Addendum

To The
Diridon Station Area Plan
Environmental Impact Report (SCH#2011092022),
San José Downtown Strategy 2000
Environmental Impact Report (SCH#2003042127), and
Envision San José 2040 General Plan
Environmental Impact Report (SCH#2009072096), Supplemental
Environmental Impact Report, and Addenda
there to

Auzerais Avenue Residential Project

File Nos.: [C17-009, SP17-016 & T17-015]
ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH #2011092022); SAN JOSE DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH #2003042127); AND ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096), SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report, San José Downtown Strategy 2000 Final Program Environmental Impact Report, and Envision San José 2040 General Plan Final Program Environmental Impact Report, Supplemental Environmental Impact Report, and addenda thereto because minor changes made to the project that are described below do not raise new issues about the significant impacts on the environment.

C17-009, SP17-016 & T17-015 – Auzerais Avenue Residential Project. Project consists of a Conventional Rezoning to rezone from the LI Light Industrial & R2 Two-Family Residence District Zoning Districts to DC Downtown Zoning District to allow residential uses; a Special Use Permit to demolish the existing buildings and construct a six-story residential building including podium parking and up to 130 attached residential units; and a Tentative Map to combine three lots into two lots and create 130 condominium units on 1.05 gross acre site.

Location: The project site is on the north side of Auzerais Avenue (425 & 433 Auzerais) and west side of Delmas Avenue (383 Delmas). Council District: 3. Assessor’s Parcel Number: 264-26-088, 264-26-013, and 264-26-017.


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

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

- Aesthetics
- Biological Resources
- Greenhouse Gas Emissions
- Agriculture Resources
- Cultural Resources
- Hazardous Materials
- Air Quality
- Geology and Soils
- Hydrology & Water Quality
ANALYSIS

The project is consistent with the development capacity evaluated in the Downtown Strategy 2000 Final Program EIR, the Diridon Station Area Plan Final Program EIR, and the Envision San José 2040 General Plan Final Program EIR, as supplemented.

The Downtown Strategy 2000 Final Program EIR is a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000:

- 11.2 million square feet of office development;
- 8,500 residential dwelling units;
- 1.4 million square feet of retail development; and
- 3,600 hotel rooms.

In 2014, the City adopted the Diridon Station Area Plan (DSAP) and certified the DSAP Final Program EIR. The DSAP refined the development capacities evaluated in the 2005 Downtown Strategy 2000 EIR within the DSAP Plan Area by establishing urban design guidelines and specifying maximum development capacities in three Plan sub-areas: the Northern Zone (Innovation District), the Central Zone (Destination Diridon), and the Southern Zone (Diridon Neighborhoods). Most of the project site is within the DSAP Plan Area and, therefore, development of the project site with residences was evaluated (at a program level) in the DSAP EIR. The eastern section of the project site (the section where the proposed residential development would occur) is located within the Southern Zone of the DSAP area and is within the Park/San Carlos subarea, which is designated for residential uses. The proposed project is consistent with the development assumptions in the DSAP EIR.

As analyzed in the attached Initial Study/Addendum, the project would comply with the Greenhouse Gas Reduction Strategy identified in the Envision 2040 General Plan and would not result in greenhouse gas emission impacts beyond those identified in the Envision 2040 General Plan Final Program EIR and Supplemental EIR. The attached Initial Study/Addendum provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required, and an Addendum to the DSAP Final Program EIR, Downtown Strategy 2000 Final Program EIR, and the Envision San José 2040 General Plan Final Program EIR as supplemented has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the Downtown Strategy 2000 Final Program EIR, the DSAP Final Program EIR and Envision San Jose 2040 Final Program EIR as supplemented pursuant to CEQA Guidelines §15164(c).
Rosalynn Hughey, Acting Director
Planning, Building and Code Enforcement

Date
2/13/18

Deputy

Environmental Project Manager: Krinjal Mathur

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 BACKGROUND INFORMATION

1.1.1 Diridon Station Area Plan

In June 2014, the City of San José (City) certified the Diridon Station Area Plan Integrated Final Program Environmental Impact Report (DSAP EIR), State Clearinghouse No. 2011092022, and adopted the Diridon Area Station Plan (DSAP). The DSAP established a vision for development at Diridon Station and the surrounding area. This plan was developed in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José’s Diridon Station. The DSAP area is divided into three zones: 1) the Northern Zone, which is generally north of The Alameda, 2) the Central Zone, which is the core area centered on Diridon Station, and 3) the Southern Zone which is generally between Park Avenue and Interstate 280.

The DSAP EIR evaluated the environmental effects of development under the DSAP in accordance with the California Environmental Quality Act (CEQA). Most of the project site is within the DSAP and, therefore, development of the project site with residences was evaluated (at a program level) in the DSAP EIR. The eastern section of the project site (the section where the proposed residential development would occur) is located within the Southern Zone of the DSAP area and is within the Park/San Carlos subarea, which is designated for residential uses. The proposed project is consistent with the development assumptions in the DSAP EIR. The DSAP EIR tiers off the Envision San José 2040 General Plan Final Program Environmental Impact Report (General Plan EIR); although the DSAP proposed strategies to intensify the amount of development in the area surrounding Diridon Station, the growth proposed for the area was evaluated under the Envision San José 2040 General Plan. Figure 1.1-1 shows the project site in relation to the DSAP.

1.1.2 San José Downtown Strategy 2000

In June 2005, the City of San José certified the San José Downtown Strategy 2000 Environmental Impact Report (Downtown Strategy 2000 EIR) and approved the San José Downtown Strategy 2000 Plan (Downtown Strategy 2000 Plan), which is an update of the San José Downtown Strategy Plan 2010 (adopted in 1992) and a long-range program for redevelopment and preservation of the central core of San José. The plan includes the following development capacity to be initiated in four phases:

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

The Downtown Strategy 2000 EIR was a broad range, program-level environmental document, but did develop project level information whenever possible such as when a particular site was identified for a specific size and type of development. All subsequent development that has occurred as part of the Downtown Strategy 2000 Plan has had project-specific supplemental environmental review. The project site is within the Downtown Strategy 2000 Plan area. Figure 1.1-1 shows the project site in relation to the Downtown Strategy 2000 Plan area.
1.1.3 **Envision San José 2040 General Plan EIR**

In November 2011, the City of San José certified the Envision San José 2040 General Plan Environmental Impact Report (General Plan EIR) and approved the Envision San José 2040 General Plan (General Plan), which is a long range program for the future growth of the City. The General Plan EIR provides a broad analysis of planned growth and does not analyze specific development projects. The intent is for the General Plan EIR to be a program-level document from which subsequent development consistent with the General Plan can tier.

In December 2015, the City certified the Supplemental EIR to the General Plan and re-adopted the City’s Greenhouse Gas Reduction Strategy. The Supplemental EIR reevaluated the projected greenhouse gas emissions impacts of implementing the General Plan and informed the decision makers and the general public of the environmental effects of greenhouse gas emissions and global climate change associated with continued implementation of the Envision San José 2040 General Plan.

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

1.2 **PURPOSE**

This Initial Study/Addendum to the DSAP EIR, Downtown Strategy 2000 EIR, and General Plan EIR, Supplemental EIR, and Addenda thereto has been prepared by the City of San José as the Lead Agency, in conformance with the CEQA, the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq), and the regulations and policies of the City of San José. The purpose of this Initial Study/Addendum is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

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

This Initial Study/Addendum has been prepared to evaluate the project- and site-specific environmental impacts that may result from the implementation of the proposed project and determine whether the proposed project would result in any new significant impacts or substantially increase the severity of impacts previously identified in the certified EIRs.

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

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

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

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

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

CEQA Guidelines §15164 state that the Lead Agency or a responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the General Plan, Downtown Strategy 2000 Plan, and DSAP), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the EIRs; nor would the project 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 to the DSAP EIR, Downtown Strategy 2000 EIR, and the General Plan EIR as supplemented and addenda thereto adequately discloses the environmental impacts of the proposed project.

1.3 RELATIONSHIP WITH THE DSAP AND DOWNTOWN STRATEGY 2000 EIRS

The project site is comprised of three parcels: APN 264-26-088 (425 Auzerais Avenue), APN 264-26-013 (383 Delmas Avenue), and APN 264-26-017 (433 Auzerais Avenue). APN 264-26-088 and APN 264-26-013 are within the DSAP and Downtown Strategy 2000 Plan boundaries, while APN 264-26-017 is only within the Downtown Strategy 2000 Plan boundary. The proposed residential building would be constructed entirely on APN 264-26-088 and APN 264-26-013; only common open space areas would be developed on APN 264-26-017. Because only open space uses are
proposed on APN 264-26-017 (i.e., the only parcel on the project site that is not located within the DSAP) and the DSAP is the current planning document for the project area, this Initial Study/Addendum focuses on project consistency with the DSAP and DSAP EIR. The DSAP EIR evaluated the impacts of developing up to 4,963,400 square feet of commercial/R&D/light industrial uses, 424,100 square feet of retail/restaurant uses, 2,588 residential units, and 900 hotel rooms. Specific development projects were not proposed – only maximum development capacities for residential, commercial, retail, and hotel uses were established.

Both the Downtown Strategy 2000 EIR (Section III Project Description) and DSAP EIR (Section 2.5 Uses of the EIR) provides guidance on CEQA documentation of future specific development projects. One objective of the Downtown Strategy 2000 EIR was to develop project-level information (e.g., traffic and circulation) whenever possible, so that subsequent environmental analyses will be needed only when there are significant departures from Strategy 2000, or where circumstances unique to a specific project site that have not been analyzed in this EIR (e.g., archeological or historic characteristics, visual or aesthetic resources, hazardous materials). Similarly, the DSAP EIR contains sufficient information to provide project-level clearance for certain impacts for specific future development projects in the DSAP area by including standard measures that apply to all projects in San José. The DSAP EIR also provided project-level clearance for certain traffic-related impacts. It was contemplated that at the time future actions were proposed (such as approval of specific projects), the City will review the future actions for consistency with the assumptions in the DSAP EIR, including conformance with General Plan policies and measures included in the project.

It was also contemplated that supplemental analyses may be required as part of the subsequent environmental review process to evaluate impacts that are unique to a specific project site or design and could not be analyzed in sufficient detail in the DSAP EIR and to identify additional mitigation measures, if necessary. It was envisioned that future private development consistent with the DSAP and the assumptions in the DSAP EIR would likely prepare an Initial Study or Addendum.

New project specific technical reports were also contemplated by the DSAP EIR. It was anticipated that most future projects under the DSAP would be required to complete a Phase I Environmental Site Assessment, Tree Survey, and other reports, as needed. Projects with a residential component would need to complete additional studies, including at least the following site specific studies: Noise Reports as identified in Impact NV-1, and Human Health Risk Assessments and Air Quality Modeling to assess TAC exposure, as identified by Impact AQ-4. For projects that would impact structures more than 45 years old, preparation of a Historic Resources Report would be required. These technical studies have been prepared for the proposed project, and can be found in the Appendices of this Initial Study/Addendum.

Consistent with these guidelines provided in the DSAP EIR, this Initial Study/Addendum has been prepared, which includes project specific technical reports. The DSAP EIR is available on the City’s website: www.sanjoseca.gov/index.aspx?NID=1743.
SECTION 2.0  PROJECT INFORMATION

2.1  PROJECT TITLE

Auzerais Avenue Residential Project [File Nos. C17-009, SP17-016, and T17-015]

2.2  PROJECT LOCATION

The 1.02-acre project site is located at 383 Delmas Avenue, 425 and 433 Auzerais Avenue in Downtown San José. Regional and vicinity maps of the project site are shown in Figures 2.2-1 and 2.2-2. An aerial photograph showing surrounding land uses is shown on Figure 2.2-3.

2.3  LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Planning Division
City Hall, Third Floor
200 East Santa Clara Street
San José, CA 95133

Environmental Review

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Email: krinjal.mathur@sanjoseca.gov

Project Management

Tracy Tam, Planner
Project Manager
Phone: (408) 535-3839
Email: tracy.tam@sanjoseca.gov

2.4  PROPERTY OWNER/PROJECT APPLICANT

Zehn Li/ Salvatore Caruso Design Corporation
980 El Camino Real, Suite 200
Santa Clara, CA 95050
Phone: (408) 998-4087

2.5  ASSESSOR’S PARCEL NUMBERS

The project site is comprised of assessor’s parcel numbers (APN) 264-26-088, 264-26-013, and 264-26-017.
Figure 2.2-3: AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

Street Names:
- West San Carlos Street
- Sonoma Street
- Delmas Avenue
- Gifford Avenue

Land Use:
- Commercial
- Residential
- Warehouse Structure
- Existing Residence
- Existing Art Studio
- Residential Structure & Outbuildings Demolished

Project Boundary:
Photo Date: Nov. 2016.
2.6 GENERAL PLAN DESIGNATIONS AND ZONING DISTRICTS

2.6.1 General Plan Land Use Designation

2.6.1.1 Eastern Section

APN 264-26-013 (383 Delmas Avenue):  DT - Downtown
APN 264-26-088 (425 Auzerais Avenue):  DT - Downtown

2.6.1.2 Western Section

APN 264-26-017 (433 Auzerais Avenue):  RN – Residential Neighborhood

2.6.2 Zoning District

2.6.2.1 Eastern Section

APN 264-26-013 (383 Delmas Avenue):  LI – Light Industrial
APN 264-26-088 (425 Auzerais Avenue):  LI - Light Industrial

2.6.2.2 Western Section

APN 264-26-017 (433 Auzerais Avenue):  R-2 - Two-Family Residence District

2.7 HABITAT PLAN DESIGNATIONS

Land Cover Designation:  Urban – Suburban
Development Zone:  Area 4 – Urban Development equal to or greater than two acres covered
Fee Zone:  Urban Areas
Owl Conservation Zone:  N/A

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Conventional Rezoning
- Special Use Permit
- Tentative Map
- Public Work Clearances: Grading Permit
- Building Clearances: Demolition Permit, Building Permit
SECTION 3.0  PROJECT DESCRIPTION

3.1  PROJECT OVERVIEW

The 1.02-acre project site is located on Auzerais Avenue, between Delmas and Gifford Avenues, in a developed, urban area within Downtown San José. The site is currently developed with residential and commercial uses, including a single-family residence with a detached garage and a large fenced storage area and a commercial building. The entire site is within the Downtown Strategy 2000 Plan and DSAP areas, except for the western parcel (i.e., APN 264-26-017), which is outside the DSAP area. No residential development is proposed on the western parcel.

The project proposes to demolish the existing on-site structures, remove five trees (four ordinance size and one non-ordinance size), and redevelop the site with a new six-story, 130-unit multi-family residential development with parking on the first floor. A conceptual site plan of the proposed project is shown on Figure 3.1-1 and conceptual elevations are shown on Figures 3.1-2 and 3.1-3.

The project applicant proposes a Conventional Rezoning, Special Use Permit, and Tentative Map. The rezoning would only affect the eastern section of the project site that is currently designated Downtown under the General Plan (i.e., APNs 264-26-013 and -088), which would be rezoned DC Downtown Primary Commercial Zoning District. These parcels are within the Downtown Strategy 2000 Plan and DSAP Plan areas. The proposed residential building would be constructed on the eastern parcels. The western parcel (APN 264-26-017) would remain zoned R-2 Two-Family Residential and would be developed as a common open space area for the proposed project. The Special Use Permit would allow for the demolition of the existing buildings, construction of a six-story building including podium for 130 attached residential units, removal of trees, implementation of a project-specific transportation demand management program, and car lifts as an alternative parking design. The tentative map would combine the existing three lots into one to allow the condominium units.

3.2  PROPOSED DEVELOPMENT

3.2.1  Site Design

The project proposes to redevelop the site with a six-story multi-family residential development with parking on the first floor. The proposed development would include a lobby, leasing office, community room, and 65 parking spaces on the first floor and a total of 130 apartment units on the second through sixth floors. A portion of the parking level would extend to a depth to approximately eight feet below ground surface to allow for stacked parking. The unit types would consist of studio, one-bedroom, and two-bedroom units, ranging from approximately 385 to 1,120 square feet in size. Approximately 69 of the 130 units would have balconies ranging in size from approximately 56 square feet to 239 square feet. The maximum height of the building would be 72.5 feet, at the top of the elevator shaft. The proposed building would be set back approximately 10 feet from the edge of the sidewalk on both Auzerais Avenue and Delmas Avenue.
Common Areas and Landscaping

The project proposes to provide approximately 19,520 square feet of common open space, including 14,800 square feet of open space on the western parcel, 1,670 square foot courtyard area with outdoor seating on the second floor of the proposed building, and 3,100 square feet of landscaping along the perimeter of the building. The approximately 14,800 square foot large open space area would include picnic tables and a barbecue area, a walkway that could be accessed from Auzerais Avenue via a secured gate or the proposed development, and landscaping including a lawn area, trees and shrubs. Trees that would be planted in the large open space area could include four maple and three strawberry trees. Additionally, two Siberian elm, one tree of heaven, and one London plane tree would remain on the site. Other landscaping, including grass and shrubs, would also be planted along the perimeter of the building.

Site Access and Parking

The proposed development would construct a 10-foot wide attached sidewalk along the Auzerais Avenue frontage and a 12-foot wide attached sidewalk along the Delmas Avenue frontage. A new driveway on Auzerais would provide vehicular ingress and egress to the proposed parking level.

Parking for the project would be provided on the first floor of the proposed building, which would contain 65 parking spaces (approximately 0.5 spaces per unit). Portions of this parking level would extend to depths of approximately eight feet below grade to accommodate stacked parking.

The following Transportation Demand Management (TDM) measures would be implemented to achieve a 50 percent reduction in the vehicle parking demand for the project, per the City’s parking Downtown Primary Commercial requirements:

- Two free annual VTA Eco Passes per unit for the life of the project
- Two free annual Zipcar memberships per unit for the life of the project
- One free annual Bay Area Bike Share membership per unit for the life of the project
- One on-site cargo bicycle for tenants to share
- 100 percent unbundled parking
- An on-site TDM Coordinator and associated services

Utility Improvements

Stormwater runoff from the site would be collected via six- to 12-inch storm drains along the perimeter, and would be directed to area drains or a storm drain manhole in the landscaped open space area on the western section of the site. Runoff from the manhole would then be directed through a 15-inch storm drain lateral at the southern end of the project to an existing 48-inch storm drain main on the Auzerais Avenue project frontage. Stormwater would be treated by stormwater flow-through planters and self-retaining areas (landscaping and permeable paths) around the site.

Wastewater from the project site would be directed to a sanitary sewer cleanout located at the south end of the site. A new eight-inch sanitary sewer lateral would connect the cleanout to the City’s existing sanitary sewer main on Auzerais Avenue. New three-inch and six-inch water and fire service laterals, respectively, would connect to the existing 16-inch water main on Auzerais Avenue.
Green Building Measures

Consistent with the City’s Private Sector Green Building Policy 6-32 for projects with 10 residential units or more (with a height of less than 75 feet), the proposed project would be designed to achieve a minimum GreenPoint Rated 50 points or would be Leadership in Energy and Environmental Design (LEED)-certified.¹ The LEED certification (administered by the U.S. Green Building Council) or GreenPoint Rated 50 points would be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

3.2.2 Demolition and Construction

Construction of the proposed project is currently anticipated to start in fall 2018 and is anticipated to take six months to complete. Construction activities associated with the proposed project include site clearing and demolition (e.g., removing existing vegetation and trees and the existing structures on the project site), utility connections (e.g., new lateral connections to the existing water, sewer, and storm drain mains in Auzerais Avenue), building construction, frontage improvements (e.g., new street trees, new curb, gutter, sidewalk and driveway construction and placing existing overhead utility lines underground), and landscaping on the site. Approximately 5,000 cubic yards of soil would be exported from the site and 15,000 cubic yards of soil would be imported to the site during construction.

During construction, all staging activities (e.g., equipment and material storage) would occur on the project site. The construction workers would park on the project site and in the project area.

¹ The GreenPoint Rated Checklist is administered by Build It Green, a non-profit organization whose mission is to promote healthy, energy- and resource-efficient building practices in California. GreenPoint Rated is a green building rating system which can be used to assess the environmental characteristics of a home (including water efficient fixtures, efficient heating ventilation and air conditioning, low-emitting flooring, and energy-efficient appliances and lighting). If a residential development meets minimum point requirements in each category and scores at least 50 total points, it earns the right to bear the GreenPoint Rated label.
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  
4.2 Agricultural and Forestry Resources  
4.3 Air Quality  
4.4 Biological Resources  
4.5 Cultural Resources  
4.6 Geology and Soils  
4.7 Greenhouse Gas Emissions  
4.8 Hazards and Hazardous Materials  
4.9 Hydrology and Water Quality  
4.10 Land Use and Planning  
4.11 Mineral Resources  
4.12 Noise and Vibration  
4.13 Population and Housing  
4.14 Public Services  
4.15 Recreation  
4.16 Transportation/Traffic  
4.17 Utilities and Service Systems  
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 will 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 sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.
The City of San José currently has policies that address existing conditions (e.g., 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 will discuss 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 Regulatory Framework

State Scenic Highways Program

The California Department of Transportation designates state scenic highways, based upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent that development modifies traveler’s enjoyment of the view.

City of San José Policies

Municipal Code

The City’s Municipal Code includes several regulations associated with protection of the City’s visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote scenic beauty of the city.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare. The City’s Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

Residential Design Guidelines

The Residential Design Guidelines establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The Residential Design Guidelines address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design.

City Council Policy 4-3: Private Outdoor Lighting on Private Developments

This calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development within the City. The following policies are specific to aesthetic resources and are applicable to the proposed project:
<table>
<thead>
<tr>
<th>General Plan Policies: Aesthetics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attractive City</strong></td>
</tr>
<tr>
<td>Policy CD-1.1</td>
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<tr>
<td>Policy CD-1.9</td>
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<tr>
<td>Policy CD-1.19</td>
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<tr>
<td>Policy CD-1.23</td>
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<tr>
<td>Policy CD-1.24</td>
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<tr>
<td>Policy CD-1.27</td>
</tr>
<tr>
<td><strong>Downtown Urban Design</strong></td>
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<tr>
<td>Policy CD-6.2</td>
</tr>
</tbody>
</table>
4.1.1.2 Existing Conditions

Project Site

The 1.02-acre project site is located at 383 Delmas Avenue and 425 and 433 Auzerais Avenue in Downtown San José. The site is flat and developed with a one-story single-family residence (383 Delmas Avenue) that fronts Delmas Avenue and a two-story commercial building (425 Auzerais Avenue) that fronts Auzerais Avenue. The residence on Delmas Avenue also includes a detached garage within a large fenced equipment storage area. There are 14 non-native trees growing on or immediately adjacent to the project site, including 11 trees on the site, a street tree on Auzerais Avenue, and two trees embedded in a fence along the western property line.

The western section of the site is vacant and is primarily comprised of unpaved surfaces and trees. The eastern section is developed with the commercial building (occupied by an art studio) and single-family residence and is mostly covered with paved surfaces. The commercial building, constructed in the 1960s, has a flat roof and includes a two-story portion on the east wing with facades primarily comprised of glass windows and a one-story cinderblock warehouse on the west wing.
The single-family residence, constructed in the 1870s with subsequent modifications, is one-story tall with steps leading to the front porch. The residence is comprised of wood siding, vinyl windows, and has a gable-styled roof. The single-family residence also includes a flat roof detached garage that is located within fenced equipment storage area.

**Surrounding Area**

The project site is located in an area developed with a mix of older commercial and residential buildings, some dating back to the early 1900s. A recently cleared lot and commercial uses along the south side of West San Carlos Street, including an auto repair business, are located north of the site. Apartments, houses, a neighborhood commercial building, and Delmas Avenue are located to the east. Residences and commercial buildings and properties are located south of the site, across Auzerais Avenue. Houses, an auto repair facility, and other commercial properties are located to the west. Both auto repair shops in the project area contain paved lots parked with numerous vehicles in various states of repair. The residences to the east (on Delmas Avenue) are one- to two-stories tall with facades primarily comprised of concrete, wood-siding, and gable-styled roofs. The neighborhood commercial building to the east of the site (on Delmas Avenue) is one-story tall with concrete façades and flat roof. South of Auzerais Avenue are older one- to two-story residences/commercial properties and a small, one-story commercial building. To the west of the site (on Auzerais Avenue and along Gifford Avenue), are older, one-story residences, auto repair shop, and vacant commercial property.

Approximately 200 feet east of the project site, across Delmas Avenue, is State Route (SR) 87. In the project area, SR 87 is an above grade, four-lane highway. Photos of the project site and area are shown in Photos 1-6.

**Scenic Views and Resources**

The City has many scenic resources including the hills and mountains that frame the valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is flat and located in Downtown San José, surrounded by urban development. Prominent views of the mountains are limited since buildings, trees, and infrastructure (e.g., utility lines) obscure viewpoints. The project area is developed and no natural scenic resources such as rock outcroppings are present on the site or in the project area. Existing Downtown landmarks (which are a part of the Downtown skyline) such as the historic Bank of America Building, De Anza Hotel, SAP Center, Fairmont Hotel, San José City Hall and San José State University Campus, are not visible from the project site or its vicinity, due to existing urban development surrounding the area.

**Scenic Corridors**

The project site is not located along a state-designated scenic highway. The nearest state-designated highway is SR 9, approximately eight miles southwest of the site (at the SR 17 interchange).
Photo 1: View of existing on-site art school and studio building on Auzerais Avenue, looking north.

Photo 2: View of existing on-site residence with detached garage and storage yard on Delmas Avenue, looking west.
Photo 3: View of the undeveloped western section of the project site on Auzerais Avenue, looking north.

Photo 4: View of adjacent single-family residences located west of the project site on Auzerais Avenue, looking north.
Photo 5:  View of existing residences and commercial building located south of the project site across Auzerais Avenue.

Photo 6:  View of adjacent commercial building, SR 87, and Downtown looking east from Auzerais Avenue.
The City’s General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The DSAP requires new development adjacent to Gateways and designated freeways to consist of high-quality architecture and contribute to a positive image of San José. The nearest Gateway to the project site is approximately one-quarter mile west of the site; this Gateway is a segment located on South Montgomery Street/Bird Avenue (which transects I-280) from Park Avenue to Coe Avenue. Due to the flat topography of the project site and surrounding urban development, the project site is not visible from this Gateway segment.

The City has designated SR 87, from the US 101 interchange to the SR 85, and I-280 from the I-880 intersection to Fair Oaks Avenue in Sunnyvale, as Urban Throughways. The nearest SR 87 Urban Throughway segment to the project site is 200 feet east of the site and the I-280 Urban Throughway segment is 0.3 miles south of the site. The site is visible from the elevated SR 87 freeway.

4.1.2 **Checklist and Discussion of Impacts**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3,4</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4,5</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000 Plan, and General Plan EIRs - Aesthetics Conclusions**

The Downtown Strategy 2000 Plan and DSAP EIRs concluded that with the implementation of urban design concepts, strategies, actions and guidelines to preserve and enhance scenic vistas and resources, and visual character and quality of the area listed in the EIR, development under the Downtown Strategy 2000 Plan and DSAP would not result in a significant impacts to scenic vistas, resources or visual character. Implementation of the urban design concepts and guidelines in the

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2 City-designated Gateways are primarily roadway segments where scenic views shall be preserved. Urban Throughways consist of the highways that traverse San José, many of which function as gateways to the City and typically present scenic views of the natural and urban environment.
Downtown Strategy 2000 EIR and DSAP Design Guidelines would result in a less than significant light and glare impacts. The General Plan EIR concluded that with the implementation of General Plan policies and actions, development in the Downtown area would result in a less than significant aesthetics impact.

4.1.2.1 **Thresholds of Significance**

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City’s design standards and implementation of those standards through the City’s design review process.

4.1.2.2 **Impacts to Scenic Views and Resources**

(Checklist Questions a and b)

The project site is not located along a state scenic highway or designated rural scenic corridor. Views of the project site area are limited to the immediate area. The site can be seen briefly by passersby on the elevated SR 87 Urban Throughway along the segment approximately 200 feet east of the project site.

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

Trees are considered visual resources in urban environments since they contribute to aesthetic interest and character. Approximately nine trees are proposed for removal as a part of the proposed project. Based on the Arborist Report completed for the project site (refer to Appendix B), these trees were in poor condition and/or had low to moderate suitability for preservation. These trees are not considered visual resources. Additionally, approximately 30 trees would be planted in accordance with City policies to offset the aesthetic effects of tree removal.

Redevelopment of this site, therefore, would not have a significant adverse effect on a scenic vista or damage scenic resources within a state scenic highway. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.1.2.3 **Impacts to Visual Character of Site and Surrounding Area**

(Checklist Question c)

The project site is developed with an old one-story residence and a two-story commercial building. The residence also includes a detached garage located in a large, fenced storage yard. The project proposes to demolish all the existing structures on the site and develop a six-story, 130-unit, residential building within the DSAP area. Construction of the proposed project would result in a
visual change; however, the proposed project is consistent with the scale and type of development that has occurred within the area surrounding Diridon Station and envisioned in the DSAP. As discussed in the DSAP EIR, the DSAP envisions to replace the existing vehicle-oriented landscape and deteriorated and vacant buildings with a vibrant, multi-modal, higher density development, urban environment. The project site is located in the Southern Zone of the DSAP, which is identified as a neighborhoods zone where pockets of higher density residential development is encouraged, while simultaneously respecting the overall scale and urban grain of the neighborhood.

Due to site constraints, the proposed project is not consistent with all applicable aesthetic policies and design guidelines identified in the DSAP (e.g., minimizing the visual impact of service areas and garage entrances by locating them behind buildings and away from public streets and pathways cannot be accomplished because the site is not large enough to have a garage entrance located at the sides or rear of the site). The proposed project is consistent with most of the DSAP policies (e.g., the main facades of buildings should generally be oriented parallel to public streets or pathways; design all ground floor facades to respond to the pedestrian scale; avoid long stretches of blank walls). The proposed project, overall, would not result in a substantial adverse effect on the visual character of the area. [Same Impact as Approved Project (Less than Significant Impact)]

4.1.2.4 Light and Glare Impacts
(Checklist Question d)

As discussed in the DSAP EIR, all projects subject to the DSAP are required to install lighting in accordance with the City Council’s adopted Lighting Policy for Public Streetlights 4-2 and Private Outdoor Lighting Policy 4-3. Development will also be subject to Municipal Code controls for lighting of signs and development adjacent to residential properties, which require lighting to be directed away from residential uses. The DSAP Design Guidelines state that no artificial light shall be emitted onto the street at night from aboveground parking structures in residential areas. The project site and surrounding area are completely developed and include existing sources of light and glare (e.g., windows, signs, headlights, streetlights, porch lights, and security lights). All lighting proposed by the project would be consistent with the policies, guidelines, and controls in the Municipal Code described above. For these reasons, the proposed project would not substantially increase light and glare levels in the project area or otherwise result in a significant light and glare impact. [Same Impact as Approved Project (Less than Significant Impact)]

4.1.3 Conclusion

Implementation of the proposed project would not result in a new or more significant aesthetics impact than identified in the DSAP EIR and Downtown Strategy 2000 EIR. With the implementation of the DSAP Design Guidelines and General Plan policies, the proposed project would not result in significant impacts to the visual character of the site and its surroundings, scenic resources or vistas; nor would the project create substantial light or glare. [Same Impact as Approved Project (Less than Significant Impact)]
4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

The project site is currently developed with residential and commercial uses, including a single-family residence with a detached garage and a fenced storage area and a commercial building. The site is within a completely developed, urban, area in Downtown San José. Currently, the project site is zoned LI – Light Industrial and R-2 - Two-Family Residence District and has General Plan land use designations of DT – Downtown and RN – Residential Neighborhood.

4.2.1.1 Existing Conditions

Agricultural and Forestry Resources

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality, and the highest quality land is designated as Prime Farmland. The project site is not designated as Prime Farmland or other farmland and is not subject of a Williamson Act contract.³ The project site is designated as Urban and Built-Up Land. Common examples of this land type include residential, industrial, commercial, and institutional facilities. The project site does not meet the definition of forest land or timberland.⁴

4.2.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4, 6</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4, 6-8</td>
</tr>
</tbody>
</table>

⁴ According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, “Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.
Would the project:

<table>
<thead>
<tr>
<th>c)</th>
<th>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))?</th>
</tr>
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<tr>
<th>d)</th>
<th>Result in a loss of forest land or conversion of forest land to non-forest use?</th>
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<tr>
<th>e)</th>
<th>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?</th>
</tr>
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**DSAP, Downtown Strategy 2000, and General Plan EIRs - Agricultural and Forestry Resources Conclusions**

The Downtown Strategy 2000 EIR disclosed that development under the Downtown Strategy 2000 Plan would not result in a significant impact to agricultural resources. The General Plan EIR did not identify the project site or surrounding area as farmland, forestry or timberland resource.

The DSAP EIR identified that there would be no impacts to agricultural or forestry resources from future development under the DSAP. The future development under the DSAP would result in a less than significant impact on forestry resources.

**4.2.2.1 Impacts to Agricultural and Forestry Resources**

*(Checklist Questions a-e)*

The project site is developed with and is zoned for urban uses. The site is not used or zoned for agricultural, forest, or timberland purposes, nor is it subject to a Williamson Act contract. The project site is surrounded by urban development. For these reasons the proposed project would not convert agricultural land to a non-agricultural use, forest land to a non-forest use, or otherwise impact agricultural and forestry resources. [Same Impact as Approved Project (No Impact)]
4.2.3 Conclusion

Implementation of the proposed project would have no impact on agricultural or forestry resources, consistent with the findings of the DSAP EIR, Downtown Strategy 2000 EIR, and General Plan EIR. [Same Impact as Approved Project (No Impact)]
4.3 AIR QUALITY

The following discussion is based, in part, on a Toxic Air Contaminants Assessment prepared by Illingworth & Rodkin, Inc. in July 2017. A copy of this assessment is attached as Appendix A to this Initial Study/Addendum.

4.3.1 Environmental Setting

4.3.1.1 Regulatory Framework

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (U.S. EPA) is responsible for overseeing implementation of the Federal Clean Air Act 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 Clean Air Act.

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area Air Basin. 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 (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 will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of 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.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development within the City. The following policies are specific to air quality and are applicable to the proposed project:
### General Plan Policies: Air Quality

#### Air Pollutant Emission Reduction Policies

| Policy MS-10.1 | Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures. |

#### Toxic Air Contaminants Policies and Actions

| Policy MS-11.1 | Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety. |
| Policy MS-11.3 | Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter. |
| Action MS-11.8 | For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes. |

#### Objectionable Odor Policies

| Policy MS-12.2 | Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility. |

#### Construction Air Emission Minimization Policies

| 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. |
| Action MS-13.4 | Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines. |
4.3.1.2 Existing Conditions

Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area’s proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The Santa Clara Valley is bounded to the east and west by the Diablo Range and Santa Cruz Mountains, respectively. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley’s northwest-southwest axis.

Regional and Local Criteria Pollutants

As required by the Federal Clean Air Act and the California Clean Air Act, ambient air quality standards have been established for ozone (O₃), particulate matter (PM₁₀ and PM₂.₅), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead. These are considered “criteria pollutants” by the U.S. EPA and CARB. California’s standards for criteria pollutants are the same or more stringent than the national standards. Based on air quality monitoring data, CARB is required to designate areas that do not meet the national or state ambient air quality standards as “non-attainment areas”. The Bay Area does not meet state or federal ambient air quality standards for ground level ozone, or state standards for PM₁₀ and PM₂.₅. The region is considered attainment or unclassified for all other pollutants.

Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources). The major source of carbon monoxide—a colorless, odorless, poisonous gas—is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs 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 adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter (PM₂.₅) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to PM₂.₅ can cause a wide range of health effects. Common stationary sources of TACs and PM₂.₅ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common source is motor vehicles on roadways and freeways.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, adults over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are
classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elderly care facilities, elementary schools, and parks. The closest sensitive receptors to the project site are residences adjacent to the northern and western site boundaries on Delmas Avenue and Auzerais Avenue (less than 20 feet in distance from the site), respectively. There are additional residences west, south and north of the site. The project would introduce new sensitive receptors (i.e., residents) to the project area.

**Odors**

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population, and people may have different reactions to the same odor.

The BAAQMD CEQA Guidelines provide a list of recommended odor screening distances for specific odor-generating facilities. The General Plan EIR does not identify any potential odor sources in the Central/Downtown Planning Area, which includes Downtown Strategy 2000 Plan area.

### 4.3.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
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<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 9</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 9-11</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 9-11</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 10, 11</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 10</td>
</tr>
</tbody>
</table>
As previously discussed in Section 4.0 of this Initial Study/Addendum, 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. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

**DSAP, Downtown Strategy 2000 Plan, and General Plan EIRs – Air Quality Conclusions**

The Downtown Strategy 2000 EIR and DSAP EIR identified that build out under the Downtown Strategy 2000 Plan would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors. Implementation of the Downtown Strategy 2000 Plan or the DSAP would not conflict with or obstruct implementation of the 2010 CAP (applicable air quality plan at the time of EIR analysis and preparation).

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

**4.3.2.1 Project-Level Significance Thresholds**

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 City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for assessing air emissions and/or health effects that were adopted by BAAQMD, which are based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in June 2010 (revised in May 2017) and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

The analysis in this Initial Study/Addendum is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2017 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-1. BAAQMD recommends that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. A review of the project area indicates that there are two State Highways (SR 87 and SR 82) within 1,000 feet of the site that could adversely affect new residences and three listed stationary sources of air pollution.

<table>
<thead>
<tr>
<th>Table 4.3-1: Project-Level Significance Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pollutant</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>ROG, NOₓ</td>
</tr>
<tr>
<td>PM₁₀</td>
</tr>
<tr>
<td>PM₂.₅</td>
</tr>
<tr>
<td>Fugitive Dust (PM₁₀/PM₂.₅)</td>
</tr>
<tr>
<td>Local CO</td>
</tr>
<tr>
<td>Risk and Hazards for New Sources and Receptors (Project)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Risk and Hazards for New Sources and Receptors (Cumulative)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Accidental Release of Acutely Hazardous Materials</td>
</tr>
<tr>
<td>Odors</td>
</tr>
</tbody>
</table>

Note: μg/m³ = micrograms per cubic meter.
4.3.2.2 Clean Air Plan Consistency
(Checklist Question a)

Determining consistency with the BAAQMD 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP) involves assessing whether applicable control measures contained in the 2017 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project’s consistency with them are summarized in Table 4.3-2, below.

The project supports the primary goals of the CAP in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with access to existing transit and services which could reduce vehicle trips. As summarized in Table 4.3-2, the proposed project includes transportation and energy control measures and is generally consistent with the CAP’s control measures. The project would not hinder implementation of the CAP control measures and would not conflict with or obstruct implementation of the 2017 CAP. The project by itself, therefore, would not result in a significant impact related to consistency with the 2017 CAP. [Same Impact as Approved Project (Less Than Significant Impact)]

<table>
<thead>
<tr>
<th>Control Measures</th>
<th>Description</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation Control Measures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve Bicycle Access and Facilities</td>
<td>Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.</td>
<td>Existing bicycle facilities in the site vicinity include the Guadalupe River Trail and Class II bike lanes on Woz Way west of the project site, Park Avenue north of the project site, and San Fernando Street north of the project site. The project proposes bicycle parking facilities on- site for residents and guests.</td>
</tr>
<tr>
<td>Improve Pedestrian Access and Facilities</td>
<td>Improve pedestrian access to transit, employment, and major activity centers.</td>
<td>The project site is located in Downtown San José, near jobs and services and is served by existing pedestrian, bicycle, and transit facilities.</td>
</tr>
<tr>
<td>Support Local Land Use Strategies</td>
<td>Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.</td>
<td>The project is consistent with the existing General Plan land use designation and proposes infill residential uses on underutilized land. The project area is served by existing transit and bicycle and pedestrian facilities and the project encourages bicycle and pedestrian modes of travel by providing bicycle parking and implementing Transportation Demand Management (TDM) measures in conformance with Section 20.70.330 of the Zoning Ordinance.</td>
</tr>
</tbody>
</table>
Table 4.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures

<table>
<thead>
<tr>
<th>Control Measures</th>
<th>Description</th>
<th>Project Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Energy and Climate Measures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.</td>
<td>The project would be constructed in conformance with the City’s Private Sector Green Building Policy, which requires that the project achieve LEED Certification.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The project proposes a high-density residential building in Downtown San José. The project’s infill location near existing jobs, services, and transit provides opportunity for reduced vehicle miles and trips.</td>
</tr>
<tr>
<td>Urban Heat Island Mitigation</td>
<td>Mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.</td>
<td>The project does not propose the use of cool roofing or paving. However, the proposed building includes an integrated level of parking spaces, which reduces the need for additional offsite parking that would add heat absorbing surfaces to the surrounding environment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The project would include TDM measures that would encourage future residents taking alternative modes of transportation (transit, bicycle, and carshare), which would reduce the number of motor vehicles used by the site and the anthropogenic heat the vehicles would emit.</td>
</tr>
<tr>
<td>Shade and Tree Planting</td>
<td>Promote voluntary approaches to reduce urban heat islands by increasing shading in urban and suburban communities via planting of low volatile organ compound (VOC) emitting trees.</td>
<td>The project would plant trees and other landscaping around the periphery and in the open space areas of the project site.</td>
</tr>
</tbody>
</table>

4.3.2.3 Operational Air Quality Impacts from the Project

The proposed 130 residential units would be located within the DSAP area. Operation of the proposed project would not cause localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACs, such as generators, are proposed as part of the project.
Regional Air Quality
(Checklist Questions b and c)

As disclosed in the DSAP and Downtown Strategy 2000 Plan EIRs, buildout of the DSAP and Downtown Strategy Plan would result in a net increase in ROG and NOx in the San Francisco Bay Area, contributing to existing violations of ozone standards, which is a significant unavoidable cumulative impact. The proposed project would not result in any new or more significant air quality impacts than identified in the DSAP EIR or Downtown Strategy 2000 EIR.

The proposed project, which includes 130 attached residential units (constructed within the DSAP area), is well below the BAAQMD screening level of 494 mid-rise apartment units. As discussed in the DSAP EIR, the combined operational air emissions (specifically substantial ROG and NOx emissions) from future buildout of the DSAP would result in a significant unavoidable cumulative regional air quality impact. The proposed project, as part of the DSAP, would contribute to this impact.

While the project by itself would not result in significant regional air quality impacts, the project would contribute to the significant regional air quality impact associated with criteria pollutant emissions from buildout of the DSAP.

Consistent with the DSAP EIR, the project has prepared a Transportation Demand Management (TDM) Plan, see Appendix E. The TDM measures to be implemented by the project include planning and design measures related to the site location, the site design, and on-site amenities. These measures encourage walking, biking, and use of transit to reduce regional air quality impacts associated with buildout of the DSAP and include the following:

- Free VTA Eco Passes: The project will offer two free annual VTA Eco Passes per residential unit for the life of the project.
- Free Zipcar Membership: The project will offer up to two free zipcar memberships per residential unit for the life of the project.
- Free Bay Area Bike Share Membership: The project will provide one free annual Bay Area Bike Share membership per residential unit for the life of the project.
- On-Site Cargo Bicycle Share Program: The project will provide at least one on-site cargo bicycle for tenants to share for the life of the project.
- Unbundled Parking: The project will provide 100 percent unbundled parking for all residential spaces.
- On-Site TDM Coordinator and Services: The project will provide an on-site TDM coordinator, most likely the property manager, who will be responsible for implementing and managing the TDM plan.

The DSAP EIR included measures to minimize regional air quality impacts from operational criteria air pollutants, but not reduce them to a less than significant level. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding an established significance threshold, it would contribute to the previously identified significant air quality impacts resulting from implementation of all the planned development considered in the DSAP. Consistent with the DSAP EIR, the project will 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 EIR.  [Same Impact as Approved Project (Significant and Unavoidable Impact)]

**Local Air Quality**  
*(Checklist Questions b and c)*

In addition to regional criteria pollutants, vehicles emit carbon monoxide (CO), which is considered a local pollutant since it tends to concentrate near the source. The BAAQMD threshold for operational emissions of CO is equivalent to the California ambient air quality standards of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour). An air quality analysis evaluated the potential for build-out of the DSAP to violate state standards for CO. The air quality analysis accounted for development of the project site. The three intersections evaluated include: 1) Coleman Avenue and Taylor Street, 2) Coleman Avenue and Hedding Street, and 3) Bird Avenue and San Carlos Street (within the Southern Zone of the DSAP area). Based on dispersion modeling that estimated CO emissions applied to traffic volumes under cumulative conditions, build out of the DSAP would not cause increased CO emissions above state CO standards. Since the proposed residential development was considered in the DSAP EIR analysis of future CO emissions, the proposed project would not result in any new or greater impacts than were previously identified in the DSAP EIR.  [Same Impact as Approved Project (Less Than Significant Impact)]

**Toxic Air Contaminants**  
*(Checklist Questions b and d)*

Operation of the proposed project is not considered a source of TAC or fine particulate matter (PM<sub>2.5</sub>) emissions. As a result, operation of the proposed project would not cause emissions that expose sensitive receptors to unhealthy air pollutant levels. Because the project would not be a source of TACs, the project’s operation would not contribute cumulatively to unhealthy exposure to TACs.  [Same Impact as Approved Project (Less Than Significant Impact)]

**4.3.2.4 Construction-Related Impacts from the Project**

Construction of the residential development would occur within the DSAP area. No heavy construction would occur in the large open space area (outside of the DSAP area). Trees would be removed and planted, barbecue pits and outdoor seating would be installed, and a walkway would be paved in this open space area.

**Criteria Air Pollutants and Precursors**  
*(Checklist Questions b and c)*

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.
The proposed residential development does not exceed BAAQMD’s construction criteria pollutant screening threshold of 240 apartment units. The proposed project, therefore, would have a less than significant construction criteria air pollutant emissions impact and would not result in a cumulatively considerable net increase of criteria air pollutants from construction activities. [Same Impact as Approved Project (Less Than Significant Impact)]

**Construction Dust Emission**
*(Checklist Questions b and d)*

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when underlying soils are exposed to the atmosphere. Construction activities would increase dustfall and locally elevated levels of PM$_{10}$ downwind. Nearby land uses, particularly sensitive receptors to the north, south and west of the site, could be affected by dust generated during construction activities. As described below, the proposed project includes measures to reduce this impact to a less than significant level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the project includes the following measures required under General Plan Policy MS-13.1 during all phases of construction on the project site to reduce dust emissions to a less than significant level:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). 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 visible emissions evaluator.
- 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.

The project includes the measures listed above as a condition of approval. These measures would be placed on project plan documents prior to issuance of any building permits for the project. The
proposed project, therefore, would not result in a significant air quality impact due to construction dust emissions. [Same Impact as Approved Project (Less Than Significant Impact)]

Construction TAC Impacts
(Checklist Questions b and d)

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The maximally exposed individual (MEI) receptor to diesel particulate matter (DPM) and PM$_{2.5}$ concentrations during project construction would be a single-family residence approximately 80 feet south of the project site on Auzerais Avenue.

As shown in Table 4.3-1, under the BAAQMD CEQA Air Quality Guidelines, an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI would result in a significant impact. The BAAQMD CEQA Air Quality Guidelines consider exposure to annual PM$_{2.5}$ concentrations that exceed 0.3 $\mu$g/m$^3$ from a single source to be significant. Cancer risks that exceed 100 cases per million and annual PM$_{2.5}$ concentrations that exceed 0.8 $\mu$g/m$^3$ from cumulative sources are also significant. The BAAQMD significance threshold for non-cancer hazards is 1.0 hazard index.

The community health risk assessment prepared for the project included an evaluation of potential health effects to sensitive receptors at the nearby residences from construction emissions of PM$_{2.5}$, in accordance with General Plan Policy MS-11.2. Results of this assessment indicate that the maximum concentration of PM$_{2.5}$ during construction (which is based on combined exhaust and fugitive dust emissions) would be 0.2 $\mu$g/m$^3$, which is below the BAAQMD 0.3 $\mu$g/m$^3$ significance threshold.

Construction residential infant cancer risk would be 24.6 in one million (which is above the BAAQMD 10 excess cancer cases per million significance threshold) and residential adult cancer risk would be 0.4 in one million during construction activities. The DSAP EIR disclosed that sensitive receptors in the Park/San Carlos subarea (including the project site) may be exposed to substantial concentrations of TACs during construction. In accordance with GP Policy MS-13.1, the project would include construction equipment exhaust control measures to reduce construction TAC impacts on sensitive receptors. The mitigation measure below is project-specific and based on available construction information (which was not available at the time DSAP EIR was prepared).

Impact AIR-1: Emissions from diesel-operated construction equipment during project construction would result in significant health impacts to nearby sensitive receptors.

Mitigation Measures: Implementation of the following measure would reduce the impacts of construction emissions on sensitive receptors.

MM AIR-1: The project applicant shall develop a plan demonstrating that the off-road equipment used to construct the project would achieve a fleet-wide average 60 percent reduction in diesel particulate matter (DPM) emissions. Measures that can be implemented to achieve this reduction include, but are not limited to, the following:
• All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. Environmental Protection Agency (U.S. EPA) particulate matter emissions standards for Tier 2 engines or equivalent.

• All diesel-powered portable equipment (i.e., aerial lifts, air compressors, forklifts, generators, and welders) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

• Implementation of additional measures that reduce construction period DPM emissions such as the use of equipment with CARB-certified Level 3 Diesel Particulate Filters, alternatively-fueled equipment (i.e., non-diesel), and/or additional exhaust devices shall be considered.

The proposed plan to achieve a fleet-wide average 60 percent reduction in diesel particulate matter (DPM) emissions shall be submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.

Implementation of the above permit condition to reduce dust and exhaust emissions would reduce exhaust emissions by five percent and fugitive dust emissions by over 50 percent. Implementation of the above mitigation measure MM AIR-1, specifically the use of equipment that meets U.S. EPA particulate matter emissions standards for Tier 2 engines for equipment larger than 50 horsepower and Tier 4 engines (or the equivalent) for diesel-powered portable equipment, would further reduce on-site diesel exhaust emissions. Implementation of both of the above measures and permit conditions would reduce exhaust and fugitive dust emission and correspondingly reduce infant cancer risks of the MEI to five chances per million (which would be below the BAAQMD thresholds of greater than 10 per one million for cancer risk). The proposed project’s construction emissions would, therefore, have a less than significant impact on nearby sensitive receptors. [Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]

Cumulative Impact on Sensitive Receptors during Construction

In addition to construction of the proposed project, the stationary and roadway sources (shown in Tables 4.3-3 and 4.3-4 below) were considered to assess the combined effects of the TAC sources on nearby sensitive receptors. Based on the results shown in Table 4.3-3 below, the cumulative impact on the MEI during construction, from these sources combined would be less than significant. [Same Impact as Approved Project (Less than Significant Impact)]
Table 4.3-3: Combined Sources Impacts on Sensitive Receptors During Construction

<table>
<thead>
<tr>
<th>Source</th>
<th>Maximum Cancer Risk (per million)</th>
<th>PM$_{2.5}$ Concentration ($\mu$g/m$^3$)</th>
<th>Acute and Chronic Hazard (HI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Project Construction</td>
<td>24.6</td>
<td>0.2</td>
<td>0.03</td>
</tr>
<tr>
<td><strong>Roadway Sources</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 87 - 200 feet east</td>
<td>&lt;3.3</td>
<td>&lt;0.2</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>I-280 - 750 feet south</td>
<td>1.4</td>
<td>0.1</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>West San Carlos Street</td>
<td>&lt;2.0</td>
<td>&lt;0.1</td>
<td>&lt;0.03</td>
</tr>
<tr>
<td><strong>Stationary Sources</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diamond Cleaners (Plant 4234) - 398 W. San Carlos Street – 300 feet north</td>
<td>&lt;1.1</td>
<td>0.0</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td><strong>Combined Sources (Total)</strong></td>
<td>&lt;32.4</td>
<td>&lt;0.6</td>
<td>&lt;0.09</td>
</tr>
<tr>
<td><strong>BAAQMD Thresholds</strong></td>
<td>100</td>
<td>0.8</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Significant?</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

4.3.2.5 Odor Sources Generated from the Project
(Checklist Question e)

No new stationary odor sources are proposed as part of the proposed project; the project would not expose existing nearby sensitive receptors to new odor sources. Operation of construction equipment could create objectionable odors, however, due to localized and temporary nature of construction-related odors, construction of the project would not generate odors that would affect a substantial number of people. The project would, therefore, not result in any new or greater impacts than were previously identified in the DSAP EIR. [Same Impact as Approved Project (Less Than Significant Impact)]

4.3.2.6 Local Community Risks and Hazards Impacts to the Project
Toxic Air Contaminants
(Checklist Questions b and d)

General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution and the identification of measures or conditions or be located an adequate distance from sources to avoid significant risks to health and safety for future residents and users of the project. The analysis below discloses information on the project’s compliance with General Plan Policy MS-11.1. As described above in Section 4.3.2.1, the BAAQMD CEQA Air Quality Guidelines recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. A community health risk assessment was completed for the project site to identify TAC emission sources within 1,000 feet of the site and their impacts on the proposed project.
Roadway Analysis

West San Carlos Street is the only local roadway source of TAC emissions within 1,000 feet of the project site with traffic in excess of 10,000 average daily trips (ADT). West San Carlos Street, which is 240 feet north of the site, is an east-west directional roadway with 15,000 ADT. BAAQMD’s roadway screening analysis tool was used to assess potential excess cancer risk and annual PM$_{2.5}$ concentrations from West San Carlos Street. This tool allows predictions of cancer risk, non-cancer hazards and PM$_{2.5}$ concentrations based on the distance and orientation of the roadway. The estimated cancer risk at the portion of the site that is closest to West Carlos Street would be 2.0 per million and PM$_{2.5}$ concentration would be 0.1 µg/m$^3$, which would not exceed BAAQMD significance thresholds. The chronic or acute hazard index (HI) for the roadway would be below 0.03.

Highway TAC Analysis

SR 87 and Interstate 280 (I-280) are highways within 1,000 feet of the site and have an ADT in excess of 10,000. Refined modeling was completed to evaluate potential cancer risks and PM$_{2.5}$ concentrations from traffic on these highways. The refined analysis included developing traffic emissions for the traffic volume and mix of vehicle types on SR 87 and I-280. These estimated emissions were used as input to an atmospheric dispersion model for roadways, to estimate TAC and PM$_{2.5}$ concentrations in the residential section of the proposed project.

SR 87 is about 200 feet east of the project site and has approximately 111,000 ADT. The maximum increased lifetime cancer risk, annual PM$_{2.5}$ concentration, and non-cancer health risk (HI) for new residents at the project site are 3.3 chances per million, 0.2 µg/m$^3$, and less than 0.01 HI, respectively. The estimated cancer risk, PM$_{2.5}$ concentration, and non-cancer risk to future project site residents are below their respective BAAQMD significance thresholds.

I-280 is about 750 feet south of the project site and has approximately 191,000 ADT. The maximum increased lifetime cancer risk, annual PM2.5 concentration, and non-cancer health risk (HI) for new residents at the project site are 1.4 chances per million, 0.12 µg/m$^3$, and less than 0.01 HI, respectively. The estimated cancer risk, PM$_{2.5}$ concentration, and non-cancer risk to future project site residents are below their respective BAAQMD significance thresholds.

Stationary TAC Analysis

Permitted stationary sources of air pollution within 1,000 feet of the project site were identified using BAAQMD’s Stationary Source Risk & Hazard Analysis Tools. Diamond Cleaners (Plant 4234) is approximately 300 feet north of the site and was identified as a stationary TAC source. Based on BAAQMD’s screening tools, this facility would result in an adjusted lifetime cancer risk of 1.1 in one million, 0.0 µg/m$^3$ PM$_{2.5}$ concentration, and a less than 0.01 hazard index, which would all be below BAAQMD thresholds of significance to future project site residents.

Cumulative TAC Risk

Cumulative TAC impacts to project sensitive receptors were evaluated by adding the cancer risk, PM$_{2.5}$ concentrations, and Hazard Index from each TAC source within 1,000 feet of the project site.
and comparing those to the BAAQMD CEQA Air Quality Guidelines significance thresholds for cumulative sources. Predicted cumulative community risk is as follows: 7.8 cancer risk cases per million, 0.4 μg/m³ annual PM$_{2.5}$, and less than 0.06 acute or chronic hazard index. All of these levels are below the BAAQMD CEQA Air Quality Guidelines significance thresholds of 100 per million cancer risk, 0.8 μg/m³ annual PM$_{2.5}$, and 10.0 hazard index.

Table 4.3-4, below, summarizes the TAC exposure risks to future residents of the site.

<table>
<thead>
<tr>
<th>Source</th>
<th>Cancer Risk (at project site)</th>
<th>PM$_{2.5}$</th>
<th>Non-Cancer Hazard Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 87 - 200 feet east</td>
<td>3.3</td>
<td>0.2</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>I 280 – 750 feet south</td>
<td>1.4</td>
<td>0.1</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>West San Carlos Street</td>
<td>2.0</td>
<td>0.1</td>
<td>&lt;0.03</td>
</tr>
<tr>
<td>Diamond Cleaners (Plant 4234) - 398 W. San Carlos Street - 300 feet north</td>
<td>1.1</td>
<td>0.0</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7.8</strong></td>
<td><strong>0.4</strong></td>
<td><strong>&lt;0.06</strong></td>
</tr>
</tbody>
</table>

**BAAQMD Single-Source Threshold**  
10 in one million  
0.3 μg/m³  
1.0  
**Above Threshold?**  
No  
No  
No

**BAAQMD Cumulative Source Threshold**  
100 in one million  
0.8 μg/m³  
10.0  
**Above Threshold?**  
No  
No  
No

Notes: The cumulative analysis of local community risks and hazards is included in Section 4.18.2 Cumulative Impacts.

Residents of the project site would not be exposed to an increased lifetime cancer risk of greater than 10.0 cases per million, annual PM$_{2.5}$ concentrations in excess of 0.3 μg/m³, or a non-cancer hazard risk of greater than 1.0 per single source. Future residents of the project site would not be exposed to substantial pollutant concentrations exceeding the thresholds of significance for TACs as analyzed in the health risk assessment prepared for the project pursuant to the policies of the 2040 General Plan as identified in the General Plan EIR.

**Impacts of Odor Sources on the Project**

General Plan Policy MS-12.2 requires new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. According to the General Plan EIR, there are no potential odor sources in the Central/Downtown Planning Area (including the Downtown Strategy 2000 Plan area). The proposed residential development is, therefore, not be within the screening distance of existing odor sources established by BAAQMD.
4.3.3 Conclusion

Consistent with the General Plan EIR, Downtown Strategy 2000 Plan EIR, and DSAP EIR, the implementation of the proposed project would not conflict with an applicable air quality plan (i.e., the BAAQMD 2017 Clean Air Plan).  [Same Impact as Approved Project (Less Than Significant Impact)]

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

With the implementation of the above permit conditions to reduce PM$_{2.5}$ and exhaust emissions during construction, the project would not result in a significant TAC impact on sensitive receptors near the project site.  [Same Impact as Approved Project (Less Than Significant Impact)]

Consistent with the General Plan EIR, Downtown Strategy 2000 Plan EIR, and DSAP EIR, the project would not generate objectionable odors affecting a substantial number of people.  [Same Impact as Approved Project (Less Than Significant Impact)]
4.4 BIOLOGICAL RESOURCES

The following section is based, in part, on a Tree Report prepared by Hort Science, Inc. in December 2017. The copy of this report is attached as Appendix B to this Initial Study/Addendum.

4.4.1 Environmental Setting

4.4.1.1 Regulatory Framework

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (SCVHP) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres in southern Santa Clara County. The SCVHP is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The SCVHP identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is both to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities as well as to enhance the long term viability of endangered species. Species of concern include, but are not limited to, the California tiger salamander, California red-legged frog, western burrowing owl, Bay checkerspot butterfly, and numerous plant species endemic to serpentine grassland and scrub.

The proposed project is located within the SCVHP study area and is designated as Urban-Suburban. Urban-Suburban land comprises areas where natural vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and has a density of one or more structures per 2.5 acres. The project site is not identified as important habitat for endangered and threatened species in the SCVHP. The SCVHP designations pertinent to this project are listed in Section 2.7 of this Initial Study/Addendum.

Nitrogen Deposition Fee

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

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

City of San José Tree Removal Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Tree removal or modifications to all trees on public right-of-way (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the Department of Transportation.

Envision San José 2040 General Plan

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

<table>
<thead>
<tr>
<th>General Plan Policies: Biological Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Migratory Birds</strong></td>
</tr>
<tr>
<td><strong>Policy ER-5.1</strong></td>
</tr>
<tr>
<td>Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.</td>
</tr>
<tr>
<td><strong>Policy ER-5.2</strong></td>
</tr>
<tr>
<td>Require that development projects incorporate measures to avoid impacts to nesting migratory birds. This shall include requiring pre-construction surveys for nesting birds prior to grading permit issuance for projects that disturb trees and begin construction during the nesting season (February 1 and August 31). Pre-construction surveys for nesting birds will be conducted by a qualified biologist within onsite trees as well as all trees within 250 feet of the site. The survey will occur within 14 days of the onset of construction. If pre-construction surveys locate active nests within or near construction zones, these nests, and an approved buffer around them (as determined by a qualified biologist), will remain off-limits to construction until the nestling/chicks have fledged and are no longer dependent on the nest.</td>
</tr>
</tbody>
</table>
### General Plan Policies: Biological Resources

<table>
<thead>
<tr>
<th><strong>Urban Natural Interface</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy ER-6.5</strong></td>
<td>Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Community Forest</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy MS-21.4</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Policy MS-21.5</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Policy MS-21.6</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Policy MS-21.7</strong></td>
<td>Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.</td>
</tr>
</tbody>
</table>

#### 4.4.1.2 Existing Conditions

The project site is located in a developed, urban area in Downtown San José. One single-family residence and a commercial building are located on the project site. No sensitive habitats or wetlands are on or adjacent to the project site. The nearest waterways to the site are Los Gatos Creek and the Guadalupe River, approximately 0.2 miles northeast and west of the project site, respectively. Habitat in developed areas, such as the project site, are extremely low in species diversity. Species using developed habitat are predominantly urban adapted birds and animals, such as doves, squirrels, and domestic and feral cats. Rare, threatened, endangered and sensitive plants, animals and natural communities are not expected or likely to occur on the project site.

### Existing 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.
A tree survey was performed on the project site by HortScience, Inc., and trees on the project site were identified and evaluated through a visual assessment. Fourteen (14) trees were evaluated, 11 located on-site, one street tree along Auzerais Avenue, and two located off-site and embedded in the fence along the west property line. The trees surveyed included one London plane (street tree), seven trees of heaven, one orange, three Siberian elms, and two Japanese loquats. No species was identified as being native to the San José area. All species were common landscape trees. Ten (10) trees were ordinance size.\(^6\) The species, size, and condition of the surveyed trees is shown in Table 4.4-1. An aerial photograph showing the location of each tree is included in Appendix B.

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>Tree Species</th>
<th>Trunk Diameter (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>180*</td>
<td>London plane</td>
<td>25</td>
</tr>
<tr>
<td>181</td>
<td>Orange</td>
<td>11</td>
</tr>
<tr>
<td>182**</td>
<td>Tree of heaven</td>
<td>19, 8</td>
</tr>
<tr>
<td>183**</td>
<td>Tree of heaven</td>
<td>15</td>
</tr>
<tr>
<td>184</td>
<td>Tree of heaven</td>
<td>24</td>
</tr>
<tr>
<td>185</td>
<td>Siberian elm</td>
<td>21</td>
</tr>
<tr>
<td>186</td>
<td>Tree heaven</td>
<td>16</td>
</tr>
<tr>
<td>187</td>
<td>Siberian elm</td>
<td>36</td>
</tr>
<tr>
<td>188</td>
<td>Siberian elm</td>
<td>7, 6, 5, 4</td>
</tr>
<tr>
<td>189</td>
<td>Tree of heaven</td>
<td>33</td>
</tr>
<tr>
<td>190</td>
<td>Tree of heaven</td>
<td>16</td>
</tr>
<tr>
<td>191</td>
<td>Japanese loquat</td>
<td>10, 9</td>
</tr>
<tr>
<td>192</td>
<td>Japanese loquat</td>
<td>11, 8</td>
</tr>
<tr>
<td>193</td>
<td>Tree of heaven</td>
<td>22</td>
</tr>
</tbody>
</table>

Notes:
\(^*\)Street Tree
\(^**\)Off-site tree
**Bold** = Ordinance-sized tree (Tree trunks 18 inches or greater in diameter)

\(^6\) The City of San José defines “ordinance sized trees” as any live or dead woody perennial plant having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height measured 24 inches above natural grade slope (San José Municipal Code 13.32.20.1).
### Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact</th>
<th>New Less Than Significant Impact With Mitigation Incorporated</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4, 12</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,4, 13</td>
</tr>
</tbody>
</table>
The Downtown Strategy 2000 EIR concluded that with implementation of mitigation measures, future development under the Downtown Strategy 2000 Plan would have a less than significant impact on vegetation and wildlife.

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

The DSAP EIR concluded that with implementation of General Plan policies and existing regulations, future development under the DSAP would not result in a significant impact to sensitive riparian and aquatic habitat. With implementation of the measures described in the DSAP EIR for the protection of trees, development under the DSAP would not result in a significant impact to community trees. The measures described in the DSAP would also reduce the impacts on special status species, nesting raptors, and migratory birds to a less than significant level. Additionally, buildout of the DSAP would not significantly impact wildlife migration corridors and would not conflict with the SCVHP. The proposed project would not result in any new or more significant impacts to biological resources than identified in the DSAP EIR.

4.4.2.1 Impacts to Special Status Species
(Checklist Question a)

The project site has been developed since 1891 and is currently developed with a single-family residence and a commercial building. Because of the long history of development and disturbance on-site, no natural or sensitive habitats supporting endangered, threatened, or special status wildlife species occur on-site. There are no riparian, wetland, or aquatic areas on or adjacent to the site. The impact of the project on the site’s developed habitat would be less than significant due to the relatively low value of this habitat for biological resources.

Nesting Raptors and Birds

As disclosed in the General Plan, Downtown Strategy 2000 and DSAP EIRs, raptor species such as the red-tail hawk, red-shouldered hawk, and Cooper’s hawk could nest in larger trees and forage in the riparian corridor and nearby open space areas. There are no riparian areas on the project site. The nearest waterways to the site are the Guadalupe River and Los Gatos Creeks, approximately 0.2 miles in distance from the site. There are mature trees currently located on the site.

Any construction related disturbances that result in nest abandonment or other forms of harm or injury to nesting birds that occur on or near the site would be considered a significant impact. In fact, per the Migratory Bird Treaty Act, all raptors and most bird species are protected while breeding. Therefore, pre-construction surveys for nesting raptors and other protected birds should be completed.
prior to any disturbances that occur during the nesting season to ensure that birds are not harmed, injured, or killed as a result of a project. Mitigation for the loss of habitat would not be required as the site itself supports only low quality foraging habitat for these species due to its lack of a suitable prey base, small size, and high level of disturbance. The above previously approved EIRs addressed impacts to nesting raptors and concluded that such impacts would be significant. In compliance with General Plan Policies ER-5.1 and ER-5.2, the project shall include identified measures in the DSAP EIR to reduce nesting raptor impacts to a less than significant level. The following mitigation measure is consistent with those measures and will be implemented by the project:

**Impact BIO-1:** If project demolition and tree removals occur during breeding season, the project could result in a significant impact to nesting raptors. *(Significant Impact)*

**Mitigation Measures:** With the implementation of the following measures disclosed in the DSAP EIR, in conformance with the CDFW Code and provisions of the Migratory Bird Treaty Act and General Plan Policies ER-5.1 and ER-5.2, the project would avoid impacts to nesting raptors or reduce impacts on nesting raptors to a less than significant level:

**MM BIO-1:** Tree removal and construction shall be scheduled 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 avoidance of the nesting season is not possible, a qualified ornithologist shall complete a pre-construction survey to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/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), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers, and as determined by the ornithologist. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW) to ensure that raptor and/or migratory bird nests will not be disturbed during project construction.

The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of any grading or building permit. *[Same as Approved Project (Less than Significant Impact with Mitigation)]*

**Roosting Bats**

Several species of bats, including the pallid bat, a California species of special concern, have the potential to roost in older buildings and large trees within the project area. If bats are day roosting in trees within the project area or the on-site buildings, the removal of the trees and buildings would
result in injury or mortality of individual bats. Construction activities in proximity to active roosts may cause roost abandonment. If this abandonment occurs during daylight hours, bats would be subject to high predation risk, and mortality of young in the roost. The loss of individual bats or a maternity roost site would be a significant impact. Implementation of the following pre-demolition survey would avoid bat impacts. The measures below are identified in the DSAP EIR and are consistent with current City’s requirements for all projects in San José that could affect bats.

**Impact BIO-2:** Project demolition of old buildings and/or mature trees could result in a significant impact to bats. *(Significant Impact)*

**Mitigation Measures:** Implementation of the following measures identified in the DSAP EIR would reduce project impacts to roosting bats to a less than significant level:

**MM BIO-2:** Pre-demolition surveys for roosting bats shall be completed by a qualified biologist no more than 30 days prior to any building demolition activities. If a colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a qualified bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony.

If any active bat nurseries are found within construction areas, CDFW shall be notified. Construction-free zones may be required around the bat nursery. If permitted by CDFW, the bats may be removed from the buildings or trees by a bat biologist until demolition is complete.

A biologist report outlining the results of pre-construction surveys and any recommended buffer zones shall be submitted to the satisfaction of the City’s Supervising Environmental Planner prior to the issuance of any grading, building, or tree removal permit. *(Same Impact as Approved Project (Less Than Significant Impact with Mitigation))*

**4.4.2.2 Impacts to Sensitive Habitats**

*(Checklist Questions b and c)*

The project would remove nine existing trees in which raptors and/or migratory birds could nest and/or forage.

The project site is located in Downtown San José, a developed, urban area. There are no streams, creeks, waterways or wetlands located on or adjacent to the site. The nearest waterway to the site is the Guadalupe River, located approximately 0.2 miles east of the site. Los Gatos Creek is located approximately 0.24 miles west of the site. Therefore, redevelopment of the site would not directly impact riparian habitat or other sensitive natural communities. *(Same Impact as Approved Project (Less Than Significant Impact))*

**4.4.2.3 Impacts to Wildlife Movement and Nursery Sites**

*(Checklist Question d)*

The project site is located in Downtown San José, a developed, urban area. The site does not serve as a wildlife corridor. Except for the possibility of nesting raptors or birds and bats (see above), the
The site does not contain a native wildlife nursery. As discussed above, mitigation measures are included in the project to reduce impacts to nesting raptors or birds and bats to a less than significant level. For these reasons, redevelopment of the site with the proposed residential project would not interfere with the movement of native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. [Same Impact as Approved Project (Less than Significant Impact)]

4.4.2.4 Impacts to Trees
(Checklist Question e)

As discussed in Section 4.4.1.2 Existing Conditions, 14 existing trees were evaluated, 11 located on-site, one street tree on Auzerais Avenue, and two located on the property to the west of the site. Eight of the 11 trees on-site trees, one of the two adjacent trees, and the street tree on Auzerais Avenue are ordinance-sized trees. A total of nine trees, all of which are located on-site, would be removed as a part of the proposed project. Six of the trees proposed for removal are ordinance-sized trees. The two trees along the adjacent property line, street tree along Auzerais Avenue, and two ordinance-sized on-site Siberian elm trees would be preserved for the duration of the project.

Consistent with the Envision San José 2040 General Plan, trees removed by the project will be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Municipal Code
  - Section 13.28 (Street Trees)
  - Section 13.32 (Tree Protection Controls)
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Standard Permit Conditions: Consistent with the requirements for future development under the DSAP EIR, the following standard measures would be implemented:

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

<table>
<thead>
<tr>
<th>Diameter of Tree to be Removed</th>
<th>Type of Tree to be Removed</th>
<th>Minimum Size of Each Replacement Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 inches or more</td>
<td>Native: 5:1, Non-Native: 4:1, Orchard: 3:1</td>
<td>24-inch box</td>
</tr>
<tr>
<td>12 - 18 inches</td>
<td>Native: 3:1, Non-Native: 2:1</td>
<td>none</td>
</tr>
<tr>
<td>Less than 12 inches</td>
<td>Native: 1:1, Non-Native: 1:1</td>
<td>none</td>
</tr>
</tbody>
</table>

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

The species of trees to be planted shall 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 required number of replacement trees,
one or more of the following measures will be implemented, to the satisfaction of the City’s Supervising Environmental Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.

- An alternative site will be identified by the City of San José Parks, Recreation and Neighborhood Services Department for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- The applicant shall make a donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

All of the trees proposed for removal are non-native trees. The removal of the nine trees would require a total of 29 replacement trees to be planted on the site, including 24 replacement trees for the removal of six ordinance-sized trees, four replacement trees for the removal of two non-ordinance trees with diameters between 12 and 18 inches, and one replacement tree for the removal of one non-native with a diameter of less than 12 inches. [Same as Approved Project (Less than Significant Impact)]

Tree Protection Plan

The two trees of heaven (one is ordinance-sized) along the adjacent property line (tree numbers 182 and 183), an ordinance-sized street tree along Auzerais Avenue (tree number 180), and two ordinance-sized on-site Siberian elm trees (tree numbers 185 and 187) would be preserved for the duration of the project.

The project proposes to include tree protection measures specifically for the trees proposed to be preserved. As disclosed in the DSAP EIR and General Plan EIR, development within the General Plan and DSAP areas could result in direct and indirect impacts to the City’s community forest, which consists of the ornamental trees, stands of native trees, and remnant orchard trees in developed areas of the City of San José. The implementation of the measures below would protect the trees proposed for preservation and are consistent with the tree preservation and protection measures identified in the Section 4.7.3.3 of the DSAP EIR and General Plan Policy MS-21.5, which requires projects to avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Consistent with the conclusions of the DSAP EIR and General Plan EIR, the implementation of these measures, General Plan policies, and existing regulations in the City’s Municipal Code, would reduce the project’s impact on the trees proposed for preservation to a less than significant level.
Standard Permit Conditions: Implementation of the following tree protection measures, identified in the DSAP EIR and consistent with General Plan Policy MS-21.5, would reduce construction impacts to the preserved trees to a less than significant level:

Pre-construction Treatments

- Retain a consulting arborist to discuss work procedures and tree protection with the construction superintendent before beginning work.

- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing, or grading. Fences shall be six feet tall and chain link, or equivalent, as approved by the consulting arborist. Fences are to remain until all grading and construction is completed.

- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During Construction

- Prohibit grading, construction, demolition or other work within the TREE PROTECTION ZONE. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.

- Any root pruning required during construction shall receive the prior approval of, and be supervised by, the consulting arborist.

- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.

- Apply supplemental irrigation to trees as determined by the consulting arborist.

- If injury should occur to any tree during construction, the consulting arborist shall evaluate the trees as soon as possible so that appropriate treatments can be applied.

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

4.4.2.5 Santa Clara Valley Habitat Plan
(Checklist Question f)

The project will not be subject to any land cover fee given the current developed nature of the site and its designation as Urban-Suburban land in the SCVHP.
Nitrogen Deposition Impacts on Serpentine Habitat

All development covered by the SCVHP is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the SCVHP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the SCVHP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species.

**Standard Permit Conditions:** The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permit. The project applicant shall submit a SCVHP Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

Through payment of the SCVHP fee for nitrogen deposition, as outlined in the standard permit condition above, the project’s contribution to cumulative nitrogen deposition impacts will be rendered less than cumulatively considerable. [Same Impact as Approved Project (Less than Significant Impact)]

4.4.3 Conclusion

The proposed project, with the implementation of the above mitigation measures and standard permit conditions, would not result in any new or more significant impacts to biological resources than those addressed in the certified DSAP EIR and General Plan EIR. [Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]
4.5 CULTURAL RESOURCES

The following discussion is based, in part, upon two historic evaluations and an archaeological literature review. One historic evaluation is for the 425 Auzerais Avenue building and was prepared by Archaeological Resource Management in February 2017. The other historic evaluation is for the 383 Delmas Avenue building and was prepared by Archives & Architecture in June 2017. The historic evaluations are included as Appendix C to this Initial Study/Addendum.

The archaeological literature review was prepared by Holman & Associates in September of 2015 for parcels (i.e., APNs 264-26-006, 007, 008, and 009), which are located immediately adjacent to the project site. The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study/Addendum. Qualified personnel, however, may request a copy of the report from the City’s Planning Division located at 200 East Santa Clara Street, Floor 3 during normal business hours.

4.5.1 Environmental Setting

4.5.1.1 Regulatory Framework

National Register of Historic Places

The National Register of Historic Places (National Register) is the nation’s most comprehensive list of historic resources. This list includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, state, and national level. 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 Registration Form, the four criteria include:

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.

Second, for a property to qualify under the National Register’s Criteria for Evaluation, it must also retain historic integrity of those features necessary to convey its significance. While a property’s significance relates to its role within a specific historic context, its integrity refers to a property’s physical features and how they relate to its significance. To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:
1. Location – the place where the historic property was constructed or the place where the historic event occurred;
2. Design – the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting – the physical environment of a historic property;
4. Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling – a property’s expression of the aesthetic or historic sense of a particular period of time; and
7. Association – the direct link between an important historic event or person and a historic property.

There are no National Register listed or eligible resources on or in the vicinity of the project site.

California Register of Historic Resources

The California Register of Historic Resources (CRHR) establishes a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). The California Office of Historic Preservation’s Technical Assistance Series #6, California Register and National Register: A Comparison, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and state significance. The context types include the following:

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;
2. It is associated with the lives of persons important to local, California, or national history;
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.

No California Register listed or eligible resources are present on or in the vicinity of the project site.

Assembly Bill (AB) 52

California Assembly Bill (AB) 52 was approved by the Governor on September 25, 2014. It adds a new category of resources to CEQA that must be considered during project planning – Tribal Cultural Resources. It also establishes a framework and timeline for consultation. AB 52 applies to projects that have a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015.

AB 52 requires lead agencies to conduct 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.

City of San José Historic Resources Inventory

The Historic Resources Inventory (HRI) is an inventory of San José’s historically and architecturally significant buildings. According to 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).

Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The “Historic Evaluation Sheet” requires resources to be
rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into two categories:

- Potential Historic Resource (evaluate for possible status as a City Landmark/California Register resource)
- Non-significant structure

According to the City of San José’s Guide to Historic Reports, a City Landmark is “a significant historic resource” having the potential for landmark designation as defined in the Historic Preservation Ordinance. The City defines a Structure of Merit as a, “structure determined to be a resource through evaluation by the Historic Landmarks Commission’s Historic Evaluation Criteria and which preservation should be a high priority."

Draft San José Downtown Historic Design Guidelines

The Draft Downtown San José Historic Resources Design Guidelines (2004) apply to the Downtown Core. The project site is located in the Downtown Core, which is roughly bounded by Julian Street to the north, Fourth Street to the east, I 280 to the south, and SR 87 to the west. These Guidelines address development projects that include rehabilitation of historic resources and infill projects located within the immediate vicinity of City Landmarks. The proposed project would not rehabilitate a historic resource and is not located in the immediate vicinity of a City Landmark. Therefore, the guidelines are not applicable.

Envision San José 2040 General Plan

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

<table>
<thead>
<tr>
<th>General Plan Policies: Cultural Resource Impacts</th>
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</thead>
<tbody>
<tr>
<td><strong>Archaeology and Paleontology</strong></td>
</tr>
<tr>
<td>Policy ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.</td>
</tr>
<tr>
<td>Policy ER-10.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.</td>
</tr>
</tbody>
</table>
General Plan Policies: Cultural Resource Impacts

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ER-10.3</td>
<td>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.</td>
</tr>
<tr>
<td>LU-14.2</td>
<td>Give high priority to the preservation of historic structures that contribute to an informal cluster or a Conservation Area; have a special value in the community; are a good fit for preservation within a new project; have a compelling design and/or an important designer; etc.</td>
</tr>
<tr>
<td>LU-14.4</td>
<td>Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.</td>
</tr>
<tr>
<td>LU-14.6</td>
<td>Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process. As development proposals are submitted, evaluate the significance of structures, complete non-Historic American Building Survey level of documentation, list qualifying structures on the Historic Resources Inventory, and consider the feasibility of incorporating structures into the development proposal, particularly those structures that contribute to the fabric of Conservation Areas.</td>
</tr>
</tbody>
</table>

4.5.1.2 Existing Conditions

Historic Resources

The 383 Delmas Avenue residence (APN 264-26-013) and 425 Auzerais Avenue commercial building (APN 264-26-088) on-site are more than 45 years of age. The structures are not currently listed on the San José Historic Resources Inventory, nor have they been evaluated as part of a local historic resource survey conducted by the City of San José or other agency that has been filed with the State Office of Historic Preservation.

Historic evaluations were completed for the structures at 383 Delmas Avenue and 425 Auzerais Avenue to determine if the buildings are eligible to be listed the National Register, California Register, or the City’s Historic Resources Inventory.

383 Delmas Avenue

The 383 Delmas Avenue residence (APN 264-26-013) is a one-story vernacular single-family residence constructed in 1870 on another property. The residence was moved onto the project site in the late 1880s. The original owners are not known, but were likely members of the Francois Jules Sauffrignon family who developed a number of properties on this block (as rentals) during the 1880s-1890s. It was later acquired by Ira and Dora Fox during the early 20th century, who were most likely responsible for the original modifications to the property. The front porch was reworked from the original configuration, and a rear addition and inclusion of angled bay windows on the front façade and north elevation was completed.
This residential building is not individually representative in its current state of recognized patterns of historical and/or cultural importance within the City of San José, and would therefore, not qualify for the California Register under Criterion 1. The later owners during the 1950s and later were Joseph and Mary Slama. No identified residents are known as potentially significant personages. The property therefore would not qualify for the California Register under Criterion 2.

The residence has a reduced level of historic integrity, having a replacement front porch, rear addition, and it has lost its original doors and windows. The building is not distinctive in its current form within the context of residential architecture from this early period, and would, therefore, not qualify for the California Register under Criterion 3.

The structure scores 16.48 using the City of San José’s Evaluation Rating System, and would not qualify for listing on the San José Historic Resources Inventory. The property does not meet any of the criteria for nomination or designation as a City of San José Historic Landmark.

425 Auzerais Avenue

The commercial structure at 425 Auzerais Avenue was constructed in 1963 (City of San José Building Permit #41193). The structure is a two story Mid Century Modernist style building in good condition. Midcentury Modernism was a post-WWII style which emerged during the late 1940’s. In October, 1960 the property was purchased by Albert T. and Hazel M. Eggen. The property was occupied by San Jose Glass Company in 1963, the year the commercial structure was constructed. By 1981, the property was listed as the location of San Jose Glass Inc. and San Jose Auto Glass. Both companies continued to operate out of the building until 1991, when San Jose Glass Inc. was again listed alone. From 1993 to 2000, the address was listed as the location of Vince’s Garage. In 2001 the property was listed under one of the owner’s name: Albert Eggen. From 2002 to 2004 the property was the location of CET Automotive Training. Between 2004 and 2014, no listings were given for the property. The current tenants (the School of Visual Philosophy) have operated out of the structure for the past two years. The property remains under the ownership of the Eggen Family, having been placed in a family trust in 1987.

The 425 Auzerais Avenue commercial structure is not considered eligible for inclusion in the California Register. The structure is not associated with significant events and thus is not eligible for listing under Criterion 1 (California Register) or A (National Register). The structure is not associated with historically significant persons and is, therefore, not considered eligible for inclusion under Criterion 2 (California Register) or B (National Register). The structure is a good example of Mid Century Modernist architecture; however, it is not considered a significant enough example of this style to be considered eligible for listing under Criterion 3 (California Register) or Criterion C (National Register). The structure does not yield information important to history, and is, therefore, not considered eligible for listing under Criterion 4 (California Register) or Criterion D (National Register).

Based on the historic evaluation, the commercial structure is not eligible for listing in the San José Historic Resource Inventory. The structure received a point score of 28.66 identifying it as a non-significant structure.
Archaeological Resources

Based on the General Plan archaeological sensitivity map of the City, the project site is in an archaeological sensitive area where Native American Villages were present. As discussed in the DSAP and Downtown Strategy 2000 EIRs, the archaeological (subsurface) sensitivity is moderate to high in the project site due to its proximity to Los Gatos Creek and Guadalupe River. There are seven recorded prehistoric sites within the Downtown Core, including a significant village site located approximately 0.5 miles east of the DSAP area and five sites in the College Park neighborhood, north of the DSAP area. Based on information review for the proposed project, no Native American sites have been identified in or adjacent to the DSAP Plan area.

There are two recorded historic era archaeological sites within the Plan area. The potential for additional buried historic resources is high due to the past residential and commercial uses in the area. Such deposits may include trash pits, wells, foundations, privies, or other structural remnants of former businesses and homes. At the same time, it is probable that prior disturbance from grading, excavation, filling, and other construction and development activities over the past 100 years may have impacted the integrity of any such deposits.

Paleontological Resources

Paleontological resources comprise fossils\(^7\), together with the geologic context in which they occur.\(^8\) The project site, along with the majority of the City of San José, is within an area of high paleontological sensitivity at depth.

Tribal Resources

AB 52 requires lead agencies to conduct 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 except for in Coyote Valley (approximately 12 miles southeast of the site).

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\(^7\) The remains or traces of once-living organisms preserved in sedimentary deposits.

\(^8\) City of San José. *Paleontological Evaluation Report for the Envision San José 2040 General Plan.*
### 4.5.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact</th>
<th>New Less Than Significant Impact With Mitigation Incorporated</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3,14, 15</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?</td>
<td>☐</td>
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<td>☒</td>
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<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
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<td>☐</td>
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<td>1,2,3,25</td>
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<tr>
<td>e) Cause a substantial adverse change in the significance of a tribal cultural resources, 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:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<td>1,2,3,25</td>
</tr>
<tr>
<td>1. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
<td>☐</td>
<td>☐</td>
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</table>
Would the project:

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 the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
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<td>2.</td>
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<td>☐</td>
<td>1,2,3,25</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs - Cultural Resources Conclusions**

As described in the DSAP EIR, development under the DSAP would not result in significant disturbance of buried materials, including archaeological and paleontological resources, nor would it result in a significant impact to historic resources with the implementation of General Plan policies and existing regulations. These conclusions are consistent with the General Plan EIR.

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

**4.5.2.1 Impacts to Historic Resources**

*(Checklist Question a)*

A resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the National Register, California Register, or as a City Landmark on the City’s Historic Resources Inventory (HRI).

Given that the residence at 383 Delmas Avenue and commercial building at 425 Auzerais Avenue are more than 45 years of age, historic evaluations were completed for these structures, which are included as Appendix C to this Initial Study/Addendum. Consistent with the DSAP EIR’s requirement for supplemental review of potentially historic structures, the evaluations included a
review of the San José Historic Resources Inventory and preparation of the Department of Parks and Recreation 523 forms by qualified architectural historians to determine if the property meets the CEQA definition of a historic resource.

Based on the historic evaluations, the 383 Delmas Avenue residence and 425 Auzerais Avenue commercial structure are not considered eligible for listing on the National Register, California Register, or the City’s HRI. The structures are, therefore, not considered historic resources. The project site is not adjacent to any known historic resources. For these reasons, the project would not have a significant impact on historic resources. [Same Impact as Approved Project (Less Than Significant Impact)]

4.5.2.2 Impacts to Archaeological Resources (Checklist Questions b and d)

Based on the DSAP and Downtown Strategy 2000 EIRs, the project site has a high potential for Native American prehistoric archaeological deposits or cultural materials. Implementation of the proposed project would require excavation to approximately eight feet below the ground surface for the below-grade portion of the parking level, which may result in the loss of as yet unknown subsurface resources on the project site. The proposed project would not include excavation outside of the DSAP area.

**Standard Permit Conditions:** The following measures would apply to the proposed project during construction to reduce and avoid impacts to as yet unidentified archaeological resources:

- **Stop Work and Evaluate Unanticipated Finds.** If buried cultural deposits are encountered during project activities, all work within 50 feet of the find should be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation will be submitted to the NWIC.

  If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Avoidance may be accomplished through redesign, conservation easements, or site capping.

  If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.

- **Follow Statutory Procedures if Human Remains are Encountered.** Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a
determination as to whether the remains are Native American. If the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) who shall attempt to identify descendants of the deceased Native American to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist should recover scientifically valuable information, as appropriate and in accordance with the recommendations of the Native Americans. Upon completion of analysis, as appropriate, the archaeologist will prepare a report documenting the methods and results of the investigation. This report will be submitted to the NWIC.

If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Given that the project site is mapped within an archaeologically sensitive area and use of the project area dates back to the late 1800s, a field inspection would be completed by a qualified archaeologist after the project site has been cleared, and the following measures are included in the project:

- If no resources are discovered, the consulting archaeologist shall submit a report to the City’s Environmental Principal Planner verifying that the required field inspection occurred and that no further mitigation is necessary.

- If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. In the event that human remains are found, the project shall comply with the procedures set forth by Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California.

- After evaluation of the deposits for determination of significance as defined by CEQA guidelines, the archaeologist shall submit a report(s) describing the testing program and subsequent results, to the satisfaction of the City’s Supervising Environmental Planner. The report(s) shall identify any program mitigation that the developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).

- A final report verifying completion of the mitigation program shall be submitted to the City’s Supervising Environmental Planner for approval prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources.

With implementation of the measures included in the DSAP EIR and General Plan policies, as standard permit conditions, the proposed project would not result in a significant impact to archaeological resources. This conclusion is consistent with the analysis in the DSAP EIR and complies with the General Plan as addressed in the General Plan EIR. [Same as Approved Project (Less than Significant Impact)]
4.5.2.3  Impacts to Paleontological Resources
(Checklist Question c)

Development of the project site has a low potential to impact undiscovered paleontological resources, based on the age and type of surface soils. It is possible, however, that deeper soils may contain older Pleistocene sediments, which have a higher sensitivity for paleontological materials. Since the project includes the excavation to eight feet below grade for parking, the project has the potential for encountering paleontological deposits during construction. Construction activities may result in the accidental destruction or disturbance of paleontological resources, which could convey important information. Although not anticipated, construction activities associated with implementation of the proposed project could result in a significant impact to paleontological resources, if encountered.

The project would only include excavation within the DSAP area.

Standard Permit Conditions: The following measures would apply to the proposed project during construction to reduce and avoid impacts to as yet unidentified paleontological resources:

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

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

With implementation of the above standard measures and General Plan policies, as standard permit conditions the proposed project would not result in a significant impact to paleontological resources. This conclusion is consistent with the analysis in the DSAP EIR and complies with the General Plan as addressed in the General Plan EIR. [Same as Approved Project (Less than Significant Impact)]

4.5.2.4  Impacts to Tribal Resources
(Checklist Question e)

Assembly Bill (AB) 52 requires lead agencies to conduct 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 except for in Coyote Valley (approximately 12 miles southeast of the site). Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources.

Additionally, notification letters were re-sent via certified mail to the Native American Heritage Commission identified tribal contacts on September 5, 2017. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes. [Same as Approved Project (Less than Significant Impact)]

4.5.3 Conclusion

With implementation of the measures included in the DSAP EIR and General Plan policies, as standard permit conditions the proposed project would not result in any new or more significant impacts to historic, archaeological, paleontological, or tribal resources than addressed in the DSAP EIR, Downtown Strategy 2000 EIR and General Plan EIR. [Same Impact as Approved Project (Less Than Significant Impact)]
4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 Regulatory Framework

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. The Alquist-Priolo Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Development within Alquist-Priolo Earthquake Fault Zones require special studies to ensure that no structures intended for human occupancy are constructed across an active fault. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.

California Building Standards Code

The California Building Standards Code prescribes a standard for constructing safer buildings throughout the State of California. The Code contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground, and distance to seismic sources. The Code is updated every three years; the current version is the 2016 California Building Standards Code.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2013 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Standards Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development within the City. The following policies are specific to geology and soils and are applicable to the proposed project:
<table>
<thead>
<tr>
<th><strong>Seismic Hazards</strong></th>
<th><strong>Description</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy EC-3.1</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Policy EC-3.2</strong></td>
<td>Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.</td>
</tr>
<tr>
<td><strong>Policy EC-3.3</strong></td>
<td>The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.</td>
</tr>
<tr>
<td><strong>Policy EC-3.4</strong></td>
<td>The City of San José will maintain up-to-date seismic hazard maps with assistance from the California Geological Survey (or other state agencies) under the Alquist-Priolo Earthquake Fault Zoning Act and the California Seismic Hazards Mapping Act.</td>
</tr>
<tr>
<td><strong>Policy EC-3.6</strong></td>
<td>Restrict development in close proximity to water retention levees or dams unless it is demonstrated that such facilities will be stable and remain intact during and following an earthquake.</td>
</tr>
<tr>
<td><strong>Action EC-3.8</strong></td>
<td>Maintain and update Citywide seismic hazard maps for planning purposes on an ongoing basis.</td>
</tr>
<tr>
<td><strong>Action EC-3.9</strong></td>
<td>Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on faults, earthquake induced landsliding, liquefaction, and/or lateral spreading.</td>
</tr>
<tr>
<td><strong>Action EC-3.10</strong></td>
<td>Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.</td>
</tr>
<tr>
<td><strong>Action EC-3.11</strong></td>
<td>Make information available to residents and businesses on ways to reduce seismic hazards and emergency preparedness for an earthquake in conjunction with regional, state and federal agencies such as the Association of Bay Area Governments (ABAG) and the United States Geological Survey (USGS).</td>
</tr>
</tbody>
</table>
### General Plan Policies: Geology, Soils, and Seismic Hazards

#### Geologic and Soil Hazards

| 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 | Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. |
| Policy EC-4.3 | Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented. |
| 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 soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15. |
| Policy EC-4.7 | Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated. |

#### 4.6.1.2 Existing Conditions

### Regional Geology and Topography

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain that lies between the Santa Cruz Mountains to the southwest and west and the Diablo Range to the northeast.
The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains, and the Hayward and Calaveras Fault systems exist within the Diablo Range.

**Soil Properties and Groundwater**

The 1.02-acre project site is flat. Soils within the area of the project site consist of an Urbanland-Campbell complex, with zero to two percent slopes. Soil types present within this complex exhibit a moderate to very high potential for expansion.

Groundwater in the project area is located approximately 15 to 25 feet below ground surface. The direction of groundwater flow beneath the site flows to the south, southwest and northwest. Groundwater elevations and direction of flow can be affected by factors including precipitation, stream flow, irrigation practices, and ground water pumping.

**Seismicity**

The project site is located within the seismically-active San Francisco Bay region; however, the site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Hazard Zone. There are three major active faults in the vicinity of the project site: the San Andreas Fault, approximately 11 miles to the southwest, the Calaveras Fault, approximately nine miles to the east, and the Hayward Fault, approximately 10 miles to the northeast of the project site. The smaller Monte Vista-Shannon Fault is eight miles to the southwest of the project site. There are no known earthquake faults crossing the site. Local ground cracking is possible due to the high seismic activity of the region, and the potential exists for strong ground shaking at the site from a large earthquake.

**Liquefaction**

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations.

The site is within a state-designated Liquefaction Hazard Zone as well as a Santa Clara County Liquefaction Hazard Zone. Liquefaction at the site could cause structural distress or failure due to ground settlement or deformation and/or a loss of bearing capacity in the foundation soil.

**Lateral Spreading**

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or “free” face such as an open body of water, channel, or excavated area. There are no creeks, channels, or open bodies of water on or adjacent to the project site. Therefore, the potential for lateral spreading to affect the site is low.

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Landslides

The site is not located within a California Seismic Hazard Zone for landslides or within a Santa Clara County Landslide Hazard Zone. The project area is relatively flat and, therefore, the probability of landslides occurring at the site during a seismic event is low.

### 4.6.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact with Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as “Approved Project”?</th>
<th>Less Impact than “Approved Project”</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16</td>
</tr>
<tr>
<td>2. Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16</td>
</tr>
<tr>
<td>3. Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16</td>
</tr>
<tr>
<td>4. Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16, 17</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3,16, 17</td>
</tr>
</tbody>
</table>
Would the project:

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?

[ ] New Possibly Significant Impact  [ ] New Less Than Significant With Mitigation Incorporated  [ ] New Less Than Significant Impact  [ ] Same Impact as "Approved Project"  [ ] Less Impact than "Approved Project" 1

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Geology and Soils Conclusions**

As described in the DSAP EIR, development under the DSAP would result in less than significant geology and soils impacts. Implementation of the standard measures for geologic hazards, erosion, and groundwater levels would reduce geologic and soil impacts to a less than significant level. The proposed project would not result in new or more significant geology and soils impacts than identified in the DSAP EIR. These conclusions are consistent with the Downtown Strategy 2000 and General Plan EIRs.

**4.6.2.1 Geologic Impacts on the Proposed Project**

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

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

The soils in the project area contain weak soils with moderate to very high expansion potential. The project site has a high susceptibility to liquefaction and very strong ground shaking during an earthquake.
The proposed residential development would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code, which contains the regulations that govern the construction of structures in California. The General Plan EIR concluded that adherence to the California Building Code would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

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

**Seismicity and Seismic-Related Hazards**

*(Checklist Questions a and c)*

Although the project site is not located on a known, active fault or located in an Alquist-Priolo Earthquake Fault Zone or other fault hazard zone, the project site is located in a seismically-active region. Therefore, the project site would likely be subject to strong shaking during the lifetime of the proposed project.

Due to the flat topography of the site, the project would not be subject to impacts from seismic-related hazards including lateral spreading, slope instability, or landslides. The project site is located in a liquefaction hazard zone. Liquefaction can result in ground failure (e.g. fissures), foundation bearing failure, and settlement of the ground surface, which can ultimately damage future development or endanger future residents on site. As described below, the proposed project includes measures to reduce this impact to a less than significant level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the proposed project would implement the following measures:

- The design-level geotechnical investigation to verify compliance with applicable regulations shall identify site-specific ground failure hazards (e.g., liquefaction) and the appropriate techniques to minimize risks to people and structures. Over-excavation and re-compaction is a commonly used method to mitigate soil conditions susceptible to settlement.

- The proposed project shall be designed and constructed in accordance with the most recent California Building Code, which contains the regulations that govern the construction of structures in California. Adherence to the California Building Code would ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse.

The proposed project, with the implementation of the standard permit conditions listed above and included in the project, would not result in any new or greater seismic hazard impacts than were previously identified in the DSAP EIR or exacerbate hazards on adjacent properties. [Same Impact as Approved Project (Less than Significant Impact)]
Soil Erosion

(Checklist Question b)

Although the project site is flat, ground disturbance during construction of the proposed project would expose soils, increasing the potential for wind and/or water erosion at the site. As described below, the proposed project includes measures to reduce this impact to a less than significant level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the following standard measures would be implemented during project construction:

- Standard erosion control and grading best management practices (BMPs) will be implemented during construction to prevent substantial erosion from occurring during site development. The BMPs shall be included on all construction documents.

- Prior to issuance of a Public Works Clearance, the applicant must obtain a grading permit before commencement of excavation and construction. In accordance with General Plan Policy EC-4.12, the applicant may be required to submit a Grading Plan and/or Erosion Control Plan for review and approval, prior to issuance of a grading permit.

The proposed project, with the implementation of the standard permit conditions listed above and included in the project, would not result in any new or greater soil erosion impacts than were previously identified in the DSAP EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Expansive Soils

(Checklist Question d)

Soil on the project site is moderately to highly expansive. As discussed in the DSAP EIR, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils are not considered during project design and construction. As described below, the proposed project includes measures to reduce this impact to a less than significant level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the proposed project includes the following measures:

- Consistent with General Plan policies, the project shall complete a design-level geotechnical investigation to verify compliance with applicable regulations. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in 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.
• 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.

The proposed project, with the implementation of the standard permit conditions listed above and included in the project, would not result in any new or greater expansive soils impacts than were previously identified in the DSAP EIR or exacerbate hazards on adjacent properties. [Same Impact as Approved Project (Less than Significant Impact)]

**Wastewater Disposal Systems**

*(Checklist Question e)*

The proposed development’s utilities would connect to the City’s existing utilities (e.g., sewer system) would not require septic tanks or alternative wastewater disposal systems. The project would not impact site’s soils by the use of septic tanks or alternative wastewater disposal systems. [Same Impact as Approved Project (Less than Significant Impact)]

4.6.3 **Conclusion**

The proposed project, with the implementation of the measures listed above and included in the project, would not result in any new or greater geology and soil effects than were previously identified in the DSAP, Downtown Strategy 2000, and General Plan EIRs. [Same Impact as Approved Project (Less than Significant Impact)]
4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 Regulatory Framework

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

State of California

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 will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill 32 (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 will 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 2035.¹¹

¹¹ 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.
Per SB 375, metropolitan planning organizations are required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan (RTP) for the region under their responsibility. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable.

For the Bay Area, the Metropolitan Transportation Commission (MTC) in partnership with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC), prepared the SCS. The SCS is referred to as Plan Bay Area. Plan Bay Area was originally adopted in 2013 and establishes 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 Bay Area, Plan Bay Area 2040 was adopted in July 2017 as a focused update with revised planning assumptions incorporating key economic and demographic trends.

**Regional and Local Plans**

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.

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

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

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

### Built Environmental and Energy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS-1.1</td>
<td>Continue to demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City’s Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.</td>
</tr>
<tr>
<td>MS-2.3</td>
<td>Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.</td>
</tr>
<tr>
<td>MS-2.11</td>
<td>Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).</td>
</tr>
<tr>
<td>MS-14.4</td>
<td>Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.</td>
</tr>
</tbody>
</table>

### Pedestrian, Bicycle Connections, and Transportation Measures

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-3.2</td>
<td>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.</td>
</tr>
<tr>
<td>CD-5.1</td>
<td>Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.</td>
</tr>
<tr>
<td>LU-5.4</td>
<td>Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.</td>
</tr>
<tr>
<td>TR-2.18</td>
<td>Provide bicycle storage facilities as identified in the Bicycle Master Plan.</td>
</tr>
<tr>
<td>TR-3.3</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 4.7.1.2 Existing Conditions

Existing development on the project site includes a single-family residence with a detached garage and a commercial building. GHG emissions are generated by the small number vehicle trips to and from the project site and energy used to operate the existing residence and commercial building.
### 4.7.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact</th>
<th>New Less Than Significant Impacted With Mitigation Incorporated</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1,2,18</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1,2</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, General Plan, and General Plan Supplemental EIRs**

**Greenhouse Gas Emissions Conclusions**

The DSAP EIR disclosed that implementation of the DSAP would not result in a significant impact related to greenhouse gases through 2020. The build-out of the DSAP would not make a considerable contribution to the significant unavoidable cumulative impact to global climate change.

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

### 4.7.2.1 Greenhouse Gas Emissions Impacts

*(Checklist Questions a and b)*

**Operational Impacts**

*(Checklist Questions a and b)*

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

Consistency with the San José Greenhouse Gas Reduction Strategy

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

Mandatory Criteria

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

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

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance

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

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

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

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.
The proposed project is consistent with the General Plan land use designation for the site. The proposed residential building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the CALGreen. The proposed building would be designed to achieve LEED certification consistent with San José Council Policy 6-32. The number of bicycle parking spaces provided by the proposed project (156 bicycle stalls total) meets the City’s requirements. Given the proximity to transit and the inclusion of green building measures and bicycle parking, the project would be consistent with the mandatory Criteria 1-3 described above. In addition and as described in Section 4.16 Transportation of this Initial Study/Addendum, a TDM plan was prepared for the proposed project. The following TDM measures, which encourage walking, biking, or use of transit, are proposed by the project:

- Two free annual VTA Eco Passes per unit for the life of the project;
- Two free annual Zipcar memberships per unit for the life of the project;
- One free annual Bay Area Bike Share membership per unit for the life of the project;
- One on-site cargo bicycle for tenants to share;
- 100% unbundled parking; and
- An on-site TDM coordinator.

Criteria 4, 5, 6, and 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, the project would not provide employment, and the project does not propose vehicle-serving uses.

The proposed project is consistent with the mandatory GHG Reduction Strategy goals and policies to reduce GHG emissions. [(Same Impact as Approved Project (Less Than Significant Impact)]

**Construction Emission Impacts**

*(Checklist Question a)*

The proposed project would result in minor increases in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the construction 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. The duration of project construction would be approximately six months and, therefore, the project’s construction emissions would be temporary. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition and would not result in a permanent increase, construction-related GHG emissions would be less than significant. [(Same Impact as Approved Project (Less than Significant Impact)]

### 4.7.3 Conclusion

Development of the proposed project, in conformance with applicable plans and policies, would not result in new or more significant GHG emissions impacts than identified in the DSAP EIR, Downtown Strategy 2000 EIR, General Plan EIR, or General Plan Supplemental EIR. The proposed project would be consistent with applicable GHG plans, policies and regulations. [(Same Impact as Approved Project (Less than Significant Impact)]
4.8  HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part upon a Phase I Environmental Site Assessment prepared by AEI Consultants, Inc. in July 2016. This report is included as Appendix D to this Initial Study/Addendum.

4.8.1  Environmental Setting

4.8.1.1  Regulatory Framework

Hazardous Materials Sites: Pursuant to Government Code Section 65962.5

Section 65962.5 of the Government Code requires California Environmental Protection Agency (CalEPA) to develop and update (at least annually) a list of hazardous waste and substances sites. This list is used by the State, local agencies, and developers to comply with CEQA requirements. The list includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

Airport Regulations

The primary hazard associated with airport facilities is the potential for accidents to occur as aircraft approach and depart the airport. The risk associated with accidents increase with the presence of tall buildings, high concentrations of people, and low-mobility uses that cannot respond quickly to emergencies. The principal means of reducing risks is to restrict land uses so as to minimize obstructions to aircraft and limit the number of people who might gather in areas most susceptible to aircraft accidents.12

Aviation hazards are addressed at the federal level by the FAA, at the state level by Caltrans under the State Aeronautics Act, and at the local level by the Santa Clara County Airport Land Use Commission (ALUC) and City policies and plans. These regulations focus on the protection people on the ground and in the air.

Federal Aviation Regulations Part 77

Federal Aviation Regulation Part 77 sets forth standards and review requirements for the protection of airspace. Part 77 is administered by the FAA and includes the restrictions on the height of potential structures, use of reflective surfaces and flashing lights, electronic interference, and other potential hazards to aircraft in flight. Building height restrictions are intended to keep flight paths clear of structures that could interfere with takeoff and landing movements.

Comprehensive Land Use Plan

In accordance with the California State Aeronautics Act, the Santa Clara County ALUC adopted a Comprehensive Land Use Plan (CLUP) for the Mineta San José International Airport. The CLUP establishes provisions for the regulation of land use, safety, and noise within the airport’s Airport

12 Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. 2010.
Influence Area (AIA) to minimize the public’s exposure to safety hazards and excessive noise. All areas within the AIA should be regarded as potentially subject to aircraft over-flights and are subject to land use compatibility policies in the CLUP. The CLUP also establishes a Height Restriction Area, based on the FAA Part 77 imaginary surfaces and safety zones with appropriate land use types and density limitations for each zone. The ALUC determined that the City of San José 2040 General Plan, and DSAP implementing the General Plan, is consistent with the CLUP. The project site is not within an AIA and therefore not be subject to safety hazards or excessive noise. As described in Section 4.12 Noise, the project site is not within the 65 CNEL (maximum allowable noise level considered compatible with residential uses) noise contour for the airport.

City of San José Policies

Envision San José 2040 General Plan

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

<table>
<thead>
<tr>
<th>General Plan Policies: Hazards and Hazardous Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental Contamination</strong></td>
</tr>
<tr>
<td>Policy EC-7.1</td>
</tr>
<tr>
<td>Policy EC-7.2</td>
</tr>
<tr>
<td>Policy EC-7.3</td>
</tr>
<tr>
<td>Policy EC-7.4</td>
</tr>
<tr>
<td>Policy EC-7.5</td>
</tr>
</tbody>
</table>
General Plan Policies: Hazards and Hazardous Materials

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

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

**Safe Airport**

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

**Community Health, Safety, and Wellness**

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

### 4.8.1.2 Existing Conditions

**Overview**

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, and arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other uses. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed, or released into the environment in the event of an accident. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

**Historic and Current Uses**

**Project Site**

The project site contained three residential structures, auxiliary structures, and a water tank in 1891. By the late 1890s, the project site contained the current 383 Delmas Avenue single-family residence. From 1915 to 1948, the project site contained four residential structures, auxiliary structures, sheds, a garage, and a water tank. From 1950 to 1956, the project site contained eight residential structures, a carpenter shop, a storage structure, auxiliary structures, and garages. From 1963 to 1992, the project site contained residences and garages, as well as the current 425 Auzerais Avenue commercial art
studio, occupied by San Jose Glass Company until 1992. Since this period, the project site has been occupied by various commercial and residential tenants.

In 2017, all structures, with the exception of the commercial building at 425 Auzerais Avenue and the residence and garage at 383 Delmas Avenue, were demolished and removed from the site. The site is currently used for residential and commercial purposes.

**Surrounding Land Uses**

The project site was surrounded by residential structures, vacant land, and chicken coops from the 1890s until 1915. The site has been surrounded by residential and commercial structures since the 1930s. The site is currently bordered by a vacant area and auto repair business to the north, multi-family residences, a café/commercial building and Delmas Avenue to the east, Auzerais Avenue to the south, and single-family residences to the west.

**On-Site Hazardous Materials Uses**

**Hazardous Materials Sites: Pursuant to Government Code Section 65962.5**

In July 2016, AEI completed a search of publicly available information from federal, state, tribal, and local databases containing known and suspected sites of environmental contamination and sites of potential environmental significance for the project site and surrounding area. The former San Jose Glass Company at 425 Auzerais Avenue (currently the art studio) was identified in five regulatory databases, including the Geotracker database managed by SWRCB, as a hazardous substances release site which is managed by the SWRCB.

The San Jose Glass Company manufactured commercial residential windows, and on site activities included glass cutting, edge polishing, and fabrication at the subject property from 1964 to 1988. The company operated a 1,000-gallon gasoline underground storage tank (UST) during their operation at the project site, and in 1998, the UST was abandoned in place on the site. Soil samples were collected adjacent to the abandoned UST in 1998. Sample results showed the presence of total petroleum hydrocarbons as gasoline, benzene, toluene, ethylbenzyne and xylenes. Subsurface investigation completed in 1999-2000 also showed the presence of TPHg and BTEX in soil and groundwater in the vicinity of the abandoned UST. Remediation was completed at the site and the last groundwater sampling event was completed in 2010. On December 22, 2011, the Santa Clara County Department of Environmental Health (SCCDEH) determined that the site investigation and corrective action completed to address the UST chemical release was in compliance with granted the state’s Health and Safety code. The SCCDEH granted case closure and determined no further action related to the petroleum release was necessary. The SCCDEH noted that the County of Santa Clara and appropriate planning and building departments should be notified prior to any changes in land use, grading activities, excavation and installation of water wells. All remaining groundwater monitoring wells were destroyed in 2012. Based on this information, the closed leaking UST case represents a controlled recognized environmental concern.13

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13 A controlled recognized environmental concern is defined by the American Society for Testing and Materials (ASTM) Standard Practice E1527-13 as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.
Hazardous substances and petroleum products were likely associated with the former auto repair operations on the project site from at least 1999 to 2004; no evidence of improper storage or handling of these materials was reported to the local regulatory agencies. The project site is not listed for any spills or releases in connection with the use or handling of these materials. Based on this information, the former use of these materials on the project site is not considered a significant environmental concern.

Asbestos and Lead Based Paint

Asbestos is a hazardous cancer-causing material that can become airborne and inhaled. Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder, by hand, allowing the asbestos particles to become airborne. Common examples of products found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and siding. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. Use of friable asbestos products was banned in 1978. That same year the Consumer Products Safety Commission banned paint and other surface coating materials containing lead. Based on the age of the existing residences on the project site, it is possible that asbestos-containing materials and/or lead-based paint materials may exist within the structures.

Off-Site Hazards

The Phase I ESA identified five properties within a quarter mile of the site listed as potential environmental concerns on regulatory databases. The cases listed were related to chemical releases or potential releases from USTs or tanks at properties along Auzerais Avenue, Gifford Avenue, and West San Carlos Street. The following criteria was used to determine if a site/facility had a low potential environmental concern: 1) the site only holds an operating permit (which does not imply a release), 2) the site's distance from, and/or topographic position relative to, the subject property, and/or 3) the site has recently been granted "No Further Action" by the appropriate regulatory agency. The five properties were not considered a significant environmental concern due to the lack of documented release, direction of groundwater flow, sample results, and no further action authorization.

Other Hazards

Airports

Norman Y. Mineta San José International Airport (Airport) is located approximately two miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is not within the Airport Influence Area.

Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. The height of potential structures and minimizing other potential hazards (such as
reflective surfaces, flashing lights, and electronic interference) to aircraft in flight are of particular concern. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any proposed structure of a height greater than approximately 75 feet above ground is required under FAR Part 77 to be submitted to the FAA for review.\textsuperscript{14}

The project is not located in the vicinity of a private airstrip.

Wildfire Hazards

The project site is located in Downtown San José. The project site is not located at the urban edge and, therefore, is not located within a Very High Fire Hazard Severity Zone.

4.8.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,19</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,19</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,11,19</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1,19</td>
</tr>
</tbody>
</table>

\textsuperscript{14} Greene, Cary. Personal communications with Norman Y. Mineta San José International Airport. Airport Planner. August 23, 2017.
Would the project:

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?

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as “Approved Project”</th>
<th>Less Impact than “Approved Project”</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4, 20</td>
</tr>
</tbody>
</table>

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?

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
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<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
</tbody>
</table>

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
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<tr>
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<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
</tbody>
</table>

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?

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
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<td>1-4</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Hazards and Hazardous Materials Conclusions**

With implementation of General Plan policies, appropriate clean-up actions, and precautionary measures, development under the Downtown Strategy 2000 Plan and DSAP would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. Development under the Downtown Strategy 2000 Plan and DSAP would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions. The project would not create a significant impact associated with the handling of hazardous materials during demolition and construction activities or safety hazards for people residing or working in the Downtown Strategy 2000 Plan and DSAP area. Implementation of the DSAP would not create a significant impact associated with emergency response and wildland fires. These conclusions are consistent with the General Plan EIR.
4.8.2.1 *Impacts for Hazardous Materials Use, Transport or Disposal*  
*(Checklist Question a)*

The proposed residential project would not emit hazardous emissions or use acutely hazardous materials; therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.  
* [Same Impact as Approved Project (Less than Significant Impact)]

4.8.2.2 *Impacts for Hazardous Materials Release*  
*(Checklist Question b)*

Based on a site reconnaissance completed in July 2016 as part of the Phase I Environmental Site Assessment, chemicals at the 425 Auzerais Avenue art studio were properly packaged and stored. No releases or environmental concerns were identified at the site. The site, however, is the location of a former leaking UST. The leaking UST was remediated to closure by the Santa Clara County Department of Environmental Health with the condition that the County and City be notified if the site were to be redeveloped. Additionally, the site was historically used for auto repair. No sampling has been performed to determine if the auto repair use caused any on-site contamination.

The existing structures on the project site were constructed prior to 1978 and, therefore, may contain ACMs and/or lead-based paint. In conformance with State and local laws, visual inspection/pre-demolition survey and sampling of the existing on-site buildings is required to determine the presence of asbestos-containing materials and/or lead-based paint. Demolition of the on-site structures could expose construction workers or residents in the project vicinity to harmful levels of ACMs or lead.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the following standard permit conditions shall be implemented to reduce the potential for the proposed project to result in hazardous material impacts to a less than significant level:

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of Bay Area Air Quality Management District (BAAQMD). Demolition and disposal of ACM will be completed in accordance with the procedures specified by BAAQMD’s Regulation 11, Rule 2. A final report of methodologies and findings of the survey shall be submitted to the Building Division of PBCE prior to the issuance of grading or building permits.

- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including
employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. A final report of methodologies and findings of the survey shall be submitted to the Building Division of the City’s PBCE prior to the issuance of grading or building permits.

- The County of Santa Clara and City of San José shall be notified of the proposed redevelopment, as stated and required under the leaking UST case closure issued by the Santa Clara County Department of Environmental Health.

- A Site Management Plan (SMP) shall be written and in-place during site development to address any potential contamination that might be discovered. The SMP will establish management practices for identifying, handling, and disposing of contaminated soils, if encountered during construction activities. If contamination above environmental screening levels is found during construction, regulatory oversight from the Santa Clara County Department of Environmental Health shall be obtained.

The DSAP EIR and General Plan EIR concluded that conformance with regulatory requirements listed in the standard permit conditions above would result in a less than significant impact from ACMs and lead. The project would, therefore, not result in a less than significant impact on the public and environment due to foreseeable or accidental releases with the implementation of the above standard permit conditions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**4.8.2.3 Impacts from Hazardous Materials and Emissions on Nearby Schools**
*(Checklist Question c)*

The nearest school to the project site is Gardner Academy at 595 Willis Avenue, approximately 0.2 miles south of the site. With the implementation of standard permit conditions for dust control measures and MM AIR-1 to reduce emissions during construction (refer to Section 4.3 Air Quality of this Initial Study/Addendum), the project’s construction emissions would not have a significant effect on local schools. The implementation of standard permit conditions related to ACMs and lead during construction would ensure that potentially contaminated materials are properly handled to avoid chemical releases into the environment. For these reasons, the project would have a less than significant from hazardous emissions or materials at the site on nearby schools. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**4.8.2.4 Impacts of Hazardous Materials Use on Public and Environment**
*(Checklist Question d)*

The 425 Auzerais Avenue art studio is listed as a leaking UST site in a list compiled by the SWRCB pursuant to Government Code Section 65962.5. Remediation was completed at the site to the concentrations of petroleum chemicals to below regulatory screening levels and A No Further Action Letter was issued by the SCCDEH. These chemicals from historic uses of the site would, therefore, not result in a hazard to the public or environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**
4.8.2.5 \textit{Impacts of Project on Aircraft Safety} \\
(Checklist Question e and f)

For the project site, any proposed structure of a height greater than approximately 75 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. The maximum building height of the proposed project is 72.5 feet at the top of the elevator. Therefore, the proposed residential development would not be an aircraft safety hazard based on FAA height restriction criteria. The project site is not within the vicinity of a private airstrip. The site is located outside the San José Mineta International Airport AIA and would not create a safety hazard for people working or residing in the area. For these reasons the project would not result in a significant aircraft safety hazard. [Same Impact as Approved Project (Less Than Significant Impact)]

4.8.2.6 \textit{Impacts on Emergency Response and Evacuation} \\
(Checklist Question g)

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

4.8.2.7 \textit{Impacts of Wildland Fires} \\
(Checklist Question h)

The project site is not located near an urban-wildland interface and is not subject to hazards from wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. [Same Impact as Approved Project (No Impact)]

4.8.2.8 \textit{Existing Hazardous Materials Conditions Affecting the Project}

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

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

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

Consistent with the requirements for future projects under the DSAP and Downtown Strategy 2000 Plan, the proposed project includes measures to avoid the possibility of exposing the public and the environment to hazardous materials during project demolition and construction activities (e.g., ACMs and lead during demolition of the existing on-site structures and contaminated soil during excavation and grading). The proposed project is not expected to result in other significant hazards and hazardous materials impacts. For these reasons, the proposed project would not result in new or greater hazards and hazardous materials impacts than addressed in the DSAP and Downtown Strategy 2000 EIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**
4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 Regulatory Framework

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. U.S. 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 and Storm Water Pollution Prevention Plan 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. The SFHA is the area where the NFIP floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

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.15 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

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within SCVWD property or easements are required under the SCVWD’s Water Resources Protection Ordinance and District Well Ordinance.

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

City of San José Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 SF or more of impervious surfaces.

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

City of San José Policy 8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy 8-14 requires all new development 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).

**City of San José Storm Drain Standards Improvement Process**

The City does not have a level of service measure for the storm drainage system. However, as described in the *City of San José Design Guidelines for Storm Drains*, stormwater mains are to have a minimum pipe size of 15 inches and able to convey a storm event that has a 10 percent chance of occurring each year (often referred to as the “ten-year storm”). Up until about 15 years ago, the City’s design standard for storm drains was the three-year storm event, which conformed to locally accepted standards at the time. As a result, it is estimated that only five percent of the City’s storm drain system meet the current 10-year storm event standard. Storm pump stations (or lift stations) must be designed to accommodate the 100-year storm event. The standard design life of the mechanical and electrical components of a storm pump station is 10-25 years, although the average age of the City’s pump stations is over 36 years. Due to undersized pipes and/or inefficient pump station performance, localized flooding and ponding are fairly common occurrences throughout San José.

In general, rehabilitation of the existing system is implemented through the City’s Storm Sewer Capital Improvement Program (CIP). Current financing mechanisms for the Storm Sewer CIP include developer impact fees and storm sewer use fees. Developer impact fees are assessed on new projects to allow connection to the system. These “one-time” fees can only be used for capital improvements. Storm sewer use fees are assessed annually on properties and can be used for capital improvements or operation and maintenance activities.

The Storm Sewer CIP mainly addresses minor neighborhood drainage problems. To determine system-wide infrastructure needs to accommodate planned development based on regulatory requirements and design standards, the City is initiating a Storm Master Plan effort. The Storm Master Plan will include an implementation/priority plan and a financing plan. In the interim, the
City will evaluate system capacity as future development is proposed. Although private developers are required to design the on-site storm drain system to meet the 10-year standard, they are only required to upgrade the downstream system if existing capacity is lacking and a capital improvement project has not been identified and/or funded for the area within the project timeline.

**Envision San José 2040 General Plan**

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

<table>
<thead>
<tr>
<th>General Plan Policies: Hydrology and Water Quality</th>
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<tbody>
<tr>
<td><strong>General Provision of Infrastructure</strong></td>
</tr>
<tr>
<td>Policy IN-1.1</td>
</tr>
<tr>
<td>Policy IN-1.2</td>
</tr>
<tr>
<td><strong>Water Supply, Sanitary Sewer and Storm Drainage</strong></td>
</tr>
</tbody>
</table>
| Policy IN-3.4       | Maintain and implement the City’s Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:  
| | • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board’s General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.  
| | • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.  
| | • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects.  
| | Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City |
| Policy IN-3.7       | Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties. |
| Policy IN-3.9       | Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards. |
### General Plan Policies: Hydrology and Water Quality

#### Water Conservation and Quality

<table>
<thead>
<tr>
<th>Policy MS-3.4</th>
<th>Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy MS-3.5</td>
<td>Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.</td>
</tr>
<tr>
<td>Policy MS-20.3</td>
<td>Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.</td>
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</tbody>
</table>

#### Stormwater

<table>
<thead>
<tr>
<th>Policy ER-8.1</th>
<th>Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy ER-8.3</td>
<td>Ensure that private development in San José includes adequate measures to treat stormwater runoff.</td>
</tr>
<tr>
<td>Policy ER-8.5</td>
<td>Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.</td>
</tr>
<tr>
<td>Action ER-8.10</td>
<td>Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.</td>
</tr>
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</table>

#### Flooding Hazards

<table>
<thead>
<tr>
<th>Policy EC-5.5</th>
<th>Prepare and periodically update appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam and levee failure and natural flooding. Include maps with pre-established evacuation routes in dam failure plans.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy EC-5.7</td>
<td>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.</td>
</tr>
<tr>
<td>Action EC-5.16</td>
<td>Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.</td>
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</tbody>
</table>

#### 4.9.1.1 Storm Drainage

The project site is flat and partially developed with a single-family residence that includes a detached garage and a large fenced storage area and a commercial building. The nearest waterway to the project site is the Guadalupe River, located approximately 0.2 miles east of the site. Los Gatos Creek is located approximately 0.24 miles west of the site.

Runoff from the site flows over land into the City-maintained storm drainage system, comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. Many of the storm drains
in the DSAP area are 10 inches or 12 inches in diameter and are designed to accommodate a storm event that would statistically occur every two or three years. Therefore, many of the pipelines are in need of replacement in order to meet current requirements for accommodating a 10-year storm. Stormwater runoff from the DSAP area is conveyed to the Guadalupe River either directly or indirectly via Los Gatos Creek through 17 outfalls.

Based on the Hydromodification Management Applicability Map (as amended March 2009), the project site is located within a sub-watershed that is greater than 65 percent impervious. Therefore, the proposed project is exempt from the HMP requirements in the Municipal Regional Stormwater NPDES Permit.

4.9.1.2 **Groundwater**

Per the Phase I Environmental Assessment completed for the project site, based on groundwater monitoring data for the subject property and a nearby site, the direction of groundwater flow beneath the project site is variable, presumably to the south, southwest, and northwest, and groundwater is present at an estimated depth of 15 to 24 feet bgs. Groundwater elevations and flow can be affected by several factors including precipitation, stream flow, irrigation practices, and groundwater pumping.

4.9.1.3 **Flooding**

The project site is not located within a 100-year floodplain. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map, the project site is located within Zone X, which is defined as areas that have a 0.2 percent annual chance of flooding.

4.9.1.4 **Dam Failure**

The Association of Bay Area Governments compiled the dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owner throughout the Bay Area. The project site is located within the Lexington Dam failure inundation zone.

4.9.1.5 **Seiches, Tsunamis, and Mudflows**

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche.

A tsunami or tidal wave is a series of water waves caused by displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. There are no large bodies of water near the project site.

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17 City of San José. *Envision San José 2040 General Plan- Appendix G.* December 2010
A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site and surrounding area are relatively flat. The project site is not susceptible to mudflows.

### 4.9.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as “Approved Project”</th>
<th>Less Impact than “Approved Project”</th>
<th>Checklist Source(s)</th>
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<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
<td>☐</td>
<td>1-3</td>
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<tr>
<td>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)?</td>
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<td>☐</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
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</tbody>
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18 Google Earth Pro. Version 7.1.5.1557.
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) 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? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3
f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3
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, 21
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 21
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? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3
j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-3, 22

As previously discussed in Section 4.0 of this Initial Study/Addendum, 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 also discussed below.

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Hydrology and Water Quality Conclusions**

The DSAP EIR concluded that upon implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not expose people or structures to a significant risk of loss, injury or death involving flooding. Construction-related and operational water quality impacts would also be less than significant.
4.9.2.1 Hydrology and Water Quality Impacts on the Environment

Water Quality Impacts (Checklist Questions a, c, and f)

Construction Activities

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction or demolition activity that results in land disturbances equal to or greater than one acre must obtain coverage under the NPDES General Permit for Construction Activities, which is administered by the SWRCB. The project site is 1.02 acres and, therefore, would require coverage under the NPDES General Permit for Construction Activities.

All development projects in San José shall comply with the City’s Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions: Consistent with the requirements for future development under the DSAP, the following measures are included in the project to prevent stormwater pollution and minimize potential sedimentation during construction. These measures include, but are not limited to, the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The proposed project, with implementation of the standard permit conditions listed above and included in the project, would not result in significant construction-related water quality impacts. The proposed project would not result in new or greater construction-related water quality impacts than those identified in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]

Post Construction Activities

The proposed project would increase the area of impervious surfaces on the site and, therefore, increase the amount of stormwater runoff generated by the site. The project shall comply with the City of San José’s Post-Construction Urban Runoff Policy 6-29 and the MRP.
**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the following standard project condition is included in the project to reduce post-construction impacts to water quality:

- In compliance with the City of San José’s Post-Construction Urban Runoff Policy 6-29 and the MRP, the project shall design and construct LID stormwater treatment control measures to treat runoff from impervious surfaces. Stormwater from project impervious surfaces will drain into the treatment area prior to entering the storm drainage system. Consistent with the NPDES requirements, the proposed treatment facility will be numerically sized and will have sufficient capacity to treat the runoff generated by the proposed project, prior to entering the storm drainage system. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the MRP will be included in the project design to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to issuance of a development permit.

Implementation of the standard permit conditions described above would reduce the rate of stormwater runoff while also removing pollutants. The project would result in an overall improvement to water quality, because under existing conditions runoff from the project site drains into the Guadalupe River unrestrained and untreated. Development of the proposed project would not result in new or more significant impacts to post-construction water quality than identified in the DSAP EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

**Groundwater (Checklist Question b)**

Groundwater is present beneath the project site at a minimum depth of 16 feet below ground surface (bgs) and is not used for drinking water. The project site is partially paved, containing both pervious and impervious surfaces. Development of the proposed project would lead to moderately less groundwater recharge on the site due to the increase in impervious surface area.

Groundwater beneath the site is present at depths between approximately 15 and 24 feet bgs and is not used for drinking water. The project site, which is relatively small (i.e., approximately one acre), is not located within a designated groundwater recharge zone. For this reason, although the proposed project would reduce the area of pervious surfaces on the site, the project would not substantially affect groundwater recharge. Excavation during construction of the proposed project would require relatively shallow cuts (i.e., less than 10 feet), and, therefore would not come in contact with groundwater. For these reasons, implementation of the proposed project would not result in new or more significant impacts to groundwater than identified in the DSAP EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

**Drainage Patterns (Checklist Questions d and e)**

The existing stormwater system collects untreated stormwater from the site and surrounding area and discharges it directly into Guadalupe River through an existing outfall. Development of the proposed project would not substantially alter the existing drainage pattern of the site. The drainage pattern under the proposed project would be similar to existing conditions, except the runoff generated by

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the project site would be treated by a stormwater treatment control measures, prior to entering the stormwater drainage system and discharging to the Guadalupe River. The proposed stormwater treatment would reduce the rate of stormwater runoff while also removing pollutants. While there would be an incremental increase in the volume of stormwater generated from the site due to an increase in impervious surfaces, the project would not change drainage patterns or exceed the capacity of existing stormwater drainage facilities in the project area. For these reasons, implementation of the proposed project would not result in new or more significant impacts to drainage patterns on or off the site than identified in the in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]

4.9.2.1 Hydrology Impacts on the Project

Flooding (Checklist Questions g, h, and i)

The project site is located within Zone X, which is defined as areas that have a 0.2 percent annual chance of flooding. The proposed project would not be located within a 100-year floodplain. The site is within the Lexington Dam failure inundation zone. The potential for dam failure is reduced by several regulatory inspection programs and the risk to people and property, if dam failure were to occur, is reduced by local hazard mitigation planning. Implementation of the proposed project would not exacerbate flooding impacts on neighboring properties; nor would it expose residences to substantial flood hazards. [Same Impact as Approved Project (Less than Significant Impact)]

Seiches, Tsunamis, and Mudflows (Checklist Question j)

The project site is not subject to inundation by seiches, tsunamis, or mudflows. [Same Impact as Approved Project (Less than Significant Impact)]

4.9.3 Conclusion

Development of the proposed project would not result in new or more significant hydrology and water quality impacts than those identified in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]
4.10 LAND USE

4.10.1 Existing Setting

4.10.1.1 Regulatory Framework

Regional

Santa Clara Valley Habitat Plan

The DSAP area is covered by the SCVHP. As described in Section 4.4 Biological Resources of this Initial Study/Addendum, the SCVHP is a conservation program that has been developed to promote the recovery of endangered species while accommodating planned growth on approximately 500,000 acres of southern Santa Clara County. The SCVHP has been approved and the implementing agency established. The project site is located in an area designated as Urban-Suburban in the SCVHP, which means it is not considered habitat for any special status species.

Local

DSAP Design Guidelines

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 intended to facilitate development in a financially viable manner that is consistent with the long-term vision of the DSAP and achieves current City policies. The DSAP design guidelines are generally consistent with General Plan policies and actions intended to guide development in Downtown. The design guidelines may become the basis for the City of San José to establish regulations, implementation strategies, and/or subsequent planning documents such as detailed design standards.

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 are intended to be flexible to reflect unique challenges, development opportunities, and market conditions.

**Envision San José 2040 General Plan**

Providing denser development within the Downtown is consistent with the Major Strategies of the 2040 General Plan, specifically the Focused Growth Strategy, which aims to focus growth into growth areas (including Downtown), and the Fiscally Strong City Strategy, which focuses new growth in developed areas where infrastructure is already available.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development within the City. The following policies are specific to land use and are applicable to the proposed project:

<table>
<thead>
<tr>
<th>General Plan Policies: Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attractive City</strong></td>
</tr>
<tr>
<td>Policy CD-1.12</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Function</strong></td>
</tr>
<tr>
<td>Policy CD-2.3</td>
</tr>
<tr>
<td>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.</td>
</tr>
<tr>
<td>1. 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.</td>
</tr>
<tr>
<td>2. 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.</td>
</tr>
<tr>
<td>3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.</td>
</tr>
<tr>
<td>4. Locate retail and other active uses at the street level.</td>
</tr>
<tr>
<td>5. Create easily identifiable and accessible building entrances located on street frontages or paseos.</td>
</tr>
<tr>
<td>6. Accommodate the physical needs of elderly populations and persons with disabilities.</td>
</tr>
<tr>
<td>7. Integrate existing or proposed transit stops into project designs.</td>
</tr>
</tbody>
</table>
### General Plan Policies: Land Use

| Policy CD-2.11 | Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures. |
|兼容性 | 
| Policy CD-4.9 | For development subject to design review, the design of new or remodeled structures will be consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street). |
| 社区、健康、安全和福祉 | 
| Policy CD-5.8 | Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety. |
| Downtown | 
| Policy LU-3.5 | Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety. |

#### 4.10.1.1 Existing Land Uses

The approximately one-acre project site is located in the northwest quadrant of the intersection of Auzerais Avenue and Delmas Avenue. The site is developed with residential (i.e., one single-family residence and commercial (i.e., a welding and sculpting art studio) uses.

#### 4.10.1.2 Surrounding Land Uses

The project site is located in Downtown San José in an area developed with a mix of light industrial, commercial, and residential uses. Commercial uses (e.g., café and barber shop) are located adjacent to the site at the corner of Auzerais Avenue and Delmas Avenue. Multi-family residences and an auto repair shop are located north of the project site. East of the site, across Delmas Avenue, is SR 87. Single-family residences are located south of the project, across Auzerais Avenue. Single-family residences and a landscape business are located west of the project site. An aerial photograph of the project site and surrounding uses is shown on Figure 2.2-3.
4.10.1.3  General Plan and Zoning

Envision San José 2040 General Plan

The San José 2040 General Plan is an adopted statement of goals and polices for the future character and quality of development in the community as a whole. The project site has two General Plan land use designations, Downtown and Residential Neighborhood. The eastern section of the site (APNs 264-26-013 and 264-26-088) is designated Downtown and the western section of the site (APN 264-26-017) is designated Residential Neighborhood in the Envision San José 2040 General Plan. The Downtown designation allows for office, retail, service, residential, and entertainment uses within the Downtown area, with a floor area ratio (FAR) of up to 30, and residential densities up to 800 dwelling units per acre. Under this designation, residential projects should generally incorporate ground floor commercial uses. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the General Plan (e.g., Historic Preservation Policies) indicates otherwise.

The Residential Neighborhood designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas, which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects that closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern.

Zoning Ordinance

Most of the project site is zoned Light Industrial- LI, which allows for a variety of industrial uses except for those with unmitigated hazardous or nuisance effects. Examples of typical uses are warehousing, wholesaling, and light manufacturing. Sites designated Light Industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. Properties located in this zoning district are not subject to any minimum setback requirements. The proposed residential use is not allowed under the existing Light Industrial zoning district.

APN 264-26-017 (433 Auzerais Avenue), located along the western site boundary adjacent to existing single-family residences, is zoned R-2 - Two-Family Residence District. The purpose of the two-family residence district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions. The allowable density range for the R-2 district is eight to 16 dwelling units per acre.

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21 The amendment to the Downtown land use designation was adopted under City File Number GPT15-001.
22 City of San José. Zoning Ordinance. 2015
4.10.2 **Environmental Checklist and Discussion of Impacts**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as “Approved Project”</th>
<th>Less Impact than “Approved Project”</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 3, 13</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Land Use Conclusions**

The DSAP EIR concluded that development under the DSAP would not result in significant land use conflicts nor would it significantly impact established communities upon implementation of the DSAP Design Guidelines, General Plan policies, and zoning ordinance. The DSAP EIR also concluded that implementation of the DSAP would not conflict with the General Plan, SCVHP, zoning ordinance, or other applicable adopted plans and policies.

Similarly, the Downtown Strategy 2000 EIR also concluded that future development under the Downtown Strategy 2000 Plan would not result in significant land use impacts, with the exception of possible airport compatibility conflicts, which would be avoided with implementation of mitigation measures (e.g., ALUC project referral process) identified in the Downtown Strategy EIR. As discussed in Section 4.8 Hazards and Hazardous Materials of this Initial Study/Addendum, the maximum building height of the proposed project is below the FAA height restriction criteria and the site is located outside the San José Mineta International Airport AIA. For these reasons the project would not result in a significant aircraft safety hazard. The proposed project, which is consistent with the DSAP, Downtown Strategy 2000 Plan, and General Plan, would not result in new or more significant land use impacts than identified in the DSAP, Downtown Strategy 2000, and General Plan EIRs.
4.10.2.1 **Impacts to an Established Community** *(Checklist Question a)*

Impacts to an established community can occur if the project physically divides a community. The project site is located in Downtown San José in an area developed with residential, commercial, and light industrial uses. SR 87 is located immediately east of the project site, across Delmas Avenue.

The project proposes a six-story, 130-unit residential building, with a first floor that would consist of a 65 space parking garage. The existing sidewalks along the project frontage on Auzerais Avenue and Delmas Avenue would provide pedestrian access to the proposed residential lobbies and associated areas (e.g., the elevator, stairwell and bike storage rooms). A driveway onto Auzerais Avenue would provide access to the parking garage. The layout and design of the proposed project does not include any features that would physically divide the surrounding community. [Same Impact as Approved Project (Less than Significant Impact)]

4.10.2.2 **Consistency with Applicable Plans, Policies, or Regulations** *(Checklist Questions b and c)*

**General Plan Land Use Designation**

Most of the site is designated *Downtown*, except for APN 264-26-017, which is located along the western site boundary adjacent to existing single-family residences and is designated *Residential Neighborhood*. Uses consistent with the *Downtown* designation include office, retail, service, residential, and entertainment. The intent of the *Residential Neighborhood* designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects that closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern.

In accordance with the existing General Plan land use designations on the site, the eastern section of the site is designated *Downtown* would be developed with the proposed six-story, 130-unit, residential building and the western section of the site designated *Residential Neighborhood* would be developed with open space uses that conform to the character of the existing single-family residences along the western site boundary.

Taking into account the relative small size of the project site (i.e., 1.02 acres) and the adjacent mix of uses, including single-family residences, the density proposed by the project (i.e., 127 du/ac), could be considered the upper limit of density for the site. The proposed project would be consistent with the existing General Plan designations for the site. [Same Impact as Approved Project (Less Than Significant Impact)]

**Zoning Ordinance**

The eastern section of the project site is currently zoned *Light Industrial- LI*, which does not allow residential uses. Consistent with the existing General Plan land use designation (i.e., *Downtown*) and the proposed development (i.e., six-story, 130-unit, residential building), the project proposes a conventional rezoning on the eastern section of the site to *Downtown Primary Commercial*. The zoning on the western section of the site would remain *R-2 - Two-Family Residence District*. The proposed rezoning would be consistent with the existing General Plan designation and the proposed
project, and would not result in a significant land use impact. *(Same Impact as Approved Project (Less than Significant Impact)).*

**Diridon Station Area Plan**

The eastern section of the project site, upon which the proposed residential building would be constructed, is located within the Park/San Carlos subarea of the DSAP. The DSAP identifies one of the goals for the subarea as increasing higher density residential development within the area while respecting the scale and grain of the neighborhood. The project proposes to redevelop the 1.02-acre project site with a six-story, 130-unit residential building. The open space area located between the proposed building and the existing mixed-use neighborhood west of the project site would provide a minimum setback of approximately 50 feet. The proposed project would conform to the stated goals of the Park/San Carlos subarea and would not result in new or more significant impacts than identified in the DSAP EIR. *[Same Impact as Approved Project (Less than Significant Impact)]*

**Santa Clara Valley Habitat Plan**

As discussed in *Section 4.4 Biological Resources* of this Initial Study/Addendum, the proposed project would not conflict with the SCVHP. The project would pay applicable fees to reduce the project’s impact to biological resources to a less than significant impact. *[Same Impact as Approved Project (Less than Significant Impact)]*

**4.10.2.3 Shade and Shadow Impacts**

The DSAP EIR states new projects that interface with single-family residences would have a maximum building height restriction of 65 feet to reduce shade and shadow impacts. Single-family residences are located along the western project site boundary, and the maximum height of the proposed residential building would be 72.5 feet. The proposed residential building, however, would be constructed on the eastern section of the site and set back a minimum of approximately 50 feet from the western site boundary. For these reasons, the proposed project would not result in new or more significant shade and shadow impacts than identified in the DSAP EIR. *[Same Impact as Approved Project (Less than Significant Impact)]*

**4.10.3 Conclusion**

Based upon the above discussion, implementation of the proposed project would not result in new or more significant land use impacts than disclosed in the DSAP, Downtown Strategy 2000, and General Plan EIRs. *[Same Impact as Approved Project (Less than Significant Impact)]*
4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

4.11.1.1 Existing Conditions

The City of San José contains mineral resources including construction aggregate deposits such as sand, gravel, and crushed stone. Communications Hill, in central San José, is the only area that is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. The project site is located approximately 2.5 miles north of Communications Hill and, therefore, does not contain known mineral resources.

4.11.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-4</td>
</tr>
</tbody>
</table>

DSAP, Downtown Strategy 2000, and General Plan EIRs – Mineral Resources Conclusions

The DSAP EIR and General Plan EIR concluded that future development under the DSAP would not result in mineral resource impacts, because no mineral resources are present within the DSAP area. Implementation of the DSAP would not result in the loss of availability of a known mineral resource.

4.11.2.1 Mineral Resource Impacts

(Checklist Questions a and b)

As discussed above, the project site is not located in an area containing known mineral resources. [Same Impact as Approved Project (No Impact)]

4.11.3 Conclusion

The project would not result in the loss of availability of known mineral resources. [Same Impact as Approved Project (No Impact)]
4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

4.12.1.1 Regulatory Framework

Federal Transit Administration

The Federal Transit Administration (FTA) has established acceptability criteria for ground-borne vibration from rail transit and railroads. For residences and buildings where people normally sleep, maximum acceptable levels of ground-borne vibration are 72 vibration decibels (VdB) and 80 VdB for frequent and infrequent events, respectively. Frequent events are defined as more than 70 events of the same source per day, while infrequent events occur fewer than 70 times per day.

2016 State Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB day/night noise level (DNL) or community noise equivalent level (CNEL) in any habitable room.

Envision San José 2040 General Plan

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

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Exterior DNL Value in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55</td>
</tr>
<tr>
<td>1. Residential, Hotels and Motels, Hospitals and Residential Care¹</td>
<td></td>
</tr>
<tr>
<td>2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds</td>
<td></td>
</tr>
<tr>
<td>3. Schools, Libraries, Museums, Meeting Halls, and Churches</td>
<td></td>
</tr>
<tr>
<td>4. Office Buildings, Business Commercial, and Professional Offices</td>
<td></td>
</tr>
<tr>
<td>5. Sports Arena, Outdoor Spectator Sports</td>
<td></td>
</tr>
<tr>
<td>6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters</td>
<td></td>
</tr>
</tbody>
</table>

Notes: ¹Noise 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 normal conventional construction, without any special noise insulation requirements.

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

Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.
In addition, the General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project.

<table>
<thead>
<tr>
<th>General Plan Policies: Noise and Vibration</th>
</tr>
</thead>
</table>
| **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 meet this standard. For sites with exterior noise levels of 60 dBA DNL 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 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/Addendum). Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design. |
| **Policy EC-1.2** | Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study/Addendum) 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 uses through noise standards in the City’s Municipal Code. |
| **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** | Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: |
General Plan Policies: Noise and Vibration

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

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

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 the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.23

The Zoning Ordinance limits noise levels to 55 dBA $L_{eq}$ at any residential property line and 60 dBA $L_{eq}$ at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval (refer to Table 4.12-2). The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

Table 4.12-2: City of San José Zoning Ordinance Noise Standards

<table>
<thead>
<tr>
<th>Land Use Types</th>
<th>Maximum Noise Level in Decibels at Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes</td>
<td>55</td>
</tr>
<tr>
<td>Open space, commercial, or industrial use adjacent to a property used or zoned for commercial purposes or other non-residential uses</td>
<td>60</td>
</tr>
<tr>
<td>Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes</td>
<td>70</td>
</tr>
</tbody>
</table>

23 The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.
4.12.1.2 Existing Conditions

The existing noise environment at the project site results primarily from vehicular traffic on surrounding streets and SR 87 and aircraft approaching or departing from the Norman Y. Mineta San José International Airport. According to Appendix C in the General Plan EIR, noise levels in the project area were measured to be between 70 and 75 dBA DNL in 2008. The Park/San Carlos subarea is expected to be located outside of the 70 dBA DNL contour of SR 87 (approximately 250 feet from the centerline). Noise levels in the project area are projected to remain the same through the year 2035.

Based on the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), the project site is located outside of the 65 CNEL noise contour. According to the City’s current and projected noise contours for San José International Airport, the project site is exposed to aircraft noise levels of less than 65 dB CNEL, the minimum level at which aircraft noise would be considered a significant impact under State and federal guidelines.

Sensitive Receptors

The nearest sensitive receptors to the project site are residences that border the eastern and western boundaries of the project site.

4.12.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Source(s)</th>
<th>Would the project result in:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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?</td>
</tr>
<tr>
<td></td>
<td>b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?</td>
</tr>
<tr>
<td></td>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project result in:</td>
<td></td>
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<tr>
<td>d) A substantial temporary or</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>1,2,3</td>
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<tr>
<td>periodic increase in ambient noise</td>
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<td>levels in the project vicinity</td>
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<td>above levels existing without the</td>
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<td>project?</td>
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<tr>
<td>e) For a project located within</td>
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<td>□</td>
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<td>□</td>
<td>1,2,3</td>
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<tr>
<td>an airport land use plan or,</td>
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<td>where a plan has not been</td>
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<td>adopted, within two miles of a</td>
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<tr>
<td>public airport or public use</td>
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<td>airport, will the project</td>
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<tr>
<td>expose people residing or</td>
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<tr>
<td>working in the project area to</td>
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<tr>
<td>excessive noise levels?</td>
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<tr>
<td>f) For a project within the</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>1,2,3</td>
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<tr>
<td>vicinity of a private airstrip,</td>
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<tr>
<td>will the project expose people</td>
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<tr>
<td>residing or working in the</td>
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<tr>
<td>project area to excessive noise</td>
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<tr>
<td>levels?</td>
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</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Noise Conclusions**

Based on the conclusions in the DSAP EIR, noise reduction measures and implementation of General Plan policies and other applicable regulations will ensure that future development allowed under the DSAP would not be exposed to interior and exterior noise levels in excess of City standards. Additionally, development under the DSAP would not expose people residing or working in the DSAP area to excessive noise levels associated with aircraft operations and would not conflict with Comprehensive Land Use Plan for the Mineta San José International Airport.

As described in the DSAP EIR, traffic from the proposed project, in combination with future redevelopment under the DSAP would substantially increase noise levels at existing noise-sensitive uses along segments of Julian Street, Park Avenue, and San Carlos Street. This is the same impact as identified in the certified DSAP EIR.

**4.12.2.1 Noise Impacts from the Project**

**Project Operation**

*(Checklist Questions a and c)*

The existing noise environment at the project site exceeds the City’s exterior noise goal of 60 dBA DNL for residential uses as a result of transportation noise sources in the project area (i.e., local traffic and aircraft) and Downtown activities. The project proposes to construct a 130-unit residential building. Operational noise generated by the proposed project would be the result of vehicles traveling to and from the site and the project rooftop heating, ventilation, and air conditioning...
(HVAC) equipment. The project site is currently developed with a single-family residence and commercial building; as a result, the noise generated by existing operations on the project site currently contribute to the ambient noise environment.

**HVAC System**

Consistent with existing City policy and as required under the City’s Zoning Ordinance, the project HVAC system would be reviewed by City Staff to verify that the noise generated by the HVAC system would not exceed 55 dBA Leq and 60 dBA Leq at residential and commercial property lines, respectively. Because ambient noise levels in the project area are relatively high and noise levels generated by the project HVAC system would meet the requirements set forth under the City’s Zoning Ordinance, the noise generated by the project HVAC system would not noticeably increase ambient noise levels in the project area. [**Same as Approved Project (Less than Significant Impact)**]

**Project-Generated Traffic**

The project would increase the density of residential uses on the project site; as a result, traffic volumes in the project area would incrementally increase (see *Section 4.16 Transportation* of this Initial Study/Addendum). The project area is exposed to noise from vehicles traveling on San Carlos Avenue, Auzerais Avenue, Delmas Avenue, and SR 87. Existing traffic volumes on these roadways are high. Typically, roadway traffic volumes must double to result in a noticeable (i.e., three dBA) noise increase. Project-generated traffic would travel to and from the project site using Delmas Avenue and Auzerais Avenue. Existing traffic volumes on Delmas Avenue and Auzerais Avenue near the site are relatively high, because both streets provides access to SR 87. Existing roadway volumes in the project area would not double as a result of project-generated traffic. Therefore, roadway noise levels would not increase perceptibly (i.e. three dBA or more), and project-generated traffic would not result in a significant noise impact.

As described in the DSAP EIR, traffic from the proposed project, in combination with other future redevelopment under the DSAP would substantially increase noise levels at existing noise-sensitive uses along segments of Julian Street, Park Avenue, and San Carlos Street. This is the same impact that is identified in the certified DSAP EIR. [**Same Impact as Approved Project (Significant Unavoidable Impact)**]

**Project Construction Noise and Vibration Impacts**

*(Checklist Questions a and d)*

Construction of the proposed project would generate noise and would temporarily increase noise levels at nearby commercial/residential uses. The significance of noise impacts during construction and demolition depend on the type of construction equipment in use, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors.

Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Typical hourly average construction noise levels are about 75 to 80 dBA measured at a distance of 100 feet from the center of the site during
busy construction periods (e.g. earth moving equipment, impact tools, etc.). Construction noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor.

Construction noise impacts are greatest when construction occurs during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when the duration of construction extends for a long period of time. Construction of the proposed project would take approximately six months to complete. Construction activities would be audible at the existing commercial and residential uses in the vicinity of the project site. Because the duration of substantial noise generating activities would be less than 12 months and the project includes measures to reduce construction noise (see below), the construction noise impact is considered less than significant.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the proposed project would implement the following standard noise control measures:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Short-term vibration noise would be generated during project construction. The use of heavy equipment or impact tools (e.g. jackhammers, hoe rams) could generate vibration levels that exceed the City’s criteria. Heavy tracked vehicles (e.g., excavators) can generate perceptible ground-borne vibration levels. The implementation of the measures listed below, however, would reduce construction vibration impacts to a less than significant level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the following measures would be implemented by the proposed project to reduce construction-related vibration impacts to a less than significant level:
• The project will minimize vibration impacts to adjacent uses during demolition and construction by restricting vibratory compactors to have a minimum setback of 50 feet from any structures. 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.

Development of the proposed project would not result in new or more significant construction-related noise impacts than those identified in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]

4.12.2.2 Noise Impacts to the Project

As previously discussed in Section 4.0 of this Initial Study/Addendum, 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. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. General Plan Policies under Goal EC-1 (EC-1.1-1.7), however, require that existing ambient noise levels be analyzed for new residences, office buildings, business commercial, or professional offices and that noise attenuation be incorporated into the project in order to bring interior and exterior noise levels down to acceptable levels. The analysis of noise exposure for future project residents discloses information on the project’s compliance with General Plan polices.

Exterior and Interior Noise Impacts

(Checklist Question a)

The existing noise environment at the project site results primarily from vehicular traffic on surrounding streets and SR 87 and aircraft approaching or departing from the Norman Y. Mineta San José International Airport. According to Appendix C of the General Plan EIR, noise levels in the project area were measured to be between 70 and 75 dBA DNL in 2008. The Park/San Carlos subarea, including the project site, is expected to be located outside of the 70 dBA DNL contour of SR 87. The project site is approximately 220 feet from the centerline of SR 87. Based on the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), the project site is located outside of the 65 CNEL noise contour.

As discussed in the DSAP EIR, residential development may be located in areas with conditionally acceptable noise levels (i.e., 60-75 dBA DNL) for residential uses. Residential development on the project site would be subject to the interior noise level objective of 45 dBA DNL. Because the project site is within the Downtown Core, the exterior noise level objective of 60 dBA DNL does not apply to development on the project site. In addition, single-event noise sources such as planned/existing rail lines and aircraft operations would also be subject to the instantaneous noise objective of 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms (Policy EC-1.9).

Interior noise levels within the proposed residences could exceed the City’s 45 dBA DNL noise level standard and the instantaneous noise objective of 50 dBA Lmax in bedrooms and 55 dBA Lmax in
other rooms. As described below, the proposed project includes measures to reduce interior noise levels to an acceptable level.

**Standard Permit Conditions:** Consistent with the requirements for future development under the DSAP, the following measures would be implemented to reduce interior noise levels to 45 dBA DNL or lower and achieve the instantaneous noise objective of 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms:

- A site-specific noise analysis by an acoustical consultant shall be required to verify consistency with the City’s noise standards and identify necessary design features and noise reduction measures, based on projected General Plan traffic volumes. Projections of future noise exposure would also take into account existing and planned commercial/industrial operations and transit facilities.

- Where exterior day-night average noise levels are 60 to 70 dBA DNL, interior noise levels can typically be maintained below 45 dBA DNL with the incorporation of adequate forced air mechanical ventilation systems in the units, which allow residents the option of controlling noise by keeping the windows closed. In areas with noise levels exceeding 70 dBA DNL, the inclusion of windows and doors with high Sound Transmission Class (STC) ratings may also be necessary to meet the interior noise standard of 45 dBA DNL.

**Areas within Airport Land Use Plan or Private Airstrip**

*(Checklist Questions e and f)*

The project site is not located in an AIA and is outside the 65 dBA DNL airport noise contour. Implementation of the proposed project would not result in new or more significant impacts associated with airport land use or air traffic than identified in the DSAP EIR.

**4.12.3 Conclusion**

Implementation of the proposed, consistent with the requirements for future development under the DSAP, would not result in noise impacts to existing sensitive land uses and future residents on the project site. **[Same Impact as Approved Project (Less than Significant Impact)]**

Implementation of the proposed, consistent with the requirements for future development under the DSAP, would not result in construction noise and vibration impacts upon the existing uses in the project area. **[Same Impact as Approved Project (Less than Significant Impact)]**

As described in the DSAP EIR, project-generated traffic in combination with the traffic generated by future redevelopment under the DSAP would substantially increase noise levels at existing noise-sensitive uses along segments of Julian Street, Park Avenue, and San Carlos Street. This is the same impact as identified in the certified DSAP EIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**
4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

4.13.1.1 Regulatory Framework

Envision San José 2040 General Plan

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate approximately 120,000 new dwelling units by 2035. Through policies and actions that address orderly growth within the City, buildout of the General Plan is projected to help balance the ratio of local jobs with available housing within the City.

Diridon Station Area Plan

The DSAP plans for up to 2,588 housing units in two major clusters; between the east/west arterial streets of Park Avenue and San Carlos Street. A third, smaller housing cluster is planned for the area between The Alameda and Julian Street, west of the San José Arena. The DSAP cites both market rate and affordable housing developers as being integral in achieving a wide range of housing types in the DSAP area. The DSAP would accommodate up to 23,010 jobs.

4.13.1.2 Existing Conditions

The City of San José population was estimated to be approximately 1,046,080 with a total of 332,575 housing units in January 2017. The average number of persons per household in San José was estimated at 3.2. The City has approximately 415,000 jobs and 468,100 employed residents. Based on the City’s General Plan, the projected population in 2035 would be 1.3 million persons occupying 429,350 households. Within the DSAP area, there are approximately 1,430 existing residents and 1,680 existing employees.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. By 2035, San José could have 1.3 jobs per employed resident, which is a substantial change beyond the existing 0.8 to 1 ratio.

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

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### 4.13.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact</th>
<th>New Less Than Significant Impact With Mitigation Incorporated</th>
<th>Same Impact as “Approved Project”</th>
<th>Less Impact than “Approved Project”</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs - Population and Housing Conclusions**

The DSAP EIR found that future development under the DSAP would not induce substantial population growth in San José nor displace substantial amounts of existing housing or people. The DSAP includes a total of 2,588 dwelling units and approximately 5.4 million square feet of commercial uses, which would accommodate a total of 23,010 jobs. The development allowed under the DSAP would make a substantial contribution to the significant unavoidable cumulative impact related to the City’s jobs/housing imbalance (since development under the DSAP would contribute to the increase of jobs over residential units).

#### 4.13.2.1 Impacts to Population and Housing (Checklist Questions a and c)

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

In the DSAP EIR, proposed development levels within the DSAP were found to be consistent with the combined jobs and housing capacities established in the Envision San José 2040 General Plan for the Downtown, Midtown, and VT-4 Growth Areas. Proposed infrastructure expansion identified in the DSAP was also found to be consistent with projected General Plan growth. Subsequently, the
DSAP was identified as neither directly nor indirectly inducing population growth within the plan area.

The project proposes to construct a 130 unit residential building within the DSAP planning area. The proposed project is consistent with the existing General Plan land use designation for the project site (i.e., Downtown). The proposed project is within the defined capacity in the DSAP area. The proposed project is consistent with the residential development assumptions planned for in the DSAP and evaluated in the DSAP EIR. The proposed project would increase housing and increase the number of residents living in Downtown San José; however, the project would not induce substantial population growth, either directly or indirectly, over what has been planned for in the DSAP. For these reasons, the proposed project would not result in a significant population or housing impact.  
[Same Impact as Approved Project (Less than Significant Impact)]

4.13.2.2 Impacts to Population and Housing  
(Checklist Questions b and c)

The proposed project would remove one existing single-family residence and a commercial building located on the project site; however, this is not considered displacement of a substantial number of housing units or people. The proposed project would construct a 130-unit residential building on the project site; therefore, the project would not necessitate the need for the construction of replacement housing.  [Same Impact as Approved Project (Less than Significant Impact)]

4.13.3 Conclusion

The proposed project is consistent with the existing General Plan land use designation for the site and would not directly or indirectly result in substantial population growth above that which has been planned for in the DSAP.  [Same Impact as Approved Project (Less than Significant Impact)]
4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 Regulatory Framework

California Government Code Section 65996

California Government Code Section 65996 specifies that an acceptable method of offsetting a project’s effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The CEQA documents must identify that school impact fees and the school districts’ methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act-California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City’s decision whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to public services and are applicable to the proposed project.
### General Plan Policies: Public Services

#### Law Enforcement and Fire Protection

| Policy ES-3.9 | Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces. |
| Policy ES-3.11 | Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. |

#### High Quality Facilities and Programs

| Policy PR-1.1 | Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents. |
| Policy PR-1.2 | Provide 7.5 acres per 1,000 population of citywide/region park and open space lands through a combination of facilities provided by the City of San José and other public land agencies. |
| Policy PR-1.3 | Provide 500 square feet per 1,000 population of community center space. |
| Policy PR-1.9 | As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities. |

#### Provide an Equitable Park System

| Policy PR-3.2 | Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation’s Urban Environmental Accords, as adopted by the City for recreation open space. |

### 4.14.1.2 Existing Conditions

#### Fire and Police Protection Services

Fire protection services in the project area are provided by the City of San José Fire Department (SJFD). The SJFD responds to approximately 74,000 calls for service each year, including all fires, hazardous material spills, and medical emergencies, from 33 fire stations around the City.\(^\text{27}\) The fire station closest to the project site is SJFD Station 30 at 454 Auzerais Avenue, approximately 100 feet southwest of the project site.

Police protection services in the project area are provided by the City of San José Police Department (SJPD). The SJPD employs approximately 900 sworn police officers. Patrolling officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 1.7 miles north of the project site. The SJPD also has three community policing centers, which are located in Alviso, at the Oakridge Mall, and on Williams Road; however, all three centers have been closed due to staffing constraints. Security for VTA bus and light rail facilities is provided by the Santa Clara County Sheriff’s Office who also subcontracts some security services through VTA’s Protective Services, a private security contractor.

**Schools**

The project site is located in the San José Unified School District (SJUSD). SJUSD includes 41 schools (25 elementary, two K-8 schools, six middle, six high schools and two alternative education programs) serving over 30,000 students in the pre-Kindergarten through 12th grades.28 The project site is within the Gardner Elementary School, Herbert Hoover Middle School, and Abraham Lincoln Senior High School attendance boundaries assigned by the SJUSD. Gardner is located at 502 Illinois Avenue, Herbert Hoover is located at 1635 Park Avenue, and Abraham Lincoln Senior is located at 555 Dana Avenue. The DSAP EIR found that each of these three schools were operating within their enrollment capacities. According to the SJUSD student generation factors, multi-family residential development generates 0.238 K-12 students per dwelling unit.

**Parks**

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks.29 The City also manages approximately community centers, 18 community gardens, and five pool facilities. Other recreational facilities include six public skate parks and over 54 miles of interconnected trails.

The closest public parks (within one-third mile) are the Discovery Dog Park, on the corner of Park Avenue and Delmas Avenue, approximately 600 feet north of the site, and the Guadalupe River Park and Gardens, located 730 feet east of the site, on the corner of West San Carlos Street and Woz Way. Guadalupe River Park and Gardens is a three-mile long park that runs adjacent the Guadalupe River in Downtown San José.30 The project site is near the Discovery Meadows portion of the park, which includes the Children’s Discovery Museum and is used extensively for festivals during the summer months (refer to Section 4.15 Recreation of this Initial Study/Addendum for further discussion of other nearby parks and planned facilities).

Nearby community centers include the Gardner Community Center (approximately 0.4 miles south of the site), Grace Community Center (approximately 1.2 miles northeast of the site), and the Alma Community Center (approximately 1.3 miles southeast of the site).

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Libraries

The San José Public Library System consists of one main library, Dr. Martin Luther King Jr. Library that is jointly operated with San José State University and 23 branch libraries. Libraries near the project site include the Dr. Martin Luther King Jr. Main Library and Biblioteca Latinoamericana Branch Library, which are located approximately 0.8 miles northeast and southeast of the project site, respectively.

4.14.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td></td>
<td>1-3</td>
</tr>
</tbody>
</table>

DSAP, Downtown Strategy 2000, and General Plan EIRs – Public Services Conclusions

While implementation of the DSAP would incrementally increase the demand for public services, the DSAP EIR concludes that development in compliance with General Plan and applicable regulations related to reducing impacts on police and fire services, parks and recreation, schools, and libraries would result in a less than significant impact on public services. As described below, the proposed project would result in a similar less than significant impact on public services.

4.14.2.1 Thresholds of Significance

Unlike utility services, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resources base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery can be provided by a city, county, service, or other special district. Usually, new development will create an incremental increase in the
demand for these services. The amount of the demand will vary widely, depending on both the nature of the development (residential versus industrial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing versus family housing).

The impact of a particular project on public services and facilities is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). CEQA requires analysis of fiscal impacts to the extent that increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have physical effects on the environment.

4.14.2.2 Impacts to Public Services
(Checklist Question a)

Impacts to Fire and Police Protection Services

The DSAP EIR found that future development under the DSAP would increase demand for fire protection services; however, this increased demand is not anticipated to require the construction of new fire stations, other than those already planned. The DSAP EIR also found that there would be an increase in demand for police protection services in the plan area, which may result in the need for additional staff and equipment. Planned growth within the DSAP area was found to not result in a significant impact related to fire or police protection.

The project proposes to construct a six-story, 130 unit residential building on the project site. Implementation of the proposed project would intensify the use of the site and generate additional residents in the area, which would incrementally increase the demand for fire and police protection services compared to existing conditions. The project site, however, is currently served by both the SJFD and SJPD and the amount of proposed development represents a small fraction of the total growth identified in the DSAP. The project, by itself, would not preclude the SJFD and/or SJPD from meeting their service goals and would not require the construction of new or expanded fire or police facilities.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the proposed project would have no new or more significant impacts on fire and police protection services than identified in the DSAP EIR.

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

Impacts to Schools

The DSAP EIR found that existing schools serving the DSAP area may not have capacity to accommodate the projected increase in students from future residential development under the DSAP. Although implementation of the DSAP was found to contribute to increased demand for school facilities in the SJUSD, DSAP development is consistent with the Envision San José 2040 General Plan and the EIR found that the project would not result in new or more significant impacts than identified in the General Plan EIR.
Development of the proposed project would incrementally increase the number of students in the project area. Based on a student generation rate of 0.238 K-12 students per unit, the proposed project is estimated to increase the student population in the project area by 31 new students. The proposed project is part of planned growth in the City and would not increase the number of students in the SJUSD beyond what has been anticipated in the DSAP and the overall General Plan. The project would mitigate its impact on local schools through compliance with state law (Government Code Section 65996), including payment of school impact fees. [Same Impact as Approved Project (Less than Significant Impact)]

**Impacts to Parks**

The DSAP projected the residential population in the Plan area to increase to 5,450 with maximum-buildout of the DSAP. The DSAP EIR concluded that with the City’s service level objectives for parkland, residential development under the DSAP would generate a demand for an additional 19-acres of neighborhood-serving parkland and 2,725 square feet of community center space. The DSAP proposes the construction of parks and trails, which would help offset the current and future demand for recreational facilities in the plan area and surrounding neighborhoods. Furthermore, new residential development in the plan area is required to incorporate outdoor spaces and recreational amenities, in accordance with the General Plan Policy PR-1.9, the City’s Residential Design Guidelines, and the DSAP Design Guidelines.

The proposed project residents would contribute to the overall DSAP demand for parkland. To offset the demand, the proposed project is required to pay the applicable PDO/PIO fees. The fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5. Additionally, the proposed project includes 19,590 square feet of on-site common open space that would be available to future tenants for passive recreational uses, which would offset some of the demand on existing park and recreational facilities resulting from the proposed project.

Implementation of the proposed project would not result in new or more significant impacts to park facilities than identified in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]

**Impacts to Libraries**

The residents of the proposed project would incrementally increase the demand on neighborhood libraries, including Martin Luther King Jr. Main Library. The population growth resulting from the project was accounted for in the DSAP EIR, which found that future growth under the DSAP would not result in a significant impact to libraries in the area. Therefore, development of the proposed project would not require new or expanded library facilities beyond what is already planned. [Same Impact as Approved Project (Less than Significant Impact)]

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4.14.3 **Conclusion**

The proposed project would incrementally increase demand for fire and police protection services, libraries, schools, parkland, and recreational facilities in the City of San José. Implementation of the proposed project, in accordance with the guidelines outlined in the DSAP, General Plan, and applicable ordinances and state statutes, would not result in new or more significant impacts to public services than those previously identified in the DSAP EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**
4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 Regulatory Framework

Quimby Act—California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City’s decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

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

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

| Policy PR-1.9 | As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities. |
| Action PR-1.12 | Regularly update and utilize San José’s Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities. |
| Policy PR-2.4 | To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/ tot-lots, basketball courts, etc.) within a three-quarter mile radius of the project site that generates the funds. |

4.15.1.2 Existing Conditions

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also manages approximately community centers, 18 community gardens, and five pool facilities. Other recreational facilities include six public skate parks and over 54 miles of interconnected trails.

The closest public parks (within one-third mile) are the Discovery Dog Park, on the corner of Park Avenue and Delmas Avenue, approximately 600 feet north of the site, and the Guadalupe River Park and Gardens, located 730 feet east of the site, on the corner of West San Carlos Street and Woz Way. Guadalupe River Park and Gardens is a three-mile long park that runs adjacent the Guadalupe River in Downtown San José. The project site is near the Discovery Meadows portion of the park, which includes the Children’s Discovery Museum and is used extensively for festivals during the summer months.

Other nearby parks are Biebrach Park, approximately 0.4 miles south of the site (300 feet west of the Virginia Street and Delmas Avenue intersection) and Arena Green East Park (approximately 0.4 miles north of the site, located on the corner of West Santa Clara Street and North Autumn Street). Planned facilities in the vicinity include Reach 5 of the Los Gatos Creek Trail, build-out of the Guadalupe River Park and Gardens Master Plan, and a community park on the San José Fire Department (SJFD) Training Facility site within the DSAP area.

Nearby community centers include the Gardner Community Center (approximately 0.4 miles south of the site), Grace Community Center (approximately 1.2 miles northeast of the site), and the Alma Community Center (approximately 1.3 miles southeast of the site).

The City’s PDO and the PIO requires new residential development to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population San José residents either through

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dedication of parkland to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development.

4.15.2 **Checklist and Discussion of Impacts**

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Parks and Recreation Conclusions**

As disclosed in the DSAP EIR, future development under the DSAP would contribute to demand for parkland and recreational facilities in the Central/Downtown Planning area of the General Plan, implementation of the DSAP would not result in significant impacts. Construction or expansion of parkland and recreational facilities as a result of development under the DSAP would have less than significant environmental effects.

An eight-acre new community park will be developed under the DSAP. The existing San José Fire Department Training Facility located at 255 South Montgomery Street (approximately 0.3 miles northwest of the project site) and the adjacent car wash business properties would be removed/relocated to accommodate the new eight-acre park. The park will include a range of active and passive recreation activities such as playgrounds, picnic areas, multi-use lawns, and/or sports fields/courts. The new community park will also incorporate a portion of the planned Los Gatos Creek Trail. This Los Gatos Creek trail provides a link to the Guadalupe River Trail, the City’s trail network, enhances access to parks, recreation and open space in the City of San José.

4.15.2.1 ***Impacts of Project on Recreational Facilities***

*(Checklist Questions a and b)*

The project would include approximately 416 residents and impacts to parks and recreational facilities from the proposed project could result from increased demand and use of the facilities.34 The construction of the planned parks and trails (e.g., a community park on the SJFD Training

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34 This project assumes the number of residents per household is 3.2.
Facility site proposed by the DSAP and Los Gatos Creek Trail, Reach 5) would help offset the current and future demand for recreational facilities. The proposed project also includes 19,590 square feet of common open space area which includes barbecue and picnic areas and a pedestrian path to the west of the proposed building and a courtyard area with outdoor seating on the building’s second floor. The use of these recreational areas by residents would reduce the project’s demand on parkland and recreational facilities. To further offset demand for parkland and recreational facilities, the project would be subject to the City’s PDO/PIO. The project would be subject to the payment of PDO/PIO fees (based on the number of residential units) which would be used to provide neighborhood-serving facilities within a three-quarter mile radius of the project site and/or community serving facilities within a three-mile radius. For these reasons, the proposed development (which was accounted for in the DSAP EIR), would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse.

Since development on the site was accounted for in the DSAP, the proposed project’s recreational area (15,590 square foot common open space area) would not result in new or more significant environmental effects than assumed in the DSAP EIR. [Same Impact as Approved Project (Less Than Significant Impact)]

4.15.3 Conclusion

The proposed project would not result in new or more significant impacts to recreation than disclosed in the certified DSAP EIR and General Plan EIR. [Same Impact as Approved Project (Less Than Significant Impact)]
4.16 TRANSPORTATION/TRAFFIC

This section is based, in part, on a Traffic Operations Analysis and a Transportation Demand Management (TDM) Plan that were completed for the proposed project by Hexagon Transportation Consultants, Inc. in April 2017. The Traffic Operations Study and the TDM Plan are included as Appendix E to this Initial Study/Addendum.

4.16.1 Environmental Setting

4.16.1.1 Regulatory Framework

San José Bicycle Master Plan

The Bicycle Master Plan, also known as the San José Bike Plan 2020, defines the City’s vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

City Council Policy 5-3

As established in the City Council Policy 5-3 “Transportation Impact Policy” (2005), the City of San José uses the same Level of Service (LOS) methodology as the Congestion Management Plan (CMP), although the City’s standard is LOS D rather than LOS E (the CMP standard). According to this policy and General Plan Policy TR-5.3 (see below), an intersection impact would be satisfactorily mitigated if the mitigation measure restores level of service to the condition that would exist without the proposed project, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (i.e., pedestrian, bicycle, or transit).35 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 policies for the purpose of avoiding or mitigating impacts resulting from planned development within the City. The following policies are specific to transportation and are applicable to the proposed project.

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35 Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions. Exceptions to the standard are made for small, infill projects, the Downtown Core, and for impacts to Protected Intersections within Special Strategy Areas, including Transit Oriented Development Corridors and Transit Station Areas.
### General Plan Policies: Transportation/Traffic

#### Balanced Transportation System

<table>
<thead>
<tr>
<th>Policy TR-1.1</th>
<th>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).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy TR-1.2</td>
<td>Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.</td>
</tr>
<tr>
<td>Policy TR-1.4</td>
<td>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.</td>
</tr>
</tbody>
</table>

#### Walking and Bicycling

| 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. |

#### Maximize Use of Public Transit

| 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 towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities. |

#### Vehicular Circulation

| Policy TR-5.3 | The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts. |

#### Parking Strategies

<table>
<thead>
<tr>
<th>Policy TR-8.4</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy TR-8.6</td>
<td>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.</td>
</tr>
<tr>
<td>Policy TR-8.9</td>
<td>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.</td>
</tr>
</tbody>
</table>
General Plan Policies: Transportation/Traffic

<table>
<thead>
<tr>
<th>Function</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy CD-2.3</td>
<td>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.</td>
</tr>
<tr>
<td>Policy CD-2.10</td>
<td>Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.</td>
</tr>
</tbody>
</table>

4.16.1.2 Transportation System

The transportation system includes the roadway network, pedestrian and bicycle facilities, and public transit. These components of the transportation system, as they relate to the project site, are discussed in further detail below.

Roadway Network

Regional access to the project site is provided by I-280 and SR 87. Local site access is provided by Auzerais Avenue, Delmas Avenue, West San Carlos Street, and Woz Way. These facilities are described below.

I-280 extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of downtown San José. The section of I-280 just north of the Bascom Avenue over-crossing has six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes. Access to the project site to and from I-280 is provided via Bird Avenue, Almaden Boulevard and First Street.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site to and from SR 87 is provided via nearby ramps at Woz Way, Auzerais Avenue, and Park Avenue.

Auzerais Avenue is an east-west, two-lane local connector street that serves as the southern boundary of the project site. Automobiles, bicycles, pedestrians, and trucks are prioritized equally on local connector streets. Auzerais Avenue extends from Meridian Avenue to Woz Way, primarily made up of residential, commercial, and light industrial land uses. Auzerais Avenue provides direct access to the project site.

Delmas Avenue is a two-lane one-way local connector street in the southbound direction that serves as part of the eastern boundary of the project site. Delmas Avenue is primarily made up of residential land uses, and equally prioritizes automobiles, bicycles, pedestrians, and trucks. Delmas Avenue ultimately transitions into a SR 87 southbound on-ramp south of the Auzerais Avenue intersection. Delmas Avenue provides access to the project site via Auzerais Avenue.
**West San Carlos Street** is an east-west four-lane street. West of Delmas Avenue, West San Carlos Street is a four-lane road with raised median and left-turn pockets at some intersections. East of Delmas Avenue, after crossing under SR 87, West San Carlos Street is a four-lane road with Light Rail Transit (LRT) track running down the median. These tracks support VTA trains 901 (Santa Teresa to Alum Rock) and 902 (Mountain View to Winchester).

**Woz Way** is a north-south, two-lane local connector street that extends from Park Avenue south to Almaden Boulevard. All modes of transportation are prioritized equally on Woz Way. Woz Way ultimately transitions into a SR 87 northbound on-ramp north of Park Ave. Woz Way provides access to the project site via Auzerais Avenue.

### Pedestrian Facilities

A complete network of sidewalks is present along the streets in the immediate vicinity of the project site, including Auzerais Avenue, Delmas Avenue, Woz Way, San Carlos Street, Park Avenue, and San Fernando Street. Crosswalks with pedestrian signal heads are provided at the intersections near the project site, including the intersections of Delmas Avenue/Auzerais Avenue, Delmas Avenue/San Carlos Street, Delmas Avenue/Park Avenue, Delmas Avenue/San Fernando Street, Woz Way/Auzerais Avenue, Woz Way/San Carlos Street, and Bird Avenue/San Carlos Street.

Crosswalks are not provided on the north leg of the Woz Way/Auzerais Avenue intersection and the east leg of the Woz Way/San Carlos Street intersection due to the LRT tracks that run through these intersections. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the Downtown area.

### Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). The existing bicycle facilities within approximately 0.5 mile of this project site include the Guadalupe River multi-use trail (Class I bikeway), striped bike lanes (Class II bikeway), and shared bike routes (Class III bikeway).

The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River. The trail system is shared between pedestrians and bicyclists and is separated from motor vehicle traffic. The Guadalupe River trail is an 11-mile continuous Class I bikeway from Curtner Avenue in the south to Alviso in the north. This park trail system can be accessed via Woz Way less than 0.25 mile walking distance from the project site.

Striped (Class II) bike lanes are present along the following street segments:

- Woz Way between San Carlos Street and Almaden Avenue.
- Park Avenue between Woz Way and Market Street, and west of Montgomery Street.
- San Fernando Street between the Diridon Station and 10th Street.
- Almaden Boulevard between Woz Way and Santa Clara Street.
- Bird Avenue south of Virginia Street.
Shared bike routes (Class III) are present on San Carlos Street between Woz Way and 2nd Street, and on Virginia Street between Drake Street and Harliss Avenue. There are no bicycle facilities on Delmas Avenue; however, the low traffic volumes on Delmas Avenue are conducive to bicyclists. Auzerais Avenue also does not include any bicycle facilities; however, according to the City of San José Bike Master Plan, bike lanes are planned on Auzerais Avenue between Woz Way and Meridian Avenue.

In addition, the City of San José participates in the Bay Area Bike Share program, which allows users to rent and return bicycles at various popular locations around the Downtown area. There are currently 18 Bike Share stations in Downtown San José with two stations located about 0.5 mile from the project site: one at the Diridon Station and the other one at the San Carlos Street/Market Street intersection near the Convention Center LRT Station.

### Public Transit

#### VTA Service

The Valley Transportation Authority (VTA) operates local bus routes and two LRT lines within the project vicinity. The VTA bus routes with stops near the project site and the LRT lines are described in Table 4.16-1 below.

<table>
<thead>
<tr>
<th>Bus Route</th>
<th>Route Description</th>
<th>Nearest Stop and Distance to Project Site</th>
<th>Weekday Hours of Operation</th>
<th>Headway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Bus 23</td>
<td>DeAnza College to Alum Rock Transit Center via Stevens Creek</td>
<td>Delmas/San Carlos 400 feet</td>
<td>5:29am – 12:35am</td>
<td>11 - 13 minutes</td>
</tr>
<tr>
<td>Local Bus 63</td>
<td>Almaden Expwy/Camden, Diridon Transit Center, to SJSU</td>
<td>Delmas/San Fernando, 0.3 mile</td>
<td>6:30am – 9:53pm</td>
<td>26 - 36 minutes</td>
</tr>
<tr>
<td>Local Route 64</td>
<td>Almaden LRT Station to McKee &amp; White via Downtown</td>
<td>Delmas/San Fernando, 0.3 mile</td>
<td>5:49am – 10:48pm</td>
<td>15 minutes</td>
</tr>
<tr>
<td>Community Bus 65</td>
<td>Kooser/Blossom Hill, Diridon Transit Center, to 13th/Hedding</td>
<td>Delmas/San Fernando, 0.3 mile</td>
<td>6:38am – 7:05pm</td>
<td>45 - 50 minutes</td>
</tr>
<tr>
<td>Local Bus 81</td>
<td>San José State University to Vallco</td>
<td>Delmas/San Carlos 400 feet</td>
<td>6:39am – 7:32pm</td>
<td>25 - 35 minutes</td>
</tr>
<tr>
<td>DASH (Light Rail Shuttle 201)</td>
<td>Downtown Area Shuttle (DASH)</td>
<td>Delmas/San Fernando, 0.3 mile</td>
<td>6:32am – 9:23pm</td>
<td>4 - 14 minutes</td>
</tr>
<tr>
<td>Express Bus 168</td>
<td>Gilroy Transit Center to San José Diridon Transit Center</td>
<td>San José Convention Center, 0.6 mile</td>
<td>6:26am – 8:41am 3:48pm – 5:52pm</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Limited Stop Bus 323</td>
<td>Downtown San José to DeAnza College</td>
<td>Bird/San Carlos 0.3 mile</td>
<td>6:28pm – 10:42pm</td>
<td>15 - 20 minutes</td>
</tr>
</tbody>
</table>
### Table 4.16-1: Existing Bus and LRT Service

<table>
<thead>
<tr>
<th>Bus Route</th>
<th>Route Description</th>
<th>Nearest Stop and Distance to Project Site</th>
<th>Weekday Hours of Operation&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Headway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hwy 17 Express (Regional Service 970)</td>
<td>Downtown Santa Cruz/Scotts Valley to Downtown San José</td>
<td>Bird/San Carlos 0.3 mile</td>
<td>5:37am – 10:52pm</td>
<td>10 - 30 minutes</td>
</tr>
<tr>
<td>Light Rail 901</td>
<td>Santa Teresa, Downtown San José, to Alum Rock</td>
<td>Children’s Discovery Museum Station 0.2 mile</td>
<td>4:39am – 1:48am</td>
<td>10 - 15 minutes</td>
</tr>
<tr>
<td>Light Rail 902</td>
<td>Mountain View, Downtown San José, to Winchester in Campbell</td>
<td>San Fernando Station, 0.3 mile</td>
<td>5:04am – 12:25am</td>
<td>15 minutes</td>
</tr>
</tbody>
</table>

<sup>1</sup> Approximate weekday operation hours and headways during peak commute periods in the project area as of March 2017.

---

**San José Diridon Station**

The San José Diridon Station is located along the Mountain View-Winchester LRT line, approximately 0.5 miles northwest of the project site, and is served by Caltrain, Altamont Commuter Express (ACE), and Amtrak. The Diridon Station provides bike racks and lockers.

**Caltrain Service**

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

**Altamont Commuter Express (ACE) Service**

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during weekday commute hours. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening with headways averaging 60 minutes.

**Amtrak Service**

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

The Coast Starlight trains provide daily passenger train service between Los Angeles and Seattle. The southbound Coast Starlight train arrives at the Diridon Station at 9:55 AM and departs at 10:07
AM. The northbound Coast Starlight train arrives at the Diridon Station at 8:11 PM and departs at 8:23 PM.

4.16.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>☐ ☐ ☐ ☒ ☐</td>
<td>1-3, 23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>☐ ☐ ☐ ☒ ☐</td>
<td>1-3, 23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>☐ ☐ ☐ ☒ ☐</td>
<td>1-3, 20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?</td>
<td>☐ ☐ ☐ ☒ ☐</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐ ☐ ☐ ☒ ☐</td>
<td>1-3</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Would the project:

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?

☐ New Potentially Significant Impact
☐ New Less Than Significant With Mitigation Incorporated
☐ New Less Than Significant Impact
☐ Same Impact as “Approved Project”
☒ Less Impact than “Approved Project”

Checklist Source(s) 1-3, 23

**DSAP, Downtown Strategy 2000, and General Plan EIRs – Transportation Conclusions**

As discussed in the DSAP EIR, buildout of the DSAP would not result in significant impacts related to intersection operations, roadway hazards, emergency access, or air traffic patterns. Implementation of the DSAP, however, would result in significant unavoidable impacts to freeway segment operations when compared to existing conditions. Traffic generated upon build-out of the DSAP, in combination the traffic generated with build-out of the Downtown Strategy 2000, would result in significant impacts at two intersections, the intersections of The Alameda/Naglee Avenue and Park Avenue/Naglee Avenue. The proposed project, as part of the development comprising the DSAP, would not result in any new or greater traffic impacts than identified in the DSAP EIR, as described below.

**4.16.2.1 Project Traffic Impacts**

**Intersection and Freeway Segment Level of Service Impacts**

*(Checklist Questions a and b)*

The proposed project is located in the Downtown Core. For this reason, the project is exempt from the City’s LOS policy and preparation of a comprehensive Transportation Impact Analysis (TIA) to evaluate the project’s traffic impacts is not necessary. The 130 residences proposed by the project are part of the 2,365 dwelling units projected for the Southern Zone of the DSAP, the traffic impacts of which were evaluated in the DSAP EIR. The DSAP EIR evaluated the operation of 104 intersections in and outside of the Downtown Core. 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, as part of the DSAP buildout, would not conflict with level of service standards for intersection operations established by the Congestion Management Agency (CMA) or City of San José. Build-out of the DSAP, however, would impact 15 directional mixed flow freeway segments and four directional HOV lane freeway segments during at least one peak hour, when compared to existing conditions. The project traffic would contribute to the freeway traffic impacts of the DSAP buildout.

Traffic generated upon build-out of the DSAP, in combination the traffic generated with build-out of the Downtown Strategy 2000 Plan, would result in significant impacts at two intersections, the intersections of The Alameda/Naglee Avenue and Park Avenue/Naglee Avenue. These intersections have been built to their maximum capacity due to right-of-way constraints, and there are no feasible improvements that would improve the level of service at these intersections to LOS D during the PM...
peak hour. These intersections serve as gateways to Downtown and as important transit, bicycle, and pedestrian corridors; therefore, the DSAP added these two intersections to the List of Protected Intersections that are exempt from the City’s LOS policy. As a condition of DSAP approval, future developers (e.g. the project applicant) will be required to implement offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity of protected intersections.

The proposed project is part of the planned growth in the DSAP area and would not result in any new impacts or impacts of greater severity than previously disclosed in the certified DSAP EIR. [Same Impact as Approved Project (Significant Unavoidable Impact)]

Parking

The project proposes to construct a 130-unit residential building on the project site. A ground level parking garage, accessed off of Auzerais Avenue, would provide 65 vehicular parking spaces and 13 motorcycle parking spaces. Two bike rooms providing a total of 156 bicycle parking spaces are also proposed by the project.

The parking requirement under the proposed zoning (Downtown Primary Commercial) is one space per unit, which equates to 130 spaces for the proposed project. The project site, however, is within the Downtown Parking Management Zone. As a result and as stated in Chapter 20.70.330 of the Zoning Ordinance, up to a 65 percent parking reduction could be allowed with implementation of a transportation demand management (TDM) program to reduce parking demand. A TDM plan was prepared for the project and is included as Appendix E to this Initial Study/Addendum. General Plan policy TR-8.2 (see above) also allows for reduced parking requirements for developments implementing a comprehensive transportation demand management (TDM) program or developments located near major transit hubs or within Villages and Corridors and other growth areas.

The project site is located in a designated growth area, numerous transit stations (e.g., Downtown Area Shuttle (DASH), Diridon Station, and LRT) are located within one-half mile of the site, and a TDM program is included in the proposed project. The TDM measures proposed by the project were developed based on the parking reduction requirements outlined in the Zoning Ordinance. The TDM measures are designed to allow up to a 50 percent reduction of the current City parking requirements. The following TDM measures, which encourage walking, biking, or use of transit, are proposed by the project:

- Two free annual VTA Eco Passes per unit for the life of the project;
- Two free annual Zipcar memberships per unit for the life of the project;
- One free annual Bay Area Bike Share membership per unit for the life of the project;
- One on-site cargo bicycle for tenants to share;
- 100% unbundled parking; and
- An on-site TDM coordinator.

The 65 on-site parking spaces, together with implementation of the TDM measures listed above, would provide adequate on-site parking to serve the proposed project. [Same Impact as Approved Project (Less Than Significant Impact)]
4.16.2.2 Other Transportation Issues

Site Access, Design and Circulation
(Checklist Questions c, d, and e)

The traffic operations study completed for the proposed project evaluated driveway operations, driveway sight distance, on-site vehicular circulation, pedestrian access and circulation, and truck access and circulation. Overall, the proposed project provides adequate site access, on-site circulation, and driveway operations. The following measures are included in the proposed project, as recommended in the traffic operations study, to further improve site access and circulation:

- The project driveway will conform to the City’s requirements for two-way residential driveway dimensions.
- The parking garage entry gate will be kept open during the time period of the day when most of the inbound vehicle trips are likely to occur (generally from 2:00 PM to 7:00 PM) to avoid vehicle queuing at the gate, which could block the sidewalk.
- No parking zones will be established immediately adjacent to the project driveway to ensure exiting vehicles can see pedestrians on the sidewalk, as well as bikes and vehicles traveling on Auzerais Avenue.
- Visible and audible warning signals will be provided at the project driveway to alert pedestrians and bicyclists to vehicles exiting the site.
- Car door buffer space will be provided between the parking spaces and garage supporting walls, and/or the parking spaces located adjacent to walls will be assigned to compact vehicles.
- A freight loading zone will be added near the lobby on Auzerais Avenue or Delmas Avenue for the use of garbage trucks and moving vans for pickups and or deliveries to the site.
- A comprehensive TDM program will be implemented in order to meet the proposed 50 percent parking reduction.

The proposed project, with implementation of the measures listed above, would not result in a substantial hazard from a design feature, incompatible land use, or inadequate emergency vehicle access. The project, with a maximum building height of 72.5 feet, would not result in any hazards to air traffic or changes to air traffic patterns. Refer to Section 4.8 Hazards and Hazardous Materials (Subsection 4.8.1.2) of this Initial Study/Addendum for information regarding project compliance with federal aviation regulations. [Same Impact as Approved Project (Less Than Significant Impact)]

Bicycle, Pedestrian, and Transit Facilities
(Checklist Item 6)

The existing sidewalks along the project frontage on Auzerais Avenue and Delmas Avenue would provide pedestrian access to the proposed residential lobbies and associated areas (e.g., the elevator, stairwell and bike storage rooms). The network of sidewalks and crosswalks in the project area has good connectivity and would provide project residents with safe routes to transit stops and other points of interest in the area (e.g., Children’s Discovery Museum). The project would not directly impact existing bicycle or transit facilities (e.g., result in the removal of a bike lane or transit stop). For these reasons, the project would not conflict with adopted policies, plans, or programs regarding
bicycle, transit, or pedestrian facilities or decrease the performance or safety of such facilities.

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

4.16.3 Conclusion

Implementation of the proposed project would not result in new or more significant transportation impacts than previously disclosed in the DSAP EIR. As a condition of DSAP approval, the project applicant will be required to implement offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity of protected intersections. [Same Impact as Approved Project (Significant Unavoidable Impact)]
4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 Regulatory Framework

Envision San José 2040 General Plan

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

<table>
<thead>
<tr>
<th>General Plan Policies: Utilities and Service Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy MS-3.1</td>
</tr>
<tr>
<td>Policy MS-3.2</td>
</tr>
<tr>
<td>Policy MS-3.3</td>
</tr>
<tr>
<td>Policy IN-3.3</td>
</tr>
<tr>
<td>Policy IN-3.5</td>
</tr>
<tr>
<td>Policy IN-3.7</td>
</tr>
<tr>
<td>Policy IN-3.9</td>
</tr>
<tr>
<td>Policy IN-3.10</td>
</tr>
</tbody>
</table>

Assembly Bill 939

Assembly Bill 939 (AB 939) established the California Integrated Waste Management Board (now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 required all municipalities to divert 50 percent of the waste stream by the year 2000.
California Green Building Standards Code

In January 2017, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

4.17.1.2 Existing Conditions

Water Service and Supply

Water service to the project site is provided by the San José Water Company. The project site is currently served by a 12-inch water main in Delmas Avenue and a 16-inch water main in Auzerais Avenue. There are currently no recycled water lines in the project area. The project site is currently developed with one single-family residence and one commercial building. Based on SJWC’s 2010 Water Supply Assessment completed for the City’s 2040 General Plan, the water demand generated by employees and residents in the City is approximately 128 gallons per day (gpd) and 78 gpd, respectively. Assuming the art studio has 10 employees and three people are living in the existing on-site single-family residence, the water demand for these uses would be approximately

1,280 gpd and 235 gpd, respectively. Therefore, the total water demand for the existing site is estimated to be approximately 1,515 gpd.

**Wastewater/Sanitary Sewer System**

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF is the largest tertiary treatment plan in the western United States with a capacity to treat 167 million gallons per day (mgd) of sewage during dry weather flow. On average, the RWF treats 110 mgd of wastewater. The resulting fresh water is discharged from the RWF into the San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 mgd of dry weather sewage flow. The City’s share of the RWF treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. There are existing eight-inch sanitary sewer mains on both the Auzerais Avenue and Delmas Avenue project frontages, which currently serve the existing project site. Assuming 80 percent of the site’s water demand ends up wastewater, the existing uses on the site currently generate approximately 1,212 gpd of wastewater.

**Storm Drainage**

The project site is developed and consists of 70 percent of impervious surfaces. Runoff from the site flows overland into the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. There is an existing 48-inch storm drain main on the Auzerais Avenue project frontage that currently serves the existing project site.

**Solid Waste**

Santa Clara County’s Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2026. Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL) through December 31, 2020 with the option to extend the contract as long as the landfill is open (until 2041).

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38 City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. November 2011.

The City has an annual disposal allocation for 395,000 tons per year. As of October 31, 2014, NISL had approximately 21.2 million cubic yards of capacity remaining.\textsuperscript{40}

### 4.17.2 Checklist and Discussion of Impacts

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant Impact</th>
<th>New Less Than Significant Impact With Mitigation Incorporated</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3,24</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1,2,3</td>
</tr>
</tbody>
</table>

DSAP, Downtown Strategy 2000, and General Plan EIRs – Utilities and Service Systems

Conclusions

The DSAP EIR concluded that although the DSAP would require the construction, expansion, or replacement of storm drain, water distribution, and sanitary sewer lines in the Plan area, the completion of these activities as part of future development or transportation projects would not cause significant environmental effects upon implementation of construction BMPs and General Plan policies. The proposed residential development would be located within the DSAP area. The proposed project is consistent with the development envisioned in the DSAP and, therefore, would not result in new or more significant utilities and service systems impacts than identified in the DSAP EIR.

4.17.2.1 Project Impacts to Utilities

Water Service and Supply

(Checklist Questions b and d)

The project site currently has an approximate water demand of 1,515 gpd. The proposed 130 unit residential building is projected to have a water demand of 10,140 gpd, assuming 78 gpd per resident, which is an increase in demand of 8,625 gpd. The proposed project’s water demand is consistent with the assumptions for the project area in the DSAP EIR, which approximated cumulative water demand in the plan area to increase to 3.2 million gpd, based on the long range water supply planning completed as part of the 2040 Envision San José 2040 General Plan. The DSAP EIR concluded that implementation of water conservation/efficiency measures and use of recycled water would minimize long-term potable water demand generated by future users. New three-inch and six-inch water and fire service water lines, respectively, would connect to the existing 16-inch water main on Auzerais Avenue. The 16-inch water main on Auzerais Avenue has sufficient capacity to meet the projected water demands of the proposed project. [Same Impact as Approved Project (Less than Significant Impact)]

Wastewater/Sanitary Sewer System Impacts

(Checklist Questions a, b and e)

Assuming 80 percent of water used by the proposed project ends up as wastewater, the project is projected to generate approximately 8,112 gpd of wastewater, and implementation of the DSAP would generate approximately 2.5 million gpd of wastewater. A new eight-inch sanitary sewer lateral would connect the project to the City’s existing eight-inch sanitary sewer line in Auzerais Avenue. The existing eight-inch sanitary sewer line in Auzerais Avenue has sufficient capacity to serve the incremental increase in demand generated by the proposed project.

According to the General Plan EIR, development under the 2040 General Plan (which includes future growth in the DSAP area) is estimated to generate approximately 30.8 mgd of average dry weather influent flow. Given that the City has approximately 38.8 mgd of excess treatment capacity, planned growth in San José is not expected to exceed the City’s allotted capacity. For these reasons, future development under the DSAP, including the current project, would not require new or expanded wastewater treatment capacity. [Same Impact as Approved Project (Less than Significant Impact)]
Storm Drainage
(Checklist Item c)

As described in the DSAP EIR and in Section 4.9 Hydrology and Water Quality of this Initial Study/Addendum, development allowed under the DSAP could contribute runoff that adversely affects operations of the existing stormwater drainage system. This is because many of the storm drains within the DSAP have inadequate capacity and/or do not meet the City’s 10-year storm event design standard. New development, such as the proposed project, will be required to provide on-site storm drain systems meeting the City’s design standards and NPDES permit requirements and to construct (or contribute to the construction of) off-site improvements, if needed, due to significant downstream deficiencies. Six- to 12-inch storm drains located along the building perimeter would collect and direct the project stormwater runoff to area drains or a storm drain manhole in the landscaped open space area on the western section of the site. Runoff from the manhole would then be directed through a 15-inch storm drain lateral at the southern end of the site to an existing 48-inch storm drain main on the Auzerais Avenue project frontage.

In order to meet on-site storm drain system requirements, the project proposes to utilize bioretention areas (e.g., flow-through planters and self-retaining areas) to treat runoff from the roof and other impervious surfaces on the site. Stormwater runoff from these areas will drain into the treatment area prior to entering the City’s storm drainage system. Project conformance with existing stormwater regulations is discussed in Section 4.9 Hydrology and Water Quality of this Initial Study/Addendum. While the project would increase the amount of imperious surface area on the site, and the resulting amount of runoff, runoff from the site would be managed and treated in accordance with City policies and would not exceed the capacity of the existing 48-inch storm drain main on Auzerais Avenue. [Same Impact as Approved Project (Less than Significant Impact)]

Solid Waste
(Checklist Item f)

According to the General Plan EIR, planned growth under the 2040 General Plan (which includes future growth in the DSAP area) could increase the amount solid waste sent to landfills by approximately 571,500 tons per year through 2035, using current generation rates. This estimate represents the upper limit of potential landfilling needs, given that disposal rates will likely continue to decrease overtime. Based on the upper limit, the existing landfills in San José would have sufficient permitted capacity of 5.3 million tons per year to receive the additional waste generated by new development in the City. Without additional waste reduction, however, local landfills could reach actual capacity by 2025.

The City intends to extend the lifespan of existing landfills through implementation of the Zero Waste Strategic Plan, which supports the City’s goal of 100 percent diversion by 2022. Under the Zero Waste Strategic Plan, the City will utilize techniques such as source reduction, reuse, and composting. Compliance with the CALGreen Code and CARB’s Mandatory Commercial Recycling Measure would complement local efforts and further reduce demand for landfill facilities. As

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41 This estimate is based on waste generation rates for land use types provided by the City’s Environmental Services Department and CalRecycle’s website: http://www.calrecycle.ca.gov/WasteChar/WasteGenRates/default.htm.
42 Permitted capacity is the volume of waste that can be received at a landfill under regulatory permits, while actual capacity is the physical space available in the landfill to receive waste.
redevelopment proceeds and diversion rates increase over time, the City will ensure adequate landfill capacity through monitoring the availability of collection, transfer, recycling, disposal, and waste processing services, periodically assessing infrastructure needs, and working with Materials Recovery Facilities (MRF) and landfill operators to expand capacity as needed (General Plan Policies IN-5.1, IN-5.4, and IN-5.15). With implementation of General Plan policies and the Zero Waste Strategic Plan, the 2040 Envision EIR concluded that solid waste generated by future development under the 2040 General Plan would not exceed the permitted or actual capacity of existing landfills.

Using similar assumptions as the 2040 Envision EIR, the DSAP EIR estimated that development under the DSAP could generate approximately 44,000 tons of solid waste per year, which includes solid waste generated by the proposed project. Because planned growth within the DSAP, including the proposed project, was generally evaluated in the 2040 Envision EIR, the DSAP would not generate new waste above projected levels and existing landfills would have capacity to serve the proposed project.

Future development in the DSAP, including the proposed project, will be required to comply with existing local and state programs and regulations. For example, in accordance with the current CALGreen Code, specific projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. With implementation of the existing programs, state regulations, General Plan policies, and the City’s Zero Waste Strategic Plan, the DSAP, including the proposed project, would not result in a significant impact related to the provision of solid waste services. [Same Impact as Approved Project (Less than Significant Impact)]

4.17.3 Conclusion

The proposed project would not result in new or more impacts to utilities and services systems than those addressed in the DSAP EIR. [Same Impact as Approved Project (Less than Significant Impact)]

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43 Future projects could be required to incorporate additional measures as part of Zero Waste Strategic Plan or other state and local regulations.
### 4.18 MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>New Potentially Significant Impact</th>
<th>New Less Than Significant With Mitigation Incorporated</th>
<th>New Less Than Significant Impact</th>
<th>Same Impact as &quot;Approved Project&quot;</th>
<th>Less Impact than &quot;Approved Project&quot;</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>1-4, 12,14,15</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; 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)?</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>1-25</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>1-5, 9-11, 16-25</td>
</tr>
</tbody>
</table>

### 4.18.1 Project Impacts

*(Checklist Question a)*

As discussed in the respective sections of this Initial Study/Addendum, the proposed project would not degrade the quality of the environment with the implementation of identified measures in the DSAP and General Plan EIRs. As discussed in Section 4.4 Biological Resources of this Initial Study/Addendum, the project would not significantly impact sensitive habitat or species with the implementation of the identified measures. While the existing on-site residence and commercial structure are not historically significant, there is a potential for buried archaeological (historic and prehistoric) and paleontological resources to occur on-site. Implementation of the standard permit conditions identified in Section 4.5 Cultural Resources of this Initial Study/Addendum would avoid or reduce impacts to cultural resources to a less than significant level. The project would not result in
new or more significant impacts than identified in the certified DSAP, Downtown Strategy 2000, and General Plan EIRs.  [Same Impact as Approved Project (Less Than Significant Impact)]

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.

4.18.2.1 Air Quality

The proposed project, which includes 130 attached dwelling units, is well below the BAAQMD screening level of 494 mid-rise apartment units. As discussed in the DSAP EIR, however, the combined operational air emissions (specifically substantial ROG and NOx emissions) from future buildout of the DSAP would result in a significant unavoidable cumulative regional air quality impact. The proposed project, as part of the DSAP, would contribute to this impact. Consistent with the DSAP EIR, the project will implement a TDM plan to minimize regional air quality impacts. For these reasons, the proposed project would not result in any new or greater cumulative air quality impacts than were previously identified in the DSAP EIR. [Same Impact as Approved Project (Significant and Unavoidable Impact)]

The proposed project was analyzed for cumulative health risk associated with construction-related emissions. Results of the analysis show that the project would not contribute to cumulative health risks (refer to Section 4.3 Air Quality of this Initial Study/Addendum).

4.18.2.2 Greenhouse Gas Emissions

The project complies with the Greenhouse Gas Reduction Strategy and would, therefore, not have a cumulatively considerable contribution to global climate change.

4.18.2.3 Noise and Vibration

The proposed project would contribute to significant unavoidable cumulative noise (specifically traffic noise levels) and traffic (e.g., intersection and freeway level of service impacts) impacts that were identified in the DSAP EIR as a result of DSAP buildout. The proposed project would not, however, increase the severity of the cumulative noise impacts disclosed in the DSAP EIR. [Same Impact as Approved Project (Significant and Unavoidable Impact)]
4.18.2.4 **Transportation/Traffic**

The proposed project would contribute to significant unavoidable impacts to noise (specifically traffic noise levels) and traffic (e.g., intersection and freeway level of service impacts). The proposed project would, however, not cause cumulative traffic impacts to become more significant than the impacts disclosed in the DSAP EIR. [Same Impact as Approved Project (Significant and Unavoidable Impact)]

4.18.2.5 **Cumulative Impacts Conclusion**

With the implementation of the measures included in the proposed project, the project would not significantly impact biological resources, cultural resources, geology and soils, hazardous materials, and hydrology and water quality and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forestry resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project’s cumulative impact on aesthetics, air quality, greenhouse gas emissions, land use, noise, population and housing, public services, recreation, transportation/traffic, and utilities were analyzed in the certified DSAP EIR. The project would not result in any new or more significant cumulative impacts than the approved DSAP, Downtown Strategy 2000 Plan, or the General Plan EIRs. Consistent with the requirements for future development under the DSAP, the measures included the DSAP will be implemented by the proposed project.

There are no recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a new or greater cumulatively considerable impact not previously identified by DSAP, Downtown Strategy 2000, or General Plan EIRs.

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 in general, 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, noise, and air quality. Implementation of the measures included in the project and compliance with City General Plan policies and measures identified in the DSAP EIR would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified to result from the project. [Same Impact as Approved Project (Less Than Significant Impact)]
Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

   ---. Envision San José 2040 General Plan Integrated Final Program EIR. November 2011.


7. Santa Clara County, Department of Planning and Development. Williamson Act and Open Space Easement: Interactive Map of Williamson Act Properties. Published June 2017. Available at: [https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx](https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx). Accessed August 22, 2017.


25. Holman & Associates. Archaeological Literature Review for the 363 Delmas Residential Development APNs 264-26-006,007,008 And 009, San Jose, Santa Clara County, California. September 2015
SECTION 5.0 REFERENCES


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


City of San José. *Envision San José 2040 General Plan*. November 2011.

---. *Envision San José 2040 General Plan Integrated Final Program EIR*. November 2011.


---. *Draft Transportation Demand Management (TDM) Plan; 425 Auzerais Avenue Residential Development in San José, CA*. April 2017.


SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY
City of San José
Department of Planning, Building, and Code Enforcement
  Rosalynn Hughey, Interim Director
  David Keyon, Supervising Environmental Planner
  Krinjal Mathur, Planner

6.2 CONSULTANTS
Environmental Consultants and Planners
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  Demetri Loukas, Senior Project Manager
  Zach Dill, Graphic Artist

AEI Consultants, Inc.
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  Brie Solaegui, Registered Environmental Property Assessor
  Megan Nolet, Project Manager

Archaeological Resources Management
Archaeological and Architectural History Consultants
  Robert Cartier, Ph.D., Principal Investigator

Archives & Architecture, LLC
Architectural Historians
  Franklin Maggi, Architectural Historian

Hexagon Transportation Consultants
Traffic Consultants
  Brian Jackson, Senior Associate
  Lance Knox, Planner

HortScience, Inc.
Arborist Services
  Jim Clark, Ph.D., Certified Arborist

Illingworth & Rodkin, Inc.
Air Quality Consultants
  Joshua D. Carman, Air Quality Consultant
  William Popenuck, Consultant