 61, 62, 63, and 65). For the purposes of this analysis, it is assumed all 65 trees on-site would be removed. As part of the project's Standard Permit Conditions, all trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28

[8] Since completion of the tree survey in November 2017, the City has adopted new tree ordinance guidelines (February 9th, 2018). The previous guidelines protected all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at a height of two feet above natural grade. As such, the data in the tree survey was based on measurements taken at two feet above natural grade. The new guidelines protect all trees having a trunk measuring 38 inches or more in circumference (12.1 inches in diameter) at a height of 4.5 feet above natural grade. The analysis provides tree replacement ratios based on the current guidelines. It should be noted that trees are typically wider near the base of the truck and decrease in size near the canopy. Because the tree survey was completed on the lower section of the trees, the measurements used to determine the replacement ratios are conservative.

- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. Of the 65 trees, 25 trees would be replaced at a 4:1 ratio and 18 trees would be replaced at a 2:1 ratio with 15-gallon containers. Twenty-one trees would be replaced at a 1:1 ratio with 15-gallon containers. One native tree (Tree No. 57) would be replaced at a 5:1 ratio with 15-gallon containers. The total number of trees required to be planted on-site would be 162. The species to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the require tree mitigation, one or more of the following measures would be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation may be made to Our City Forest or similar organization for in-lieu off-site tree planting in the community. Such donations would be equal to the cost of the required replacement trees, including associated installation costs for off-site tree planting in the local community. A receipt for any such donation shall be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.

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

4.4.3.3 *Consistency with the Habitat Conservation Plan (Checklist Question f)*

Since the approval of the Downtown Strategy FEIR and General Plan FEIR (as amended), the City adopted the SCVHP. Based on the Habitat Agency Geobrowser, the project site is within the SCVHP area.[9] Private development in the plan area is subject to the SCVHP if it meets the following criteria:

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

[9] Santa Clara Valley Habitat Agency. "Habitat Agency Geobrowser." Accessed: November 27, 2017. Available at: http://www.hcpmaps.com/habitat/.

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*;[10] and

- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than two acres AND

    - The project is located in an area identified as "Rural Development Equal to or Greater than Two Acres is Covered," or "Urban Development Equal to or Greater than Two Acres is Covered" OR

    - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied nesting habitat for western burrowing owl.

The proposed project is consistent with the activity described in *Section 2.3.2* of the SCVHP and would require discretionary approval by the City. Consistent with the SCVHP, the project applicant shall implement the following Standard Permit Condition.

Standard Permit Condition

- The project shall pay all applicable fees including the nitrogen deposition fee, and comply with all applicable conditions prior to issuance of any grading permits. The project applicant shall submit a SCVHP Coverage Screening Form or Nitrogen Deposition Only Application Form (if no land cover fees apply) to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and shall complete subsequent forms, reports, and/or studies as needed.

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **[New Less Than Significant Impact (Less Than Significant Impact)]**

4.4.4 Conclusion

The proposed project would implement the identified mitigation measure to ensure that nesting birds would be protected during construction activities. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

The project includes bird-safe design elements that would reduce the number of avian collisions with the buildings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Due to the level of human-related disturbances on-site, implementation of the proposed project would not impact local bat populations. In addition, the site is located approximately 250 feet west

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

of the Guadalupe River and would not encroach on the riparian buffer. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would comply with the identified Standard Permit Condition and would not conflict with the provisions of the SCVHP. **[New Less Than Significant Impact (Less Than Significant Impact)]**

The project would be required to meet the minimum tree replacement standards. Conformance with City policies would result in a less than significant impact on trees and the City's urban forest. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 CULTURAL RESOURCES

The following discussion is based on a historic resources report prepared by *Carey & Co.* in November 2017 and a literature review completed by *Holman & Associates* in November 2017. A copy of the Historic Evaluation is included in Appendix D of this document. A copy of the Archaeological Literature Review is on file at the Department of Planning, Building and Code Enforcement.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the U.S. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and state significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

State Regulations Regarding Cultural and Paleontological Resources

Archaeological, paleontological, and historical sites are protected by a number of State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a "most likely descendant" must also be notified.

Assembly Bill 52 - Tribal Cultural Resources

A tribal cultural resource can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. It also must be either on or eligible for the California Historic Register, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a tribal cultural resource. Assembly Bill 52 (AB 52), which amendment the Public Resources Code, requires lead agencies to participate in formal consultations with California Native American tribes during the CEQA process, if requested by any tribe, to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for

Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

A rating with numerical "points" is assigned by a qualified evaluator according to the extent to which each building meets the criteria listed above.

33 and above points – Structure of Merit (SM)
1-32 points – non-significant

The numerical rating system is not used to determine eligibility of a property for City Landmark designation.

4.5.1.2 *Applicable Cultural Resources Regulations and Policies*

The General Plan includes the following cultural resources policies applicable to the proposed project.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[11] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional

[11] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.2 Existing Conditions

4.5.2.1 *Subsurface Resources*

Prehistoric Period

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

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

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The project site is located approximately 250 feet west of Guadalupe River.

Mission Period

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

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

Post-Mission Period to Mid-20th Century

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

Based on an 1884 Sanborn Fire Insurance Map, the site was developed with residences on the northwestern portion of the project site. The site was further developed with residences, associated sheds, and hay barns prior to 1939. The 1915 Sanborn Fire Insurance Map shows the Greco Canning Company adjacent to and on the northeastern portion of the site. By 1939, the canning business expanded onto the northwestern portion of the site. By 1956, the buildings located at 495 and 475 West Julian Street (no longer present) were constructed on the southeastern portion of the site. The building located at 490 Howard Street (no longer present) was shown on a 1963 aerial photograph. By 1966, several of the residences located on the southeastern portion of the site were demolished and the building located at 455 West Julian Street was constructed. By 1982, the building at 465 West Julian Street (no longer present) was constructed and several residences located on the southeastern portion of the site were demolished. The 440 West Julian Street building was constructed on-site by 1980 and several of the former cannery buildings on the northwestern portion of the site had been demolished.

Literature Review

The literature review completed by *Holman & Associates* identified three archaeological sites within a quarter mile of the project site. The entire project area has been previously analyzed for cultural resources and was noted as being sensitive for buried archaeological deposits because of its proximity to Guadalupe River. Two adjacent buildings (P-43-2645 and P-43-3271) that are no longer present were found to have low potential for associated archaeological features. Historic archaeological deposits were found adjacent to the project site at Site CA-SCL-938/P-43-3125. Several historic household items from the late 1800s and 1900s have been found near the project site.

4.5.2.2 *Existing Structures On-Site*

The site is currently developed with six industrial/commercial buildings, two accessory structures, and surface lots. Of the six buildings, three are more than 50 years old (the two buildings at 442 Howard Street and one building at 495 West Julian Street). These two buildings are discussed in detail below. The remaining buildings located at 465 West Julian Street, 475 West Julian Street, and 440 West Julian Street were constructed between 1980 and 1982 and are less than 50 years old. Therefore, no formal analysis was completed.

442 Howard Street

The two, one-story industrial buildings located at 442 Howard Street were constructed circa 1960. The exterior of both buildings have vertical metal panels and metal garage doors. The architect of the buildings is unknown. Although the buildings are associated with the agricultural history of the area, they are not associated with the history of the City in an individually significant way. Additionally, the buildings are not associated with any important persons and are not architecturally significant. Lastly, the building is unlikely to yield any information significant to history or prehistory. The buildings scored a 9.9 on the City's Evaluation Tally Sheet. As a result, the buildings are not eligible for the CRHP under any criterion nor are the buildings eligible for listing on the City's Historic Resources Inventory.

495 West Julian Street

The one-story commercial/light industrial building located at 495 West Julian Street was constructed in 1953. The building is primarily stucco with a single-paneled wooden door flanked by aluminum-sash fixed windows. A tile sign is located on the southern building façade. The building is not associated with any event that has made a significant contribution to the broad patterns of our history nor is the building associated with any important persons. The building does not represent a specific type of architectural style and is unlikely to yield any information significant to history or prehistory. The building scored an 11.53 on the City's Evaluation Tally Sheet. As a result the building is not eligible for the CRHP under any criterion nor is it eligible for listing on the City's Historic Resources Inventory.

4.5.2.3 *Existing Structures Adjacent to the Project Site*

There are two buildings located adjacent to the site that are more than 50 years old (237 North Autumn Street and 345 North Autumn Street). These two buildings are discussed in below.

345 North Autumn Street

The one-story, vernacular-style house with Victorian detailing was constructed between 1915 and 1932. The house has horizontal wood siding and an asphalt shingle-clad hipped roof. A partial-width entry porch with a single square wood post is located on the eastern building façade. The two windows located on the eastern building façade have diamond-shaped mullions. The architect is unknown. Although the house is associated with the residential development of the area, the house is not associated with the history of the City in an individually significant way. Additionally, the building is not associated with any important persons and is not architecturally significant. The building is unlikely to yield any information significant to history or prehistory. The buildings scored a 23.64 on the City's Evaluation Tally Sheet. As a result, the buildings is not eligible for the CRHP under any criterion nor is the building eligible for listing on the City's Historic Resources Inventory.

237 North Autumn Street

The structure located at 237 North Autumn Street, approximately 250 feet southwest of the project site, has been identified in the City's Historic Resources Inventory as a City Landmark Structure and is eligible for both the California Register and National Register. The Dennis Residence is a 1.5-story, Greek Revival Style, rare brick building constructed in 1870. A prominent arched window, an offset front door, and fluted corner pilasters are located on the eastern building façade. The front door retains the original frame and sidelights. The historic evaluation determined the residence retains sufficient integrity, consistent with the 2005 evaluation.

4.5.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1-5,11
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1-5,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1-5
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1-5,11
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☒	☐	☐	1-5
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	☐	1-5

In addition to the thresholds listed in *Section 4.5.1.1*, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory.

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in a less than significant cultural resources impact, as described below.

4.5.3.1 *Impacts to Historic Structures (Checklist Question a)*

Under CEQA, a structure need not be listed on a national, state, or local register to qualify as a significant resource. A structure is considered a significant resource under CEQA if it is found to be *eligible* for inclusion on a national, state, or local register. Furthermore, as outlined in the criteria of significance above, a prized architectural style or appealing aesthetic is not the sole determining factor in the historical significance of a structure, as structures can also be significant for association with important persons or events. Public opinions on what is visually appealing or architecturally important change over time, so a structure's aesthetic may not be appreciated by modern standards. That does not, however, preclude it from being eligible for listing as a historic resource.

Historic Structures On-Site

The site is currently developed with six industrial/commercial buildings, two accessory structures, and surface lots. Although three of the existing buildings are more than 50 years old, none were found to be a historic resource under CEQA nor are the buildings eligible for listing on the City's Historic Resources Inventory. Therefore, the proposed project would have a less than significant impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Historic Structures Adjacent Off- Site

The single-family house, located approximately 250 feet southwest of the project site, was previously identified as eligible for listing under the National Register of Historic Places and the California Register of Historical Resources, and also as a City Landmark Structure. Because the project site is located more than 200 feet from the single-family house, the proposed project would have a less than significant impact on this nearby historic structure. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5.3.2 *Impacts to Subsurface Cultural Resources (Checklist Questions b – d)*

Prehistoric and Historic Resources

There are no recorded sites on the project site, however, the proposed project is located within proximity to Guadalupe River (approximately 250 feet) which is considered a highly sensitive area for prehistoric and historic resources. Based on the literature review completed for the project site, the site has the potential to yield Native American and historical archaeological deposits. Implementation of the project would require excavation of the site to approximately 42 feet below ground surface (bgs) for construction of the below-grade parking garage under Buildings A and B. Additional ground disturbance would occur during site grading and utility trenching. Excavation of the site could result in the loss of all as yet unknown subsurface cultural resources on-site.

Impact CUL-1: Subsurface cultural resources could be uncovered and disturbed during demolition/construction of the proposed project, resulting in a significant impact. **(Significant Impact)**

Mitigation and Avoidance Measures

The Downtown Strategy FEIR identified the following measures for mitigation of impacts on the project site (Table V I-2):

- APPROPRIATE PRIOR REVIEW. Conduct appropriate levels of review prior to undertaking project elements involving ground-disturbing activities that may impact buried archaeological deposits that meet the definition of a historical or archaeological resource (CEQA Guidelines §15064.5[a] and §21083.2[g]). At a minimum, this effort should include a records search at the NWIC and an archaeological assessment by a qualified archaeologist prior to project implementation.

- DETERMINE RESOURCE REGULATORY STATUS. When project elements that will directly impact an identified archaeological site are proposed, consult with qualified cultural resource professionals prior to project implementation to determine if the site meets the definition of a historical or archaeological resource under CEQA.

- DETERMINE FEASIBLE ALTERNATIVES. If an archaeological site meets the CEQA definition of a historical or archaeological resource and will be impacted by the proposed project, make reasonable efforts to feasibly avoid project impacts (e.g., project redesign, conservation easements, or site capping).

- AUTHORIZE DATA RECOVERY. Authorize data recovery by qualified professionals if the avoidance or preservation of an archaeological historical resource or archaeological resource is not feasible. Ensure that a copy of the documentation be submitted to the NWIC.

- STOP WORK AND EVALUATE UNANTICIPATED FINDS. Redirect ground disturbance within a 50-foot radius if buried archaeological deposits are encountered by project activities. Contact a qualified archaeologist to (1) evaluate the finds to determine if they meet the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the finds. Ensure that the results of any archaeological investigation are submitted to the NWIC.

- STOP WORK AND FOLLOW STATUTORY PROCEDURES. Redirect ground-disturbance within a 50-foot radius if human remains are encountered by project activities, and implement the steps outlined in CEQA Guidelines §15064.5(e).

The following mitigation measures, consistent with the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR (as amended), shall also be implemented during construction to avoid impacts to unrecorded subsurface archaeological resources.

MM CUL-1.1: Prior to issuance of any demolition or grading permits, the project applicant shall be required to complete subsurface testing to determine the extent of possible cultural resources on-site. Subsurface testing shall be completed by a qualified archaeologist. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist.

MM CUL-1.2: The project applicant shall ensure implementation of the archaeological resources treatment plan prior to the issuance of any demolition and grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy used to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

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

In addition to the archaeological resources treatment plan outlined above, the following measures (consistent with the mitigation measures outlined in the Downtown Strategy FEIR) are included in the project to further reduce impacts to subsurface cultural resources.

MM CUL-1.4: In the event any prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any building permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If the find cannot be avoided, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist and the treatment plan. Recommendations could include

collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

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

MM CUL-1.5: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines.

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

Within implementation of these mitigation measures, construction of the proposed project would have a less than significant impact on as yet unrecorded subsurface archaeological resources. The General Plan FEIR (as amended) concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric and historic resources. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

Paleontological Resources

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

As proposed, the project would construct two to four levels of below-grade parking (approximately 42 feet bgs) beneath Buildings A and B. At these depths, the project has the potential for encountering and disturbing paleontological resources during construction which would result in a significant impact. The City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions

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

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

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

4.5.3.3 *Impacts to Subsurface Tribal Cultural Resources (Checklist Question e)*

The project site is located approximately 250 feet west of the Guadalupe River, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.

Assembly Bill (AB) 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. No tribes have sent written requests for notification of projects to the City of San José. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes. **[New Less Than Significant Impact (Less Than Significant Impact)]**

4.5.4 Conclusion

With implementation of the above mitigation measures, the proposed project would not result in significant impacts to subsurface archaeological resources. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

The proposed project would have a less than significant impact on all land based tribal cultural resources. **[New Less Than Significant Impact (Less Than Significant Impact)]**

The proposed project would have a less than significant impact on historic structures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

With implementation of the identified Standard Permit Conditions and compliance with applicable City policies and regulatory programs, the project would have a less than significant impact on paleontological resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 GEOLOGY AND SOILS

The following discussion is based upon a Soil Resource Report generated from the Natural Resources Conservation Service's website in January 2018. A copy of this report is attached in Appendix E.

4.6.1 Environmental Setting

4.6.1.1 *Geology and Soils*

The majority of the City of San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet bgs. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

According to the soil resource report, soils on-site have moderate to very high expansion potential.

4.6.1.2 *Seismicity and Seismic Hazards*

The project site is located within the San Francisco Bay Area, the most seismically active region in the United States. Based on a 2015 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044.[12]

Table 4.6-1: Active Faults Near the Project Site

Fault	Distance from Site
Hayward	10 miles north
Calaveras	10 miles east
San Andreas	12.5 miles west

Active faults near the project site are shown on Table 4.6-1. Although the site is located within a seismically active region, it is not located within a currently designated Alquist-Priolo Earthquake Fault Zone, Santa Clara County Fault Hazard Zone, Santa Clara County Fault Hazard Zone, or the City of San José Potential Hazard Zone.[13,14] No active faults have been mapped on the project site, therefore, the risk of fault rupture at the site is low.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with

[12] U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." March 2015. Accessed: January 2, 2018. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

[13] State of California Department of Conservation. "CGS Information Warehouse: Regulatory Maps." Accessed: January 2, 2018. Available at: http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

[14] Santa Clara County. "Santa Clara County Geologic Hazard Zones, Map 20." Accessed: January 2, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

poor drainage. Based upon the Santa Clara County Geologic Hazard Zones Map, the project site is located within a potential liquefaction zone.[15]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. The nearest waterway is Guadalupe River located approximately 250 feet east of the project site. At this distance, the potential for lateral spreading on-site is low.

Landslides

The site is not located within a landslide zone.[16] The project area is flat and, therefore, the probability of landslides occurring at the site during a seismic event is low.

4.6.1.3 *Applicable Geological Regulations and Policies*

The General Plan includes the following geological policies applicable to the proposed project.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

[15] Santa Clara County. "Santa Clara County Geologic Hazard Zones, Map 20." Accessed: January 2, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[16] Ibid.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Action EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☐	☒	☐	1-5,13
2. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1-5,13
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1-5,13
4. Landslides?	☐	☐	☐	☒	☐	1-5,13
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1-5,13
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1-5,13

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1-5,13
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and the San José General Plan FEIR (as amended), the proposed project would result in less than significant geology and soils impacts, as described below.

4.6.2.2 *Geological and Soil Impacts (Checklist Question a, c, and d)*

As mentioned in *Section 4.6.1.2*, the project site is located within the San Francisco Bay Area, which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake.

The site is located within an area of moderate to very high expansion potential and a low potential for lateral spreading during large seismic events. Development of the project site would not change or exacerbate the geologic conditions of the project area and would not result in a significant geology hazards impact to the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundwater

Groundwater levels on-site were encountered between 13 to 18 bgs. Buildings A and B would be excavated to a maximum depth of approximately 42 feet bgs for the below-grade parking structure. Because excavation activities on-site would likely encounter groundwater, the proposed project would require dewatering during construction. Hydrostatic pressure generated by ground shaking can result in the formation of sand boils or mud spouts, seepage of water through ground cracks, and destabilization of the underground parking structure. It may be necessary to dewater the sand layers near the bottom of the proposed excavation to relieve the hydrostatic pressure on the overlying clay layer. Please refer to *Section 4.8 Hazards and Hazardous Materials* for more information.

The proposed project would be built and maintained in accordance with a site-specific geotechnical report (as required by the Downtown Strategy FEIR and City policy) and applicable regulations

including the most recent California Building Code requirements which contains the regulations that govern the construction of structures in California. The site-specific geotechnical report shall evaluate the consolidation properties of the underlying sediments to determine the potential for settlements associated with dewatering and other potential earth movements. If it is determined that unacceptable settlements may occur with either active or passive dewatering systems, then alternative groundwater control systems that do not require continuous groundwater removal (e.g., slurry wall) shall be required. The design-level geotechnical investigation would also identify necessary measures associated with shoring of utility trenches, waterproofing, and designing for hydrostatic pressure (uplift).

For these reasons, the project would not result in any new or more significant impacts on groundwater than described in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as the Approved Project (Less Than Significant Impact)]**

4.6.2.3 ***Erosion Impacts*** *(Checklist Question b)*

Ground disturbance would be required for demolition of the existing buildings and surface parking lots, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until the construction is complete.

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

Standard Permit Conditions

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

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

4.6.2.4 ***Other Impacts*** *(Checklist Question e)*

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

4.6.2.5 *Project Geology Issues Not Covered Under CEQA (Checklist Questions a – d)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

The policies of the General Plan have been adopted for the purpose of avoiding or mitigating environment effects resulting from planned development within the City. The soils on-site have moderate to very high expansion potential. The project site is located within a liquefaction zone and would experience very strong ground shaking during an earthquake.

Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Pursuant to the Downtown Strategy FEIR, prior to issuance of site-specific grading or building permits, a design-level geotechnical investigation[17] shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and all City policies and ordinances. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Consistent with the requirements for future development under the DSAP, the proposed project would be subject to the following standard measures:

Standard Conditions

- Consistent with General Plan policies, the project shall complete a design-level geotechnical investigation to verify compliance with applicable regulations. The report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including measures for site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Subsurface exploration, laboratory testing, and engineering analyses may be required as part of the investigation. The report shall be submitted to the City of San José Public Works Department for review prior to issuance of any site-specific grading or building permit.

[17] The analysis must conform to the California Division of Mines and Geology (CDMG) recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California." CDMG Special Publication 117. 1997.

- Techniques that may be used to minimize hazards include: replacing problematic soils with properly conditioned/compacted fill and designing structures to withstand the forces exerted during shrink-swell cycles and settlements.
- Foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement.

In addition to the measures listed above, the proposed project would be built and maintained in accordance with applicable regulations including the most recent California Building Code which contains the regulations that govern the construction of structures in California. The General Plan FEIR (as amended) concluded that adherence to the California Building Code would reduce seismic related impacts and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous site conditions.

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

4.6.3 Conclusion

Development on the project site would have a less than significant geologic impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Regulatory Framework*

Federal

Clean Air Act

The U.S. EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The US Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO_2 is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the *Climate Change Scoping Plan*, that identifies how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill (SB) 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the *Climate Change Scoping Plan* to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state's *Climate Change Scoping Plan*. The updated plan would provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.

Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the

San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[18]

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013 *Plan Bay Area*, established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based on current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan are related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

Clean Car Standards

CARB has adopted amendments to the "Pavley" regulations that are designed to reduce GHG emissions in new passenger vehicles. It is expected that the Pavley regulations would reduce GHG emissions from new California passenger vehicles by approximately 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs.[19]

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. Several key activities of BAAQMD related to GHG emissions are described below.

- *Regional Clean Air Plans*: BAAQMD and other agencies prepare clean air plans as required under the state and federal Clean Air Acts. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the state of California, the 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

[18] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.
[19] CARB. "Clean Car Standards - Pavley, Assembly Bill 1493." Accessed: January 31, 2018. Available at: http://www.arb.ca.gov/cc/ccms/ccms.htm.

- *BAAQMD CEQA Air Quality Guidelines*: The *BAAQMD CEQA Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the BAAQMD. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing greenhouse gas emissions, mitigation measures, and background information.

Local

City of San José Municipal Code

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

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

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the

mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted state of California Climate Change Scoping Plan through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as amended) as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[20]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The General Plan FEIR (as amended) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the Final Supplemental FEIR to the General Plan FEIR (as amended) was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

4.7.1.2 *Applicable Greenhouse Gas Regulations and Policies*

The General Plan includes the following GHG policies applicable to the proposed project.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior

[20] As described in General Plan FEIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

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

4.7.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1-5
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1-5

The Downtown Strategy FEIR did not address GHG impacts. Similar to the site development evaluated in the DSAP FEIR and the General Plan FEIR (as amended), the proposed project would result in less than significant project-level GHG emissions impacts, as described below. The proposed project is part of a larger development and would not contribute to a cumulatively considerable impact. Cumulative significant and unavoidable impacts associated with full build out of the DSAP FEIR will be further discussed in *Section 4.18.2*.

4.7.2.1 *Greenhouse Gas Emissions Impact (Checklist Question a and b)*

Construction

The proposed development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because construction would be temporary and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operation

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy.

Consistency with the San José Greenhouse Gas Reduction Strategy

The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinances and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan land use and zoning designation for the site. The building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Building Code requirements. The project would also be designed to achieve LEED Gold certification in compliance with Policy 6-32. Given the project's consistency with the General Plan land use designation, compliance with Policy 6-32 and California Building Code requirements, the project would be consistent with mandatory criteria 1, 2, and 3.

The proposed project would be a large employer in the area and includes a TDM plan. The project would be required to achieve a minimum 10 percent reduction in traffic trips to meet the City's 2017 CAP goals. The City will require verification of the TDM reductions and, therefore, the project would be consistent with criteria 6.

Criteria 4, 5, and 7 are not applicable to the proposed project because the project site has no historic structures, the project does not include a data center or other energy-intensive uses, and the site does not propose drive-through or vehicle serving uses.

Because the project would be consistent with the GHG Reduction Strategy and General Plan goals and policies intended to reduce GHG emissions, the project would result in a less than significant GHG emission impact. **[Same Impact as Approved Project** (**Less Than Significant Impact)]**

Operational Emissions

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May, 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified Greenhouse Gas Reduction Strategy, it can be presumed that the project would not have significant GHG emissions under CEQA.[21]

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. These thresholds are the basis for which post-2020 GHG thresholds have been developed at the project level (2024) and plan level (2040).

[21] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May.

The BAAQMD GHG recommendations include a specific plan-and project-level GHG emission efficiency metric of 4.6 MT of CO_2e per service population (future residences and full-time workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. Given the project would not be constructed and operational prior to 2020, the City has developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO2e/year/service population. This is calculated for 2030 based on the GHG reduction goals of SB32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[22]

Based on Table 4.7-1 below, the proposed development would generate approximately 2.64 MT of CO_2e per year.

Table 4.7-1: GHG Emissions (MT of CO_2e)

Source Category	Unmitigated Emissions
Area	0.0626
Energy Consumption	4,000
Mobile	6,986
Solid Waste Generation	478
Water Usage	430
Total	11,894
Project MT of CO_2e/year/service population	**2.64**[1]
Substantial Progress 2030 Threshold	2.6

Notes: [1]The service population was estimated based on the number of required parking spaces for the proposed project (based on gross square footage), and assuming a built in 10 percent reduction for transit and carpools. The City's parking requirement is 4 spaces per 1,000 square feet of office, which equates to 4,092 spaces. An additional 10 percent (4,092 x 0.10 = 409) was added to the parking requirement to account for employees not arriving in single-occupancy vehicles. This equates to a total service population of 4,501 (4,092 + 409 = 4,501).

Assuming no additional GHG reduction measures would be included in the project, the proposed project would be just above the 2.6 MT CO_2e/year/service population threshold by approximately 0.04 MT CO_2e/year/service population.

The City of San Jose General Plan FEIR (as amended) concluded that Citywide 2040 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. Achieving the substantial emissions reductions would require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the substantial 2040 emissions reductions, the City's contribution to climate change for the 2040 timeframe is conservatively determined to be cumulatively considerable. Based on this conclusion, the City found that build out of the 2040 General Plan would have a significant and

[22] Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.

unavoidable GHG emissions impact beyond 2020 and adopted overriding considerations for development assumed under the General Plan.

The project is consistent with the development assumptions in the General Plan. As such, the post-2020 GHG emissions from the project have been accounted for and already identified as a significant and unavoidable impact. Therefore, implementation of the proposed project after January 1, 2021 would not result in a new impact or substantially increase the severity of the previously identified GHG emissions impact. [**Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.7.3 Conclusion

Development of the proposed project would incorporate applicable policies of the City's adopted GHG Reduction Strategy and would operate below the 2030 efficiency threshold. Furthermore, construction of the project would not preclude the City of achieving the adopted reduction goals. The project would contribute to a significant unavoidable GHG impact, consistent with the findings of the DSAP FEIR and General Plan FEIR (as amended). **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I and II Environmental Site Assessment (ESA) prepared by *PES Environmental* in March 2017 and February 2017, respectively. A copy of the reports are included in Appendix F of this document.

4.8.1 Overview

Hazardous materials are distributed throughout the City of San José within industrial, light industrial and commercial areas. Hazardous materials encompass a wide range of substances including petroleum products, pesticides, herbicides, metals, asbestos, and chemical compounds used in manufacturing and other uses. Hazardous materials in various forms can cause death, serious injury, long-lasting health effects and damage to the environment. As a result, numerous laws and regulations were developed to regulate the management of hazardous materials and mitigate potential impacts.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and Federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2 Setting

The site is currently developed with six industrial/commercial buildings, two accessory structures, and surface lots. Groundwater on-site has been encountered at a depth of approximately 13 to 18 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. The direction of groundwater flow is north to northeast.

4.8.2.1 *Historic Uses of the Project Site and Surrounding Land Uses*

A land use history of the site was compiled based on aerial photographs, Sanborn Fire Insurance Maps, historical topographic maps, City directories, regulatory agency records, and previous environmental investigations.

Based on an 1884 Sanborn Fire Insurance Map, the site was developed with residences on the northwestern portion of the project site. The site was further developed with residences, associated sheds, and hay barns prior to 1939. The 1915 Sanborn Fire Insurance Map shows the Greco Canning Company adjacent to and on the northeastern portion of the site. By 1939, the canning business expanded onto the northwestern portion of the site. The buildings located at 495 and 475 West Julian Street (no longer present) were constructed on the southeastern portion of the site in 1953 and 1978, respectively. The building located at 490 Howard Street (no longer present) was shown on a 1963 aerial photograph. By 1966, several of the residences located on the southeastern portion of the site were demolished and the building located at 455 West Julian Street was constructed. By 1982, the building at 465 West Julian Street (no longer present) was constructed and several residences located on the southeastern portion of the site were demolished. The 440 West Julian Street building was

constructed on-site circa 1980 and several of the former cannery buildings on the northwestern portion of the site had been demolished.

4.8.2.2 *On-site Sources of Contamination*

Based on a database records search, the project site is listed in the HAZNET, Leaking Underground Storage Tank (LUST), Facility Index System (FINDS), Resource Conservation and Recovery Information System-Small Quantity Generators (RCRA-SQG), and Waste Discharge System (WDS) databases.

Several Phase I ESA's and subsurface environmental investigations were prepared for portions of the project site previously which is further discussed below.

1985 Investigation

Safety Specialists, Inc. and United Soil Engineering, Inc. completed an environmental investigation along the northern portion of the site which was formerly occupied by the cannery. The environmental investigation consisted of installing two groundwater monitoring wells (P-1 and P-2) and drilling seven soil borings. The soil and groundwater samples detected 1,1,1-trichloroethane, toluene, benzene, heptachlor epoxide, and dichlorodiphenyltrichloroethane (DDT) concentrations. In addition, elevated concentrations of cobalt were detected in the soil samples in P-2. No soluble metals were detected above their respective soluble threshold limit concentration (STLC). Groundwater collected from P-2 detected DDT at a concentration of 0.5 parts per billion (ppb) and heptachlor epoxide up to 0.1 ppb. Safety Specialists, Inc. concluded that the chemicals detected in the soil and groundwater did not find contamination from an identifiable source. No further investigation was recommended.

Closure of Former Cannery

Numerous containers of known and unknown chemicals stored in 55-gallon drums, above-ground storage tanks, and other containers scattered throughout the property were found on the former cannery site. In June 1985, IT Corporation prepared a facility closure plan for the former cannery site and submitted it to the California Department of Health Services (DOHS). Concentrations of lead were found along the northern boundary of the former cannery. After all identified hazardous materials and over-excavation of stained and impacted soils were disposed of, IT Corporation cleaned the concrete surfaces and removed the remaining debris. In January 1987, IT Corporation prepared a closure report to document the closure plan which stated that as of December 1986, no hazardous materials remained on the former cannery site. DOHS approved the closure plan and concluded that site cleanup had been completed.

Removal of Former Cannery USTs

During the cannery demolition, three fuel underground storage tanks (USTs) were identified. The USTs consisted of a 20,000-gallon bunker oil UST, a 5,000-gallon gasoline UST, and a 200-gallon fuel oil UST. The 200- and 5,000-gallon USTs were located adjacent to each other on the northwestern portion of the project site. The 20,000-gallon UST was located on the eastern portion of the former cannery.

The 200- and 5,000-gallon USTs were removed on December 1986 and three soil samples were collected by Safety Specialists, Inc. and analyzed for total hydrocarbons as gasoline. Results of the soil samples did not detect concentrations above the laboratory reporting limits; therefore, soil cleanup was not warranted.

The 20,000-gallon tank was also removed as of December 1986 under a San José Fire Department (SJFD) permit. After removal of the tank, two soil samples were collected and analyzed for total hydrocarbons as gasoline. Based on the result of the soil samples, Safety Specialists, Inc. additional soil samples were collected on-site. These soil samples were analyzed for total hydrocarbons as fuel oil, benzene, toluene, and xylenes. Benzene, toluene, and xylenes were not detected at concentrations above their respective laboratory reporting limits; however, fuel oil was detected at concentrations of 220 and 490 parts per million (ppm).

Safety Specialists, Inc. concluded that a release had occurred and the potential for groundwater contamination would need to be evaluated. Two monitoring wells were installed (P1 and P2). P1 was placed adjacent to the 200-gallon and 5,000-gallon USTs location. P2 was placed adjacent to the 20,000-gallon tank. The groundwater samples were analyzed for total hydrocarbons as diesel and gasoline. The results from P2 detected concentrations below their respective laboratory reporting limits. The groundwater sample from P1 was also found below the reporting limit. Although total hydrocarbons from the P1 soil samples were detected, Safety Specialists, Inc. determined the concentrations identified in the soils did not warrant soil cleanup. The California RWQCB granted case closure for the 200- and 5,000-gallon USTs, and the 20,000-gallon UST in separate letters as of February 1993 and November 1993, respectively.

ACME Saw UST

In 1993, James C. Bateman Petroleum Services, Inc. (SEMCO) removed a 1,000-gallon gasoline tank and associated piping from the parking lot located northwest of the 475 West Julian Street building. Two soil samples were collected from the exposed soil after the removal of the UST and analyzed for total petroleum hydrocarbons as gasoline (TPH-g) and BTEX. No contaminants were detected above their respective laboratory reporting limits.

Autumn Street Extension

Cornerstone Earth Group, Inc. prepared a soil and groundwater evaluation and a subsequent initial site assessment in August 2009 and April 2010, respectively. A majority of the soil and groundwater samples collected were located adjacent to and northeast of the site. Two of the samples were located on-site. The soil samples were evaluated for TPH-g and total petroleum hydrocarbons as diesel (TPH-d), motor oil, metals, and volatile organic compounds (VOCs). No VOCs or TPH-g were detected above their respective laboratory reporting limits. Low concentrations of TPH-d and motor oil were identified. Total lead and soluble lead were detected. Total lead was found above typical background levels that exceeded the commercial DTSC-SL and commercial ESL of 320 milligrams per kilogram (mg/kg). A soil management plan (SMP) for extension was recommended. No concerns associated with the properties located adjacent to and northeast of the project site were identified.

Phase II Environmental Site Assessment

The Phase II ESA (February 2017) was prepared in conjunction with the Phase I ESA (March 2017). The soil and groundwater sampling consisted of 24 borings (SB-1 to SB-24) and the soil vapor sampling consisted of 30 borings (SV1 to SV30). Three vapor samples (SV7, SV12, and SV25) were duplicated. The following discussion addresses the findings of the Phase II.

Soil Results

Hydrocarbons and PCBs

TPH-d and total petroleum hydrocarbons as motor oil (TPH-mo) were detected in the soil samples; however, none of the detected concentrations exceeded their respective environmental screening levels (ESLs) of 1,000 and 140,000 mg/kg . In addition, concentrations of TPH-g and PCBs did not exceed the laboratory reporting limit.

Metals

Of the 17 Title 22 metals[23], 15 were detected in at least one of the soil samples. No metals were detected above their respective commercial soil ESLs or California Department of Toxic Substance Control-Screening Levels (DTSC-SL) of 320 mg/kg. Arsenic was detected in 26 of the 32 soil samples at concentrations ranging from 3.1 to 17 mg/kg which exceeds commercial ESL of 0.31 mg/kg. Nearly all the detections are less than the established background concentration for Bay Area soils (11 mg/kg). The only sample with arsenic (total lead) above background concentration was the sample collected from a depth of one foot bgs from boring SB-5.

Groundwater Results

Volatile Organic Compounds

Three different VOCs were detected in the groundwater samples. The groundwater analytical results found the compound, 1,1-dichloroethane (1,1-DCA), in two of the 24 samples at concentrations of 1.0 microgram per liter (µg/L) and 8.2 µg/L. Sample SB-23 exceeded its respective ESL of 5.0 µg/L. Methyl tert-butyl was detected in a single sample at a concentration of 0.73 µg/L, but did not exceed its respective ESL of 5.0 µg/L. In addition, trichlorofluoromethane (Freon 11) was detected two samples; however, no ESL value has been established for Freon 11.

Hydrocarbons

TPH-g, TPH-d, and TPH-mo were detected in the groundwater samples. The groundwater analytical results detected TPH-g in two of the 24 samples at concentrations of 53 µg/L and 75 µg/L. The two samples did not exceed its respective ESL of 100 µg/L. TPH-d was detected in eight of the 24 samples at concentrations ranging from 50 µg/L to 1,200 µg/L. The concentration in six of the eight samples exceeded its respective ESL of 100 µg/L. TPH-mo was detected in 15 of the 24

[23] Title 22 refers to the list of heavy metals described in the California Code of Regulations (CCR). The Title 22 metals are antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, vanadium, zinc, and mercury.

groundwater samples ranging from 110 µg/L to 5,700 µg/L. None of the samples with TPH-mo exceeded its respective ESL of 50,000 µg/L.

Soil Vapor Results

Volatile Organic Compounds and Gasoline

Five VOCs were detected in the soil vapor samples. Dichlorodifluoromethane (Freon 12) was detected in one sample at 110 micrograms per cubic meter (µg/m^3), which is below its respective commercial DTSC-SL of 440,000 µg/m^3. No commercial ESL has been established for Freon 12.

Freon 11 was detected in three of 33 soil vapor samples ranging from 190 µg/m^3 5,300 µg/m^3 which is below its commercial DTSC-SL of 5,300,000 µg/m^3. No commercial ESL has been established for Freon 11.

Benzene was detected in five of 33 soil vapor samples ranging from 46 µg/m^3 to 110 µg/m^3. These concentrations are less than their respective DTSC-SL and commercial ESL of 420 µg/m^3. Toluene was detected in four of 33 soil vapor samples at concentrations ranging from 230 µg/m^3 to 340 µg/m^3 which is less than its respective commercial DTSC-SL and commercial ESL of 1,300,000 µg/m^3. Tetrachloroethene (PCE) was detected in two of 33 soil vapor samples at concentrations ranging from 340 µg/m^3 to 2,200 µg/m^3. The sample with 2,200 µg/m^3 of PCE exceeds its respective DTSC-SL and commercial ESL of 2,100 µg/m^3.

Asbestos Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand allow the asbestos particles to become airborne. Inhaling airborne asbestos fibers can increase the risk of developing certain lung diseases; therefore, the use of friable asbestos projects was banned in 1978. Several of the buildings on-site were constructed prior to 1978, therefore, it is likely ACMs are present on-site.

Lead-Based Paint

Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips and as a contributor to lead interior dust and exterior soil. In 1978, the Consumer Products Safety Commission banned pain and other surface coating materials containing lead. As mentioned above, several of the buildings on-site were constructed prior to 1978. Therefore, it is reasonable to assume that lead-based paint is present in the buildings.

4.8.2.3 *Off-Site Sources of Contamination*

The building located at 350 North Montgomery Street, approximately 200 feet west of the project site, is listed in the LUST and FINDS databases. Seven USTs and associated piping were removed from this property in the late 1980s and approximately 70 cubic yards of soil was excavated and disposed off-site. A groundwater extraction system was operated at this site from 1990 to 1996 and a soil gas extraction system was operated at this site from 1991 to 1996. Hydrogen peroxide was added to wells on the site between 2004 and 2006. As of December 2003, the site received a no further action letter from RWQCB and a deed covenant was recorded for the property that states

residual contamination remains at the property. Based on the direction of groundwater flow, the release is up-gradient and may have impacted the project site.

Based on the Phase I ESA, other sites within the vicinity of the project site that are listed in the database are not expected to represent a significant environmental concern because the sites have received a case closure, the sites are either cross-gradient or down-gradient of the project site, the sites are a soils-only affected case, and/or due to distance from the project site.

4.8.2.4 *Other Hazards*

Airports

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

Wildfire Hazards

The project site is located within a developed area that is not subject to wildland fires.

4.8.2.5 *Applicable Hazards and Hazardous Materials Regulations and Policies*

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater, and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor, and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State, and Federal laws, regulations, guidelines, and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with State and Federal laws and regulations.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

Policy TR-14.3: For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid- Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

Policy TR-14.4: Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.8.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1-5, 14,15

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐	1-5, 14,15
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1-5
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1-5, 14,15
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-5
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1-5
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1-5
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in less than significant hazards and hazardous materials impacts, as described below.

4.8.3.1 *Soil and Groundwater Contamination Impacts (Checklist Questions a – d)*

The building located at 350 North Montgomery Street (approximately 200 feet west of the site) has been listed in several databases for chlorinated solvents and petroleum hydrocarbon-related chemicals in groundwater. As mentioned previously, seven USTs and associated piping were removed from this property in the late 1980s and approximately 70 cubic yards of soil was excavated and disposed off-site. Several remediation processes have taken place at this location between 1990 and 2006. As of December 2013, this building received a no further action letter from RWQCB. A deed covenant was recorded for the property that states residual concentrations of contamination remain at the property. Based on the direction of groundwater flow, it is possible that the project site may have been affected by residual contamination from this property.

Based on the results of the Phase I and II ESA, conditions on the project site have not been significantly affected by residual contamination from historic uses on-site nor by off-site sources of contamination. Concentrations of total lead, 1,1-dichloroethane, total petroleum hydrocarbons as diesel, and tetrachloroethene were, however, found to exceed regulatory ESLs and/or DTSC-SL in one or more samples. Since Buildings A and B would be excavated to a depth of approximately 42 feet bgs to construct the underground parking garage, site excavation and grading could result in impacts from exposure to contaminated soils and groundwater during construction activities.

Impact HAZ-1: Grading and construction activities on-site could expose construction workers to contaminated soils and groundwater. **(Significant Impact)**

Mitigation and Avoidance Measures:

MM HAZ-1.1: The project proponent shall enter into an agreement with the Santa Clara County Department of Environmental Health (SCCDEH) to obtain regulatory oversight under the Voluntary Cleanup Program. Additionally, the project proponent shall develop a Soil and Groundwater Management Plan, or similar document, as required by SCCDEH, to be implemented prior to and during construction to protect construction worker safety, the public, and the environment.

The Soil and Groundwater Management Plan shall include measures such as:

- Health and Safety Plan to protect construction workers
- Soil management protocol to manage contaminated soils if encountered on-site
- Details on dewatering procedures including permitting with the City of San José Environmental Services Department for treatment and discharge to the sanitary sewer or the Regional Water Quality Control Board (RWQCB) for treatment and discharge to the storm drain system.

Conformance with the proposed mitigation and the City's policies and existing regulations would reduce hazards to the people and the environment to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

Asbestos-Containing Materials and Lead-Based Paint Impacts

An asbestos and lead-based paint survey was not conducted as part of the ESA. As mentioned previously, buildings constructed prior to 1978 most likely contain ACMs and/or lead-based paint. If the buildings are demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If the lead-based paint is flaking, peeling, or blistering, it should be removed prior to demolition. It would be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately. Demolition of the existing structures on-site could expose construction workers and nearby building occupants to harmful levels of lead.
The project would be required to implement the following Standard Permit Conditions measures to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions

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

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The DSAP FEIR, Downtown Strategy FEIR, General Plan FEIR (as amended) concluded that conformance with regulatory requirements would result in a less than significant ACM and/or lead impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Future Operations

The proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.2 *Dewatering During Construction (Checklist Question d)*

As proposed, Buildings A and B would have four levels of below-grade parking and would be excavated to a depth of approximately 42 feet bgs. Groundwater on-site has been encountered at a depth of approximately 13 to 18 feet bgs; therefore, the excavation activities on-site would encounter groundwater. Water discharge produced from construction dewatering to the sanitary sewer is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the City's Environmental Services Division. Dewatering during construction is not anticipated to create a significant health and safety impact to construction workers or persons on adjacent sites. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.3.3 *Other Hazard Impacts (Checklist Questions c, e – h)*

Schools

The project site is not located within one-quarter mile of any proposed or existing school. As a result, implementation of the proposed project would not result in a hazardous materials impact to any nearby school. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Airport Operations

Federal Aviation Administration (FAA) Regulations and review requirements have been implemented to protect the airspace near airports, particularly by restricting the height of potential structures and minimizing other hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. Under the FAR Part 77, the FAA must be notified of proposed structures within an extended zone defined by a set of imaginary surfaces or slopes that radiate out for several miles from an airport's runways, or which would stand at least 200 feet or more in height above ground. For the project site, any proposed structure greater than approximately 45 feet above ground is required under FAR Part 77 to be submitted to the FAA for airspace safety review. As the project proposes three buildings with a maximum height of 91 feet above ground, the project is required to be reviewed by the FAA. General Plan Policy TR-14.2 requires FAA issuance of "determinations of no hazard" prior to project approval, with any conditions set forth in an FAA no-hazard determination to be incorporated into the City's project approval. As a result, the project would not result in a substantial safety hazard for people residing or working in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Emergency Response Plans

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (No Impact)]**

Wildland Fires

The project site is located within a developed area of San José that is not subject to wildland fires. Implementation of the project would not expose future employees or the proposed buildings to wildland fire. **[Same Impact as Approved Project (No Impact)]**

4.8.3.4 *Existing Hazardous Materials Conditions Affecting the Project Site* *(Checklist Questions a, b, d)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-7.1 requires the evaluation of a project site's historical and present land uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. Additionally, Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for the health of future users as part of the environmental review process. As such, a Phase I and Phase II ESA were prepared for the project site.

Based on the results of the Phase I and Phase II ESA, concentrations of total lead, 1,1-dichloroethane, total petroleum hydrocarbons as diesel, and tetrachloroethene were found to exceed regulatory ESLs and/or DTSC-SL. The project would implement MM HAZ-1.1 to MM HAZ-1.3 and, as a result, the project would not result in human health and environmental hazards to future employees consistent with Policy EC-7.1 and EC-7.2.

4.8.4 Conclusion

With implementation of the Standard Permit Conditions and mitigation measures, the proposed project would result in a less than significant hazards and hazardous materials impact, consistent with the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Regulatory Setting

4.9.1.1 *Federal, State, and Regional*

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. US EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the state of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally-influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that will be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood. NFIP floodplain management regulations are required in SFHAs.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[24] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. Dams under the jurisdiction of the California Division of Safety of Dams are identified in California Water Code Sections 6002, 6003, and 6004 and regulations for dams and reservoirs are included in the California Code of Regulations. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, the Santa Clara Valley Water District (SCVWD) routinely monitors and studies the condition of each of its 10 dams. The SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Santa Clara Valley Water District

The SCVWD operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within SCVWD property or easements are required under the SCVWD's Water Resources Protection Ordinance and District Well Ordinance.

[24] State of California. "State Hazard Mitigation Plan." Accessed: November 27, 2017. Available at: http://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan.

Local

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

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

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

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

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[25]

4.9.2 Environmental Setting

4.9.2.1 *Flooding*

Based on the FEMA Flood Insurance Rate Maps (Map No. 06085C0234H), the project site is located in Zone D and Zone AH.[26] Zone D is in an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D. The northern portion of the site is located within Zone AH, which is defined as a Special Flood Hazard Area subject to inundation by the one percent annual chance flood with flood depths of one to three feet.

[25] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed on November 27, 2017. Available at: http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

[26] Federal Emergency Management Agency. "FEMA Flood Map Service Center: Welcome!" Accessed: November 28, 2017. Available at: https://msc.fema.gov/portal.

4.9.2.2 *Dam Failure*

Based on the SCVWD dam failure inundation hazard maps, the project site is located within the Lexington Dam and Anderson Dam failure inundation hazard zone.[27, 28]

4.9.2.3 *Seiches, Tsunamis, and Mudflows*

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[29]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

4.9.2.4 *Storm Drainage System*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River. Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

There is an existing storm drain line along Autumn Parkway that connects to a storm drain line on West Julian Street and North Autumn Street.

4.9.2.5 *Water Quality*

Stormwater from the project site drains into the Guadalupe River, approximately 250 feet east of the project site. The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the EPA, the Guadalupe River is currently listed on the 303(d)[30] list for diazinon, mercury, and trash.[31]

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[27] Santa Clara Valley Water District. "Lexington Reservoir and Leniham Dam." Accessed: November 28, 2017. Available at: http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx.
[28] Santa Clara Valley Water District. "Anderson Dam and Reservoir." Accessed: November 28, 2017. Available at: http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx.
[29] Association of Bay Area Governments. "Tsunami Maps and Information." Accessed: November 28, 2017. Available at: http://resilience.abag.ca.gov/tsunamis/.
[30] The Clean Water Act (CWA), Section 303, establishes water quality standards and Total Maximum Daily Load (TMDL) programs. The 303(d) list is a list of impaired water bodies.
[31] United States Environmental Protection Agency. "Waterbody Quality Assessment Report." Accessed November 28, 2017. https://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_list_id=CAR2054005019980928160437&p_state=CA&p_cycle=2012.

4.9.2.6 *Groundwater*

Groundwater levels fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. Groundwater on-site is estimated to occur between 13 and 18 feet bgs.

4.9.2.7 *Applicable Hydrology and Water Quality Regulations and Policies*

The General Plan includes the following hydrology and water quality policies applicable to the proposed project.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy ER-10.5: Protect groundwater recharge areas, particularly creeks and riparian corridors.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy IN-3.1: Achieve minimum level of services:

- For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
- For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal Regulatory requirements.

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

4.9.3 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1-5
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1-5
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	☐	1-5

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1-5
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1-5
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1-5
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1-5,16
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1-5,16
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1-5,16
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in less than significant hydrology impacts, as described below.

4.9.3.1 ***Water Quality Impacts*** *(Checklist Questions a and f)*

Construction Impacts

The proposed project would disturb approximately 239,133 square feet of land area which is above the one acre threshold. As a result, the project would be required to obtain an NDPES General Construction Permit for construction activities.

Demolition and construction activities would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. All development projects in the City are required to comply with the City of San José's Grading Ordinance[32] whether or not the project is required to obtain an NDPES General Construction Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15th to April 15th), the applicant shall submit an Erosion Control Plan to the Director of Public Works for review and approval. The Erosion Control Plan shall detail BMPs that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the NDPES General Permit for construction activities and City requirements, the following Standard Permit Conditions have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Standard Permit Conditions

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

The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the proposed project would include the specific measures and actions identified above, and would be required by the City to comply with the regulatory programs, the project would have a less than significant construction-related water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[32] The San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality when a site is under construction.

Post-Construction Impacts

Currently, approximately 97 percent (231,959 square feet) of the project site is comprised of impervious surfaces. Upon completion of the proposed project, impervious surfaces on-site would decrease by approximately seven percent (17,368 square feet). Because the project would result in the replacement of more than 10,000 square feet of impervious surface area, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The project qualifies as a Special Project (Category C – Transit Oriented Development) and currently proposes media filters and flow-through planters. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation.

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

4.9.3.2 *Drainage Pattern Impacts (Checklist Question c)*

The proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. The proposed project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and the MRP, which would minimize and treat stormwater runoff from the project site. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3.3 *Storm Drainage Impacts (Checklist Questions d and e)*

The existing and proposed square footages of pervious and impervious surfaces are shown on Table 4.9-1 below.

Table 4.9-1: Approximate Pervious and Impervious Surfaces On-Site						
Site Surface	**Existing/Pre-Construction (sf)**	**%**	**Project/Post Construction (sf)**	**%**	**Difference (sf)**	**%**
Impervious						
Roof Area(s)	40,727	17	176,712	74	+135,985	+57
Parking	166,253	70	6,048	3	-160,205	-67
Streets (public)	--	--	--	--	--	--
Patios, Paths, etc.	24,979	10	31,831	13	+6,852	+3
Subtotal	231,959	97	214,591	90	-17,368	-7
Pervious						
Dirt, Pavement, and Landscaping	7,174	3	24,542	10	+17,368	+7
Total	239,133	100	239,133	100		

Under existing conditions, approximately 97 percent (231,959 square feet) of the project site is comprised of impervious surfaces. Under project conditions, the impervious surfaces on-site would decrease by approximately seven percent (17,368 square feet) which would result in a decrease in stormwater runoff. Although impervious surfaces on-site would decrease as a result of the project, many of the storm drains within the DSAP area have inadequate capacity and/or do not meet the City's 10-year storm event design standard. The DSAP FEIR states that future projects could contribute runoff that exceeds the capacity of the local storm drainage system. In accordance with General Plan policies IN-3.1, IN-3.3, and IN-3.9, future development projects (including the proposed project) would be required to design and construct storm drain systems that meet the City's 10-year storm event design standard. This may include off-site upgrades to accommodate runoff from the project site.

The DSAP FEIR concluded that compliance with the MRP and associated General Plan policies would reduce the rate and volume of runoff entering the storm drain system which would minimize the need for new or expanded storm drains. As a result, implementation of the project would have a less than significant impact on the existing storm drainage system, consistent with the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3.4 ***Groundwater*** *(Checklist Question b)*

With implementation of the proposed project, impervious surfaces on-site would decrease by approximately seven percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. In addition, the project site is not a designated recharge area and this condition would not change once development is complete. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

As mentioned in *Section 4.8.2*, groundwater on-site has been encountered at a depth of approximately 13 to 18 feet bgs. Buildings A and B would be excavated to a depth of approximately 42 feet bgs for the four levels of below-grade parking. Based on this data, the construction and operation of the

proposed development could interfere with the shallow groundwater aquifer (i.e., dewatering and/or blocking the natural flow direction). During construction, dewatering may be required, but would be temporary and would not have a long-term effect on groundwater supply. Although the underground parking structure may result in shallow groundwater having to divert around the structure, it would not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers.

In accordance with City policies, the following Standard Permit Conditions shall be implemented as part of the project:

Standard Permit Conditions

Construction Period

- As the project is regulated by the statewide Construction General Permit, it shall be subject to the requirements of that permit related to construction-period pumped groundwater discharges.

Post-Construction

- The project shall be designed so that the below-grade parking structure shall withstand hydrostatic groundwater pressure intrusions and shall not need to pump groundwater on a post-construction basis. If this is infeasible then the project can implement groundwater pumping.

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

- Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. Upon approval of the permit, a copy shall be provided to the City of San José with the Building Permit application submittal.

With implementation of the Standard Permit Conditions, the project would not substantially interfere with overall groundwater flow. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3.5 *Seiches, Tsunamis, and Mudflows (Checklist Question j)*

Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. In addition, the project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.9.3.6 *Existing Flooding Conditions Affecting the Project (Checklist Questions g – i)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-5.1 requires evaluation of flood hazards prior to approval of development within a FEMA designated floodplain. New development shall be reviewed to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence or the 100-year flood. Based on the FEMA FIRM, the northern portion of the site is within the 100-year floodplain. The project proposes to submit an application to FEMA for a Letter of Map Revision (LOMR) to remove the northern portion of the site from the 100-year floodplain. If a LOMR is not issued by FEMA, the project will be required to comply with the City's Special Flood Hazard Area Regulations (Chapter 17.08 of the City's Municipal Code). Therefore, implementation of the proposed project would not expose people or structures to flood hazards, consistent with General Plan Policy EC-5.1.

As mentioned in *Section 4.9.2.2*, the project site is located within the Lexington and Anderson dam failure inundation zone. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Anderson and Lexington. The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. As a result, future occupants of the site would not be exposed to flooding hazards.

4.9.4 Conclusion

Implementation of the identified Standard Permit Conditions and compliance with all applicable City policies and programs would result in a less than significant water quality and hydrology impact, consistent with the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Existing Land Uses*

The 5.45-acre project site is comprised of 11 parcels (APNs 259-25-004, -005, -007, -035, -042, -059, -061, -063, and 259-29-093, -099, -104) located at the northwest corner of W. Julian Street and N. Autumn Parkway, within the Diridon Station Area Plan boundaries of the City of San Jose. The site is currently developed with six industrial/commercial buildings (approximately 40,727 square feet), two accessory structures, and surface parking lots. Figure 2.4-3 shows an aerial of the site.

4.10.1.2 *Surrounding Land Uses*

The project site is surrounded by residential, commercial, office, and light industrial development. The buildings within the immediate site vicinity range from one- to two-stories. Immediately north of the project site is the UPRR rail line and a commercial plaza. East of the project site is N. Autumn Parkway, a four-lane roadway that extends between Coleman Avenue and W. Julian Street. East of N. Autumn Parkway is the Guadalupe River and the Guadalupe River Trail. The project site is located approximately 250 feet west of the Guadalupe River and approximately 100 feet west of the Guadalupe River Trail. South of the project site is W. Julian Street, an east-west, two- to four-lane roadway that extends from The Alameda to N. Market Street. South of W. Julian Street are one- to two-story, single-family residences. West of the project site is N. Autumn Street, a two-lane street. There are five buildings: an office, a single-family house, a commercial business, a multi-family apartment building, and an automobile repair shop located west of N. Autumn Street.

4.10.1.3 *Existing Land Use Designation and Zoning*

The project site is designated *Transit Employment Center* under the City's General Plan and is zoned *TEC Transit Employment Center*. The *Transit Employment Center* designation allows for research and development, manufacturing, assembly, testing and offices with building heights of four to 25 stories and a FAR of up to 12.0.

The project site is zoned *TEC*. The *TEC* Zoning District is intended for intensive industrial park and supportive commercial uses with development at least four stories in height, consistent with General Plan height policies, and in proximity to existing or planned transit in employment districts designated as growth areas in the General Plan. The *TEC* Zoning District is suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park uses on all floors.

Diridon Station Area Plan

The project site is located within Subarea A – Julian North of the Northern Zone under the DSAP FEIR. Development within the Northern Zone would consist of approximately 3,012,400 square feet of office/research and development/light industrial uses, 81,100 square feet of retail/restaurant space, and up to 223 residential units. Within the Northern Zone, the site is located within the Julian North subarea of the Diridon Station Area Plan (Site B), which is planned for up to 1,634,000 square feet of office space.

The DSAP contains design guidelines to assist the City with the review of future development and implementation of public improvement projects within the DSAP area. The design guidelines are separated into three categories: 1) Built Form, 2) Open Space Network, and 3) Streetscape. The Built Form guidelines generally apply to private development sites (such as the project site). The Open Space and Streetscape guidelines are primarily directed at public improvements that would be implemented as part of future development or as public improvement projects.

The Built Form guidelines include standards and recommendations for site planning and building design, including maximum building heights based on location within the DSAP. According to the guidelines, new development should be oriented to the street, incorporate active ground floor uses, and provide direct connections for pedestrians and bicyclists through pathways that connect to the public street and open space networks. The Built Form guidelines and the design guidelines call for "sustainable site planning" through the integration of natural assets and green building practices (e.g., on-site stormwater collection systems).

Overall, the design guidelines are intended to create a transit-oriented, pedestrian/bicycle-friendly environment with a vibrant urban character in a manner that maximizes compatibility between new and existing uses.

The guidelines describe the envisioned design of the DSAP at full build-out. The application of the guidelines should be flexible to reflect unique challenges, development opportunities, and market conditions.

4.10.1.4 *Applicable Land Use Regulations and Policies*

The General Plan includes the following land use policies applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public

street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

Policy TR-14.3: For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

Policy TR-14.4: Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

4.10.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Physically divide an established community?	☐	☐	☐	☒	☐	1-5

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1-5
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR (as amended), the proposed project would result in a less than significant land use impacts, as described below.

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

As mentioned previously, the project site is currently designated *Transit Employment Center* under the City's General Plan and is zoned *TEC Transit Employment Center*. The project proposes to construct three, six-story buildings totaling approximately 1,023,000 square feet of office space. The project would have a FAR of 4.3, consistent with the *Transit Employment Center* designation.

As mentioned previously, the *TEC* Zoning District is intended for intensive industrial park and supportive commercial uses with development at least four stories tall, consistent with General Plan height policies, and in proximity to existing or planned transit in employment districts. As mentioned above, all three office buildings would be six stories, consistent with the General Plan designation. As a result, implementation of the project would be consistent with all applicable land use regulations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.10.2.2 *Land Use Impacts (Checklist Question a, b, and c)*

Established Communities

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. As proposed, the project would demolish the existing buildings on-site and develop approximately 1,023,000 square feet of office space. The project site is located in the Northern Zone, Sub-area B under the DSAP. The DSAP allows for up to 1,634,000 square feet of office space Sub-area B. The project would be consistent with the proposed uses under the DSAP. Furthermore, the project would replace the

existing commercial/industrial buildings with office buildings. Because of the similarity of land uses, the project would not disrupt nor divide an established community. As a result, the project would have a less than significant impact on surrounding land uses. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Shade and Shadow

Implementation of the project would result in the construction of three, six-story buildings with a maximum height of 91 feet, with rooftop equipment screening height up to 15 additional feet in isolated areas near the center of the roof areas. The City typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces. Pursuant to the Downtown Strategy FEIR, a project would have a shade and shadow impact if it would:

- Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open spaces areas in the Downtown San José area (St. James Park, Plaza de Caesar Chavez, Paseo de San Antonio, Guadalupe River Park, McEnery Park, or Plaza of the Palms; or
- Substantially shade other public open space (beyond the six major open space areas) but excluding streets and sidewalks or private open space between September and March.

The project site is located approximately 250 feet west of the Guadalupe River and approximately 100 feet west of Guadalupe River Trail. New buildings within the DSAP would range in height from 65 to 130 feet. According to the DSAP FEIR, new buildings within the Central and Northern Zones, on the west side of the Los Gatos Creek and Guadalupe River corridors, could increase afternoon winter shade along the corridors. The new buildings would not, however, cast shadows on the creek corridors during the majority of the year due to separation created by Autumn Parkway.

The increase in shade from the proposed development would not be substantial and would not preclude its use as an open space area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Habitat Conservation Plan/Natural Community Conservation Plan

The project would comply with the Standard Permit Condition listed in *Section 4.4, Biological Resources* and would not conflict with any habitat conservation plan or natural community conservation plan. **[New Less Than Significant Impact (Less Than Significant Impact)]**

4.10.3 Conclusion

The proposed project would result in a less than significant land use impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

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

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

4.11.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1-5
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would have no impact mineral resources, as described below.

4.11.2.1 *Impacts to Mineral Resources (Checklist Questions a and b)*

The proposed project is located in a developed urban area and is not located in an area containing known mineral resources. Therefore, implementation of the project would not result in the loss of availability of any known resources. **[Same Impact as Approved Project (No Impact)]**

4.11.3 Conclusion

The proposed project would not result in the loss of availability of any known mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE AND VIBRATION

The following discussion is based upon a Noise and Vibration Assessment prepared by Illingworth & Rodkin in January 2018. A copy of this report is attached in Appendix G.

4.12.1 Environmental Setting

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

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

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

Construction Noise

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

Background Information – Vibration

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

maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.12-1 shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration

PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.

Source: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. June 2004.

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

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

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

Structural damage can be classified as cosmetic, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structure damage to a building. Construction-induced vibration that can be

detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.12.1.1 *Applicable Noise Standards and Policies*

General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.12-2, below.

Table 4.12-2: Land Use Compatibility Guidelines for Community Noise in San José

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

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-2 in this Initial Study). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize potential for cosmetic damage at buildings of normal conventional construction.

State Building Code

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound

Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element. The state also requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed office building.

Municipal Code – Construction Standards

According to San José Municipal Code Chapter 20.50.300 states the sound pressure level generated by any use or combination of uses shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. Chapter 20.40.600 of the Municipal Code states that the sound pressure level generated by any use or combination of uses shall not exceed 60 dBA at any property line shared with land zoned for commercial/industrial uses, except upon issuance and in compliance with a Conditional Use Permit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.1.2 *Existing Conditions*

Figure 4.12-1: Noise Measurement Locations

Noise levels in the project area result primarily from aircraft associated with the Norman Y. Mineta San José International Airport, traffic on North Autumn Street and West Julian Street, and trains on the UPRR line. A noise monitoring survey was completed on-site and in the project vicinity between October 24, 2017 and October 26, 2017. The monitoring survey included three long-term (LT-1 to LT-3) noise measurements and three short-term (ST-1 to ST-3) noise measurements as shown in Figure 4.12-1. Table 4.12-3 gives a summary of the short-term acoustic locations and measurements.

Table 4.12-3: Short-Term Noise Level Measurements							
Measurement	**Location**	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**$L_{(eq)}$**
ST-1	195 feet east of the center of North Autumn Street	83	79	60	52	50	64
ST-2	62 feet south of West Julian Street	83	80	62	50	48	65
ST-3	300 feet north of West Julian Street	79	76	60	53	50	61
Notes: Two short-term measurements were made for each location. For the purposes of this analysis, the averages of the two measurements at each location were used in the table.							

LT-1 was located approximately 27 feet south of the nearest railroad track. Hourly average noise levels ranged from 63 to 82 dBA L_{eq} during daytime hours, and from 55 to 67 dBA L_{eq} at night. The day-night average noise level was 72 dBA DNL. Maximum noise levels ranging from 99 to 113 dBA L_{max} were measured during the daytime hours due to trains passing through the grade crossing at Autumn Parkway. Aircrafts generated noise levels ranging from 80 to 85 dBA L_{max}.

LT-2 was located approximately 20 feet west of the center of North Autumn Street and 515 feet north of West Julian Street. Hourly average noise levels ranged from 64 to 73 dBA L_{eq} during daytime hours, and from 53 to 67 dBA L_{eq} at night. The day-night average noise level was 70 dBA DNL.

LT-3 was located approximately 160 feet east of the center of north Autumn Street and 100 feet north of West Julian Street. Hourly average noise levels ranged from 64 to 68 dBA L_{eq} during daytime hours, and from 55 to 67 dBA L_{eq} at night. The day-night average noise level was 69 dBA DNL.

According to the City's projected 2027 noise contours for San José International Airport, the project site is located within the 65 dB CNEL noise contour and borders the 70 dB CNEL noise contour.

The nearest sensitive receptors (residences) are located approximately 65 feet west and the residences located approximately 129 feet south of the site.

4.12.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1-5,17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1-5,17

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-5,17
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1-5,17
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-5,17
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1-5,17

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

City Of San José Standards

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

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally

acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Operational Noise

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

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 mm/sec (0.5 inches/sec), PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structure sounds but structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

4.12.3 Noise Impacts

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project, by itself, would result in less than significant noise and vibration impacts, as described below. The DSAP FEIR did, however, identify significant unavoidable traffic noise impact at existing noise-sensitive land uses adjacent to segments of Julian Street, Park Avenue, and San Carlos Street. Please see *Section 4.18* for a discussion of the projects contribution to the significant unavoidable traffic noise impacts.

4.12.3.1 *Noise Impacts from the Project (Checklist Questions a – d)*

Project Generated Traffic Noise Impacts

An increase of three dBA DNL is considered substantial in noise sensitive areas along roadways. The proposed project would have to double the existing traffic volumes in the area to substantially increase nose levels by three dBA or more. Based on the noise assessment completed for the site, the permanent noise level increase due to project-generated traffic would be approximately one dBA DNL. As a result the project would have a less than significant long-term traffic noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise Impacts

The proposed project would include various mechanical equipment such as refrigeration systems, air condition systems, exhaust fans, and ventilation systems that could increase ambient noise levels in the immediate project vicinity. Pursuant to General Plan Policy EC-1.3, noise levels from building equipment would be limited to 55 dBA DNL at the property line of receiving noise-sensitive land uses. Mechanical equipment is proposed at the center of each roof on Buildings A, B, and C. With

the proposed building height, the closest sensitive receptors would be residences located approximately 209 feet west of the mechanical equipment. At this distance, mechanical equipment noise levels would be approximately 49 dBA L_{eq} and approximately 55 dBA DNL (for unshielded conditions). Under shielded conditions, mechanical equipment noise level would be 29 dBA L_{eq} and 35 dBA DNL, which would be below the City's threshold of 55 dBA L_{eq} and 55 dBA DNL. At a distance of 390 feet south of the proposed mechanical equipment, the existing residences would be exposed to mechanical noise levels above the City's threshold of 55 dBA L_{eq} and 55 dBA DNL. Under shielded conditions, however, the mechanical equipment noise level would be below the City's 55 dBA L_{eq} and DNL threshold. As a result, shielding would be required for the residences located 390 feet south of the proposed mechanical equipment. Therefore, the project would have a less than significant mechanical equipment noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

As proposed, loading docks would be located at the northwestern end of Buildings A and B. Noise at the loading docks would result primarily from trucks entering and leaving the loading dock area and trucks idling and unloading products. Noise sources at the loading dock would be expected to generate noise levels ranging from 50 to 60 dBA L_{eq} at a distance of 100 feet. The noise assessment concluded these noise levels would be similar to daytime street traffic under existing conditions. As a result, the project would have a less than significant loading dock noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Noise Impacts

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction of the project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, and paving.

Construction of the project would temporarily increase noise levels in the immediate vicinity of the project site. Consistent with the DSAP FEIR, the Downtown Strategy FEIR, the Municipal Code and in accordance with the General Plan FEIR (as amended), the proposed project would be required to implement the following measures as Standard Permit Conditions during all phases of construction on the project site:

Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (Municipal Code Section 20.100.450).

- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences would provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines should be strictly prohibited.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by five dBA.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

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

With implementation of the identified Standard Permit Conditions, the construction noise levels resulting from the proposed project would be reduced by five to 10 dBA. The temporary increase in ambient noise levels in the project area would have a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Groundborne Vibration Impact

Heavy equipment including jackhammers, rock drills, and other high-power or vibratory tools may generate substantial vibration in the immediate site vicinity. Construction of the project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, and paving which would generate substantial vibration. Pile driving would not be required and is not proposed for project construction.

According to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Residential land uses within the vicinity of the project site include the residences located approximately 65 feet west and the residences located approximately 129 feet south of the site. At these distances, vibration levels due to demolition and construction activities would be at or below 0.073 in/sec PPV, which would be below the 0.2 in/sec PPV threshold.

The Santa Clara County Housing Authority building is located approximately 96 feet west of the project site. At this distance, vibration levels due to demolition and construction activities would be at or below 0.048 in/sec PPV, which would be below the 0.2 in/sec PPV threshold. There is also a single-family house that has been used office building, located approximately 76 feet west of the site. At this distance, vibration levels due to demolition and construction activities would be at or below 0.062 in/sec PPV, which would be below the 0.2 in/sec PPV threshold.

For sensitive historic structures, a vibration limit of 0.08 in/sec PPV would be used to minimize the potential for cosmetic damage to a building (refer to General Plan Policy EC-2.3). As mentioned in *Section 4.5*, none of the buildings on-site were found to be a historic resource under CEQA nor are the buildings eligible for listing on the City's Historic Resources Inventory. The single-family house located at 237 North Autumn Street was previously identified as eligible for listing under the National Register of Historic Places and the California Register of Historical Resources, and also as a City Landmark Structure. Because this single-family house is located approximately 250 feet southwest of the project site, vibration levels due to demolition and construction activities would be below the 0.08 in/sec PPV threshold.

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

4.12.3.2 *Airport Noise (Checklist Questions e and f)*

Norman Y. Mineta San José International Airport is located approximately 1.2 miles north of the project site. The project site is located within the AIA and the City's projected 2027 65 dB CNEL noise contour. Future aircraft noise levels would reach 68 dBA CNEL, which is compatible with the proposed land use. The General Plan FEIR (as amended) concluded that implementation of General Plan policies and compliance with the local airport land use plans would reduce program-level aircraft noise impacts to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12.3.3 *Existing Noise Conditions Affecting the Project (Checklist Questions a, b, e, and f)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-1.1 requires the consideration of federal, state, and City noise guidelines as part of new development review. Based on the General Plan noise and land use compatibility guidelines (refer to Table 4.12-2), commercial/office development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL.

Existing ambient noise levels range from 69 to 72 dBA DNL. Maximum noise levels ranging from 99 to 113 dBA L_{max} were measured during the daytime hours due to trains passing through the grade crossing at Autumn Parkway. Aircrafts generated noise levels ranging from 80 to 85 dBA L_{max}.

Future Exterior Noise Levels

Exterior future noise levels would continue to result primarily from aircrafts associated with the Norman Y. Mineta San José International Airport and trains on the UPRR line. In addition, future traffic from West Julian Street would contribute to the noise environment. Exterior future noise levels are expected to reach approximately 72 dBA DNL along the northern boundary and approximately 70 dBA DNL on the western and southern boundaries of the site. Future exterior noise levels on-site would not exceed the City's land use compatibility guidelines, consistent with General Plan Policy EC-1.1.

Future Interior Noise Levels

The California Building Code requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation. The proposed development would be exposed to future exterior noise levels of approximately 79 dBA $L_{eq(1\text{-}hr)}$ during hours of operation (assuming aircraft operations remain unchanged and including train passbys). A typical commercial building envelope provides at least a 30 dBA reduction in noise. With standard commercial construction methods with the windows and doors closed, interior noise levels would be approximately 49 dBA $L_{eq(1\text{-}hr)}$ which would not exceed the California Building Code interior noise level requirement or the City's noise and land use compatibility guidelines shown in Table 4.12-2.

Rail Line

Based on the U.S. Department of Transportation Crossing Inventory form at Autumn Street, there are currently four trains per day (two trains during 6:00 AM and 6:00 PM and two trains between 6:00 PM and 6:00 AM). The nearest proposed building would be located approximately 60 feet south of the center of the nearest railroad track. According to the FTA Generalized Ground Surface Vibration

Curves and adjustment factors, vibration levels would be less than 70 VdB at this distance. The train vibration levels would be below the groundborne vibration impact criteria threshold of 83 VdB for infrequent events.[33] Future train vibration levels would be compatible with the proposed project.

4.12.4 Conclusion

With implementation of the proposed Standard Permit Conditions, and conformance with General Plan policies, the project would have a less than significant noise impact, consistent with the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

[33] Infrequent events is defined as fewer than 30 vibration events of the same kind per day.

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The population of San José was estimated to be approximately 1,046,079 in January 2017 with an average of 3.21 persons per household.[34] As of January 2017, the City has approximately 332,574 housing units.[35] The City's population is projected to reach 1,445,000 with 472,000 households by the year 2040.[36]

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build-out under the General Plan.

4.13.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1-5
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-5
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR and the General Plan FEIR (as amended), the proposed project, by itself, would result in less than significant population and housing impacts, as described below. The DSAP FEIR did, however, identify significant unavoidable cumulative impacts related to the City's jobs/housing imbalance. With full build out under the DSAP, the project and other future commercial development would contribute to the increase of jobs over residential units.

[34] City of San José. "Population." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/index.aspx?nid=2044.
[35] Ibid.
[36] City of San José. "Projections of Jobs, Population and Households for the City of San José." August 2008. Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/3326.

4.13.2.1 *Impacts to Population and Housing (Checklist Questions a)*

As proposed, the project would construct three six-story buildings totaling up to 1,023,000 square feet of office space. Development of the project would result in an increase in jobs citywide. The City currently has a higher number of employed residents than jobs. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City but would not reduce population growth beyond what is assumed in the General Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.2.2 *Impacts to Housing (Checklist Question b and c)*

The project site is currently six industrial/commercial buildings, two accessory structures, and surface parking lots. The project would not result in the displacement of people or existing housing, or necessitate the construction of housing elsewhere. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.3 Conclusion

The project would have the same less than significant impact on population and housing as previously identified in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Fire Protection Services*

Fire protection services for the site are provided by the San José Fire Department. Fire stations are located throughout the City to provide adequate response times to calls for service. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles. The closest station to the site is Station No. 1, located at 225 North Market Street. Fire Station No. 1 is located approximately 0.4 miles east of the project site.

The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 0.8 miles north of the project site.

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

4.14.1.3 *Schools*

The project site is located within the San José Unified School District (SJUSD). The SJUSD currently has 27 elementary schools, six middle schools, and seven high schools in operation. The project is an office development and does not include any residential land uses that would generate school age children.

4.14.1.4 *Parks/Trails*

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José operates and maintains approximately 190 neighborhood-serving parks and nine regional parks.[37]

The nearest parks to the project site are Guadalupe River Park, located at 438 Coleman Avenue, and Lenzen Park, located at 458 North Morrison Avenue. Guadalupe River Park, which includes the Guadalupe River and Guadalupe River Trail, is located approximately 0.3 miles east of the project site and Lenzen Park is located approximately 0.4 north of the project site. In addition, the Guadalupe River Trail is located approximately 100 feet east of the project site.

[37] City of San Jose. "Fast Facts." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/65881.

4.14.1.5 *Libraries*

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr. Library) and 22 branch libraries. Libraries near the project site include the Rose Garden Branch Library and Joyce Ellington Branch Library, which are located approximately 1.3 miles west and 1.2 miles northeast of the project site, respectively.

4.14.1.6 *Applicable Public Services Regulations and Policies*

The General Plan includes the following public services policies applicable to the proposed project.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
b. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies, and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.

Policy ES-11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

4.14.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project						
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
- Fire Protection?	☐	☐	☐	☒	☐	1-5
- Police Protection?	☐	☐	☐	☒	☐	1-5
- Schools?	☐	☐	☐	☒	☐	1-5
- Parks?	☐	☐	☐	☒	☐	1-5
- Other Public Facilities?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in less than significant public services impacts, as described below.

4.14.2.1 *Impacts to Public Services (Checklist Question a)*

Fire and Police Protection Services

The project site is currently developed with industrial buildings and surface lots. As proposed, the project would demolish the existing buildings on-site and construct three, six-story buildings totaling up to 1,023,000 square feet of office space. The proposed development would place more people on-site during regular business hours than currently exist, which would increase demand for fire and polices response and related emergency services. The General Plan FEIR (as amended) concluded that, construction of new fire stations, other than those currently planned, would not be required to adequately serve the larger population. In regards to police protection services, build out of the General Plan FEIR (as amended) would result in the need for additional police facilities, which would require supplemental environmental review, but is not anticipated to have significant, adverse environmental impacts. The project, by itself, would not require additional police services.

Although the project would intensify use of the site compared to existing conditions, the 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 (as amended) to avoid unsafe building conditions and promote public safety. As a result,

implementation of the project would result in a less than significant impact on police and fire protection services. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Schools

No new students would be generated by implementation of the proposed project and, as a result, the project would have no impact on school facilities or capacities in the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Parks/Trails

As mentioned previously, the proposed development would place more people on-site during regular business hours than exist currently. While the project would increase the daily employee population in the City and increase usage of local recreational facilities and trails, the increase is unlikely to place a major physical burden on City park facilities and/or trails. Implementation of the project would not have a significant impact on park facilities in the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Libraries

According to the General Plan, development and redevelopment allowed under the proposed General Plan would be adequately served by existing and planned library facilities. The project includes construction of three, six-story buildings and would not include any residential uses. Therefore, implementation of the project would not result in significant impacts to San José library facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.3 Conclusion

Implementation of the project would not result in significant impacts to public services in the City, as previously identified in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.15 RECREATION

4.15.1 Environmental Setting

The City of San José owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks.[38] The City currently operates 190 neighborhood parks, 51 community centers, nine regional parks, and over 57 miles of urban trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest parks to the project site are Guadalupe River Park, located at 438 Coleman Avenue, and Lenzen Park, located at 458 North Morrison Avenue. Guadalupe River Park is located approximately 0.3 miles east of the project site and Lenzen Park is located approximately 0.4 north of the project site. Additionally, the Guadalupe River Trail, which runs along Autumn Parkway and is accessible from the sidewalk, is located approximately 100 feet east of the project site.

4.15.2 Checklist and Discussion of Impacts

		New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1-5
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR (as amended), the project would result in less than significant recreational impacts, as described below.

4.15.2.1 *Impacts to Recreational Facilities (Checklist Questions a and b)*

The project would result in the construction of three, six-story office buildings. Although the new employees on-site may use City parks, trails, or other recreational facilities, they would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. In addition, the project proposes a fitness area on the second floor of

[38] City of San Jose. "Fast Facts." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/65881.

Building C which would reduce usage of existing recreational facilities off-site. The proposed 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. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15.3 Conclusion

The project would result in a less than significant impact to recreational facilities in the City as previously identified in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended). **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 TRANSPORTATION/TRAFFIC

The following analysis is based on a traffic operations analysis and a TDM plan completed by *Fehr & Peers* in April 2018. A copy of this report is included in Appendix H of this document.

4.16.1 Environmental Setting

4.16.1.1 *Roadway Network*

Regional Access

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

SR 87 is primarily a six-lane freeway (four mixed-flow lands and two high-occupancy vehicle [HOV] lanes) that is aligned in a north-south orientation. SR 87 has a full interchange with Julian Street.

Local Access

Local access to the project site is provided by Julian Street, Autumn Parkway, Autumn Street, and Coleman Avenue.

Julian Street is an east-west, two- to four-lane roadway that extends from The Alameda to Market Street.

Autumn Parkway is a four-lane, minor arterial roadway that extends between Coleman Avenue and Julian Street.

Autumn Street is a two-lane street located west of the project site. A cul-de-sac is located at the northern end of the street. Autumn Street extends southward to Santa Clara Street. It is a one-way street in the northbound direction between Park Avenue and Santa Clara Street.

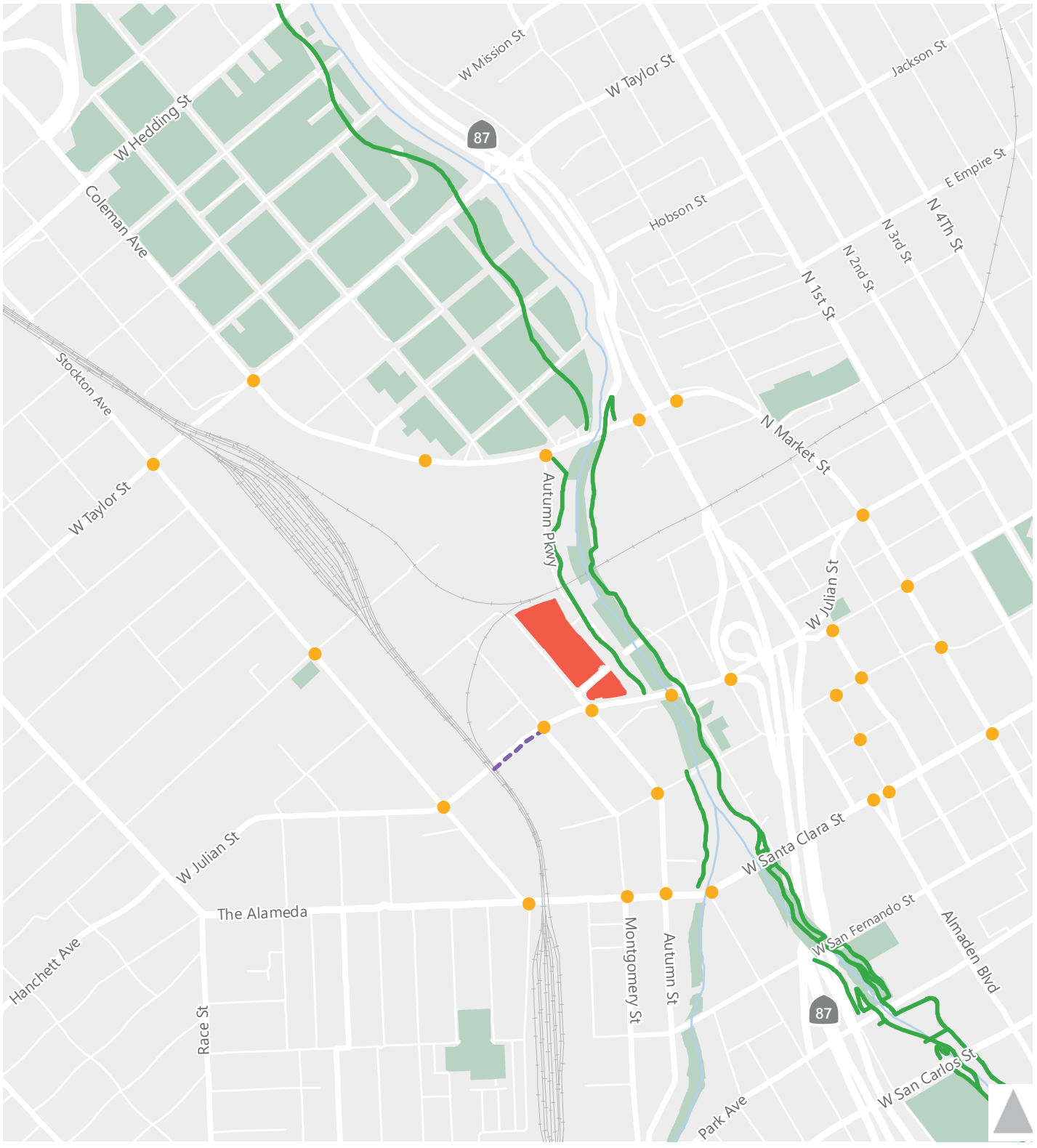
Coleman Avenue is a four-lane arterial that extends in a northerly direction from Market Street in downtown San José. Coleman Avenue has an interchange with Interstate 880 (I-880) and continues to US 101 as De La Cruz Boulevard.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian Facilities

Pedestrian facilities within the project area include sidewalks, crosswalks, curb ramps, pedestrian signals, and off-street paths. The Guadalupe River Trail is located approximately 100 feet east of the project site. The closest access points from the site to the trail are the proposed pedestrian crossing on Autumn Parkway at its intersection with Howard Street and the trail entrance on Julian Street via the Autumn Parkway/Julian Street signalized intersection. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes to transit and other services and other points of interest in the downtown area.

Existing pedestrian facilities are shown on Figure 4.16-1.



EXISTING PEDESTRIAN FACILITIES FIGURE 4.16-1

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), routes (Class III), and cycle tracks/separated bikeways (Class IV). The existing bicycle facilities in the immediate vicinity of the site include the Guadalupe River Trail (Class I bike path) and the following Class II bike lanes:

- Stockton Avenue between The Alameda/Santa Clara Street and Emory Street
- Julian Street between Stockton Avenue and The Alameda
- Santa Clara Street between Almaden Boulevard and Stockton Avenue
- San Fernando Street (east of Cahill Street)
- Park Avenue (except for between Race Street and Sunol Street)
- Almaden Boulevard and Notre Dame between St. John Street and Woz Way-Balbach Street
- Coleman Avenue between Santa Teresa Street and Taylor Street

There are Class III bike routes on The Alameda (west of Stockton Avenue), Cahill Street between Santa Clara Street and San Fernando Street, and Autumn Street (south of St. John Street). In addition, a Class IV track is built on Fourth Street, between San Fernando Street and San Carlos Street.

Bikesharing is a membership-based system for short-term bike rentals where people can rent and return a bicycle at any station in the service area. The nearest bikesharing station is located at the SAP Center on Autumn Street. A new bikesharing station is proposed on Almaden Boulevard and St. John Street.

Existing bicycle facilities are shown on Figure 4.16-2.

4.16.1.3 *Existing Transit Service*

Transit services in the project area are provided by Caltrain, Altamont Commuter Express (ACE), Amtrak, Santa Clara Valley Transportation Authority (VTA), Santa Cruz Metropolitan Transit (Santa Cruz Metro), Monterey-Salinas Transit (MST), inter-city bus, and private shuttles.

Caltrain

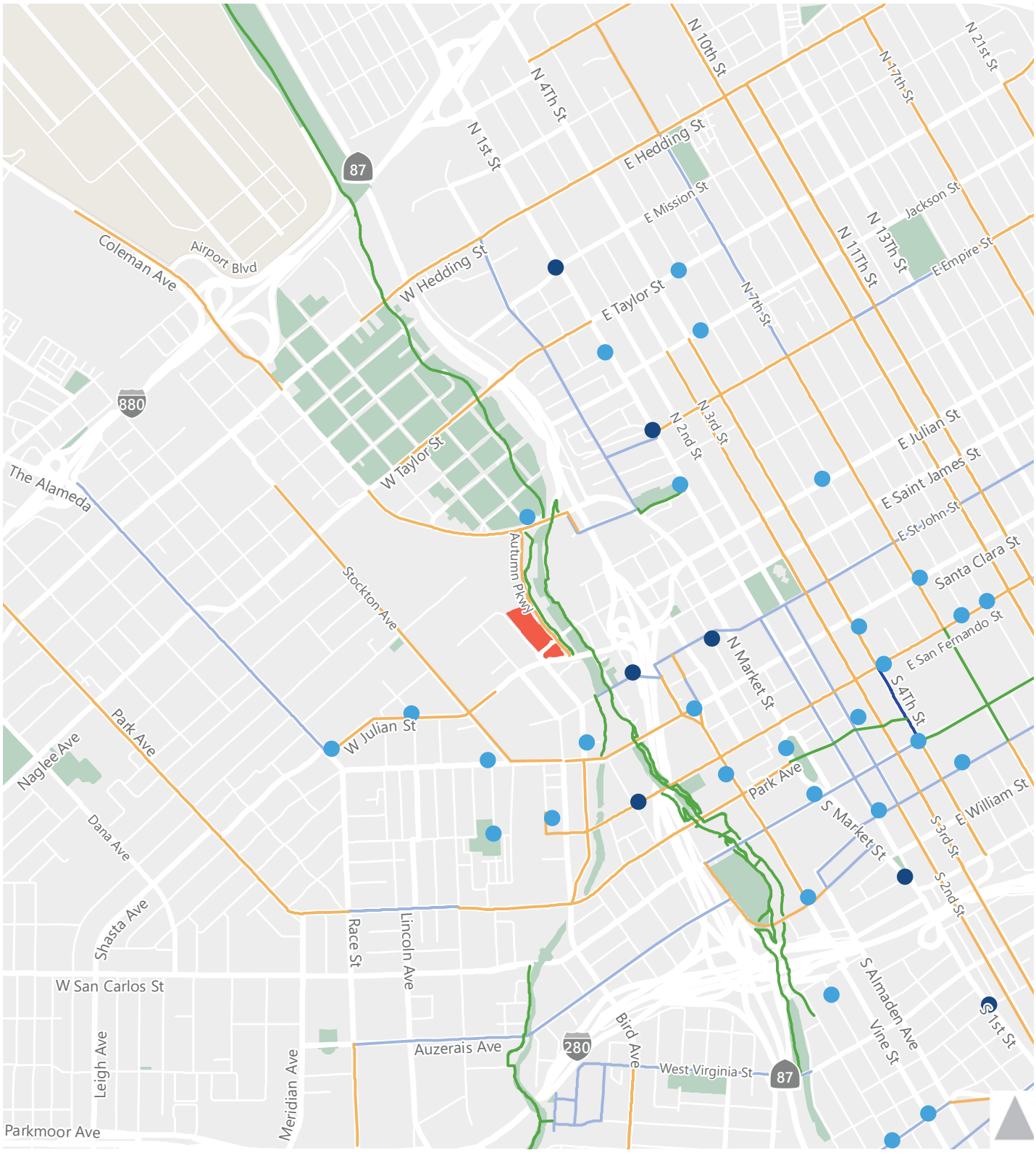
Caltrain is a regional, intercity commuter rail service between San Francisco and Gilroy. There are 92 trains that serve the San José Diridon Station daily.

Altamont Commuter Express

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours through the San José Diridon Station. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening.

Amtrak

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area through the San José Diridon Station. Service is limited to seven eastbound and seven westbound trains.



EXISTING BICYCLE FACILITIES FIGURE 4.16-2

Santa Clara Valley Transportation Authority

The VTA operates local bus routes and several light rail transit (LRT) lines within the project vicinity. LRT Route 902 (Downtown Mountain View to Winchester) has two stations (the Diridon Station and San Fernando Station) within a quarter-mile walking distance from the project site.

The existing transit services near the project site are described in Table 4.16-1, below.

Table 4.16-1: Existing Transit Service in the Project Area

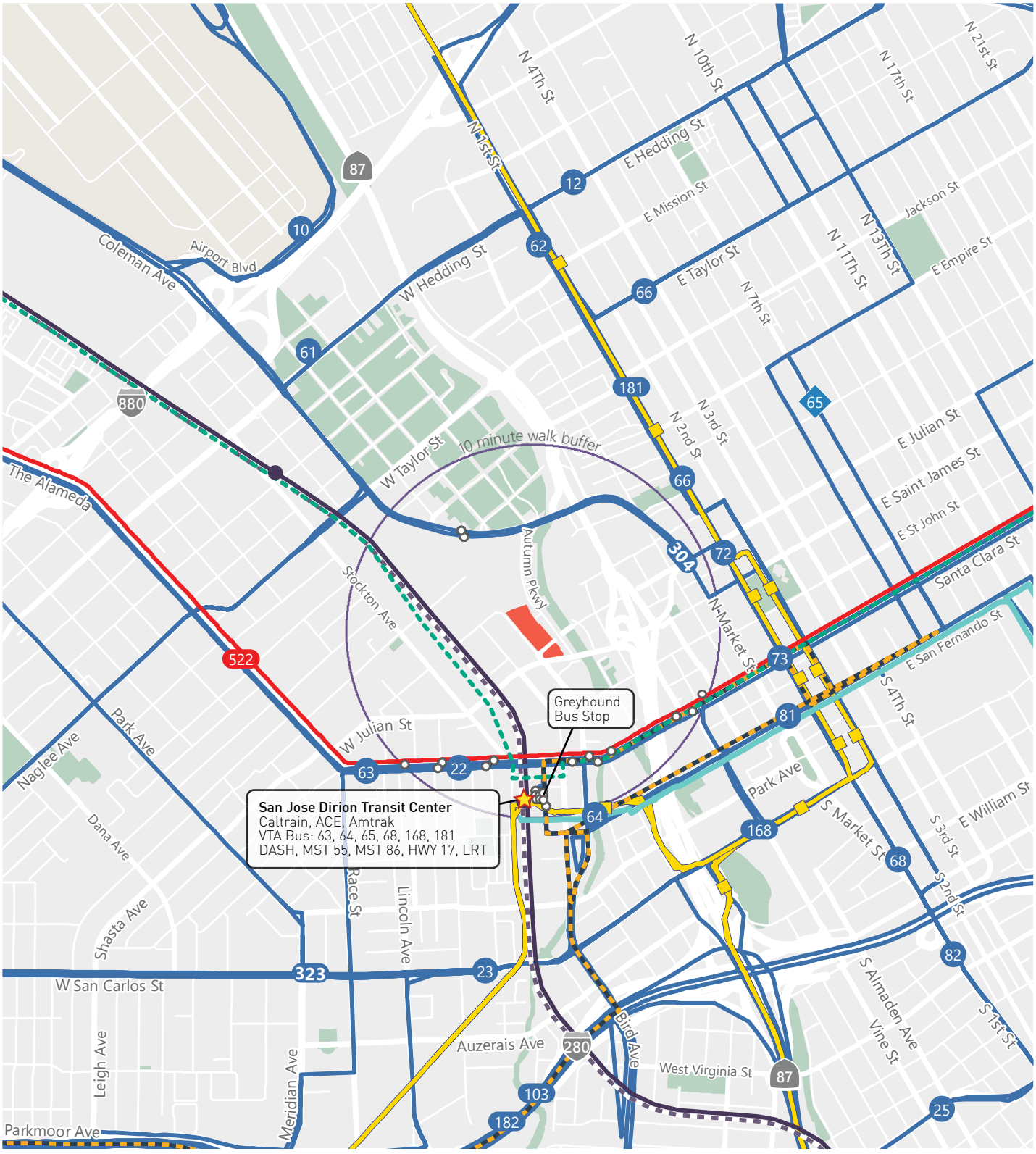
Route	Route Description	Weekday Headway (min)
Caltrain		
Northbound Direction	San José Diridon to San Francisco	15
Southbound Direction	San Francisco to San José Diridon	10
Altamont Corridor Express		
Westbound Direction	Stockton to San José	60
Eastbound Direction	San José to Stockton	60
Amtrak		
Westbound Direction	Sacramento to San José	40
Eastbound Direction	San José to Sacramento	140
Santa Clara Valley Transportation Authority		
Local Bus 22	Palo Alto Transit Center to Eastridge Transit Center	15
Local Bus 63	Almaden Expressway & Camden to San José State University	30
Local Bus 64	Almaden LRT Station to Mckee & White	15
Local Bus 65	Kooser & Blossom Hill to Hedding & 13th	45
Local Bus 68	Gilroy Transit Center to San José Diridon Transit Center	15
Local Bus 168	Gilroy Transit Center and San José Diridon Transit Center	15
Local Bus 181	Fremont BART Station to San José Diridon Transit Center	15
Local Bus 522	Palo Alto Transit Center to Eastridge Transit Center	15
DASH (Route 201)	Downtown San José to San José Diridon Transit Center	5-10
Light Rail 902	Mountain View to Winchester	15
Santa Cruz Metro		
Highway 17 Express	Santa Cruz & Scotts Valley to San José	15
Monterey-Salinas Transit		
Route 55	Monterey to San José	--
Route 86	King City to San José/San José Airport	--

All transit services are shown on Figure 4.16-3.

4.16.1.4 *Queuing and Existing Intersection Volumes*

Queueing Analysis

Operations at nearby intersections were evaluated under the following scenarios to assess whether the project would create a safety issue. The five study intersections and two site driveways analyzed in the TOA include:



Project Site

VTA Bus and Bus Stop

Rapid 522

Caltrain Line and Caltrain Station

Light Rail and Light Rail Station

Highway Express 17

Monterey-Salinas Transit (MST)

BART (Proposed)

California High Speed Rail (Proposed)

VTA Bus Stops within 10 minute walk from Project Site

EXISTING TRANSIT SERVICES FIGURE 4.16-3

- Autumn Parkway and Coleman Avenue
- Autumn Parkway and Howard Street
- Autumn Parkway and Julian Street
- Autumn Street and Julian Street
- Autumn Street and Santa Clara Street
- Howard Street project driveway
- Autumn Street project driveway

The locations of the study intersections are shown on Figure 4.16-4. Vehicle queueing for select intersection movements were evaluated for the following scenarios:

Scenario 1: Existing – Existing traffic conditions from counts plus existing land configurations and traffic signal timings.

Scenario 2: Existing Plus Project – Scenario 1 plus traffic generated by the project and the relocated median break on Autumn Parkway (to Howard Street) to be constructed by the project.

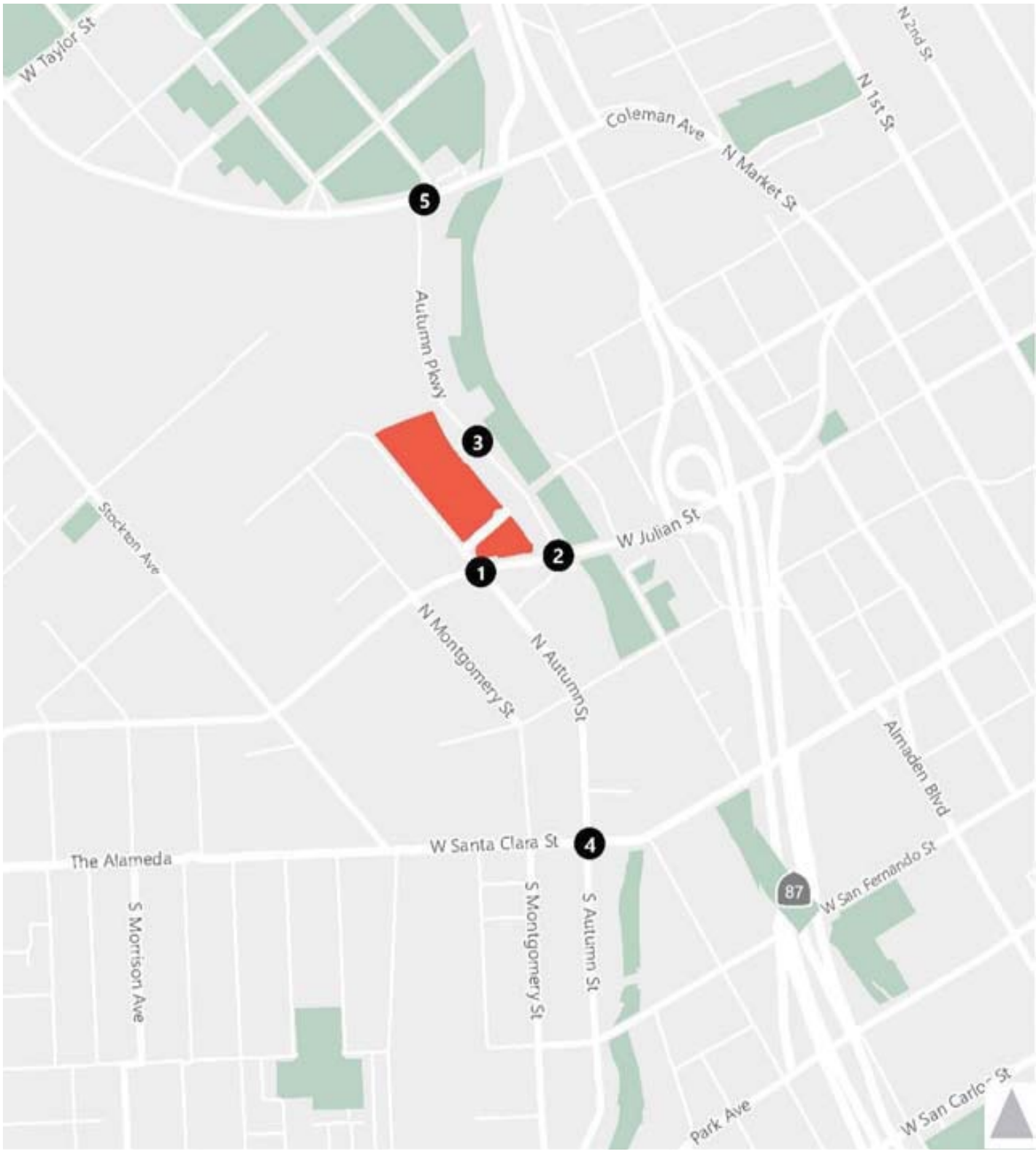
Scenario 3: Background – Scenario 1 plus traffic from approved but not yet constructed development in the City's Approved Trip Inventory (ATI) with existing lane configurations and traffic signal timings.

Scenario 4: Background Plus Project - Scenario 3 plus traffic generated by the project and the relocated median break on Autumn Parkway to be constructed by the project.

The queuing analysis, which is based on the Highway Capacity Manual (HCM) 2010, assessed the 95th percentile queue length value. The 95th percentile queue is the peak queue length that would occur during 95 percent of the signal cycles, with a car length assumed to be 25 feet.

Intersection Volumes

Traffic counts for the intersections of Santa Clara Street and Autumn Street were completed in October 2016 and were obtained from the City. Traffic counts for the other existing study intersections were completed in October 2017. Traffic resulting from approved but not yet constructed developments in the area were obtained from the City's Approved Trips Inventory (ATI) and used to estimate traffic under background, existing plus project, and background plus project conditions.



LEGEND

#	Study Intersection		Signalized
AM (PM)	Peak Hour Traffic Volume		
	Lane Configuration		

LOCATIONS OF THE STUDY INTERSECTIONS AND DRIVEWAYS FIGURE 4.16-4

4.16.1.5 *Applicable Transportation Regulations and Policies*

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Level of Service Standards and City Council Policy 5-3

On March 29, 2018, the City of San Jose implemented a new transportation policy, Council Policy 5-1, Vehicle Miles Traveled which replaces Council Policy 5-3, Level of Service and establishes new Vehicle Miles Traveled (VMT) thresholds for transportation impact under CEQA. Because this project filed a planning permit prior to the above date, the project's transportation impacts were evaluated in conformance with Council Policy 5-3, Level of Service.

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and General Plan Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles.

Envision San José 2040 General Plan

The General Plan includes the following transportation policies applicable to the proposed project.

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

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

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand

existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas.

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

4.16.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1-5,18
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1-5,18
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1-5
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1-5,18

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1-5,18
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1-5,18

Similar to the site evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project, by itself, would result in less than significant transportation impacts, as described in the following discussion.

4.16.2.1 *Trip Generation Estimates*

Trip Generation Estimates

Traffic trips generated by the proposed project were estimated using a combination of the City's trip generation rate for office, *Fehr & Peers* MainStreet trip reduction estimation tool, TDM trip reductions, and trip credits for the existing uses[39]. The proposed project would be required to achieve a minimum 10 percent TDM reduction to meet the City's Climate Action Plan goals. A summary of the project trip generation estimates is shown below.

Table 4.16-2: Project Trip Generation Estimates

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Use							
General Office Building	11,253	1,386	189	1,575	268	1,307	1,575
Mixed-Use Reduction	<1,913>	<347>	<47>	<394>	<54>	<261>	<315>
TDM Reduction (10%)	-<1,125>	<139>	<19>	<158>	<27>	<131>	<158>
Existing Use Reduction	<20>	<1>	<1>	<2>	<3>	<5>	<8>
Net Project Trips	8,195	**899**	**122**	**1,021**	**184**	**910**	**1,094**

Implementation of the project would generate approximately 8,195 net new daily vehicle trips with 1,021 new trips occurring during the AM Peak Hour and 1,094 new trips occurring during the Peak Hour.

4.16.2.2 *Airport Operations (Checklist Question c)*

The project site is located approximately 1.2 miles south of the Norman Y. Mineta San José International Airport. The project would comply with FAR Part 77 which would ensure that the

[39] The number of traffic trips generated by the existing uses on-site was based on driveway counts for the on-site car repair establishment. The other existing uses on-site generate little traffic and, therefore, were not included.

project would not result in changes to air traffic patterns or result in substantial safety risks (refer to *Section 4.8.3.3* for a complete discussion). **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.3 *Site Design (Checklist Question d)*

Based on the proposed site design, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. The 13 driveways would be removed and replaced with two new driveways. One driveway is proposed on Howard Street and the second driveway is proposed on North Autumn Street.

As a result, the proposed project would have a less than significant impact on site design. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.4 *Emergency Vehicle Access (Checklist Question e)*

Emergency vehicles would access the site via Autumn Parkway, West Julian Street, and North Autumn Street. Emergency vehicles may also use Howard Street to access the site by removing the bollards on its western end. Fire code requires driveways to provide 32 feet of clearance for fire access. The proposed driveway on Howard Street would be approximately 43 feet wide and the proposed driveway on Old West Julian Street would be approximately 52 feet wide. Therefore, the proposed project would have a less than significant impact on emergency access. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.5 *Pedestrian, Bicycle, and Transit Facilities (Checklist Question f)*

Pedestrian Facilities

There are existing sidewalks, crosswalks, curb ramps, pedestrian signals, and off-street paths located within the project area. The network of sidewalks and crosswalks in the study area has good connectivity and would provide future employees with safe routes to transit and other destinations in the area. Implementation of the project would likely increase pedestrian traffic in the immediate project area, but would not exceed the capacity of the existing facilities or preclude the construction of planned improvements. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Bicycle Facilities

The project site is well served by various existing bicycle facilities. As mentioned in *Section 4.16.1.2*, there are existing bicycle paths, lanes, and routes located within the vicinity of the project site. Implementation of the proposed project would not interfere with existing or proposed pedestrian/bicycle facilities in the project area nor would it exceed the capacity of the existing system. As a result, the project would not result in unsafe conditions for pedestrian or bicyclists. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Transit Facilities

Major transit services are located within walking distance of the project site. Implementation of the project would not interfere with the construction of planned transit facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.2.6 *Operational Transportation Issues Not Covered Under CEQA*

Queueing – Intersection Operations

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety issue. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue does not in itself create a safety issue but could result in traffic blocking the through lane. The following discussion evaluates projected queuing at several intersections and identifies measures that could be employed to accommodate existing and projected queues. Queues are based on the 95th percentile queue length value, which is the peak queue length that would occur during 95 percent of the signal cycles, with a car length assumed to be 25 feet.

Six intersections were assessed to determine if the project would cause any turn-movements to exceed existing queue lengths. The study intersections included are:

- Autumn Parkway and Howard Street
- Julian Street between Autumn Parkway and Autumn Street (Eastbound and Westbound)
- Julian Street and Autumn Street
- Julian Street and Autumn Parkway
- Autumn Street and Santa Clara Street
- Coleman Avenue and Autumn Parkway

The proposed project would not cause left-turn or through queues to exceed storage capacity at the Autumn Parkway/Howard Street, Julian Street between Autumn Parkway/Autumn Street (westbound), Julian Street/Autumn Parkway, Autumn Street/Santa Clara Street (southbound), and the Coleman Avenue/Autumn Parkway intersections; therefore, these intersections are not further discussed. The effects of project traffic at the remaining two intersections are discussed below.

Julian Street and Autumn Street

The eastbound left-turn lane has a storage capacity of approximately 120 feet (equivalent to five vehicles). Under existing conditions, the maximum vehicle queue would be equivalent to one vehicle during the AM Peak Hour and one vehicle during the PM Peak Hour. Under existing plus project conditions, the queue length would increase to 52 feet (equivalent to two vehicles) in the PM Peak Hour. The queue length would increase to 203 feet (equivalent to eight vehicles) under existing plus project conditions in the AM Peak Hour, which would exceed the eastbound left-turn lane storage capacity.

Under background conditions, the maximum vehicle queue would be equivalent to one vehicle during the AM Peak Hour and PM Peak Hour. Under background plus project conditions, the queue length would increase to 204 feet (equivalent to eight vehicles) in the AM Peak Hour, exceeding the maximum storage capacity of one vehicle. The vehicle queue would increase to 55 feet (equivalent to two vehicles) in the PM Peak Hour under background plus project conditions.

The vehicle queue would exceed the storage capacity under existing plus project and background plus project conditions during the AM Peak Hour. It is recommended that the Julian Street and Autumn Street intersection be redesigned so that the pork-chop islands are removed. With this redesign, the left-turn storage length would be lengthened to 200 feet (equivalent to eight vehicles). In addition, this redesign would eliminate the westbound right-turn lane on Julian Street at Montgomery Street. Implementation of this recommendation would help alleviate traffic queueing.

Autumn Street and Santa Clara Street (Eastbound)

The eastbound left-turn pocket provides 65 feet of vehicle storage, which is equivalent to three vehicles. Under existing and existing plus project conditions, the maximum vehicle queue would be 29 feet (equivalent to one vehicle) in the AM Peak Hour. The maximum vehicle queue under background and background plus project conditions in the AM Peak Hour would not exceed the maximum storage capacity.

Under existing and existing plus project conditions, the maximum vehicle queue would be 72 feet (equivalent to three vehicle) in the PM Peak Hour, which exceeds the maximum storage capacity. Under background and background plus project conditions in the PM Peak Hour, the vehicle queue would increase to 83 feet (equivalent to three vehicles). The vehicle queue under background and background plus project conditions would exceed the eastbound left-turn vehicle storage capacity by 18 feet. This condition would not, however, be exacerbated by the project.

Parking

Vehicle Parking

Per Table 20-190 of the City's Municipal Code, the project is required to provide one parking space per 250 square feet of office space. If the office space is used for research and development, the project is required to provide one parking space per 300 square feet of research and development space. Based on the City's parking requirement, the project is required to provide between 2,833 and 3,400 parking spaces. Per Chapter 20.90.220 (reduction in required off-street parking spaces) of the San José Municipal Code, reductions of up to 50 percent parking reduction may be allowed for projects located within 2,000 feet of a proposed and/or existing rail station or bus rapid station and implement at least three TDM measures and satisfies all parking requirements. In addition, General Plan policy TR-8.2 allows for reduced parking requirements for developments that would implement a comprehensive TDM program or developments located near major transit hubs or within Villages and Corridors and other growth areas.

The project site is located approximately 3,000 feet northeast of the Diridon Station and approximately 100 feet west of the Guadalupe River Trail. A TDM plan, consistent with the DSAP FEIR, was prepared for the project (refer to *Section 3.2* and Appendix H). The project proposes a total of 2,264 parking stalls. With implementation of the TDM plan and conformance to the provisions listed on Chapter 20.90 of the City's Municipal Code, the number of parking stalls proposed would be adequate to serve the project.

Bicycle Parking

The City's bicycle parking requirement is one space per 4,000 square feet of floor area or 213 spaces with 20 percent (43) Class I long-term parking spaces and 80 percent (170) Class II short-term parking spaces. As proposed, the project would provide approximately 43 long-term parking spaces and 172 short-term parking spaces, consistent with the City's bicycle parking requirement.

4.16.3 Conclusion

Implementation of the project would result in the same significant impacts to transportation as was previously identified in the DSAP FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Water Services*

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company (SJWC). There are currently no recycled water lines in the immediate site vicinity.[40]

Based on the current water usage rates from the SJWC, office space uses 0.1 gallons per day (gpd) per square foot of building area.[41] The existing industrial/commercial buildings on-site are estimated to use approximately 4,073 gpd of water.[42]

4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the City is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[43] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment.

For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use due to the limited landscaping. The existing buildings on-site are estimated to generate approximately 3,869 gpd of wastewater. The existing buildings connect to a 10-inch sanitary sewer line on North Autumn Street and a 30-inch sanitary sewer line on Old West Julian Street.

4.17.1.3 *Stormwater Drainage*

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River which flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is approximately 97 percent (231,959 square feet) impervious. There is an existing storm drain line along Autumn Parkway that connects to a storm drain line on West Julian Street and North Autumn Street.

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[40] South Bay Water Recycling. "Recycled Water Pipeline System." Accessed November 28, 2017. https://www.sanjoseca.gov/DocumentCenter/View/4692.
[41] San José Water Company. *Museum Place Mixed-Use Project Water Supply Assessment*. December 2016.
[42] 40,727 total square footage of existing buildings x 0.1 gpd per square foot of office space = 4,073 gpd of water.
[43] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/?nid=1663.

4.17.1.4 *Solid Waste*

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

The existing development on-site is estimated to generate approximately 204 pounds of solid waste per day.[44,45]

4.17.1.5 *Applicable Utilities and Service Systems Regulations and Policies*

The General Plan includes the following utilities and service system policies applicable to the proposed project.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy IN-3.1: Achieve minimum level of services:

- For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
- For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal Regulatory requirements.

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity.

[44] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: January 11, 2018. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[45] Solid waste generation was estimated at a rate of five pounds per 1,000 square foot per day for industrial use.

Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

4.17.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1-5
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-5
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1-5
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1-5
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	1-5

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1-5
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☐	☒	☐	1-5

Similar to the site development evaluated in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as amended), the proposed project would result in less than significant utilities and service systems impacts, as described below.

4.17.2.1 *Water Supply (Checklist Questions b and d)*

As mentioned in *Section 4.17.1.1*, the project site is estimated to use approximately 4,073 gpd of water under existing conditions. The proposed project would result in the construction of three, six-story buildings totaling up to 1,023,000 square feet of office space. The project would use approximately 17,452 gpd of water daily[46], a net increase of approximately 13,379 gpd.

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

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

4.17.2.2 *Sanitary Sewer Capacity (Checklist Questions a, b, and e)*

Implementation of the proposed project would generate approximately 14,834 gpd of wastewater.[47] Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR (as amended), full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. Given that the City has approximately 38.8 mgd of excess treatment capacity, development allowed under the General Plan would not exceed the City's allocated capacity at the City's

[46] The project annual water usage was estimated by the applicant to be 6,370,000 per year. This analysis assumes 260 working days per year.
[47] Assumes wastewater is equal to 85 percent of total potable water use on-site due to landscaping.

wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.3 ***Storm Drainage System*** *(Checklist Question c)*

Under existing conditions, the project site is approximately 97 percent (231,959 square feet) impervious. Under project conditions, the impervious surfaces on-site would decrease by approximately seven percent (17,368 square feet). This would result in a slight decrease in stormwater discharge from the site to the storm drainage system. The project would discharge to a new 54-inch storm drain on North Autumn Street, Old West Julian Street, and Autumn Parkway.

Because the development would result in the replacement of more than 10,000 square feet of impervious surface area, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP. In order to meet these requirements, the project proposes media filters and flow-through planters. The Downtown Strategy FEIR and General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. The project would be required to comply with the MRP requirements. As mentioned in *Section 4.9.3.3*, many of the storm drains located within the DSAP area have inadequate capacity and/or do not meet the City's 10-year storm event design standard. Future projects, including the project site, could contribute runoff that exceeds the capacity of the local storm drainage system. The project would be required to design and construct storm drain systems that meet the City's 10-year storm event design standard, consistent with General Plan Policies IN-3.1, IN-3.3, and IN-3.9. With implementation of the MRP requirements, all applicable General Plan policies, and overall reduction in impervious surfaces, runoff from the project site would not exceed the capacity of local drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.4 ***Solid Waste*** *(Checklist Questions f and g)*

The proposed development would generate approximately 6,138 pounds of solid waste per day.[48,49] The General Plan FEIR (as amended) concluded that the increase in waste generated by build out of the General Plan would not cause the City to exceed the capacity of existing landfills serving the City. Future increases in solid waste generation from developments allowed under the General Plan would be avoided through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 **Conclusion**

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

[48] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: January 11, 2018. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[49] Solid waste generation was estimated at a rate of six pounds per 1,000 square feet per day for office use.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
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, 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?	☐	☐	☐	☒	☐	1-18
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)?	☐	☐	☐	☒	☐	1-18
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1-18

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

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in *Section 4.3 Air Quality*, construction activities on-site would include demolition of the existing buildings, grading and site preparation, trenching, building construction, architectural coating, and paving. The project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions. Implementation of MM AIR-1.1 would reduce community risk impacts from construction of the project to less than significant.

As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitats or species and would not significantly increase the potential for bird strikes. With implementation of MM BIO-1.1, the project would not impact nesting raptors or migratory birds. As part of the project's Standard Permit Conditions, all trees removed would be required to be replaced in accordance with all applicable laws, policies, and guidelines. As discussed in *Section 4.4.3.3*, the project is consistent with the activity described in the SCVHP and would require discretionary approval by the City. The project would be subject to applicable SCVHP fees prior to issuance of any grading permits. All projects in the City, including the proposed project, would be required to pay the cumulative nitrogen deposition fees.

Construction activities may disturb subsurface cultural resources on-site. Implementation of MM CUL-1.1 through MM CUL-1.5 would avoid or reduce impacts to cultural resources to a less than significant level. The project would be required to implement the Standard Permit Conditions listed in *Section 4.5.3.2 Impacts to Subsurface Cultural Resources*, to avoid and/or reduce impacts to unknown buried paleontological resources. Implementation of the Standard Permit Conditions listed in *Section 4.6 Geology and Soils* would reduce construction related erosion impacts.

Several of the existing buildings on-site were constructed prior to 1978 and is likely to contain harmful levels of ACMs or lead. The project would be required to implement the Standard Permit Conditions as mentioned in *Section 4.8 Hazards and Hazardous Materials* to reduce ACM and/or lead-based paint impacts. Grading and construction activities on-site could expose construction workers to contaminated soils and groundwater. As a result, the project would implement MM HAZ-1.1 to MM HAZ-1.3 to reduce hazards to the people and the environment.

As discussed in *Section 4.9 Hydrology and Water Quality*, the project would be required to implement Standard Permit Conditions to reduce potential construction-related water quality impacts. Groundwater on-site has been encountered at a depth of approximately 13 to 18 feet bgs. As proposed, below-grade parking for Buildings A and B would be excavated to a depth of approximately 42 feet bgs. Because the project could interfere with the shallow groundwater aquifer, the proposed project would be required to implement the Standard Permit Conditions listed in *Section 4.9.3.4*.

As discussed in *Section 4.12 Noise and Vibration*, the project would be required to implement Standard Permit Conditions to reduce noise impacts from construction activities near sensitive land uses. The proposed project would not result in new or more significant impacts than identified in the DSAP FEIR, the Downtown Strategy FEIR, and the General Plan FEIR (as supplemented).

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has

determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed development would result in temporary water quality, biological, and noise impacts during construction. With the implementation of the identified Standard Permit Conditions, and measures identified in the DSAP FEIR, the Downtown Strategy FEIR, and General Plan FEIR (as amended), BMPs, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on water quality, biological resources, and noise.

Implementation of the proposed project could result in the loss of trees on and adjacent to the site. Any trees removed would be replaced in accordance to the City's Standard Tree Replacement Ratios (refer to *Table 4.4-3*). The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable long-term impact on biological resources.

Earthmoving activities may result in the loss of unknown subsurface prehistoric and historic resources on-site. Because the project would implement the Standard Permit Conditions and the identified mitigation measures as a condition of approval, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

The project's cumulatively considerable impact on air quality, noise, and transportation are discussed below. As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, and utility and service facilities. The cumulative impacts to utilities, public services, and population and housing have been addressed in the DSAP FEIR and General Plan FEIR and accounted for in the City's long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

4.18.2.1 *Cumulative Air Quality Impacts*

Increased community risk can occur by introducing a new source of TACs to existing sensitive receptors in the project vicinity. The nearest sensitive receptors to the project site are residences located approximately 65 feet west and the residences located approximately 129 feet south of the project site. BAAQMD recommends a 1,000 foot-radius for assessing community risks and hazards from TAC mobile and stationary sources. A review of the project area indicates that West Julian Street is the only substantial source of mobile TAC emissions within 1,000 feet of the site. The *Roadway Screening Analysis Calculator* for Santa Clara County estimated cancer risk at the MEI, approximately 25 feet south of West Julian Street, would be 9.4 per million and the $PM_{2.5}$ concentration would be 0.25 $\mu g/m^3$. The chronic or acute HI for this roadway would be below 0.03. With project construction, the estimated cancer risk would be 52.0 per million and the $PM_{2.5}$ concentration would be 0.39 $\mu g/m^3$. The HI for project construction would be 0.04. Emissions from both West Julian Street and project construction would be below BAAQMD significance thresholds; therefore, cumulative effects from West Julian Street and the project would not be cumulatively considerable and would not result in a health risk to sensitive receptors (refer to *Section 4.3.3.5*).

Daily air emissions from operation of the proposed project would not exceed BAAQMD thresholds as shown in Table 4.3-4. As disclosed in the DSAP FEIR, build out of the DSAP is expected to generate substantial emissions of regional criteria pollutants that exceed the BAAQMD thresholds for ROG and NOX. Consistent with the DSAP FEIR, the project would implement a TDM plan to minimize regional air quality impacts. For these reasons, the proposed project would not result in any new or greater impacts than were previously identified in the DSAP FEIR.

The proposed project would be constructed and operational post-2020. As discussed in *Section 4.7.2.1*, the proposed project would generate 2.3 MT of CO_2e per year per service population, which is below the year 2030 substantial progress efficiency threshold of 2.6 MT of CO_2e per year per service population. Full build out of the DSAP would result in a considerable contribution to the significant unavoidable cumulative impact to global climate as identified in the General Plan FEIR. Although the proposed project would contribute to the significant unavoidable GHG emissions, the project would not, by itself, increase the severity of impacts disclosed in the DSAP FEIR and General Plan FEIR.

As a result, the project would not have a cumulatively considerable impact on air quality or global climate change.

4.18.2.2 *Cumulative Noise Impacts*

As discussed in the DSAP FEIR, build out of the DSAP would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Julian Street, Park Avenue, and San Carlos Street due to substantial increases in traffic noise. The DSAP does not propose to implement any noise reduction measures along affected roadway segments. Although build out of the DSAP would contribute to traffic noise increases, the proposed project (by itself) would not result in a substantial contribution to traffic noise than what was discussed in the DSAP FEIR, Downtown Strategy FEIR, and General Plan FEIR.

4.18.2.3 *Cumulative Transportation Impacts*

Level of Service – Existing Plus Project

The 1,023,000 square feet of office space proposed by the project is part of the 3,012,400 square feet of office/research and development/light industrial uses anticipated for the Northern Zone of the DSAP. Traffic impacts with full build out of the DSAP were evaluated in the DSAP FEIR. The DSAP FEIR analyzed 45 intersections within the Downtown Core and 59 intersections outside the Downtown Core. Based on the DSAP FEIR, all 104 study intersections would continue to operate at LOS D or better during both peak hours under existing plus DSAP build-out conditions. Therefore, the proposed project would have a less than significant impact under existing plus project conditions.

Level of Service – Background Plus Project

Full build out of the DSAP in combination with build out of the Downtown Strategy would result in significant impacts at the Naglee Avenue/The Alameda intersection and the Naglee Avenue/Park Avenue intersection under background plus project conditions. There are no feasible improvements that would improve the level of service at these intersections to LOS D during the PM Peak Hour. As a result, these intersections were added to the City's list of Protected Intersections. As a condition

of DSAP approval, future projects within the DSAP plan area would be required to implement offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity of protected intersections, as warranted by the number of traffic trips each individual project adds to the impacted intersections. The City would determine the necessary fees and improvements based on the project's contribution to the identified impact. The proposed project would not result in any new impacts or impacts of greater severity than previously disclosed in the DSAP FEIR.

Level of Service – Cumulative Plus Project

Full build out of the DSAP in combination with build out of the Downtown Strategy would result in significant impacts at four intersections:

- Naglee Avenue/The Alameda
- Naglee Avenue/Park Avenue
- Hedding Street/The Alameda
- Lincoln Avenue/San Carlos Street

There are no feasible improvements that would improve the level of service at these intersections to LOS D. The Hedding Street/The Alameda intersection was previously included on the City's protected intersection list. As discussed above, the Naglee Avenue/The Alameda intersection and the Naglee Avenue/Park Avenue intersection were added to the City's list of Protected Intersections due to impacts under background plus project conditions. Similar to these intersections, there are no feasible improvements that would improve the level of service at the Lincoln Avenue/San Carlos Street intersection and it was also added to the City's list of Protected Intersections.

As a condition of DSAP approval, all future projects within the DSAP plan area would be required to implement offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity of protected intersections. The City would determine the necessary fees and improvements based on the project's contribution to the identified impact.

In conformance with Council Policy 5-3, Section III, C. Protected Intersections, protected intersection improvements can be constructed in the vicinity of the impacted intersections or in the vicinity of the project. The following improvements will be implemented by the project and will fulfill the protected intersection requirements:

- The project will improve the pedestrian environment around the project by widening the sidewalks along the Julian Street and Autumn Street project frontages; reconstructing the intersection of Autumn Street/Julian Street by removing the pork chop islands at the northwest and southeast corners to reduce the pedestrian crossing distance; and installing a new traffic signal at the Autumn Parkway/Project Driveway (vacated Old Howard Street) to provide direct pedestrian connection between the project and Guadalupe River Trail.

Therefore, the proposed project would not result in any new impacts or impacts of greater severity than previously disclosed in the DSAP FEIR.

Freeway Operations

Full build out of the DSAP would result in significant impacts to 15 directional mixed flow freeway segments and four directional HOV lane freeway segments during at least one peak hour under existing plus project conditions. While the proposed project would contribute to the identified freeway traffic impacts, the project would not result in any new impacts or impacts of greater severity than previously disclosed in the DSAP FEIR.

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. Implementation of General Plan policies would, however, reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (professional judgement and expertise and review of project plans).
2. City of San José. San José General Plan and Municipal Code.
3. City of San José. General Plan FEIR
4. City of San José. Downtown Strategy FEIR
5. City of San José. Diridon Station Area Plan FEIR
6. California Department of Natural Resources. Santa Clara County Important Farmland 2014 Map.
7. Bay Area Air Quality Management District. Air Quality Guidelines. May 2017.
8. Illingworth & Rodkin, Inc. *Air Quality Assessment*. March 2018.
9. HMH Engineers. *Certified Arborist Report*. November 2017.
10. H.T. Harvey & Associates, Inc. *440 West Julian Street Biological Resources Report* May 2018.
11. Carey & Co., Inc. *Draft Historic Resources Report*. November 2017.
12. Holman & Associates, Inc. *Cultural Resources Literature Search*. November 2017.
13. Soil Survey Staff. *Custom Soil Resource Report*. January 2018.
14. PES Environmental, Inc. *Phase I Environmental Site Assessment*. March 2017.
15. PES Environmental, Inc. *Phase II Environmental Site Assessment*. February 2017.
16. Federal Emergency Management Agency. *Flood Hazard Maps.* 2009.
17. Illingworth & Rodkin, Inc. *Noise and Vibration Assessment*. January 2018.
18. Fehr & Peers. *Traffic Operations Analysis* and *Transportation Demand Management (TDM Plan)*. April 2018.

SECTION 5.0 REFERENCES

Association of Bay Area Governments. "Tsunami Maps and Information." Accessed: November 28, 2017. Available at: http://resilience.abag.ca.gov/tsunamis/.

Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.

Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May.

Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed: January 22, 2018. Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

Carey & Co., Inc. *Draft Historic Resources Report*. November 10, 2017.

California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed: November 20, 2017. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. June 2004.

CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: January 11, 2018. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.

City of San José. *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*. August 2014.

City of San José. *Envision San José 2040 General Plan Final Program Environmental Impact Report.* September 2011.

City of San José. *Envision San José 2040 General Plan*. 2011.

City of San Jose. "Fast Facts." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/65881.

City of San José. "Population." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/index.aspx?nid=2044.

City of San José. "Projections of Jobs, Population and Households for the City of San José." August 2008. Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/3326.

City of San José. *San José Downtown Strategy 2000 Final Environmental Impact Report*. May 2005.

City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/?nid=1663.

County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement." Accessed November 20, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

Federal Emergency Management Agency. "FEMA Flood Map Service Center: Welcome!" Accessed: November 28, 2017. Available at: https://msc.fema.gov/portal.

Fehr & Peers. *Traffic Operations Analysis*. April 2018.

Fehr & Peers. *Transportation Demand Management (TDM) Plan*. April 2018.

Holman & Associates, Inc. *Cultural Resources Literature Search*. November 6, 2017.

HMH Engineers. *Certified Arborist Report*. November 6, 2017.

H.T. Harvey & Associates, Inc. *440 West Julian Street Biological Resources Report*. May 3, 2018.

Illingworth & Rodkin, Inc. *440 Julian Street Office Project Draft Air Quality Assessment*. March 19, 2018.

Illingworth & Rodkin, Inc. *440 Julian Street Office Project Noise and Vibration Assessment*. January 12, 2018.

PES Environmental, Inc. *Phase I Environmental Site Assessment*. March 9, 2017.

PES Environmental, Inc. *Phase II Environmental Site Assessment*. February 6, 2017.

San José Water Company. *Museum Place Mixed-Use Project Water Supply Assessment*. December 2016.

Santa Clara County. "Santa Clara County Geologic Hazard Zones, Map 20." Accessed: January 2, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

Santa Clara Valley Habitat Agency. "Habitat Agency Geobrowser." Accessed: November 27, 2017. Available at: http://www.hcpmaps.com/habitat/.

Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed on November 27, 2017. Available at: http://www.scvurpppw2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

Santa Clara Valley Water District. "Anderson Dam and Reservoir." Accessed: November 28, 2017. Available at: http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx.

Santa Clara Valley Water District. "Lexington Reservoir and Leniham Dam." Accessed: November 28, 2017. Available at: http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx.

Soil Survey Staff. *Custom Soil Resource Report*. January 2, 2018.

South Bay Water Recycling. "Recycled Water Pipeline System." Accessed November 28, 2017. https://www.sanjoseca.gov/DocumentCenter/View/4692.

State of California. "State Hazard Mitigation Plan." Accessed: November 27, 2017. Available at: http://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan.

State of California Department of Conservation. "CGS Information Warehouse: Regulatory Maps." Accessed: January 2, 2018. Available at: http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

Transportation Research Board. 2000 Highway Capacity Manual (Washington, D.C., 2000) p10-16

U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." March 2015. Accessed: January 2, 2018. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, *Director*
Meenaxi Panakkal, *Supervising Environmental Planner*

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Shannon George, *Principal Project Manager*
Fiona Phung, *Associate Project Manager*
Zach Dill, *Graphic Artist*

Carey & Co., Inc.
San Francisco, CA
Historic Evaluation

Fehr & Peers
Walnut Creek, CA
Transportation

Holman & Associates, Inc.
San Francisco, CA
Literature Search

HMH Engineers
San José, CA
Arborist

H.T. Harvey & Associates, Inc.
Los Gatos, CA
Biology

Illingworth & Rodkin, Inc.
Petaluma, CA
Air Quality/Noise

PES Environmental, Inc.
Novato, CA
Hazardous Materials