

City of San Jose

Villas on the Park

Addendum to the Final Program Environmental Impact Report for the Downtown Strategy 2000 (SCH# 2003042127), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (SCH# 2009072096), and Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (SCH# 200907096)

Prepared by:



November, 2016

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ADDENDUM

Introduction and Purpose

This Addendum has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Addendum is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

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

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

In November 2011, the City of San José approved the Envision San José 2040 General Plan (Envision 2040 General Plan), which is a long-range program for the future growth of the City. The Envision San José 2040 General Plan Final Environmental Impact Report (General Plan FEIR) was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the General Plan FEIR to be a program-level document from which subsequent development consistent with the General Plan could tier. The General Plan FEIR evaluated additional growth (up to 10,360 dwelling units) in the Downtown compared to existing development. The project site was included in the Downtown land use designation (created in place of the Core Area designation as part of the Envision 2040 General Plan) which was analyzed for up to 350 dwelling units per acre (DU/AC) and a floor area ratio (FAR) up to 15.0 (3 to 30 stories). This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise. Residential development within the Downtown land use designation is intended to support pedestrian/bicycle circulation, increase transit ridership, and incorporate ground floor commercial uses. The City of San José also certified a Supplemental Program EIR

(SPEIR) for the Envision San José General Plan to include and update the greenhouse gas emissions analysis in December 2015.

The purpose of this Addendum is to evaluate the environmental impacts of a Conforming Conventional Zoning from CG Commercial General Zoning District to DC Downtown Core Zoning District, Conditional Use Permit to construct a six story Residential Service Facility for the formerly homeless, and Lot Line Adjustment to combine two parcels into 1 lot on a .355 gross acre site in Downtown San José.

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 San José Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FEIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the Downtown Strategy 2000 FEIR and the Envision San José 2040 General Plan FEIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Downtown Strategy 2000 Plan FEIR and the Envision San José 2040 General Plan FEIR has been prepared for the proposed project.

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

All documents referenced in this Addendum are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

1. Project title:

Villas on the Park Supportive Housing Project (File No. C16-020, CP16-014 & AT16-030)

2. Lead agency name and address:

City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

3. Contact person and phone number:

Krinjal Mathur
Planner I, Environmental Review
Planning Division
City of San Jose
(408) 535-7874

4. Project location:

The project is located on a .335 acre site 278 North 2nd Street in the City of San Jose (APN 467-01-030 and 031). The project would entail construction of a 6-story permanent supportive housing development for the formerly homeless. The project would have 78 studio apartments, a two bedroom manager's apartment, a 10 bed interim housing section, first and second floor social service and community spaces, a sixth floor outdoor deck and garden area, and a street level garage with 12 parking spaces. The project location is shown in Figure 1.

5. Project sponsor's name and address:

Affirmed Housing
13520 Evening Creek Drive North, Suite 160
San Diego, CA 92128

6. General Plan designation:

The site is designated Downtown (DT) in the Envision San Jose 2040 General Plan.

7. Zoning:

The site is currently zoned Commercial General (CG). The project is proposing the rezoning of the site to Downtown Core (DC).

8. Description of project:

Affirmed Housing | PATH is proposing to develop the Villas on the Park project in the City of San Jose, California. The project site is a .355 acre (15,444 square foot) site located at 278 North 2nd Street in the downtown core between Devine Street to the south and East Julian Street to the north. The project is comprised of three discretionary actions:

- **File No. C16-020:** Conforming Conventional Zoning from CG Commercial General Zoning District to DC Downtown Core Zoning District to allow for residential uses on a 0.355 gross acre site.
- **File No. CP16-026:** Conditional Use Permit to allow the demolition of an existing commercial building and to construct a six story, Residential Service Facility for the formerly homeless, comprising of 78 studio apartments, a two bedroom manager's apartment, a ten bed interim housing section, first and second floor social services and community spaces, a sixth floor outdoor deck and garden area, and a street level garage with 12 parking spaces on a .355-gross acre site.
- **File No. AT16-030:** Lot Line Adjustment to combine two parcels into 1 lot on a .355 gross acre site

The project would entail demolition of an existing 3,964 square foot single-story commercial building with a basement and surrounding parking lot and the construction of a 6-story permanent supportive housing/residential development for the formerly homeless. The project would be a wood frame structure that includes street level service offices, community spaces, and a garage with 12 parking spaces. The podium level (second floor) would contain a 10-bed interim housing section, a residential common area, open space/courtyard amenity, reception area, dining area and lobby. The third to sixth floors would have 78 studio apartments and a two bedroom manager's apartment. The sixth floor would have an outdoor deck and garden area. The proposed building would have 58,837 square feet of gross floor area, an 11,865 square foot footprint and a maximum height of 70 feet. Access to/from the project would remain along North 2nd Street. A project site plan is provided as Figure 2. Project construction is expected to begin in mid-2017 and be completed within approximately 12 months.

9. Surrounding land uses and setting:

The project site is a .355 acre parcel located within the City of San Jose's downtown area. To accommodate the residential project; the site would be rezoned DC. A parking lot is located to

the south, multifamily residences are located to the west, and single family residences are located to the north and east.

10. Required Project Approvals:

- Environmental Clearance
- Rezoning
- Conditional Use Permit
- Lot Line Adjustment
- Issuance of Demolition, Grading, Building, and Occupancy Permits

11. Other public agencies whose approval is required:

Housing and Urban Development (HUD) National Environmental Policy Act (NEPA) approval will be required to prior to receiving federal funds for the project.

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant" or "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

ENVIRONMENTAL CHECKLIST

As referenced, this Addendum tiers off the City of San José Downtown Strategy 2000 FEIR (approved June 2005), the 2040 General Plan FEIR (approved November 2011), and the 2040 General Plan SEIR (approved December 2015).

The amount of residential development proposed for the site was included and analyzed in the certified Downtown Strategy 2000 FEIR and the certified 2011 General Plan FEIR, at a program level. The Addendum will evaluate project-specific environmental impacts not addressed in the two previously certified FEIRs based on information provided herein. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previously prepared EIRs, an Addendum will be prepared for the proposed project (CEQA Guidelines Sections 15162 and 15164), rather than a Mitigated Negative Declaration, supplemental EIR or subsequent EIR.

This section describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development approved in the Downtown Strategy 2000 FEIR and General Plan FEIR as supplemented) and to identify whether the proposed project would likely result in new significant environmental impacts not previously evaluated in the FEIRs. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified in the References section.

Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). This analysis assumes all applicable mitigation measures identified in the previous program EIRs will be implemented by the project.

Section I. Aesthetics

Setting

Project Site

The 0.355 acre project site currently has one single-story commercial building and surface parking lot. The existing 3,964 square foot building was constructed in 1950 and has been used by commercial tenants. The single-story building is generally square in shape with a prominent roof parapet, brick façade, and wood siding. The rear parking lot and gated access driveway are visible from the street. Several ornamental street trees are located along the front of the building, which are visible from North 2nd Street, and along the perimeter of the project site.

Surrounding Visual Character

The project site is surrounded by existing urban development and roadways, located within a primarily residential neighborhood. A parking lot is located to the south, multifamily residences are located to the west, and single family residences are located to the north and east.

Scenic Views

The downtown core and surrounding area of San Jose is relatively flat; thus, prominent viewpoints other than buildings, trees, and urban features are limited. Distant views of development within San Jose and hills to the east are visible from street intersections in proximity to the project. Views beyond the site from street level are blocked by existing buildings, trees, and urban development. Views from the site include modern two- and three-story commercial buildings to the west and south. Views to the north and east include single-family residences. There are no designated freeways, gateway corridors or rural scenic corridors located within or in proximity to the site referenced in the 2040 General Plan. Broad views of the Santa Clara Hills can be seen in the distance from the project area but not from the project site. There are no views of the downtown skyline, baylands, hills or ridgelines from the site. The project area has been developed since 1950; thus, no natural scenic resources, such as trees or rock outcroppings are present on the site or in the project area.

Applicable Plans, Policies, and Regulations

State Scenic Highways Program

The State Scenic Highways Program was created by the California State Legislature in 1963 and is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no designated scenic highways visible from the project site.

Envision San José 2040 General Plan

The proposed project is not located along a designated Gateway in the Envision San José 2040 General Plan. However, the Envision San José 2040 General Plan Final EIR (General Plan FEIR) found that implementation of General Plan policies generally would avoid or substantially reduce impacts to natural scenic views from key gateways in the City. The City's goal is to create and maintain attractive Gateways into San José and attractive major roads through San José, including freeways and Grand Boulevards, to contribute towards a positive City image. The Envision San José 2040 General Plan includes the following policies applicable specifically to development along Gateways and development projects in Downtown San José:

- **Policy CD-1.1:** Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- **Policy CD-1.7:** Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
- **Policy CD-1.8:** Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
- **Policy CD-1.9:** Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.
- **Policy CD-1.11:** To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or

pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

- **Policy CD-1.23:** Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
- **Policy CD-1.26:** Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
- **Policy CD-1.27:** When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
- **Policy CD-6.2:** Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
- **Policy CD-6.8:** Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.
- **Policy CD-10.2:** Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
- **Policy CD-10.3:** Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.

Downtown Strategy 2000 Plan

The Downtown Strategy 2000 serves as the action guide for development activities in the Greater Downtown. Within the Downtown Strategy 2000 FEIR, the site is located in what is referred to as the 1st and 2nd Street area. The area is characterized as having tree-lined streets with views of older and new buildings, vacant land, parking lots, traffic and light rail infrastructure. No scenic resources or views with scenic significance are referenced. The following applicable guidelines and concepts were identified in the Downtown Strategy 2000 FEIR to reduce aesthetic impacts from development projects in Downtown San José:

Streetscape and the Public Realm—Transitions, Connections and Linkages

- a. Design buildings in proposed developments that make appropriate transitions to neighborhoods and lower scale buildings that are adjacent or proximate.

Design Guidelines

- b. Building Form
 - Roofscapes and distinctive design for interesting views to and from the building.
- c. Building Context
 - Existing buildings shall provide the architectural context for new buildings.
 - Infill development shall be compatible with existing buildings.

Transportation and Access

- 1. Incorporate a pedestrian orientation in new development, including appropriate site planning, human-scale street frontages, ground floor uses, and integration with adjacent transit stops, to ensure walkability and integration with the existing downtown. Incorporate bicycle amenities into transportation and streetscape planning.

Historic Buildings and Places

- a. Respect the height, scale, massing and character of existing historic resources with adjacent and proximate new development.

| Environmental Issues | 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. Aesthetics <i>Would the project:</i> | | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 10 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|----------|
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 10 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 10 |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 10 |

Environmental Evaluation

Aesthetic Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR did not identify any significant impacts to visual resources. The FEIR found significant shade impacts for areas of proposed development near St. James Park, Plaza of the Palms, and Plaza de Cesar Chavez, and called for shade/shadow evaluation for future development in these areas as mitigation. The proposed project is not located close enough to any of the impacted City parks to cause a shade/shadow impact.

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City’s design standards and implementation of those standards through the City’s design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community’s assessment of the aesthetic values of a project’s design, consistent with the assumptions in the General Plan, General Plan FEIR, and Downtown Strategy 2000 FEIR.

CEQA Thresholds of Significance

a) The Envision San José 2040 General Plan (General Plan) EIR defines scenic gateways, freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made environment are important. Impacts related to aesthetic or visual resources are evaluated herein within the context of the 2040 General Plan designations related to the project site and surrounding area.

Within the Downtown Strategy 2000 FEIR, the site is located in what is referred to as the 1st and 2nd Street area. The area is characterized as having tree-lined streets with views of older and

new buildings, vacant land, parking lots, traffic and light rail infrastructure. No scenic resources or views with scenic significance are referenced.

The downtown core and surrounding area of San Jose is relatively flat; thus, prominent viewpoints other than buildings, trees, and urban features are limited. Distant views of development within San Jose and hills to the east are visible from street intersections in proximity to the project. The site is developed with a single-story square building with a prominent roof parapet, brick façade, and wood siding. The rear parking lot and gated access driveway are visible from the street. Several ornamental street trees are located along the front of the building and are visible from North 2nd Street. Views beyond the site from street level are blocked by existing buildings, trees, and urban development. Views from the site include modern two- and three story commercial buildings to the west and south. Views to the north and east include single-family residences. There are no designated freeways, gateway corridors or rural scenic corridors located within or in proximity to the site referenced in the 2040 General Plan. Broad views of the Santa Clara Hills can be seen in the distance from the project area but not from the project site. There are no views of the downtown skyline or baylands from the site. No scenic views or resources would be affected by the proposed project. Thus, **a less than significant impact** to scenic vistas would occur. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

b) There are no state designated scenic highways in the City of San Jose. The existing trees along North 2nd Street would be protected in place during construction. Any tree removal will comply with the City's Tree Replacement Ratio requirements. There are no rock outcroppings or other visually prominent features that would be affected by the project.

The building was constructed in 1950, and is not designated in the General Plan as a historic structure or part of a historic district. A Cultural Resource/Historic Resource Evaluation (Rincon Consultants, Inc., October, 2016) was prepared for the project. The subject building was determined to be ineligible for inclusion on the National Register of Historic Places or California Register of Historical Resource. Further, while the project would have an indirect change to the surrounding setting, it was determined that the project would result in a Finding of No Adverse Effect to the Hensley Historic District and its contributing resources. In addition, the project would not result in substantial adverse indirect impacts to the Hensley Historic District such that the resource would lose its ability to convey the reasons for its significance.

The proposed project would be consistent with applicable policies identified above and historic resource impacts would be **less than significant**. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

c) As referenced above, the 2040 General Plan identifies gateways, freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made

environment are important. These include views of the Santa Clara Hills, the urban skyline and baylands. The downtown core and surrounding area of San Jose is relatively flat; thus, prominent viewpoints other than buildings, trees and urban features are limited. Distant views of development within San Jose and hills to the east are visible from street intersections in proximity to the project. The site is developed with a single-story square building with a prominent roof parapet, brick façade and wood siding. The rear parking lot and gated access driveway are visible from the street. Several ornamental street trees are located along the front of the building and are visible from North 2nd Street. Views beyond the site from street level are blocked by existing buildings, trees and urban development. Views from the site include modern two- and three story commercial buildings to the west and south. Views to the north and east include single-family residences.

There are no designated freeways, gateway corridors and rural scenic corridors located in proximity to the site as referenced in the General Plan and/or the Downtown Strategy 2000 Plan. The Downtown Strategy 2000 Plan FEIR acknowledges that much of the new development that would occur in the DC would be on urban lots. Development is projected to generally intensify along corridors and in village areas and the height and mass of development in these areas could increase.

The proposed project would change the overall appearance of the site from an existing one-story building described above to a modern 6-story multipurpose residential and social services facility. The proposed project would be subject to a design and architectural review process to ensure project compliance with municipal code provision and performance standards (Chapter 20.70 of the San Jose Municipal Code), General Plan policies (Chapter 6, Land Use Policies deemed applicable) and Downtown Strategy 2000 actions associated with the following six urban systems; public realm, urban form and buildings; transportation and access; historic resources, economic projections and human services. This process would ensure that the project is designed to create a balance between the historic character of adjacent buildings and modern architectural features. Consistent with the General Plan EIR and Strategy 2000 Plan EIR conclusions, compliance with these measures would reduce potential aesthetic impacts to **less than significant**.

d) Street and building lighting occurs throughout the City of San Jose. The proposed project would replace an existing vacant single-story building with a new 6-story residential and social services building. The building would introduce new sources of both outdoor and indoor lighting that would be visible from the street and neighboring properties. Sources of light and glare include external housing lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

As referenced, the project will go through a design review process, prior to issuance of building permits, and will be reviewed for consistency with the City's Design Guidelines addressing lighting and Standard Project Condition AES-1 which is intended to minimize lighting impacts. Furthermore, the urban design guidelines within the Downtown Strategy 2000 provide design concepts and actions intended to avoid the construction of new projects that cause light and glare impacts. Further, new lighting will be installed in accordance with the City Council adopted Lighting Policy (Policy 4-2) and Private Outdoor Lighting Policy (Policy 4-3). Policy 4-2 addresses outdoor street lighting requirements intended to control the amount and color of light shining on streets and sidewalks. Policy 4-3 calls for private development to use energy-efficient, low-pressure sodium lighting that is fully shielded and not directed skyward.

Standard Project Condition AES-1

All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled, and maintained so that no light source is visible from outside of the property.

Compliance with design standards, Standard Project Condition AES-1, City Council policies regulating lighting, and Title 24 of the California Energy Code requirements addressing residential lighting would reduce potential light and glare impacts to **less than significant**. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

Conclusion

Implementation of the proposed project would not result in new or more significant impacts for all CEQA thresholds evaluated in this section than previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section II. Agriculture and Forestry Resources

Setting

Agricultural Resources

The project would be constructed on an existing developed site in downtown San Jose. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be affected by project implementation.

Williamson Act Contract

The project site does not contain lands enrolled in a Williamson Act contract. The project site is zoned General Commercial and the proposed zoning is Downtown Core. The proposed project would not conflict with any zoning designations designed to promote agriculture.

Forestry Resources

The project site is not used for timber production. The project site is zoned General Commercial and the proposed zoning is Downtown Core. The project would not conflict with any zoning designations designed to preserve timber or agricultural resources.

Applicable Plans, Policies and Regulations

California Department of Conservation

The California Department of Conservation (DOC), under the Division of Land Resource Protection, has set up the Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmlands to and from agricultural uses. The map series identifies eight classifications and uses a minimum mapping unit size of 10 acres. The FMMP also produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The FMMP sets standards and relies upon information from National Resource Conservation Service (NRCS) soil surveys, NRCS land inventory and monitoring criteria, and land use and water availability. While the FMMP provides an informational service, it does not constitute state regulation of local land use decisions.

Board of Forestry and Fire Protection

The Board of Forestry and Fire Protection is a government-appointed body within the Department of Forestry and Fire Protection (CAL FIRE). It is responsible for developing the general forest policy of the state, for determining the guidance policies of CAL FIRE, and for representing the state's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board is charged with protecting the forest resources of all the wildland areas of California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, the woodland, brush-range watersheds, and all such lands in private and state ownership that contribute to California's forest resource wealth.

| Environmental Issues | 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) |
|--|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 2. Agriculture and Forestry Resources <i>Would the project:</i> | | | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 6 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 6 |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 6 10 |
| d) Result in the loss of forest land or conversion of forest land to nonforest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |

Environmental Evaluation

Agricultural and Forestry Impacts Analyzed in the Downtown Strategy 2000 FEIR

Given its boundaries within an urban downtown area, the Downtown Strategy 2000 FEIR did not identify any impacts from anticipated development on agricultural land. Subsequent to adoption of the FEIR, the CEQA Guidelines added the required evaluation of forest/timber resources.

CEQA Thresholds of Significance

a) The project would be constructed on an existing developed site in downtown San Jose. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be affected by project implementation. **No impact** would occur under this threshold. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

b) The project site does not contain lands enrolled in a Williamson Act contract. The proposed project would not conflict with any zoning designations designed to promote agriculture. **No impact** would occur under this threshold. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

c-e) The project site is not used for timber production. The project site is zoned General Commercial and the proposed zoning is Downtown Core. The project would not conflict with any zoning designations designed to preserve timber or agricultural resources. **No impact** would occur under this threshold. This is consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

Conclusion

Implementation of the proposed project would not result in new or more significant impacts than the findings in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (No Impact)]**

Section III. Air Quality

The analysis in this section is supported by the California Emissions Estimator Model (CalEEMod) Output Files prepared by Birdseye Planning Group. The data is provided in Appendix A.

Setting

Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a northwest to southeast prevailing wind.

The project site is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). A significant adverse air quality impact may occur when a project

individually or cumulatively interferes with progress toward the attainment of the ozone standard by generating emissions that equal or exceed the established long term quantitative thresholds for pollutants, or exceed a state or federal ambient air quality standard for any criteria pollutant. Emissions thresholds have been recommended by the BAAQMD for both project construction and operation.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Regional and Local Criteria Pollutants

Ambient air quality standards are set by the State and by the federal government to protect the health of sensitive individuals. If pollutant concentrations within an air basin exceed either the federal or state standards, the air basin is designated as non-attainment for that pollutant. The San Francisco Bay Area Air Basin is designated as non-attainment for state standards for 1 hour and 8-hour ozone, 24-hour and annual respirable particulate matter (PM₁₀), and annual fine particulate matter (PM_{2.5}). The area is also designated non-attainment for federal standards for 8-hour ozone and 24-hour PM_{2.5}. These pollutants are defined below:

Ozone (O₃). Ozone is a gas that is formed when reactive organic gases (ROG) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Health effects can include the following: irritate respiratory system, reduce lung function, change breathing patterns, reduce breathing capacity, inflame and damage cells that line the lungs, make lungs more susceptible to infection, aggravate asthma, aggravate other chronic lung diseases, cause permanent lung damage, cause some immunological changes, increase mortality risk, and cause vegetation and property damage.

Nitrogen Oxides (NO_x). Nitrogen dioxide (NO₂) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts rapidly to form NO₂, creating the mixture of NO and NO₂ commonly called NO_x. Nitrogen dioxide is an acute irritant. A relationship between NO₂ and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 parts per million (ppm) may occur. Nitrogen dioxide absorbs blue light and causes a reddish brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM₁₀ and acid rain.

Particulate Matter (PM₁₀ and PM_{2.5}). PM₁₀ is particulate matter measuring no more than 10 microns in diameter, while PM_{2.5} is fine particulate matter measuring no more than 2.5 microns

in diameter. Suspended particulates are mostly dust particles, nitrates and sulfates. Both PM₁₀ and PM_{2.5} are by-products of fuel combustion and wind erosion of soil and unpaved roads, and are directly emitted into the atmosphere through these processes. Suspended particulates are also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with the small particulates (those between 2.5 and 10 microns in diameter) and fine particulates (PM_{2.5}) can be very different. The small particulates generally come from windblown dust and dust kicked up from mobile sources. The fine particulates are generally associated with combustion processes as well as being formed in the atmosphere as a secondary pollutant through chemical reactions. Fine particulate matter is more likely to penetrate deeply into the lungs and poses a health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the small and fine particulate matter that is inhaled into the lungs remains there. These materials can damage health by interfering with the body's mechanisms for clearing the respiratory tract or by acting as carriers of an absorbed toxic substance.

Sensitive Receptors

Ambient air quality standards have been established to represent the levels of air quality considered sufficient, with an adequate margin of safety, to protect public health and welfare. They are designed to protect that segment of the public most susceptible to respiratory distress, such as children under 14; the elderly over 65; persons engaged in strenuous work or exercise; and people with cardiovascular and chronic respiratory diseases. Nearby sensitive receptors are residences located adjacent to the site.

Applicable Plans, Policies and Regulations

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 (EPA) is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). 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.

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. The 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. The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (CAP). This CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by State law;
- Particulate matter, primarily PM_{2.5}, as well as the precursors to secondary PM_{2.5};
- Toxic air contaminants (TAC), and
- Greenhouse gases.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José. Various policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed below.

- **Policy MS-10.1:** Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
- **Policy MS-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 minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
- **Policy MS-13.3:** Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board’s air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations. In addition, goals and policies throughout the Envision 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 3. Air Quality <i>Would the project:</i> | | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 5 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|---------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 5 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 5 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 5 |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |

Environmental Evaluation

Air Quality Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identified significant dust, exhaust, and organic emissions during construction and presented mitigation measures to reduce the impact to less-than-significant including 1) implementation of basic and enhanced control measures recommended by the BAAQMD during construction, 2) use of water to control dust when material is being added or removed from soils stockpiles and treatment with a dust suppressant if left undisturbed for more than a week, and 3) properties located within 500 feet of the construction site boundaries shall be provided with contact information for a designated construction dust control coordinator. In addition, the following measures were identified in the FEIR to avoid impacts from particulate emissions from diesel-powered equipment and vehicles: properly maintain vehicle and equipment engines; and minimize the idling time of diesel powered construction equipment. The Downtown Strategy 2000 FEIR also identified significant regional emissions of criteria air pollutants and presented Transportation Control Measures (as recommended by BAAQMD) to reduce trips and associated air pollutant emissions.

CEQA Thresholds of Significance

a) The BAAQMD's Bay Area 2010 Clean Air Plan (2010 Clean Air Plan) is the regional air quality plan (AQP) for the Air Basin. The 2010 Clean Air Plan accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled provided by the Metropolitan Transportation Commission, and identifies strategies to

bring regional emissions into compliance with federal and state air quality standards. The BAAQMD's Guidance provides two criteria for determining if a plan-level project is consistent with the current AQP control measures. However, the BAAQMD does not provide a threshold of significance for project-level consistency analysis. Therefore, the following criteria are used to determine a project's consistency with the AQP:

- Criterion 1: Does the project support the primary goals of the AQP?
- Criterion 2: Does the project include applicable control measures from the AQP?
- Criterion 3: Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1: Support Primary Goals of AQP

The primary goals of the 2010 Clean Air Plan, the current AQP, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

As discussed in this evaluation, the project would not create a localized violation of state or federal air quality standards, significantly contribute to cumulative non-attainment pollutant violations, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people after incorporation of mitigation measures. Specifically, Standard Project Condition AIR-1 implements Mitigation Measure AIR-1 from the Downtown Strategy 2000 FEIR which is intended to reduce the project's potential to generate significant localized dust emissions and minimize exposure to diesel particulates during project construction. Therefore, the project is consistent with Criterion 1 with incorporation of Standard Project Condition AIR-1.

Criterion 2: Applicable Control Measures of AQP

The 2010 Clean Air Plan contains 55 control measures aimed at reducing air pollution in the Bay Area. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2010 Clean Air Plan contains a number of new control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources (Bay Area Air Quality Management District 2010).

None of the 18 stationary source control measures are applicable to the project. In addition, none of the 10 mobile source measures or six land use and local impact measures applies to the project. Of the transportation control measures, TCM D (Support Focused Growth)

measures D-1 through D3 apply to the project. The project will be developed in an existing urban area with easy access to transit stops and would provide sidewalks. No Class I or II bicycle paths are located along North 2nd Street; however, bicycle access is not precluded.

Relative to the Energy and Climate measures contained in the 2010 Clean Air Plan, the project would be consistent with all applicable measures:

- **Energy Efficiency.** The project applicant would be required to conform to the energy efficiency requirements of the California Building Standards Code Title 24. Specifically, the project must implement the requirements of the most recent Building Energy Efficiency Standards, which is the current version of Title 24.
- **Renewable Energy.** Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City. PG&E facilities include nuclear, natural gas, and hydroelectric facilities. PG&E's 2012 power mix consisted of nuclear generation (21.0 percent), large hydroelectric facilities (11.0 percent) and renewable resources (19.0 percent), such as wind, geothermal, biomass and small hydro. The remaining portion came from natural gas (27.0 percent), and unspecified sources (21.0 percent).
- **Urban Heat Island Mitigation and Shade Tree Planting.** The project would implement landscaping including deck gardens.

In summary, the project would meet applicable Land Use Measures and Energy and Climate Measures contained in the 2010 Clean Air Plan. The project would be consistent with Criterion 2.

Criterion 3: Hinder or Disrupt AQP Control Measures

The project will not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. The project would reduce parking supply over that currently provide on-site and be constructed in proximity to existing transit routes. The project would be consistent with Criterion 3.

The project would be consistent with all three criteria and would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan.

b, d) The City of San José utilizes the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds. This project would fall under the congregate care land use type. The associated screening threshold for

operational criteria pollutants is 510 dwelling units. As this project is proposing of 78 studio units, a two bedroom manager's apartment, and a 10 bed interim housing section, it would have fewer units than the screening threshold. However, operational emissions were calculated using CalEEMod version 2013.2.2. Operating emissions and thresholds of significance are shown below in Table 1.

Table 1
BAAQMD Air Quality Significance Thresholds and Operational Emissions

| Pollutant | Standard lbs/day | Emissions | Exceed Standard? |
|---|---|------------|------------------|
| Reactive Organic Gases (ROG) | 54 | 1.6 | No |
| Nitrogen Oxides (NOx) | 54 | 13.8 | No |
| Sulfur Oxides (SOx) | <i>No Standard</i> | <i>N/A</i> | <i>N/A</i> |
| Carbon Monoxide (CO) | 9 ppm/8 hour average 20 ppm/one hour average | 12.1 | <i>N/A</i> |
| Particulate Matter 10 (PM ₁₀) | 54 | 0.8 | No |
| Particulate Matter 2.5 (PM _{2.5}) | 54 | 0.8 | No |

Operational CO Hotspot

Localized high levels of CO (CO hotspot) are associated with traffic congestion and idling or slow moving vehicles. The BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or

- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The project is within the jurisdiction of the VTA. As indicated in Section 16, *Transportation/Traffic*, the project is consistent with VTA Congestion Management Program, thereby satisfying the first screening criteria. Project emissions would not exceed significance thresholds as shown in Table 3. Residents of the project would not have personal vehicles; however, it is assumed the resident manager, employees and vendors would have vehicles. Parking supply is limited to 12 on-site spaces; thus, trip generation is assumed to be well under that required to exceed criteria 2 and 3 above. Localized CO concentrations were estimated in the Downtown Strategy 2000 FEIR for the 10 intersections in the DC with the greatest projected traffic congestion at build out. The North Market Street/East Julian Street intersection is two blocks west of the site and closest intersection evaluated in the Downtown Strategy 2000 EIR. CO concentrations are projected to be well under the state standard referenced in Table 3 above. While project operation would generate CO emissions, they would not exceed applicable standards. A **less than significant** impact would occur.

Construction vehicles and equipment traveling within the project area and site preparation activities have the potential to generate fugitive dust through the exposure of soil to wind erosion and dust entrainment. Dust is defined as particulate matter less than 10 microns in size and less than 2.5 microns in size (PM₁₀ and PM_{2.5}, respectively). Project related construction activities would also emit ozone precursors (oxides of nitrogen (NO_x), reactive organic gases (ROG)) as well as carbon monoxide (CO). The majority of construction-related emissions would result from site preparation and the use of heavy duty construction equipment.

CalEEMod calculates construction emissions during the various phases of project construction, including site preparation, excavation/grading and paving (Appendix A). It was assumed construction would begin in mid-2017 and be completed in mid-2018. Emission thresholds and estimated construction emissions are shown in Table 2. Maximum daily emissions from construction activities would not exceed BAAQMD construction thresholds.

Table 2
BAAQMD Air Quality Significance Thresholds and Construction Emissions

| Pollutant | Standard lbs/day | 2017 Emissions | Exceed Standard? | 2018 Emissions | Exceed Standard? |
|---|---------------------|-------------------|---------------------|-------------------|---------------------|
| Reactive Organic Gases (ROG) | 54 | 1.6 | No | 30.5 | No |
| Nitrogen Oxides (NOx) | 54 | 13.8 | No | 11.9 | No |
| Sulfur Oxides (SOx) | No Standard | 0.02 | N/A | 0.02 | N/A |
| Carbon Monoxide (CO) | No Standard | 12.1 | N/A | 11.4 | N/A |
| Particulate Matter 10 (PM ₁₀) | 82 (exhaust) | 0.8 | No | 0.7 | No |
| Particulate Matter 2.5 (PM _{2.5}) | 54 (exhaust) | 0.6 | No | 0.6 | No |

Source: CalEEMod calculations, see Appendix A.

- 1. Concentrations reported in maximum daily emissions which represent the worse-case scenario. Maximum daily emissions would not occur each day of the construction period.*
- 2. Summer emissions are reported as they are the highest emissions.*
- 3. BAAQMD thresholds provided in lbs/day*
- 4. PM emission standard applies only to exhaust emissions*

Standard Project Condition AIR-1: During construction activities, the following air pollution control measures shall be implemented:

- 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 roadways, driveways, and sidewalks shall be paved as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of

Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

The above construction measures shall be printed on all approved plans for demolition, grading, and building permits to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE). The project proponent and/or contractor will implement Standard Project Condition AIR-1, as outlined above, to reduce fugitive dust emissions to **less than significant**.

c) The proposed project would not have project specific air quality impacts and would be consistent with the land use designation and type of development envisioned within the Downtown Strategy 2000 and evaluated in the FEIR. Project residents would be predominantly dependent on alternative modes of transportation including walking, bicycling and transit. This would minimize traffic generated by the project and related air emissions. Based on the type of project proposed and related operating characteristics, it is not expected to cause or contribute to significant cumulative increase in emissions for Air Basin. Impacts would be **less than significant**.

e) The proposed project would be a residential facility. The project would not include activities that commonly generate odors. Diesel exhaust and volatile organic compounds would be emitted during project construction, which are objectionable to some; however, when in compliance with Standard Project Condition AIR-1 above emissions would not reach an objectionable level at the nearest sensitive receptors. The Downtown Strategy 2000 FEIR does not contain projects that would commonly generate odors. The project is consistent with Downtown Strategy 2000; thus, odor impacts would be **less than significant**.

Conclusion

With implementation of the identified standard conditions of approval, construction dust generated would be within the amount anticipated for the Downtown and for this site, because the site was anticipated in the high level of redevelopment analyzed for the Downtown

Strategy 2000 in the FEIR and in the General Plan FEIR, the project would not result in new or more air quality impacts than those identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section IV. Biological Resources

Setting

The project site is located in a developed urban area of Downtown San José. The project site is developed with one building, a parking lot and ornamental landscaping. Three street trees front the site along North 2nd Street and ten trees existing on the project site. There is no native vegetation on-site. There are no streams, riparian areas or other natural resources located on-site.

Mature Trees

Ten trees are located on-site and three street trees are located in front the site. Below in Table 3, outlines the trees existing on-site and if they will be preserved or removed.

**Table 3
 Tree Survey List**

| <u>Existing Trees</u> | | | | | | | |
|-----------------------|-------------------------|---------------------|-----------------|-------------|-----------------|------------|------------------------|
| Tree # | Common Name | Scientific Name | Trunk Dia (in.) | Disposition | Onsite/ Offsite | Ord. Size? | Preserve/Remove |
| 70 | Tree of Heaven | Ailanthus altissima | 25 | Fair | On | Yes | Remove; Retaining Wall |
| 71 | Canary Island Date Palm | Phoenix canariensis | 32 | Good | On | Yes | Remove; Retaining Wall |
| 72 | Canary Island Date Palm | Phoenix canariensis | 32 | Good | On | Yes | Remove; Retaining Wall |
| 73 | American Elm | Ulmus americana | 22 | Good | On | Yes | Remove; Retaining Wall |
| 74 | Fig | Ficus carica | 5 | Good | On | No | Remove; Retaining Wall |

| | | | | | | | |
|----|---------------------------|----------------------|----|------|-----------------------------|-----|-----------------------------------|
| 75 | Tree of Heaven | Ailanthus altissima | 7 | Fair | Off (extends over site 12") | No | Remove; Retaining Wall |
| 76 | Avocado | Persea americana | 12 | Good | On | No | Remove; Retaining Wall |
| 77 | Tree of Heaven | Ailanthus altissima | 28 | Fair | Off (extends over site 25") | Yes | Remove |
| 78 | Japanese Flowering Cherry | Prnus serrulata | 10 | Fair | On | No | Remove; within Building Footprint |
| 79 | Glossy Privet | Ligustrum lucidum | 22 | Fair | On | Yes | Remove; Retaining Wall |
| 80 | London Plane | Platanus x hispanica | 11 | Good | Sidewalk | No | Remove |
| 81 | London Plane | Platanus x hispanica | 15 | Good | Sidewalk | No | Remove; within new driveway |
| 82 | London Plane | Platanus x hispanica | 15 | Good | Sidewalk | No | Preserve |

Applicable Plans, Policies, and Regulations

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Wildlife Code prohibit the take, possession, or destruction of birds, their nests, or eggs. The MBTA requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1 through August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or

abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered “take” and constitute a violation of the MBTA.

State Fish and Game Code

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code, Section 3503.5 (1992), which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the California Department of Fish and Wildlife (CDFW).

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Chapter 13.32) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of Ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes the following policies applicable to all development projects in San José.

- **Policy ER-5.1:** Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- **Policy ER-5.2:** Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- **Policy MS-21.4:** Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

- **Policy MS-21.5:** As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
- **Policy MS-21.6:** As a condition of new development, require 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.
- **Policy MS-21.7:** 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.
- **Policy MS-21.8:** For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:
 1. Avoid conflicts with nearby power lines.
 2. Avoid potential conflicts between tree roots and developed areas.
 3. Avoid use of invasive, non-native trees.
 4. Remove existing invasive, non-native trees.
 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
- **Policy CD-1.24:** Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP/NCCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California

Department of Fish and Wildlife (CDFW). The HCP/NCCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

| Environmental Issues | 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) |
|--|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 4. Biological Resources | | | | | | |
| <i>Would the project:</i> | | | | | | |
| 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 Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11, 16 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 16 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 16 |
| 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, or impede the use of wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 16 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 10 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 16 |
|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------|

Environmental Evaluation

Biological Resource Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identified potential impacts on biological resources associated with tree removal and nest abandonment as well as intrusion/disturbance to creek corridors. Mitigation was provided to avoid these impacts.

The project site is currently developed with a single-story building and adjacent parking. The site is surrounded by chain link security fencing. The access driveways are gated. The only vegetation on the site is ornamental landscape species located around the perimeter of the building. A total of three ornamental street trees are located along the sidewalk fronting the site.

The project is proposed on a fully developed site without any trees or other natural vegetation, and is not located in proximity to riparian areas or stream corridors. Thus, the project will not adversely affect biological resources.

CEQA Thresholds of Significance

a.) The project site is currently developed with a single-story building and adjacent parking. The site is surrounded by chain link security fencing. The access driveways are gated. The only vegetation on the site is ornamental landscape species located around the perimeter of the building. A total of three ornamental street trees are located along the sidewalk fronting the site.

Critical habitat is a habitat area essential to the conservation of a listed species, though the area need not actually be occupied by the species at the time it is designated. This is a specific term and designation within the US Endangered Species Act. With certain exceptions, critical habitat must be designated for all threatened species and endangered species under the Endangered Species Act, with certain specified exceptions. The Downtown Strategy 2000 FEIR determined that as long as future development met current regulations to maintain established setbacks from sensitive habitat, no significant disturbance impacts are anticipated. As the site is neither identified as nor located near critical habitat, consistent with the related findings in the Downtown Strategy 2000 FEIR

and 2040 General Plan EIR, the project would result in **less than significant impact** to designated critical habitats.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Wildlife Code prohibit the take, possession, or destruction of birds, their nests, or eggs. The MBTA requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1 through August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered "take" and constitute a violation of the MBTA.

Migratory birds include common, sensitive and listed species. Trees and shrubbery suitable for nesting by birds protected by the Migratory Bird Treaty Act are present on the site and along North 2nd Street. Because potential habitat is present within the proposed area of potential effect and project construction may occur within the nesting cycle, potentially significant impacts to migratory bird species may occur. With implementation of Mitigation Measure BIO-1 (Mitigation Measure VEG-1c in the Downtown Strategy 2000 FEIR), impact to migratory birds would be reduced to **less than significant**.

Impact BIO-1: Avoid the destruction of active nests and protect the reproductive success of birds protected by Migratory Bird Treaty Act.

- BIO-1.1** Construction shall be scheduled between September 1 and January 31 to avoid the nesting season. If this is not feasible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified biologist (certified for raptors and other birds) or ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February 1 and April 30, pre-construction surveys shall be conducted no more than 14 days prior to the initiation of ground disturbing activities, tree relocation, or tree removal. Between May 1 and August 31, pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying biologist/ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.

BIO-1.2 If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the biologist/ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist/ornithologist has determined that the young birds have fledged.

BIO-1.3 The project applicant shall submit a report from the biologist/ornithologist to the Environmental Supervising Planner of the PBCE indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of PBCE prior to the issuance of any grading or building permit.

b and c) The project site is entirely disturbed by existing development. The project site does not contain natural drainage systems or associated riparian vegetation and does not contain or located near any wetlands. Because such resources are not present within the project area or would not be affected by construction, **no impact** to these resources would occur. This is project will result in a less impact than the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR.

d) The project site is disturbed, completely fenced and contains a single-story building and adjacent parking. The site is located within a developed urban area containing commercial and residential buildings. The project area does not contain any sensitive habitat or trees, thus it is likely not used as a migratory or movement corridor. Consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR, the project would result in **less than significant impact** to wildlife movement corridors with project implementation.

e) The area affected by construction contains ten trees on-site and three street trees as noted above. Table 3 above identifies the existing trees and the associated tree type, size, disposition, location, and if they will be preserve or removed. Consistent with the General Plan FEIR and Downtown Strategy 2000 FEIR, trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines. With the implementation of Standard Project Condition BIO-1, project implementation would not conflict with policies regarding tree preservation. Consistent with the related findings in the Downtown Strategy 2000 FEIR and 2040 General Plan EIR, the project would result in **less than significant impact** regarding local policies or ordinances protecting biological resources, such as a tree preservation.

Standard Project Condition BIO-1

Any tree to be removed will be replaced with new trees in accordance with the City’s Tree Replacement Ratios, as set forth below.

| Diameter of Tree to be Removed | Type of Tree to be Removed | | | Minimum Size of Each Replacement Tree |
|--------------------------------|----------------------------|------------|---------|---------------------------------------|
| | Native | Non-Native | Orchard | |
| 18 inches or greater | 5:1 | 4:1 | 3:1 | 24-inch box |
| 12-17 inches | 3:1 | 2:1 | none | 24-inch box |
| Less than 12 inches | 1:1 | 1:1 | none | 15-gallon container |

x:x = tree replacement to tree loss ratio
 Note: Trees greater than 18” diameter shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees.
 Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.

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

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

f) The project site is located within the 2013 Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) boundary. The site was evaluated

using the Geobrowser tool accessed on April 19, 2016. The site is within the Habitat Plan Permit Area, located in the Urban-Suburban land cover type. Additionally, the HCP/NCCP does not identify the project site to be located within any special-status wildlife or plant species survey areas. As referenced, the site is entirely paved with the exception of landscape areas around the building perimeter. The project would be required to implement Standard Project Condition BIO-2, below, to verify compliance with the HCP/NCCP.

Standard Project Condition BIO-2

The project applicant shall pay all applicable fees and comply with all applicable conditions of the Santa Clara Valley Habitat Conservation Plan, prior to issuance of a grading permit.

Conclusion

Implementation of the proposed project would not result in new or more significant Biological Resources impacts than those identified in the Downtown Strategy 2000 FEIR and the General Plan 2040 FEIR. The project will be in conformance with the HCP/NCCP, and would result in less than significant Biological Resources impacts. **[Same as Approved Project (Less Than Significant Impact with Mitigation)]**

Section V. Cultural Resources

Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, architecture of cultural of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

Identified cultural resources within or adjacent to the Downtown area of San José consist of prehistoric and historical archaeological sites, as well as historical architectural properties consisting of buildings, structures and districts. The Downtown Strategy 2000 FEIR identified a total of 1,443 known cultural resources in the Downtown area, including 1,414 built environment resources, such as buildings, structures, or districts.

Applicable Plans, Policies, and Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended, (NHPA) sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). No listed or eligible resources are present on the project site.

California Register of Historic Resources

The California Register of Historical Resources (CRHR) establishes a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). A historical resource may be listed in the CRHR if it meets any of the following criteria: 1) it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) it is associated with the lives of persons important in California's past; 3) it embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic value; 4) it has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Other resources require nomination for inclusion in the CRHR. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Officer (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance. The building on the project site was constructed in 1950; however, it was not listed as a historic resource in the Downtown Strategy 2000. No listed or eligible resources are present on the project site.

CEQA Regulations Regarding Human Remains

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures are outlined in PRC Sections 5097 and 5097.98. These codes protect such remains

from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

- **Policy EC-2.3:** Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
- **Policy ER-10.1:** For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
- **Policy ER-10.2:** Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
- **Policy ER-10.3:** Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 5. Cultural Resources | | | | | | |
| Would the project: | | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11, 14 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11, 14 |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11, 14 |

Environmental Evaluation

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City’s Historic Resources Inventory. Demolition of a Structure of Merit would not result in a significant impact under CEQA.

Cultural Resource Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identified potential impacts to cultural resources from potential alteration of historic structures and/or districts, disturbance to subsurface historic or prehistoric archaeological resources, and disturbance to human remains. The Downtown Strategy 2000 FEIR identified mitigation for these impacts that requires evaluation of development sites by a qualified cultural resources consultant and adherence to specific recommendations of the consultant based on site-specific review. Consistent with these measures, a cultural resources study was prepared for the project as referenced below and is the primary source of information regarding potential impacts to historic and cultural resources occurring on and in proximity to the site.

CEQA Thresholds of Significance

The background information and impact evaluation provided herein are based on data in the General Plan 2040 EIR and documents referenced therein. The Area of Potential Effect (APE) includes the project site and adjacent properties, including the Hensley Historic District. Both direct and indirect effects to historic resources are identified in the Villas on the Park Cultural Resources Study (2016) (Appendix B).

a) The City of San Jose has identified over 200 City Landmarks. Of these landmarks, 32 are National Register listed individual properties and/or districts, nine State of California Landmarks or part of a State Landmark, and four are State Points of Historical Interest. The City has also identified 15 historic districts and/or Conservation Areas. The one-story commercial office building located on-site at 278 N. 2nd Street is located within the project direct APE and would be removed as part of the project. Thus, the buildings was evaluated for listing on the National Register of Historic Places (NRHP).

The building was constructed between 1950 and 1954 and is over 50 years old. The building appears to have been substantially altered over time and does not retain integrity of a particular style or design. The property and building does not meet the eligibility criterion for listing as a historic resource per the NRHP criterion. The property did not influence patterns of history (Criteria A/1). No information of note was found about the original owners or subsequent owners; therefore, it was not directly associated with persons with past significance (Criteria B/2). As an altered commercial office building, the structure does not embody the distinctive characteristics of a type, period, or method of construction, nor represent the work of a master builder or craftsman (Criteria C/3). Based on the building characteristics, there is no reason to believe that the property may yield important information about prehistory or history (Criteria D/4). An evaluation was also performed using the City of San Jose Historic Evaluation Sheet to determine whether the building is eligible for inclusion in the City of San Jose Historic Resource Inventory. The score for the structure was 5.61 which is below the eligibility threshold of 33. Thus, as a result of this evaluation, the structure at 278 N. 2nd Street was recommended not eligible for inclusion in the City of San Jose Historic Resource Inventory.

The indirect APE includes a total of 12 properties, of which two are not old enough to be considered historic properties (30 E. Julian Street and 27 Devine Street). Nine properties within the indirect APE are listed as contributors to the Hensley Historic District which is listed in the NRHP, California Register of Historic Resources (CRHR) and the City of San Jose Historic Resource Inventory. One is listed as a non-contributor to the Hensley Historic District in the City of San Jose Historic Resource Inventory.

Construction of the proposed five-story residential building will be directly adjacent to nine properties which are considered historic properties under Section 106 of the National Historic Preservation Act and historical resources under CEQA. Although there will be an indirect change to the setting resulting from the construction of the project, it would result in a Finding

of No Adverse Effect under Section 106 on the Hensley Historic District and its contributing resources, 240 N. 2nd Street, and 259-261 N. 2nd Street. In addition, the project will result in a Finding of No Adverse Effect to any adjacent historic properties. The changes to the setting resulting from construction of the project will not result in adverse effects to the character-defining features which qualify these resources for listing in the NRHP. No portion of the character-defining elements of any of the historic resources within the indirect APE or adjacent will be damaged or altered. The Hensley Historic District and historic properties within the surrounding area will continue to be used as they have been historically used, they will retain a high level of integrity and continue to convey historic significance, despite changes to the setting.

Although there will be an indirect change to the setting resulting from construction of the project, it would not result in substantial adverse indirect impact to the Hensley Historic District and its contributing resources, 240 N. 2nd Street, and 259-261 N. 2nd Street or any resources within the project vicinity, such that any historical resources would lose their ability to convey the reasons for their significance. The project design is consistent with existing Architectural Design Committee guidelines, which include measures to minimize impacts to surrounding structures. In addition, the project vicinity contains a number of larger, relatively new buildings that, while altering the views and setting of the historic district and surrounding area, have not compromised the historic integrity of the project vicinity and ability to convey the historic significance. Therefore, the proposed project would not cause a substantial adverse change in the significance of the historic resources within the indirect APE or within the vicinity of the project area (Rincon Consultants, 2016). Therefore any impacts to historical resources related to a change in the setting would be **less than significant**.

b) Significant subsurface prehistoric and historic archaeological resources within the City have been discovered during the development of housing, commercial, industrial, transportation and flood control projects in the City of San Jose over the past 80 years. Project related excavations have exposed many significant buried archaeological resources including major Native American villages seasonal and temporary campsites and non-habitation sites including stone tool and other manufacturing areas, quarries for tool stone procurement, cemeteries usually associated with large villages, isolated burial locations, rock art sites, bedrock mortars or other milling feature sites, and Native American trails.

Historic Era archaeological resources associated with the Spanish, Mexican, and American Periods include the remains of historic buildings, wells, privies, trash deposits, transportation related features, residential, and commercial and industrial sites. The resources are linked with buildings from former agricultural, industrial, business and residential uses. It is unknown whether resources were uncovered during construction on the project, specifically where building footings and basement were excavated.

No archaeological resources were identified within the project area by the records search performed during preparation of the Cultural Resources Study for as a result of the Native American scoping process. The project is located within a highly urbanized area; the entire ground surface within the project area is covered by buildings, a parking lot and sidewalks; thus, no archaeological survey was warranted. The surface of the project site has been previously graded, disturbed, and developed and no archaeological resources are known to have been discovered within the project site. However, archival research indicates that the project vicinity is moderately to highly sensitive for buried archaeological resources. Four previously recorded resources are located within 0.25 mile of the project. Of these, one is an isolated prehistoric pestle located 0.25 miles from the direct APE. The remaining three yielded intact buried archaeological deposits. The project vicinity includes numerous historic buildings as referenced above, with Euroamerican occupation dating back to the 1850s. These building sites may have associated buried archaeological deposits.

Although the project site has been previously developed and disturbed and no known archaeological resources have been recorded within the project boundary, the level of previous disturbance is unknown. Because the area is known to contain archaeological resources, there is potential for finding intact, archaeological deposits within the project site. To avoid or reduce potentially significant and adverse impacts to undiscovered archaeological resources, the following mitigation measures can be implemented.

Impact CUL-1: The proposed development could result in the loss of undiscovered subsurface archaeological resources on the project site.

- CUL-1.1** A qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology (36 CFR 61), shall be retained to carry out all mitigation measures related to archaeological and historical resources. The principal investigator would oversee work performed by a qualified archaeologist.
- CUL-1.2:** An extended Phase I (XPI) study shall be conducted prior to project construction, after the removal of the existing parking lot and structure. The XPI study shall be conducted by a qualified archaeologist under the direction of the qualified principal investigator, as outlined in Mitigation Measure CUL-1.1, and in accordance with CEQA and Section 106. The XPI study should comprise subsurface testing designed to establish the presence or absence and extent of intact archaeological deposits within the direct Area of Potential Effect (APE). All XPI testing shall be observed by a Native American monitor. Results of the XPI will determine whether additional mitigation, such as monitoring, Phase II testing, or Phase III data recovery will be necessary. The qualified archaeologist and/or principal investigator shall prepare a report of the results of the XPI and

their recommended measures. The report shall be submitted to the Supervising Environmental Planner of PBCE.

In addition to the extended phase I (XPI) study outlined above, the project will include the following mitigation for the unanticipated discovery of archaeological resources during construction.

Impact CUL-2: Construction of the proposed development could result in an unanticipated discovery of archaeological resources, if present on-site.

CUL-2: In the event that archaeological resources are exposed during construction, work in the immediate vicinity of the find must stop until a qualified archaeologist can evaluate the significance of the find. Construction activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5f; PRC 21082), additional work such as testing or data recovery may be warranted. Upon completion of the additional work, if required, a report documenting the results and recommendations of the qualified archaeologist shall be prepared and submitted to the City's Supervising Environmental Planner.

While no known impacts to historic resources were identified above, potential adverse effects to undiscovered historical resources under Section 106 and CEQA would be mitigated to less than significant with adherence to these Mitigation Measures CUL-1.1, CUL-1.2 and CUL-2.

c) As referenced in the General Plan, future development and redevelopment has the potential to impact undiscovered paleontological resources. Much of the City is located on alluvial fan deposits of the Holocene age which have a low potential to contain significant nonrenewable paleontological resources. However, older Pleistocene sediments present at or near the ground surface, primarily at the edge of the Santa Clara Valley, have a high potential to contain these resources. As discussed, project excavation would be limited to perimeter footings and any earthwork required to install underground utilities and generally prepare the site for construction. The project site is located in the DC and as noted above, on alluvial fan deposits. The likelihood of encountering paleontological resources at this location is remote. However, implementation of General Plan Policy ER-11.2 referenced above and Mitigation Measures CUL-1.1, CUL-1.2, and CUL-2 and Standard Project Condition CUL-1, would reduce potential impact to paleontological resources to **less than significant**.

Standard Project Condition CUL-1

In the event a fossil is discovered during excavations of 10 feet or more below ground surface, excavation activity within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist,

in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

d) The potential for encountering human remains at the project site is low. No known burial sites have been identified within the project site or in the vicinity nor was any evidence of this found during preparation of the Cultural Resource Assessment for the 2040 Envision San Jose General Plan (2011) or the Cultural Resource Study for the proposed project (Appendix B). Further, California Health and Safety Code §7050.5, Public Resources Code § 5097.98, and § 15064.5 of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that, if human remains are encountered during excavation, all work must halt, and the County Coroner must be notified (Section 7050.5 of the California Health and Safety Code). The coroner will determine whether the remains are of forensic interest. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, the coroner will contact the Native American Heritage Commission (NAHC). The NAHC will be responsible for designating the most likely descendant (MLD) responsible for the ultimate disposition of the remains, as required by Section 5097.98 of the Public Resources Code. The MLD should make his/her recommendations within 48 hours of their notification by the NAHC. This recommendation may include A) the non-destructive removal and analysis of human remains and items associated with Native American human remains; (B) preservation of Native American human remains and associated items in place; (C) relinquishment of Native American human remains and associated items to the descendants for treatment; or (D) other culturally appropriate treatment. Section 7052 of the Health & Safety Code also states that disturbance of Native American cemeteries is a felony. This approach is consistent with Mitigation Measure CUL-3d in the Downtown Strategy 2000 FEIR. With adherence to these regulations and implementation of Mitigation Measure CUL-3 below from the Cultural Resources Study, impacts would be **less than significant**.

Impact CUL-3: Construction of the proposed development could result in an unanticipated discovery of human remains, if present on-site.

CUL-3: Pursuant to State of California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, in the event of the discovery of human remains during construction no further disturbance shall occur until the County Coroner has made a determination of origin and disposition. The Santa Clara County Coroner shall be notified of the find

immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. A report summarizing the discovery of cultural materials shall be submitted to the Environmental Supervising Planner of PBCE.

Conclusion

The building located on the project site was over 50 years of age at the time the Downtown Strategy 2000 was developed and was not identified as a historical resource. A Historic Resources Report was prepared and confirmed that the building is not eligible for listing on the City of San Jose Historic Resource Inventory or California Register of Historic Places. Thus, removal of the building would not be considered a significant impact on historical resources under CEQA. With implementation of standard project conditions and compliance with City policies, the proposed project would not result in new or more significant impacts to cultural resources than those identified in the Downtown Strategy 2000 FEIR and General Plan 2040 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Section VI. Geology and Soils

Setting

Regional Geology

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain 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.

On-Site Geologic Conditions

Soils and Groundwater

The project site is located at approximate 80 feet above mean sea level and is underlain by Urban land-Campbell complex soils according to the USGS Web Soil Survey. Groundwater conditions are unknown.

Seismicity and Seismic Hazards

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a City of San José Fault Hazard Zone. In addition, no known surface expression of active faults are believed to cross the site and fault rupture hazard is not a significant geologic hazard at the site.

Liquefaction

Strong seismic shaking can cause ground failure such as liquefaction. Liquefaction potential is highest in areas underlain by Bay fill, Bay Mud, and unconsolidated alluvium if seismic shaking is strong enough. The United States Geologic Survey has produced maps showing areas with water saturated sand and silt materials that are susceptible to liquefaction if shaken hard enough. The project site is located in an area within a liquefaction zone, indicating a potential impact related to permanent ground displacements.

Landslides

The project site and surrounding community is flat and would not be subject to landslides.

Applicable Plans, Policies and Regulations

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 Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards.

Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

City of San José Policies

Title 24 of the San José Municipal Code includes the 2007 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building 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 Envision 2040 General Plan includes policies applicable to all development projects in San José.

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

- **Policy EC-4.1:** Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
- **Policy EC-4.2:** Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
- **Policy EC-4.4:** Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
- **Policy EC-4.5:** Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
- **Action EC-4.11:** Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
- **Action EC-4.12:** Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
- **Policy ES-4.9:** Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

| Environmental Issues | 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) |
|----------------------|------------------------------------|--|----------------------------------|-----------------------------------|-------------------------------------|---------------------|
| | | | | | | |

| 6. Geology and Soils <i>Would the project:</i> | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| e) Have soils capable of adequately supporting use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |

Environmental Evaluation

Geological Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identified potential geologic and geotechnical hazards in the area, which included seismicity, expansive soils, and liquefaction. Mitigation in the Downtown Strategy 2000 FEIR for these impacts calls for the development of design-level geotechnical investigations subject to review by the San José Public Works Department, and adherence to all mitigation measures, design criteria, and specifications set forth in the geotechnical report.

CEQA Thresholds of Significance

a (i-ii) The geologic setting of the Santa Clara Valley is a crustal depression filled with alluvial sediments transported and deposited by streams draining the adjacent upland areas. The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. In the project area, the alluvial sediments are up to 1,500 feet thick. The older deposits, which are exposed at the margins of the valley, include the semi-consolidated Santa Clara Formation. These older sediments are overlain by the more recent flood plain deposits that directly underlie the project area (Downtown Strategy 2000 FEIR, 2005). The surface soils have been mapped by the Natural Resource Conservation Service (formerly the Soil Conservation Service [SCS]) as Yolo association soils. These soils are moderately well- to somewhat excessively-drained and medium-to-fine textured. The infiltration rate is slow and the shrink-swell potential is moderate.

Alquist-Priolo Earthquake Fault Zone maps show Holocene-active faults (movement within the last 11,000 years) within areas bordering the City. As shown in Geologic and Seismic Hazards Map (General Plan Draft EIR Figure 3.6-1), Alquist-Priolo Earthquake Zones for the Calaveras and Hayward Faults occur within San Jose's City's Sphere of Influence. Portions of the Hayward Fault Zone are within the City's Urban Growth Boundary. As shown in the Strategy 2000 Plan EIR, the Silver Creek Fault which appears to be part of the Calaveras and Hayward Fault systems is the closest known fault to the DC. The project site is not within an Alquist-Priolo Earthquake Fault Zone. There are no known active or potentially active faults traversing the project area and the risk of ground rupture resulting from fault displacement beneath the site is low.

During the life of the proposed improvements, the site will likely experience moderate to occasionally high ground shaking from known faults, as well as background shaking from other seismically active areas in northern California. With implementation of the recommendations made in the site specific geotechnical report, per the Mitigation Measure GEO-1 as outlined in a(iii) below, potential adverse impacts associated with geological conditions like ground shaking, would be **less than significant**.

a (iii) Groundwater levels are estimated to be approximately 10 feet below the ground surface as referenced in the Stormwater Data Report prepared by BFK Engineering, Inc. (March 2016). The Strategy 2000 Plan EIR states that groundwater in the DC area is expected to occur between 18 and 22 feet. Shallow groundwater (less than 50 feet below the surface) is expected throughout the DC.

As referenced in the Strategy 2000 Plan EIR, the entire DC is within a “liquefaction zone” mapped by the California Geological Survey in conformance with the Seismic Hazards Mapping Act. This zone is characterized as an area where historic occurrence of liquefaction or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements.

Implementation of Standard Project Condition GEO-1 in the Strategy 2000 Plan EIR would reduce potential impacts associated with seismic activity and displacement to **less than significant**.

Standard Project Condition GEO-1

Prior to the issuance of any site-specific grading or building permits, a design level geotechnical investigation shall be prepared and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of City Ordinance No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the project site’s surface geotechnical conditions and address potential seismic hazards, such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage.

In addition, the following requirement for the geotechnical and soils report shall be met:

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

a (iv) The project site is flat. No existing slopes occur on or in proximity to the site that would create the potential for landslides. Impacts would be **less than significant**.

b) As referenced, the site is flat which limits erosion potential. All construction/demolition projects must comply with the City of San Jose Grading Ordinance. Because the project is less than one acre in size, it requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity that occurs from October 15 to April 15, an Erosion Control Plan must be submitted to the Department of Public Works detailing Best Management Practices (BMPs) that will prevent the off-site discharge of stormwater pollutants. For additional information, see Section IX, *Hydrology and Water Quality*. With implementation of the BMPs specified in the Erosion Control Plan, prepared for the project, soil erosion hazard impacts would be **less than significant**.

c, d) Land subsidence is defined as the sinking or settling of land to a lower level. Causes can include: (1) earth movements; (2) lowering of ground water level; (3) removal of underlying supporting materials by mining or solution of solids, either artificially or from natural causes; (4) compaction caused by wetting (hydrocompaction); (5) oxidation of organic matter in soils; or (6) added load on the land surface.

As discussed in the Downtown Strategy 2000 FEIR, soils underlying portions of the entire DC area have moderate to high shrink/swell potential. This condition occurs when expansive soils undergo alternate cycles of wetting (swelling) and drying (shrinking) which changes the volume. In addition, non-uniformly compacted imported fill could experience significant differential settlements under new building loads. Structural damage, warping, and cracking of roads and sidewalks, and rupture of utility lines may occur if the potential expansive soils and the nature of the imported fill were not considered during design and construction of improvements.

The proposed project would be constructed on an existing developed site. The existing basement would be demolished, backfilled and compacted consistent with specifications in the project geotechnical report required by the City as part of the development review process (see Standard Project Condition GEO-1). The new building would be constructed on an engineered foundation designed for site-specific conditions and consistent with the California Building Code. No evidence of subsidence is present within the study area; thus, assuming construction occurs consistent with engineering recommendations, the potential for subsidence at the subject site is considered low. Therefore, impacts would be **less than significant**.

e) The proposed project does not include any improvements that would require the use of septic systems. **No impact** would occur.

Conclusion

With implementation of standard project condition and compliance with City policies, consistent with the Downtown Strategy 2000 FEIR and the General Plan FEIR, the project would not result in new or more significant Geology and Soil impacts than those identified in the Downtown Strategy 2000 FEIR and General Plan 2040 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section VII. Greenhouse Gas Emissions

Setting

Gases that trap heat in the atmosphere are often referred to as greenhouse gases (GHGs), analogous to the way in which a greenhouse retains heat. Common GHG include water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O_x), fluorinated gases, and ozone. GHGs are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and landfills. Man-made GHGs, many of which have greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆). The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat trapping effect of GHGs, Earth's surface would be about 34° C cooler. However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations (Cal EPA, 2006).

Pursuant to the requirements of SB 97, the *CEQA Guidelines* were amended in 2010 to include feasible mitigation of GHG emissions and analysis of the effects of GHG emissions. The adopted *CEQA Guidelines* provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

The majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence to climate change; therefore, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15355).

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and readopted the City's GHG Reduction Strategy in the General Plan. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

Applicable Plans, Policies and Regulations

Agencies at the international, national, state, and local levels are considering strategies to control emissions of GHG that contribute to global warming.

California Assembly Bill 32

With the passage of AB 32 (Global Warming Solutions Act of 2006), the State of California made a commitment to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, which represents about a 30 percent decrease over current levels. CARB's Discrete Early Actions include maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, including new technologies and new policy and implementation mechanisms, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly owned utilities). In December 2008, the ARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals.

In addition to AB 32, Executive Order S-3-05 (EO S-3-05) established a reduction target of 80 percent below 1990 levels by 2050.

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035¹. The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.

¹ 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

2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the MTC is partnering with the Association of Bay Area Governments (ABG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.² The SCS is referred to as *Plan Bay Area*. MTC and ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is located within a PDA.

2010 Bay Area Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts

² ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013, Available at: http://onebayarea.org/about/faq.html%23.UQceKR2_DAK.

to a less than significant level.³ The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

- Green Building Ordinance (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

The Envision 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the Envision 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and the recent standards for "qualified plans" as set forth by BAAQMD.

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.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

³ The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

| Environmental Issues | 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) |
|--|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 7. Greenhouse Gas Emissions <i>Would the project:</i> | | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5, 8 |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5, 8 |

Environmental Evaluation

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the Envision San José 2040 General Plan. In December 2015, the San José City Council certified a Supplemental Program EIR to the Envision San José 2040 Final Program EIR and readopted the City’s GHG Reduction Strategy in the General Plan. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan Final and Supplemental Program EIR. The City’s projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. As previously noted, projects that are consistent with the City’s adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

CEQA Thresholds of Significance

a) As outlined in the BAAQMD Guidelines (Table 3-1), congregate care facilities with fewer than 143 units do not require project specific analyses per the screening criteria. The project has 89 total units including one two-bedroom resident manager apartment; thus, the project would

not require additional analyses per the BAAQMD screening criteria. Impacts associated with GHG are considered **less than significant**.

b) The Envision San José 2040 General Plan includes a Greenhouse Gas Reduction Strategy as referenced above to identify specific policies incorporated within the Envision General Plan that will reduce GHG emissions and provides an analysis of the effectiveness of those policies. The intent is to fulfill the BAAQMD Plan-level CEQA requirements such that individual projects that conform to the General Plan may make use of the Greenhouse Gas Reduction Strategy in lieu of performing an individual project analysis. The BAAQMD CEQA Guidelines identify three possible thresholds for assessing the required reduction in GHG by the year 2020. The City of San Jose elected to use 6.6 metric tons of CO₂E per service population per year as the threshold to demonstrate a reduction in GHG emissions. Service population is defined as the number of residents plus the number of people working within San Jose.

Accordingly San Jose has developed a Land Use / Transportation Diagram and supporting land use and other General Plan policies that promote transportation alternatives to automobile use. The Land Use/Transportation Diagram is provided as Section V of the General Plan and as referenced therein, the primary test for consistency with the Greenhouse Gas Reduction Strategy is conformance to the General Plan Land Use / Transportation Diagram and supporting policies. Below addresses the consistency of the proposed project with the goals and policies in General Plan/Greenhouse Gas Reduction Strategy designed to reduce greenhouse gas emissions.

Within the Envision San Jose General Plan 2040, the site is designated as “Downtown”. The designation supports high density uses (up to 800 Dwelling Units/Acre) in office, retail, service, residential, and entertainment uses in the Downtown. All development within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership. The proposed project is consistent with the subject General Plan Land Use / Transportation designation. Table 4 below summarizes transportation and land use policies contained in Attachment B of the Greenhouse Gas Reduction Strategy.

Table 4
Consistency with GHG Reduction Strategy Transportation and Land Use Policies

| Policy | Consistency Discussion |
|--|--|
| <p>CD-2.1: Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.</p> | <p>Consistent. The proposed project would utilize the existing street network which accommodates pedestrian, bicyclists and vehicles.</p> |

| | |
|--|---|
| <p>a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.</p> <p>b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.</p> <p>c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.</p> | <p>Consistent. The project will maintain the existing street trees and reconstruct the sidewalk as needed to accommodate the new driveway access. The project exterior lighting will provide light for pedestrians using the adjacent sidewalk. The street width limits the implementation of design features that buffer pedestrians from traffic.</p> <p>Consistent. Unlike an apartment or condominium project, Villas on the Park residents will not have access to vehicles parked on-site. This will reduce the overall parking demand to 12 spaces located on the ground level for the resident manager, employees and vendors. The area required for parking will be significantly less than what is provided for the existing use or what would be required for an apartment or condominium project with a similar unit count.</p> |
| <p>CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Villages, Corridors, Main Streets, and other locations where appropriate.</p> <p>a) Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.</p> <p>b) Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.</p> <p>c) Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.</p> | <p>Consistent. As referenced above, the project will maintain the existing street trees and reconstruct the sidewalk as needed to accommodate the new driveway access. The project exterior lighting will provide light for pedestrians using the adjacent sidewalk.</p> <p>Consistent. The project will rezone the site from General Commercial to DC. The proposed project is a high density residential facility. No drive thru windows, car washes, service stations or other uses that cater to the automobile will be constructed on-site.</p> |

| | |
|---|---|
| <p>d) Locate retail and other active uses at the street level.</p> <p>e) Create easily identifiable and accessible building entrances located on street frontages or paseos.</p> <p>f) Accommodate the physical needs of elderly populations and persons with disabilities.</p> <p>g) Integrate existing or proposed transit stops into project designs.</p> | <p>Consistent. The project would retain the existing sidewalk which provided pedestrian connections to area amenities, services and transit.</p> <p>Consistent. The building entrance would front on North 2nd Street.</p> <p>Consistent. The building would be Americans with Disabilities Act (ADA) compliant.</p> <p>Consistent. Residents and employees would be able to access the project via an existing Santa Clara Valley Transit bus stop across the street to the west of the project site.</p> |
| <p>CD-2.5: Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.</p> | <p>Consistent. The project would provide shaded parking underneath the building. Pedestrian connections to existing services, amenities and transit would be maintained. The project would reduce the impervious surfaces relative to existing conditions and incorporate on-site stormwater treatment features.</p> |
| <p>CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long lifespan. Strongly discourage small-lot and single-family detached residential product types in growth areas.</p> | <p>Consistent. The project would be a high density residential facility with 89 studio apartment units and one two-bedroom resident manager apartment construction on a .33 acre site. Residents would support transit ridership and create demand for retail and other services provided in the DC.</p> |

Based on the fact that the project does not require a GHG evaluation per the BAAQMD screening criteria and consistency with transportation and land use policies in the San Jose GHG Reduction Strategy, potential impacts related to GHG emissions are **less than significant**.

Conclusion

Development of the proposed project is consistent with the project site’s General Plan Land Use / Transportation designation and will incorporate measures in applicable policies of the City’s General Plan and adopted GHG Reduction Strategy and, therefore would have a less than significant GHG emissions impact, consistent with the findings of the General Plan 2040 FEIR and the General Plan 2040 Supplemental EIR. **[(Same Impact as Approved Project (Less Than Significant Impact))]**

Section VIII. Hazards and Hazardous Materials

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared by Advantage Environmental Consultants, December, 2015, which is attached as Appendix C of this Addendum.

Setting

Site Conditions

Development on the site consists of one 3,394 square foot building constructed in 1950 and a surrounding parking lot. Lead-based paint and asbestos are commonly found in structures constructed prior to 1977. As noted, the existing building was constructed in 1950; and thus, potentially contains asbestos in the construction materials and/or lead-based paint. The Phase I assessment found no recognized environmental concerns related to either on or off-site sources of hazardous materials contamination.

Other Hazards

Airports

San Jose International Airport is located 1.5 miles northwest of the project site. The project site is not within the Santa Clara County Airport Land Use Commission's Airport Influence Area. However, Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires 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 structure exceeding approximately 60 feet in height above ground would require submittal to the FAA for airspace safety review.

Wildfire Hazards

The project site is located within an urbanized area of San Jose and not within a Very-High Fire Hazard Severity Zone.

Applicable Plans, Policies, and Regulations

United States Environmental Protection Agency

The EPA is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The legislation includes the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as "Superfund"), the Superfund Amendments and Reauthorization Acts of 1986, and the Resource Conservation and Recovery Act of 1986. The EPA provides oversight and supervision for site

investigations and remediation projects, and has developed land disposal restrictions and treatment standards for the disposal of certain hazardous wastes.

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) serves as the umbrella agency for the DTSC, the Office of Environmental Health Hazard Assessment (OEHHA), and the State Water Resources Control Board (SWRCB) and its associated regional Water Boards.

Department of Toxic Substance Control (DTSC)

The DTSC regulates remediation of sites where discharges to land could potentially present a public health risk. California legislation, for which the DTSC has primary enforcement authority, includes the Hazardous Waste Control Act and the Hazardous Substance Account Act. The DTSC generally acts as the lead agency for soil and groundwater cleanup projects, and establishes cleanup and action levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

State Water Resources Control Board (SWRCB)

The SWRCB, through its nine regional boards, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the State. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the regional board that has jurisdiction over the project area. The SWRCB provides oversight for sites at which the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions.

Regional Water Quality Control Board (RWQCB)

San Francisco Bay RWQCB regulates discharges and releases to surface and groundwater in the project area. The RWQCB generally oversees cases involving groundwater contamination. Within the San Francisco Bay RWQCB, the Santa Clara County Department of Environmental Health (SCCDEH) handles most leaking underground storage tank (LUST) cases, so the RWQCB may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Clean-up (SLIC) cases. In the case of spills at a project site, the responsible party would notify SCCDEH and then a lead regulator (SCCDEH, RWQCB or DTSC) would be determined.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires Cal EPA to develop and update (at least annually) a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA

requirements. The Cortese List includes hazardous substance release sites identified by the DTSC, SWRCB, and the Department of Resources Recycling and Recovery (CalRecycle).

Emergency Operations and Evacuation Plans

The City of San José's Emergency Operations Plan includes standard operating procedures for flood events, heat waves, off-airport aviation accidents, power outages, terrorism, and urban/wildland interface fires. The Citywide Emergency Evacuation Plan sets forth the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

- **Policy EC-7.1:** For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
- **Policy EC-7.2:** Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
- **Action EC-7.8:** When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
- **Action EC-7.9:** Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
- **Action EC-7.10:** Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with

known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

- **Action EC-7.11:** Require sampling for residential agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
- **Policy TR-14.2:** Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.
- **Policy TR-14.3:** For development in the vicinity of airports, take into consideration the safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports.
- **TR-14.4:** Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
- **Policy CD-5.8:** Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 8. Hazards and Hazardous Materials <i>Would the project:</i> | | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| 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, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2 |
| 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, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 7 |

Environmental Evaluation

Hazards/Hazardous Materials Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identifies potential impacts associated with hazardous materials from redevelopment of properties that may contain contamination, including disturbance of sites containing soil or groundwater contamination or demolition of structures with lead paint and/or asbestos. Mitigation in the FEIR calls for the preparation of Phase I Assessments for new projects, with implementation of recommendations and remediation measures as needed. The Phase I Assessment for this project can be found in Appendix B.

CEQA Thresholds of Significance

a) The proposed project is a residential project designed to provide housing for formerly homeless people. During project operation, it would not require the ongoing use, storage or routine transport of hazardous materials. Aside from common household chemicals, no hazardous materials would be used on-site. However, these potentially hazardous materials would not be of a type or occur in sufficient quantities to pose a significant hazard to the public and safety or the environment. These products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. For these reasons, project operation would not routinely transport, use, or dispose of hazardous materials which results in an impact that would be **less than significant**.

b) Construction activities related to the development of the proposed project may involve temporary transport, use, or disposal of hazardous materials. As referenced, the building on-site was constructed prior to 1978; and thus, may contain and asbestos-containing materials (ACMs) and/or lead based paint. Therefore demolition and construction activities associated with the proposed project can potentially encounter hazardous building materials (e.g. lead-based paint, ACMs, and mercury). Removal of these materials, if present, is required to be completed by a contractor licensed to remove and handle these materials in accordance with existing federal, State, and local regulations.

The Downtown Strategy 2000 FEIR includes mitigation measures related to reducing the impacts from lead-based paint and ACMs, which has been revised to reflect current standard practice and will be included in this project as condition of approval (Standard Project Condition HAZ-1). Implementation of Standard Project Condition HAZ-1 would be required to address the potential presence of hazards within the building resulting in a **less than significant impact**.

Standard Project Condition HAZ-1

- Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with USEPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb

the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements

c) The nearest schools to the project site are Horace Mann Elementary School located approximately ½ of a mile to the southeast and San Jose State University located approximately ⅓ of a mile to the southwest. As outlined in discussion a) and b) above, the project is not anticipated to routinely transport or use hazardous materials and release of hazardous materials into the environment, thus the project would result in a **less than significant impact** to schools located within ¼ mile of the site.

d) Based on a review of available databases listing known hazard sites (Geotracker, Envirostar) and the Phase I ESA prepared for the proposed project, there is no evidence of hazardous environmental conditions on the project site. The project would not be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5; thus, the project would not create a significant hazard to the public or the environment..

e) San Jose International Airport is located 1.5 miles northwest of the project site. The project site is not within the Santa Clara County Airport Land Use Commission's Airport Influence Area. However, Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires 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 structure exceeding approximately 60 feet in height above ground would require submittal to the FAA for airspace safety review.

The project proposes to construct a 6-story building at a maximum height of 70 feet. Pursuant to FAR Part 77, the building must be submitted to the FAA for airspace safety review. Subsequent FAA issuance of a "Determination of No Hazard", and compliance with any

conditions set forth by the FAA in its determination, would ensure that project development would not be a potential aviation hazard. Impacts would be **less than significant**.

f) The proposed project is not located within the airport influence area. The project site is not located in proximity to a private airstrip. **No impact** would occur under this threshold.

g) The proposed project may temporarily result in a traffic lane closure to accommodate construction staging or the movement of equipment and materials onto the site. A traffic control plan would be prepared consistent with the City of San Jose Traffic Control Manual (September, 2005) that details how construction equipment and material would be moved on/off the site. The plan would be provided to the City of San Jose for review and consultation with emergency service providers regarding project actions that could impact evacuation routes or otherwise impair emergency vehicle routing or evacuation during emergencies. The operation of the proposed Residential Service Facility will not interfere with any adopted emergency or evacuation plans. The project will not create any barriers to emergency or other vehicle movement in the area and will be designed to incorporate all Fire Code requirements. Impacts would be **less than significant**.

h) The project site is not located in a Fire Hazard Severity Zone as designated in maps prepared by the California Department of Forestry and Fire Protection (Cal-Fire, October, 2008) or referenced in the General Plan. The project is located within an urbanized are of the DC. **No impacts** related to wildland fires would occur.

Conclusion

With implementation of standard project conditions and compliance with City policies and previous mitigation measures identified in the Downtown Strategy 2000 FEIR and the General Plan EIR, the project would result in less than significant from hazards and hazardous materials impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section IX. Hydrology and Water Quality

Setting

Surface Water

The project site is located within the Guadalupe Watershed which consists of a 170-square-mile area of multiple small-creek watersheds including the Guadalupe Creek and Los Gatos Creek watersheds. The project site is paved with some landscaped areas around the building. Impervious surfaces on the project site consist primarily of buildings and parking lots. The project site is 0.50 miles from the Guadalupe River, the nearest water body.

Groundwater

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo

Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. The project site is comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer. The normal range of groundwater at the site is expected to be at 12-15 feet below the ground surface. Historic high levels of groundwater were recorded in the vicinity at 8 feet below the ground surface.

Flooding

According to the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Map, the site is located within Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D.

Other Inundation Hazards

Dam Failure

The project site, as with most of central San José, is within the dam failure inundation zone of the Lexington Reservoir. Each dam is under the jurisdiction of the California Department of Water Resources (DWR), Division of Safety of Dams and are periodically inspected to ensure that they are adequately maintained. Regular inspections and required maintenance of the dams substantially reduces the potential for catastrophic failure.

Sea Level Rise

The project site is located at an elevation of approximately 94 to 97 feet above MSL, and is not within a shoreline area vulnerable to projected sea level rise from global climate change of up to 55 inches.

Earthquake-Induced Waves and Mudflow Hazards

The site is not located near a large body of water, near the ocean, or in a landslide hazard zone and, therefore, is not subject to inundation by seiche, tsunami, or mudflow.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from roads are collected by storm drains and discharged into the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is paved. Runoff from the site contains some sediment, metals, oils and grease from parking lot.

Applicable Plans, Policies, and Regulations

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

FEMA manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City are identified as special flood hazard areas with a one percent annual chance and two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP.

Federal and State Laws Regarding Water Quality

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the SWRCB.

As described below, regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA's regulations include the NPDES permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay RWQCB. Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

Clean Water Act

The CWA forms the basis for several state and local laws throughout the nation. Its objective is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA outlines the federal laws for regulating discharges of pollutants as well as sets minimum water quality standards for all "Waters of the United States." Several mechanisms are employed to control domestic, industrial, and agricultural pollution under the CWA. At the federal level, the CWA is administered by the EPA. At the state and regional level, the CWA is administered and enforced by the SWRCB and the nine RWQCBs. The State of

California has developed a number of water quality laws, rules, and regulations, in part to assist in the implementation of the CWA and related federally mandated water quality requirements. In many cases, the federal requirements set minimum standards and policies and the laws, rules, and regulations adopted by the state and regional boards exceed the federal requirements.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay and Guadalupe River are on the Section 303(d) list as an impaired water body for several pollutants.

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. In December 1999, the Program was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

When applicable, the NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a SWPPP to control discharge associated with construction activities.

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). To standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 76 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless a full or partial exemption applies.

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

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

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

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). The goal of an HMP is to manage increased peak runoff flows and volumes (hydromodification) to avoid erosion of stream channels and degradation of water quality both on and off development sites. The project site is less than one acre in size; and therefore, would not be subject to HMP Policy 8-14.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José.

- **Policy IN-3.9:** Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
- **Policy MS-3.4:** Promote the use of green roofs (i.e., roofs with vegetated cover), landscape based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
- **Policy MS-3.5:** Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
- **Policy ER-8.1:** Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

- **Policy ER-8.3:** Ensure that private development in San José includes adequate measures to treat stormwater runoff.
- **Policy ER-8.5:** Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff on-site.
- **Policy EC-4.1:** Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
- **Policy EC-5.16:** Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
- **Action EC-7.10:** Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 9. Hydrology and Water Quality <i>Would the project:</i> | | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 4, 9, 11 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted?) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 4 |
| 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 would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 4 |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 4 |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 4 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 13 |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 13 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |

Environmental Evaluation

Hydrology/Water Quality Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR identified potential water quality impacts from construction activities and post-construction operation of new development and set forth mitigation consisting of implementation of Storm Water Pollution Prevention Plans and appropriate Best Management Practices to maintain water quality. The FEIR also identified hydrology and water-quality impacts associated with development within the floodplain, adverse effects from discharge of dewatering effluent containing contamination, and potential inefficient use of water.

CEQA Thresholds of Significance

a, c-f) Below outlines the construction and post-construction related water quality impacts of the proposed project.

Construction-Related Water Quality Impacts

The City of San José is responsible for ensuring compliance with federal and state laws that regulate how stormwater runoff is managed prior to its entry to the storm drain system, streams, rivers, and/or the San Francisco Bay. Specifically, the City operates under the RWQCB’s Municipal Regional Stormwater NPDES Permit, which requires new and redevelopment projects to include appropriate measures to treat urban runoff and to prevent increases in runoff flows. Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General

Permit, administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The site is less than one acre in size; and thus, would not be required to comply with the CGP; however, all development projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants, as outlined in Standard Project Condition HYD-1.

Standard Project Condition HYD-1

The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Typical measures that will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include but are not limited to:

- 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;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction Water Quality Impacts

The project site is a paved parking lot with a single-story building. Under existing conditions the entire site is currently impervious (15,464 square feet) and upon completion of the proposed development it would replace 13,308 square feet with impervious surface and 2,156 square feet with landscaping. This would result in a net reduction of impervious surface on the site. Runoff currently sheet flows off-site into the existing storm drain system. Project runoff would be retained on-site and treated prior to release. Thus, while the existing drainage pattern on the site would change, it would not be adversely affected by the project.

With respect to project operation, the City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control

Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José.

The Municipal Regional Permit (MRP) (NPDES Permit No. CAS612008) mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates development projects that create or replace 10,000 square feet or more of impervious surface.

Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project LID credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to granting any LID credit reduction, the City must first establish a narrative discussion submitted by the applicant that describes why the implementation of 100 percent LID measures is not feasible, in accordance with the MRP. The project qualifies as a Special Project (Category A- Small Infill Projects) and proposes to install a perk filter concrete catch basin using filter media designed to accommodate flow rates of 0.08 cubic feet per second. Post-construction, system maintenance would include cleaning the filter media and removing any vegetation to avoid the development of wetland habitat. With the installation, operation and maintenance of the proposed stormwater treatment system, compliance with permit provisions, policy requirements and Standard Project Conditions identified herein, the project would not violate any water quality standards. Impacts would be **less than significant**.

b) The project would obtain potable water from the City of San Jose. No groundwater would be used directly by the project. As noted, post construction, the impervious surface area would be less than under existing conditions. Thus, it is assumed that some groundwater recharge would occur via the outdoor landscaped areas. This would increase groundwater discharge over existing conditions. The project would not deplete groundwater or interfere with groundwater recharge. **No impact** would occur.

g, h) The project site is located within Zone D (FEMA Flood Insurance Rate Map No. 06085C0234H, May, 2009). The Federal Emergency Management Agency (FEMA) defines Zone D as an area where flood hazards are “undetermined but possible” which is not classified as a 100-year flood hazard zone by FEMA. The project, therefore, would not place housing within a 100-year flood hazard area or impede or redirect flood flows within a 100-year flood hazard area. Because no structures will be placed within a flood zone such, they cannot impede flood flows. **No impact** would occur under this threshold.

i) As discussed in the Strategy 2000 Plan EIR, the DC and surrounding area could be impacted if one or more of the dams in the vicinity were to fail catastrophically resulting from earthquake or overflow. The Dams include Lexington (renamed James H. Lenihan Dam at Lexington Reservoir in 1996), Leroy Anderson, and Austrian Dam at Lake Elsman. Lexington Dam is located approximately 18 miles southwest of the DC and is the closest to the project site. Each dam is under the jurisdiction of the California Department of Water Resources (DWR), Division of Safety of Dams and are periodically inspected to ensure that they are adequately maintained. Regular inspections and required maintenance of the dams substantially reduces the potential for catastrophic failure. The project would not be in any greater danger associated with dam failure than the existing building on the site and other structures in the DC. A **less than significant** impact would occur under this threshold.

j) A seiche is the oscillation of water in an enclosed body of water. The largest enclosed body of water with the potential to affect development allowed under the proposed General Plan is San Francisco Bay, north of the DC. Ring levees within the salt pond restoration areas at the margins of the Bay would reduce the effects of a seiche in San Francisco Bay, which would avoid impacts to infrastructure or other development in San Jose.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. The Association of Bay Area Government has prepared tsunami inundation maps for the Bay Area. The projected extent of tsunami inundation near San Jose is limited to the sloughs of Coyote Creek at the bay margins. The inundation areas are over one mile from the City's northern urban growth boundary. Therefore, a tsunami would not adversely affect the proposed project site. **No impact** would occur under this threshold.

Conclusion

With implementation of the identified Standard Project Conditions, compliance with federal, state, and city regulations, the proposed project will not result in new or more significant impacts associated with hydrology and water quality than those identified in the Downtown Strategy 2000 FEIR and 2040 General Plan FEIR. [**Same Impact as Approved Project (Less Than Significant Impact)**]

Section X. Land Use and Planning

Setting

Existing Land Uses

The 0.335-acre project site is comprised of one single story commercial/office building and surrounding parking lot.

Surrounding Land Uses

The project site is surrounded by existing urban development and roadways, located within a commercial and residential neighborhood. The site is bounded by a commercial use and parking lot to the south and residential uses to the north, west and east.

General Plan and Zoning Designations

Envision San José 2040 General Plan

The project site is designated Downtown in the Envision San José 2040 General Plan. This designation allows for office, retail, service, residential, and entertainment uses within the downtown area with building heights of three to 30 stories, density of up to a 30.0 floor area ratio (FAR), and residential densities up to 800 dwelling units per acre (DU/AC).

Redevelopment should be at very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise.

Zoning Ordinance

The project site is zoned CG, Commercial General District. The San José, California Code of Ordinances identifies “Commercial General District” as a district intended to serve the needs of the general population and allows for a full range of retail and commercial uses with a local or regional market. Development within this land use type includes auto-oriented commercial uses, commercial centers as well as regional malls. The proposed project would rezone the site Downtown Core (DC). The DC is also referred to as the Downtown Growth Area in the Envision San Jose’ 2040 General Plan. This area is intended to support regional transit use, continue the development of the Downtown as a regional job center and to support continued development of high-rise development within the Downtown area.

Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José. These are summarized as follows:

- **Policy CD-2.3:** 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.
 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.

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.
 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.
 4. Locate retail and other active uses at the street level.
 5. Create easily identifiable and accessible building entrances located on street frontages or paseos.
 6. Accommodate the physical needs of elderly populations and persons with disabilities.
 7. Integrate existing or proposed transit stops into project designs.
- **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.
 - **Policy CD-4.9:** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
 - **Policy CD-5.8:** Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
 - **Policy LU-3.4:** Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.

- **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.
- **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.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP/NCCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP/NCCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The site is within the Habitat Plan Permit Area and located within the Urban – Suburban land cover designation and Private Development Area 4. The effective date of the HCP is October 14, 2013.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 10. Land Use and Planning <i>Would the project:</i> | | | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| c) Conflict with any applicable habitat conservation plan or natural communities conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 15 |

Environmental Evaluation

Land Use Impacts Analyzed in the Downtown Strategy 2000 FEIR

The only significant land use impact identified in the Downtown Strategy 2000 FEIR was construction of buildings at heights that would exceed the FAA's imaginary surface restrictions over the project area, or that would stand at least 200 feet in height above ground, which could present potential hazards to safe operation of the San José International Airport. This issue is discussed in Section VIII, *Hazards and Hazardous Materials*. As referenced, the project will require an FAA-issued "no hazard" determination prior to project approval.

CEQA Thresholds of Significance

a) The site is currently fenced and developed with a vacant single-story commercial office building and adjacent parking. The neighboring properties to the project site include a parking lot to the south, multifamily residences to the west, and single family residences to the north and east. The proposed project would develop a new residential facility designed to house formerly homeless people. All project construction would be confined to the proposed site. It would not impact adjacent street corridors and all utility improvements would be located below ground. The project would not physically divide an existing community. **No impact** would occur.

b) The proposed project site is currently zoned General Commercial. As part of the entitlement process, the project is applying for a rezone of the site from General Commercial to Downtown Core. The project is designated in the City's 2040 General Plan as Downtown. The Downtown designation encourages development within this designation that enhances the "complete community" in downtown, supports pedestrian and bicycle circulation, and increases transit ridership. The proposed project and development are consistent with the current General Plan designation and the proposed Downtown Core zoning district.

Additionally, as the project site is located within the Downtown Strategy 2000 limits, the project is subject to goals and policies within the Downtown Strategy 2000 as referenced above.

Downtown Strategy 2000 provides a long-range conceptual program for redevelopment of downtown San Jose which includes the DC. The Plan focuses on revitalizing the traditional Downtown by allowing higher density infill development and replacement of underutilized uses, and expanding the Greater Downtown Core Area and land use intensities to the west and north into areas that are presently undeveloped and underutilized.

The Strategy 2000 EIR provides a comparative discussion of what are referred to as Major

Strategies in the 2040 General Plan. The purpose of the discussion is in part, intended to demonstrate consistency between the General Plan and Strategy 2000. A summary of the major strategies and policies that apply to Downtown Strategy 2000 and the proposed project is presented below:

- **Growth Management Major Strategy:** The Growth Management Major Strategy addresses the need to balance the urban service demand of new development with the need to balance the City's budget. One of the key components of this Major Strategy is to support infill development as a way of decreasing the costs associated with the provision of public services through increased efficiency.

Strategy 2000 is consistent with this strategy as the Plan promotes infill development and the redevelopment of underutilized uses that are economically stagnant. The proposed project would be considered infill and would utilize existing utilities and public services.

- **Downtown Revitalization Major Strategy:** The Downtown Revitalization Major Strategy emphasizes the importance of a prominent and attractive Downtown as a catalyst that brings new investment, residents, businesses and visitors to the center City.

Strategy 2000 provides actions and strategies to guide development and redevelopment in an expanded Downtown Core as well as urban design guidelines to support attractive development. The proposed project would be new construction designed consistent with applicable design guidelines contained in Strategy 2000.

- **Urban Conservation Preservation Major Strategy:** The strategy underscores the importance of protecting and enhancing San Jose's neighborhoods and historical resources to promote community identity and pride. This strategy encourages infill development while recognizing that nearby neighborhoods should be protected from impacts. Encouraging economic development will enable the City to maintain current levels of service and neighborhoods.

As referenced above, the proposed project would be an infill development. The project would change the use of site from existing conditions; however, no significant impacts on the surrounding land uses or the historical resources would occur.

- **Housing Major Strategy:** One overall City objective is to provide a wide variety of housing opportunities to meet the needs of all economic sectors of the community, and to provide this housing in stable neighborhoods with adequate urban services. The Housing Major Strategy attempts to maximize housing opportunities on infill parcels that are within the City's Urban Service Area.

Strategy 2000 is consistent with this policy as it will encourage an increase in housing opportunities in the Greater Downtown, where adequate urban services are available, that will serve a variety of income groups. The proposed project site is one of several areas in the DC designated for residential support for the core area. The project would provide interim housing as well as permanent studio apartments for formerly homeless people. This would help meet housing needs for people within this sector of the population consistent with *Strategy 2000*.

- **Sustainable City Major Strategy:** The Sustainable City Strategy reflects San Jose's desire to become an environmentally and economically sustainable city, minimizing waste, and efficiently using its natural resources. *Strategy 2000* promotes infill, transit-oriented development, pedestrian amenities, and more housing in the DC and surrounding area.

Implementation of these goals may help to reduce the number of single-occupancy vehicles used for commuting and other trips. Additionally, design guidelines in the Plan support the consideration of appropriate orientation for the best solar access and wind protection to reduce the amount of energy used for heating and cooling. These components of *Strategy 2000* support the City's goals of developing a sustainable city.

The proposed project would provide housing for an underserved element of the population. Residents will not be allowed to park cars on the property; thus, the project will reduce single occupancy vehicles in the area relative to what could be allowed if the property were redeveloped with a commercial or multifamily project. Residents will be dependent in part, on transit and pedestrian access to area services. This would be consistent with *Strategy 2000*.

c) The project site is located within the 2013 Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) boundary. As referenced in Section IV, *Biological Resources*, the site was evaluated using the Geobrowser tool accessed on April 19, 2016. The site is within the Habitat Plan Permit Area and located within the Urban – Suburban land cover designation and Private Development Area 4. The site is entirely paved with the exception of landscape areas around the building perimeter and is not located within any HCP/NCCP special-status wildlife or plant survey areas. Compliance with Standard Project Condition BIO-1, as outlined in Section IV, *Biological Resources*, would result in **a less than significant impact** under this threshold.

Conclusion

The proposed project is consistent with adopted plans and policies for the project site and would not physically divide an established community. The project would not conflict with the HCP/NCCP. Implementation of the project, therefore, would not result in significant land use

impacts beyond those identified in the Downtown Strategy 2000 FEIR and the 2040 General Plan FEIR. [Same Impact as Approved Project (Less Than Significant Impact)]

Section XI. Mineral Resources

Setting

The project site is not located within a State-designated Mineral Resource Zone. In addition, the project site is developed with residential and commercial uses and does not support mineral extraction operations

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 11. Mineral Resources <i>Would the project:</i> | | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 11 |

Environmental Evaluation

Mineral Resource Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR found no significant impacts related to mineral resources.

CEQA Thresholds of Significance

a, b) Per the General Plan FEIR, the project site is not within a mapped Mineral Resource Zone (MRZ). The General Plan FEIR also states that the Communications Hill is the only area in the City of San José with this is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance. Since the proposed project is not located on or near Communications Hill, the proposed project would not result in impacts to mineral resources. Additionally, the proposed project would not require excavation of mineral resources nor would construction result in the loss of availability of any known regional or local mineral resources. Therefore, **no impact** to mineral resources would occur.

Conclusion

The project would not result in an environmental impact due to the loss of availability of known mineral resources. [Same Impact as Approved Project (No Impact)]

Section XII. Noise

Setting

Noise levels (or volume) are generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

Sound pressure level is measured on a logarithmic scale with the 0 dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dB, and a sound that is 10 dB less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dB change in community noise levels is noticeable, while 1-2 dB changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while those along arterial streets are in the 50-60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

In addition to the instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, L_{eq} is summed over a one-hour period.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. Two commonly used noise metrics – the Day-Night average level (L_{dn} or DNL) and the Community Noise Equivalent Level (CNEL) recognize this fact by weighting hourly L_{eq} over a 24-hour period. The L_{dn} is a 24-hour average noise level that adds 10 dB to actual nighttime (10:00 PM to 7:00 AM) noise levels to account for the greater sensitivity to noise during that time period. The CNEL is identical to the L_{dn} , except it also adds a 5 dB penalty for noise occurring during the evening (7:00 PM to 10:00 PM).

Vibration is sound radiated through the ground. The rumbling sound caused by the vibration of

room surfaces is called ground borne noise. Ground borne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. Ground-borne vibration related to human annoyance is generally related to velocity levels expressed in vibration decibels (VdB). However, construction-related groundborne vibration in relation to its potential for building damage can also be measured in inches per second (in/sec) peak particle velocity (PPV) (Federal Transit Administration, May 2006). Based on the FTA's *Transit Noise and Vibration Impact Assessment* and the California Department of Transportation's 1992 *Transportation-Related Earthborne Vibration, Technical Advisory*, vibration levels decrease by 6 VdB with every doubling of distance.

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Residences, hospitals, schools, guest lodging, libraries, and parks are most sensitive to noise intrusion; and therefore, have more stringent noise exposure targets than commercial or industrial uses that are not subject to impacts such as sleep disturbance. Sensitive land uses generally should not be subjected to noise levels that would be considered intrusive in character. Therefore, the location, hours of operation, type of use, and extent of development warrant close analysis in an effort to ensure that noise sensitive receptors are not substantially affected by noise.

Sensitive Receptors Applicable Plans, Policies, and Regulations

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 L_{dn} or CNEL in any habitable room. Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept close, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance limits noise levels at any property line of residential uses to a maximum of 55 dBA. The Zoning Ordinance also limits noise emitted by standby/backup and emergency generators to 55 decibels at the property line of residential properties.

Envision San José 2040 General Plan

The Environmental Leadership Chapter in the Envision 2040 General Plan sets forth policies related to noise and vibration control in the City of San José. The City’s noise and land use compatibility guidelines are shown in Table 5.

**Table 5
 Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)**

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

Table 9 (cont.): Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)

| Land Use Category | Exterior DNL Value in Decibels | | | | | |
|--|--|----|----|----|----|----|
| | 55 | 60 | 65 | 70 | 75 | 80 |
| Notes: | | | | | | |
| ¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required. | | | | | | |
|  | Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. | | | | | |
|  | Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design. | | | | | |
|  | Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines. | | | | | |

- **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 2040 Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

- **Policy EC-1.2:** Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) 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-1.14:** Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City’s noise and land use compatibility standards to base noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
- **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.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 12. Noise | | | | | | |
| <i>Would the project result in:</i> | | | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |

| | | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|----------|
| 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, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |

Environmental Evaluation

Noise Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR determined that future residential uses in the downtown area could be subject to noise impacts from aircraft, rail, and traffic noise. The project site is not located in the immediate vicinity of rail activity. The FEIR also concluded that new development would result in significant short-term impacts from construction. Mitigation was identified in the Downtown Strategy 2000 FEIR to reduce the significant noise impacts to less-than-significant. This mitigation included 1) application of City noise policies and standards in evaluating specific development projects, 2) site-specific noise studies for new residential development to determine specific design measures to reduce interior noise levels to conform to State Title 24 requirements, 3) siting outdoor activity areas in shielded locations on-site, and 4) use of standard noise abatement measures during construction. In addition, the FEIR identified that property owners grant an aviation easement to the City of San José to accept aircraft noise impacts when applicable.

CEQA Thresholds of Significance

a, d) Temporary, construction-related noise would occur over the duration of project construction. As referenced in Section III, *Air Quality*, construction is expected to last approximately 12 months. The noise levels associated with the operation of common construction equipment are shown in Table 6. The noise levels are provided for reference purposes; not all equipment shown would be used for the proposed project. Noise levels are expected to occur within the ranges shown.

Table 6
Typical Construction Equipment Noise Levels

| Type of Equipment | Range of Maximum Sound Levels Measured (dBA at 50 feet) | Maximum Sound Levels for Analysis (dBA at 50 feet) |
|---|---|--|
| Pile Driver 12,000 to 18,000 ft-lb/blow | 81-96 | 93 |
| Rock Drills | 83-99 | 96 |
| Jack Hammers | 75-85 | 82 |
| Pneumatic Tools | 78-88 | 85 |
| Pumps | 74-84 | 80 |
| Scrapers | 83-91 | 87 |
| Haul Trucks | 83-94 | 88 |
| Cranes | 79-86 | 82 |
| Portable Generators | 71-87 | 80 |
| Rollers | 75-82 | 80 |
| Dozers | 77-90 | 85 |
| Tractors | 77-82 | 80 |
| Front-End Loaders | 77-90 | 86 |
| Hydraulic Backhoe | 81-90 | 86 |
| Hydraulic Excavators | 81-90 | 86 |
| Graders | 79-89 | 86 |
| Air Compressors | 76-89 | 86 |
| Trucks | 81-87 | 86 |
| Trencher | 73-80 | 80 |

Source: Bolt, Beranek & Newman, Noise Control for Buildings and Manufacturing

Plants, 1987.

dBA = A-weighted decibels, ft-lb/blow = foot-pounds per blow

Construction equipment associated with the proposed project would include concrete saws, backhoes, loaders, concrete trucks and related equipment. A doubling of sound energy yields an increase of three decibels, so multiple pieces of equipment operating together may cause relatively small increases in dBA above the decibel levels associated with one piece of such equipment. Assuming three such pieces of construction equipment operating at one time in the construction area, the worst-case combined noise level during the site preparation phase of construction is an estimated 93 dBA at a distance of 50 feet from the active construction area. This estimate is consistent with construction noise levels provided in *Strategy 2000* Draft EIR noise impact analysis.

There are residences located adjacent to three sides of the site that could experience temporary noise levels within this range. The City of San Jose considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses where substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) would occur and continue for more than 12 months. The project would involve demolition of an existing building and parking lot. Grading and site preparation activities would also be required to prepare the site for construction of utilities, foundation and ground floor slab. The project would not require excavation for subterranean parking or basement facilities. No pile driving or other impact construction methods would be required. Construction practices would be required to comply with Standard Project Condition NOI-1.

Standard Project Condition NOI-1: The following construction noise control measures and practices shall be implemented:

- Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm on Mondays through Fridays; and shall not be permitted at any time on weekends. 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 construction contractor shall ensure that all equipment driven by internal combustion engines shall use noise-reduction features that are no less

effective than those originally installed by the manufacturer. If no noise-reduction features were originally installed, then the contractor shall require that at least a muffler be installed on the equipment.

- Construction staging and heavy equipment maintenance activities shall occur a minimum of 50 feet from the nearest residence unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- At all times during project demolition, grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.
- 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.

With the project contractor complying with the General Plan policies and the Standard Project Condition NOI-1, noise impacts during the construction phase would be **less than significant**.

b) Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas noise is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise; e.g., the rattling of windows from truck a pass-by. This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, groundborne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. In the U.S., the ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB).

The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and

distinctly perceptible levels for many people. Typical outdoor sources of perceptible groundborne vibration in the vicinity of the proposed project are construction equipment and heavy duty vehicle traffic. If a roadway is smooth, the groundborne vibration from traffic is barely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

Construction activity would be temporary and any vibrations would likely not persist for long periods. Assuming vibration levels would be similar to those associated with a loaded truck, typical groundborne vibration levels would be 86 VdB at 25 feet, 80 VdB at 50 feet, and 74 Vdb at 100 feet, based on the Federal Transit Administration's (FTA's) *Transit Noise and Vibration Impact Assessment* (May 2006) as shown in Table 7. As referenced above, General Plan Policy EC-2.3 requires 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. A loaded truck can generate a up to 86 VdB at 25 feet which is equivalent to a PPV of 0.076. This is less than the 0.08 PPV standard in the Policy EC-2.3. Further, all historic buildings are located further than 25 feet from the project site property line.

Table 7
Typical Vibration Source Levels for Construction
Equipment

| Equipment | Approximate VdB | | |
|-----------------|-----------------|---------|----------|
| | 25 Feet | 50 Feet | 100 Feet |
| Large Bulldozer | 87 | 81 | 75 |
| Loaded Trucks | 86 | 80 | 74 |
| Small Bulldozer | 58 | 52 | 46 |

Source: Federal Transit Administration, 2006

Projected vibration levels are not expected to be high enough to potentially cause structural damage (i.e., 100 VdB) or exceed the PPV standard in General Plan Policy EC-2.3. No potentially significant vibration impacts were identified in the Downtown Strategy 2000 FEIR. Impacts under this threshold would be **less than significant**.

c) During the project operation, the proposed site would generate traffic; however, trips would be limited to the resident manager, employees and vendors. The residents would not have cars or otherwise generate vehicle trips. The project would not require the use of noise-generating equipment. The only external source of noise would be the rooftop HVAC units. These units are typically located behind roof parapets and shrouded to prevent noise from traveling beyond the building footprint.

As shown in the General Plan 2040 EIR Existing Citywide Traffic Noise Contours Figure (Figure 3.3-1), the project site is located within the 55-60 dBA DNL. As referenced above, for new multi-family residential projects and for the residential component of mixed-use development, a standard of 60 dBA DNL is applied to usable outdoor activity areas. Based on the existing DNL projected in the General Plan EIR, the project would be located in an area meeting the existing standard for outdoor spaces. For the project to noticeably increase traffic noise levels, it would have to generate enough trips to double current hourly volumes on North 2nd Street without affecting travel speed. The project would provide 12 parking spaces on-site for the resident manager, employees and vendors. Residents would not have access to personal vehicles. Anticipated development in the area is not expected to adversely impact traffic circulation on North 2nd Street (see Section B of the Downtown Strategy 2000 EIR). Thus, the trip generation is not expected to be high enough to impact noise levels.

With respect to interior noise levels, the City of San Jose's standard for residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. The proposed project would be designed to meet or exceed California Energy Code Title 24 standards which specify construction methods and materials that result in energy efficient structures and up to a 30 dBA reduction in exterior noise levels (assuming windows are closed). This includes installation of mechanical ventilation (e.g. air conditioning), in combination with standard building construction that includes dual-glazed windows with a minimum Sound Transmission Class (STC) rating of 26. When windows are open the insertion loss drops to about 10 dBA. Assuming and DNL of 60 dBA, when building windows are closed, interior noise levels would be approximately 30 dBA DNL which would be below the 45 dBA interior standard. A **less than significant** impact would occur under this threshold.

e-f) The project site is located 1.5 miles southeast of San Jose International Airport and outside the airport influence area. Although aircraft noise may be audible, the site is located outside the City's projected 60 dB CNEL aircraft noise impact area for San Jose International Airport. No private airstrips are located in proximity to the project site. The project would result in the construction of residential units within a predominantly residential and commercial area of the DC. Airport noise may be audible; however, the project that could be adversely affected by airport noise. A **less than significant** impact would occur.

Conclusion

Implementation of the identified Standard Project Conditions and conformance with General Plan policies, the Municipal Code, Downtown Strategy 2000 FEIR and 2040 General Plan FEIR will reduce temporary construction noise impacts associated with the proposed project to less than significant consistent with the Downtown Strategy 2000 FEIR and 2040 General Plan FEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Section XIII. Population and Housing

Setting

According to the most recent Bay Area Census, the City of San José has a population of 1,000,536 persons with an average household size of 3.16 (U.S. Census Bureau 2014). According to the Association of Bay Area Government’s projections, the City is projected to increase by 209,106 persons between 2015 and 2040. To meet the current and projected housing needs in the City, the Envision General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2035.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 13. Population and Housing Would the project: | | | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |

Environmental Evaluation

Population/Housing Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR determined that the scale of population and employment growth would not constitute significant or adverse growth inducement since the Strategy Plan would facilitate the reuse of underutilized land in an existing urban setting served by transit and services. Furthermore the Downtown Strategy 2000 FEIR concluded that the project would not cause growth beyond that anticipated in the City's General Plan.

CEQA Thresholds of Significance

a) The proposed project is a residential and social services facility to house formerly homeless people. The project is consistent with the Strategy 2000 Plan as it would contribute to new housing in the DC, through the addition of studio and interim housing units, specifically addressing demand for homeless outreach and related interim housing services. The project would serve an existing segment of the population. The project would not induce population growth directly through the increase in the population of San Jose through the development of new residential units or indirectly through the extension of utility infrastructure to a currently unserved area. Therefore the project would result in a **less than significant impact** related to population growth.

b, c) The project site is currently developed with a vacant single-story commercial office building and adjacent parking. Project implementation not result in the removal of existing housing or the displacement of residents. **No impact** would occur.

Conclusion

The proposed project represents a portion of the development envisioned in the Downtown Strategy 2000 and Envision San Jose 2040 General Plan in the proposed location; and therefore, will not adversely impact Population and Housing. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Section XIV. Public Services

Setting

Fire Service

The project site is served by San Jose Fire Department Station #1 located at 225 North Market Street, approximately 2 blocks to the west.

Police Protection Service

The site is served by the San Jose Police Department. All officers are dispatched from the headquarters building located at 201 West Mission Street. The SJPD is authorized to employ approximately 1,400 employees including both sworn and non-sworn. Department employees are assigned to one of four Bureaus consisting of 11 divisions with more than 50 specialized Units and assignments (SJPD 2014).

Schools

The project site is served by SJUSD, comprising 42 schools of which 25 serve students at the elementary level, two serve K-8 students, six are middle schools, six serve high school students, and five are alternative education programs. SJUSD serves 33,152 students in grades pre-K-12. The school nearest the site is Horace Mann Elementary School located at 55 North 7th Street approximately ½ mile southeast of the site. The nearest park is Saint James Park located south of East Saint James Street between North 1st and North 3rd Streets approximately ½ block south of the site.

Parks

Project residents may use parks in the area, including Saint James Park which is the closest park to the site. The Envision San José 2040 General Plan sets a minimum overall citywide ratio of 3.5 acres per 1,000 population of neighborhood/community-serving parkland, indicating that a total of 3,503 acres of parkland is required city-wide. The city currently has 3,520 acres of parkland, indicating that the city is exceeding its parkland ratio.

Applicable Plans, Policies, and Regulations

Parkland Dedication Ordinance and 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) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

Envision San José 2040 General Plan

The Envision 2040 General Plan includes policies applicable to all development projects in San José. The policies listed below are relevant for the public services considerations of the proposed project.

- **Policy ES-3.1:** Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
- **Policy ES-3.9:** Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
 - **Policy ES-3.11:** Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
 - **Policy 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 parkland and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
 - **Policy PR-1.2:** Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
 - **Policy PR-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 ¾ mile radius of the project site that generates the funds.
 - **Policy PR-2.5:** Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
 - **Policy PR-2.6:** Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 14. Public Services <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:</i> | | | | | | |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 9, 11 |

Environmental Evaluation

Public Service Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR found that implementation of the Strategy Plan would not result in significant impacts to public facilities and services.

CEQA Thresholds of Significance

a (i-ii) While the project would add studio and interim housing units in the DC, it would serve an existing population rather than induce population growth directly through the development of new residential occupancies or indirectly through the extension of utility infrastructure to a currently unserved area.

As discussed in the Strategy 2000 EIR, *Strategy 2000* will concentrate population in the DC and surrounding area. This would increase the demand for police and fire services, though not beyond the existing or planned service capabilities of either department. The project site is served by San Jose Fire Department Station #1 located at 225 North Market Street, approximately 2 blocks to the west. The site is served by the San Jose Police Department. All officers are dispatched from the headquarters building located at 201 West Mission Street.

The project would increase the number of residents in the DC by approximately 90 people assuming 78 studio units, 10 interim units and an on-site manager apartment. This is consistent with the long term goals for the DC which encourages the intensification of employment opportunities and residential development in the project area. While the gradual introduction of a greater number of employees, residents, and built space into the DC would require periodic operational and capital improvement choices, such a development pattern, impacts would be **less than significant**.

a (iii) The school nearest the site is Horace Mann Elementary School located at 55 North 7th Street approximately ½ mile southeast of the site. The project would not accommodate children; thus, **no impact** to demand for school services would occur under this threshold.

a(iv) The nearest park is Saint James Park located south of East Saint James Street between North 1st and North 3rd Streets approximately ½ block south of the site. The Downtown Strategy 2000 will expand the system of parks, plazas and riverwalks in a phased manner to parallel and support the expansion and increased development Downtown. St. James Park is planned for enhancement and restoration. Project residents may use parks in the area, including Saint James Park. The project is subject to compliance to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes. Compliance with the San Jose Municipal Code will result in a **less than significant impact** under this threshold.

a(v) San Jose provides library services to its residents through the San Jose Public Library System. Residents of the Downtown area are currently served by Dr. Martin Luther King, Jr. Library (operated jointly with San Jose State University) and a network of 17 neighborhood branch libraries distributed throughout the City. The library nearest the site, Dr. Martin Luther King Jr. Library, is located at 150 East San Fernando Street approximately 1/2 mile southeast of the site. Some project residents may visit local libraries; however, given no more than 89 people would live at the site at any one time, the demand for library services would not exceed planned capacity within the DC. A **less than significant impact** would occur under this threshold.

Conclusion

The proposed project would not result in greater public services impacts than were previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. [**Same Impact as Approved Project (Less Than Significant Impact)**]

Section XV. Recreation

Setting

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in San Jose. The City's General Plan offers a service level goal of providing 3.5 acres of neighborhood/community serving park land per every 1,000 population of San Jose residents to help meet the demand for neighborhood and community parks generated by the development of new residential parcels.

Housing developers are required to dedicate land, improve parkland, and/or pay a parkland fee in lieu of land dedication for neighborhood and community parks under the Parkland Dedication Ordinance (PDO: SJMC 19.38) and/or Parkland Impact Ordinance (PIO: SJMC 14.25). These ordinances are consistent with provisions of the California Quimby Act (GC § 66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

Pursuant to these ordinances a residential project's parkland obligation under the PDO and PIO requirement is to provide three acres of parkland for every 1,000 new residents either through dedication of parkland to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development, or a provide combination of these.

The park nearest the project site is St. James Park. This is a 6.8-acre park located approximately one block south of the project site and includes picnic tables, an exercise course, and a playground.

Applicable Plans, Policies, and Regulations

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

Envision San José 2040 General Plan Policies

The following recreation policies established in the Envision 2040 General Plan apply to the proposed project:

- **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 parkland and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

- **Policy PR-1.2:** Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
- **Policy PR-1.3:** Provide 500 square feet per 1,000 population of community center space.
- **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 ¾ mile radius of the project site that generates the funds.
- **Policy PR-2.5:** Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

| Environmental Issues | 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) |
|--|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 15. Recreation | | | | | | |
| 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 would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |

Environmental Evaluation

Recreation Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR found no significant impacts to public services, which included recreational facilities.

a-b) The project would not significantly increase demand for recreational facilities such that the deterioration of such facilities would be accelerated. As referenced, Downtown Strategy 2000 anticipated residential growth in the DC and provides goals and policies related to expanding and/or enhancing existing parks to accommodate more residents. The project would include outdoor open space amenities including a court yard and roof garden. The number of residents would not exceed a resident manager, 78 residents in studio units and 10 residents in interim units. Thus, while residents may visit area parks, the project is a transitional housing facility for single adults. The project would not require the construction/expansion of new off-site recreational facilities that might have an adverse physical effect on the environment.

The project is subject to compliance with the requirements of the City's Park Impact Ordinance (Municipal Code Chapter 14.25) or the Parkland Dedication Ordinance (Municipal Code Chapter 19.38) for the dedication of land and/or payment of fees in-lieu of dedication of land for Public Park and/or trail and/or recreational purposes. Low income units can receive a reduction in parkland fees if the project complies with the certain criteria. In order to qualify for the reduction, the project must be subject to and adhere to an affordability restriction, such as, but not limited to, a deed restriction. Evidence of an Affordability Restriction on the project should be presented prior to the finalization of a Parkland Agreement. The Affordability Restriction(s) shall require that the residential units be utilized by lower income households for a minimum period of 30 years or for such a period as may be required by state or federal law. Further, the project will provide on-site recreation areas including a roof garden; thus, the City will consider these resources as part of the overall park impact fee assessment.

Additionally, as the project is located within the boundaries of the St. James Park Fund Area it has the option to voluntarily donate up to 50% of the required parkland fees towards the operation, maintenance, and activation fund of St. James Park. Payment of the Park Impact Fees are required prior to the issuance of building permits. With compliance with the City's Park Impact Ordinance or the Parkland Dedication Ordinance, the project will result in a **less than significant impact** on recreational facilities.

Conclusion

The proposed project would result in the same less than significant impact on recreational facilities in the City of San José as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section XVI. Transportation/Traffic

Setting

Existing Conditions

This section describes the existing conditions for all of the major transportation facilities in the vicinity of the site, including the roadway network, transit service, and bicycle and pedestrian facilities.

Existing Roadway Network

Regional access to the project site is provided by US 101, SR 87 and I-280. Local site access is provided via North 2nd Street and Julian Street to the north and East Saint James Street to the south. The local and regional roadways are described below.

Regional Access

US 101 is an eight-lane freeway (three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via an interchange at McKee Road/Julian 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 west of the project site. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. SR 87 provides access to US 101 and I280/I-680. Access to the site to and from SR 87 is provided via interchanges at Julian Street/St. James Street.

I-280 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition into I-680 to Oakland. Access to the site is provided via its interchanges with 1st, 4th and 7th Streets.

Local Access

North 2nd Street is a north-south two way street providing access to the site from Julian Street to the north and East Saint James Street from the south.

Julian Street is a three lane one-way westbound street providing access to and from the site from the east via North 2nd Street.

East Saint James Street is a one-lane one-way eastbound street that forms a t-intersection at North 2nd Street.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the study area consist mostly of sidewalks along all of the surrounding streets. There are no marked bicycle lanes on the streets surrounding the project site. All streets in proximity to the site have sidewalks and crosswalks for pedestrian use.

Transit Service

A Santa Clara Valley Transit Authority (VTA) bus stop is located across the street from the project site on the west side of North 2nd Street and a VTA light rail stop is located at St. James Park is approximately ¼ mile south of the project site.

Applicable Plans, Policies, and Regulations

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. The most recent edition of the Regional Transportation Plan, known as Plan Bay Area, was adopted in 2013. Plan Bay Area directs funding for various projects in Santa Clara County, including pavement maintenance for local streets, improvement programs for Caltrain, VTA, and countywide shuttle service programs.

Congestion Management Program

The VTA oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Bike Plan 2020

The City of San José *Bike Plan 2020* (adopted in 2009) contains policies for guiding the development and maintenance of bicycle and trail facilities within San José, as well as the following goals for improving bicycle access and connectivity: 1) Complete 500 miles of bikeways, 2) Achieve a five percent bike mode share, 3) Reduce bike collision rates by 50

percent, 4) Add 5,000 bicycle parking spaces, and 5) Achieve Gold-Level Bicycle Friendly Community status.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 “Transportation Impact Policy” (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City’s standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).⁴

The project is located within the Downtown Core, which is exempt from the City’s standard of maintaining LOS D. Exceptions to the standard are also made for small, infill projects and for impacts to Protected Intersections within Special Strategy Areas, including Transit Oriented Development Corridors and Transit Station Areas. “Protected Intersections” have been built to their maximum capacity and/or have been prioritized for other modes of travel (i.e., pedestrian, bicycle, and/or transit). Expansion of these intersections to increase vehicle capacity is infeasible due to physical constraints or because roadway improvements would have an adverse effect on other modes. If a project is found to have a significant impact on operations at a Protected Intersection, the project may be approved by funding off-setting improvements to pedestrian, bicycle, and transit facilities that enhance the capacity of the transportation in the project area. The City’s Transportation Impact Policy (also referred to as the Level of Service Policy) is intended to protect pedestrian and bicycle facilities from undue encroachment by automobiles.

Envision San José 2040 General Plan

The Circulation Element of the Envision 2040 General Plan contains various long-range goals and policies that are intended to:

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city where people are less reliant on driving to meet their daily needs; and

⁴ Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation, as listed below.

- **Policy TR-1.1:** Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

- **Policy TR-1.2:** Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

- **Policy TR-1.4:** Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

- **Policy TR-1.5:** Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

- **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.

- **Action TR-2.18:** Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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

- **Policy TR-5.3:** The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:
 - Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if

development of the project has the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts. - Area Development Policy. An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- Small Projects. Small projects may be defined and exempted from traffic analysis per the City’s transportation policies.
- Downtown Core Area. In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core Area Boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service “D” performance criteria.
- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City’s adopted General Plan and include Corridors and Villages, Transit Station Areas, and Specific Plan Areas.
- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City’s ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal

(non-automotive) transportation improvements in one of the City’s designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

- **Policy TR-8.6:** Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
- **Policy CD-2.10:** 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.
- **Policy CD-3.3:** Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-----------------------------------|-------------------------------------|---------------------|
| 16. Transportation/Traffic <i>Would the project:</i> | | | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 11, 12 |

| | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11, 12 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |

Environmental Evaluation

Transportation Impacts Analyzed in the Downtown Strategy 2000 FEIR

The traffic analysis prepared for the Downtown Strategy 2000 FEIR evaluated the level of service impacts at 164 intersections and 23 freeway segments. The Downtown Strategy 2000 FEIR found that significant traffic impacts would occur at various intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable and the City Council adopted a statement of overriding considerations for these impacts. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's Level of Service Policy (City Council Policy 5-3) and traffic impact analysis, since high traffic volumes and impacts are considered acceptable given the location of downtown as a transit hub for the County and a center for financial, business, institutional, and cultural activities.

CEQA Thresholds of Significance

a-b) Project construction and material staging would occur on the project site. During construction, some temporary traffic control measures may be required to allow vehicles to safely enter and exit the site. This may require the closure of the sidewalk fronting the site. However, the sidewalk on the west side of the street would remain open for pedestrian use. Transit services are provided by the Santa Clara Valley Transportation Authority. Routes 66, 72, 73 and 82 that serve North 2nd Street via an existing southbound stop across the street from the project site. Pedestrian and bicycle access is also provided along North 2nd Street. No marked bicycle lanes are provided.

The Downtown Strategy 2000 FEIR traffic impact analysis found that the North 2nd Street/East Julian Street intersection would operate at Level of Service (LOS) F in 2020 with project conditions. This was considered a significant impact. The East Saint James Street intersection would operate at an acceptable LOS in 2020. As referenced, the Downtown Strategy 2000 FEIR found that significant traffic impacts would occur at various intersections and freeway segments in the DC with plan implementation. At some locations, these significant impacts were determined to be unavoidable and the City Council adopted a statement of overriding considerations for these impacts. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's Level of Service Policy (City Council Policy 5-3). City Council Policy 5-3 defines the City's standard is LOS D rather than LOS E. LOS F would not meet Policy 5-3 standards; however, because the site is in the DC, no further traffic analysis is required.

With respect to parking, on-site parking is provided only for the resident manager, employees and vendors (i.e., 12 total spaces). Residents that have cars will not be allowed to park them on-site. Access to bus transit is available on North 2nd Street across the street from the site. Access to light rail is available on North 1st Street one block to the west.

As referenced, a single story commercial building and parking associated parking is located on the site. Based on the parking provided, the current site likely generated more trips than what would occur as a result of the proposed project. The Strategy 2000 EIR traffic section states that the intersections of North 2nd Street and Julian Street (to the north of the project) and Saint James Street (to the south of the project) will operate at acceptable levels of service and no improvements were recommended. Thus, while the project would increase the number of trips over what is generated by the vacant site, a **less than significant** traffic impact would occur.

c) San Jose International Airport is located approximately 1.5 miles northwest of the site. The project is one block to the east of the Airport Influence Area boundary as defined in the General

Plan. The proposed project would not change air traffic patterns, increase the number of flights, impose any additional safety risks for airport operations or necessitate a change in location for an airfield. See Section VIII, Hazards and Hazardous Materials for discussion of the project's compliance with federal aviation regulations. **No impact** would occur.

d) The proposed project would not require improvements to North 2nd Street. Access to/from the facility would be retained via North 2nd Street. All driveway access would be constructed per City of San Jose design specifications. The project would not result in design features that would increase hazards. **No impact** would occur.

e) The proposed project would not alter emergency access routes. Additionally, the project will not result in inadequate emergency access since it will comply with all Police and Fire Department codes and regulations. A traffic control plan would identify measures to ensure emergency access is maintained during construction. Post construction, no project-related activity would impair emergency access to the area. **No impact** would occur.

f) Project residents would not have access to personal vehicles located on-site; thus, the project may increase ridership on local transit buses as residents would be able to access transit services across North 2nd Street from the facility. A Santa Clara Valley Transit Authority (VTA) bus stop is located across the street from the project site on the west side of North 2nd Street and a VTA light rail stop is located at St. James Park is approximately ¼ mile south of the project site.

Sidewalk and bicycle access would be maintained during construction along the west side of North 2nd Street. Post construction, sidewalks and bicycle access on both sides of the street would be restored. The project may increase demand for public transit services; however, residents are not expected to impact transit services. The project would not impair the use of non-vehicular transportation facilities. Impacts are expected to be **less than significant**.

Conclusion

A traffic analysis was prepared for the Downtown Strategy 2000 that evaluated level of service impacts at 164 intersections and 23 freeway segments. The Downtown Strategy 2000 FEIR found that significant traffic impacts would occur at various intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable and the City Council adopted a statement of overriding considerations for these impacts. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's Level of Service Policy (City Council Policy 5-3) and traffic impact analysis. Based on the above analysis, the project will not result in new or more significant impacts to transportation facilities than those identified in the Downtown Plan FEIR. **[Less Impact than the Approved Project (Less than Significant Impact)]**

Section XVII. Utilities and Service Systems

Setting

Water/Wastewater

The existing buildings and residential homes are currently served with sanitary sewer service provided by the City of San José, which treats effluent at the San José -Santa Clara Regional Wastewater Facility. The wastewater treatment facility treats an average of 110 million gallons of wastewater per day with the capacity to treat up to 167 million gallons per day (mgd). An existing 8 inch sewer line along 6th Street, and a 12-inch sewer line and 42-inch sewer main in St. John Street are expected to serve the project. Potable water within the DC is provided by the City of San Jose Water Department. Water is purchased from the Santa Clara Valley Water District.

Solid waste is collected by a commercial collection services company. All the material collected is processed at the Newby Island Resource Recovery Park's Recycle Facility which has four multi-stream material processing lines. Up to 70 percent of collected solid waste is recycled. The remainder is sent to one of several regional landfills.

Applicable Plans, Policies, and Regulations

The Envision 2040 General Plan includes the following policies applicable to all development projects in San José.

- **Policy MS-3.2:** Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
- **Policy MS-3.3:** Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
- **Action EC-5.16:** Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
- **Policy IN-3.10:** Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 17. Utilities and Service Systems <i>Would the project:</i> | | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 11 |

Environmental Evaluation

Public Utilities and Service System Impacts Analyzed in the Downtown Strategy 2000 FEIR

The Downtown Strategy 2000 FEIR evaluated public utilities and service system impacts and identified potentially significant impacts to water supply and wastewater effluent discharge capacity associated with implementing the Downtown Strategy Plan. The FEIR recommended the analysis of water supply and wastewater effluent impacts during the review of individual development proposals, as outline below.

CEQA Thresholds of Significance

a-b, e) Wastewater generated in the City of San Jose, including the project site, is treated at the San Jose Santa Clara Regional Wastewater Facility. The plant has a capacity of 167 million gallons per day (MGD) and currently treats 110 MGD (San José-Santa Clara Regional Wastewater Facility, <https://www.sanjoseca.gov/Index.aspx?NID=1663>). The existing sanitary sewer collection system which serves the project site consists of a system of building lateral lines which connect to main lines located in the public right-of-way. These mainlines convey raw wastewater to the regional facility for treatment. Wastewater collection and treatment of wastewater is under the authority of the Department of Environmental Services.

As referenced in the Downtown Strategy 2000 FEIR, planned or completed infrastructure projects are intended to accommodate redevelopment in the DC and greater downtown area. Thus, substantial reconstruction or extension of major water or wastewater lines to serve new development are not anticipated. The proposed project would be constructed on a site planned for residential development supporting the redevelopment in the DC. Based on information in a February, 2015 sanitary sewer flow update, prepared by the City of San Jose, multifamily wastewater generation rates are 123 gallons per day (GPD). The project would be comprised of 89 studio units and one two-bedroom apartment; however, a dining area will also be provided. Given all the project elements, the project is expected to generate up to 11,070 GPD. The proposed project is consistent with planned growth in the Downtown Strategy 2000 and the Envision 2040 General Plan and will comply with the policies and regulations identified in the General Plan FEIR. Therefore the project would not create additional demand on existing facilities such that wastewater treatment standards would be exceeded or new or expanded facilities required, resulting in a **less than significant impact**.

c) As discussed in Section IX, *Hydrology and Water Quality* above, the proposed project would reduce the amount of impermeable surfaces within the project site. All stormwater would be conveyed through a perk filter concrete catch basin prior to release into the municipal storm system. The on-site system would be designed to process 0.08 cubic feet per second (CFS) of the storm flows. No off-site stormwater improvements would be required. This is consistent with

the Strategy 2000 EIR which states that the amount of impermeable surfaces that generate stormwater runoff would be reduced with implementation of the strategy. Thus, no additional improvements to the stormwater infrastructure would be required in the DC. The project would generate a **less than significant** impact under this threshold.

d) Potable water within the DC is provided by the City of San Jose Water Department. Water is purchased from the Santa Clara Valley Water District. Based on a water supply assessment prepared for the General Plan Envision 2040, a typical multifamily unit consumes approximately 183 GPD. Assuming 89 total units, the project would consume approximately 16,287 GPD.

According to the Downtown Strategy 2000 FEIR, water demand through year 2020 is estimated at between 350,000 and 500,000 AF. Demand during wet periods can be met, although during dry weather and drought, the City could fall short of demand by up to 100,000 AF per year. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply.

There is sufficient water storage capacity to serve the planned growth in the Downtown Strategy 2000 and the Envision 2040 General Plan; thus, the implementation of the proposed project would have a **less than significant** impact on the City's water supply:

f) The proposed project would generate construction/demolition debris (CDD). To reduce the amount CDD that is disposed of in landfills, San Jose's CDD program ensures that at least 75% of this waste is recovered and diverted from landfills. Contractors can meet this requirement by using an authorized hauler or self-hauling all CDD to a certified waste diversion facility, reusing it, and/or donating it for reuse. The weight tags and/or donation receipts are submitted to the City to demonstrate that 75 percent of the CDD waste was diverted to a certified facility, reused, or donated for reuse. Compliance with the CDD program is required prior to obtaining a Final Certificate of Occupancy for the project per Standard Project Condition UTI-1 below.

Based on waste generation rates provided in the Downtown Strategy 2000 FEIR, the project would generate approximately 481 pounds of solid waste per day (5.4 pounds per unit). This is less than one percent of the 107,000 pounds expected to be generated daily with buildout of Strategy 2000. The Downtown Strategy 2000 FEIR states that projected volumes are within the capacity available at the local landfills. With implementation of Standard Project Condition UTL-1, a **less than significant** impact related to solid waste disposal is anticipated.

Standard Project Condition UTI-1

Prior to issuance of the demolition permit, the project applicant shall submit documentation to the City of San José demonstrating how it will achieve compliance with construction waste reduction, disposal, and recycling requirements of the California Green Building Code Standards. Documentation shall consist of either a construction waste management plan or other evidence showing how the project applicant will comply with the demolition waste management ordinance.

g) The proposed project would intensify the uses on the site and increase the amount of solid waste generation compared to the existing commercial business. The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This Plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The applicant and project contractor will comply with all local, state, and federal requirements for integrated waste management (e.g., recycling, green waste) and solid waste disposal. **A less than significant impact** would occur under this threshold.

Conclusion

Implementation of the proposed project would have a less than significant impact on utilities and service system impacts. This is same finding as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR with implementation of mitigation described herein. The proposed project would not require new utility facilities and would not exceed the capacity of existing utility and service systems. Work to connect the proposed development to existing utilities would be completed either on the project site or in existing rights-of-way.

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

Mandatory Findings of Significance

| Environmental Issues | 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) |
|---|------------------------------------|--|----------------------------------|-------------------------------------|-------------------------------------|---------------------|
| 18. Mandatory Findings of Significance | | | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-158 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-158 |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-158 |

Environmental Evaluation

a) The project site is developed with a single-story building and adjacent parking. The site is completely fenced. As described above, the proposed project would result in several potential project-level impacts. Construction would require the removal of landscape vegetation located on the site perimeter. Tree removals will comply with City policies through the implementation of Standard Project Condition BIO-1. Nesting bird surveys may be required prior to construction consistent with Mitigation Measure BIO-1.1, 1.2 and 1.3. Additionally, the site is located within the Santa Clara Valley HCP/NCCP; and per Standard Project Condition BIO-2 will comply with fees and conditions as applicable. The project will not result in any

direct or indirect impacts to known historic resources. The site is located within an area of known archaeological sensitivity. With implementation of Mitigation Measures CUL-1 through CUL-3, potential impacts to archaeological resources will be avoided or reduced to less than significant. Implementation of Mitigation Measure CUL-4 will avoid or reduce potential impacts should human remains be discovered during project construction. Adherence to these measures would reduce biological and cultural resource impacts to less than significant. After mitigation, potential impacts of the project on these resources would be **less than significant with mitigation incorporated**.

b) The project site is currently developed with a commercial building and surface parking lot. The project proposes to redevelop the site with residential uses, consistent with the long-term goals for the site outlined in the Envision San José 2040 General Plan and the Downtown Strategy 2000. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of the existing site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to develop a currently underutilized, infill location in Downtown San José, and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the longterm environmental goals for this Downtown site. Furthermore, the proposed project would construct a new interim housing facility to house formerly homeless residents and would not interfere with state's long-term environmental goals. **A less than significant impact** would occur.

c) In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As presented in the discussion of the related environmental checklist sections, the project would have no impact or a less than significant impact with respect to these environmental issues. Therefore, through the implementation of mitigation measures, Standard Project Conditions and General Plan policies, project impacts would be reduced to a **less than significant** impact on human beings.

Conclusion

Implementation of the proposed project would have the same mandatory findings as previously identified in the Downtown Strategy 2000 FEIR and the General Plan FEIR with implementation of mitigation and standard project conditions described herein. **[Same Impact as Approved Project (Less Than Significant Impact)]**

CHECKLIST INFORMATION SOURCES

1. Professional judgment and expertise, review of the site and surrounding conditions, as well as a review of the project plans.
2. Advantage Environmental Consultants, 278-286 North 2nd Street Phase I ESA, 2016.
3. Bay Area Air Quality Management District, California Environmental Quality Act, Air Quality Guidelines, May 2011
4. BKF Engineering, Inc. Stormwater Data Report. March 2016.
5. California Emission Estimator Model, 2013.
6. California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), Santa Clara County.
7. California Department of Forestry and Fire Protection, Santa Clara County Fire Hazard Severity Map, October, 2008.
8. City of San Jose, Envision San Jose 2040 General Plan, adopted November 1, 2011.
9. City of San Jose, Envision San Jose 2040 General Plan Draft EIR, June 17, 2011.
10. City of San Jose Greater Downtown Strategy 2000 for Development, February, 2001
11. City of San Jose Downtown Strategy 2000 Final EIR, LSA Associates, November, 2005
12. City of San Jose Traffic Impact Analysis Handbook, November, 2009
13. Federal Emergency Management Agency, Flood Insurance Rate Map No. 06085C0234H, May, 2009
14. Rincon Consultants, Inc., Villas on the Park Housing Project, Cultural Resources Study, October, 2016
15. San Jose Santa Clara Regional Wastewater Facility website, www.sanjoseca.gov accessed April 27, 2016
16. Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan, 2013. Geobrowser tool accessed April 19, 2016

REFERENCES

Advantage Environmental Consultants, 278-286 North 2nd Street Phase I ESA, 2016.

Bay Area Air Quality Management District, California Environmental Quality Act, Air Quality Guidelines, May 2011

BKF Engineering, Inc. Stormwater Data Report. March 2016.

Bolt, Beranek & Newman, Noise Control for Buildings and Manufacturing Plants, 1987.

California Emission Estimator Model, 2013.

California Environmental Protection Agency (CalEPA) and Department of Toxic Substances Control. Envirostar database. <http://www.envirostor.dtsc.ca.gov/public/>.

California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), Santa Clara County.

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California Department of Transportation's 1992 *Transportation-Related Earthborne Vibration, Technical Advisory*,

California Environmental Protection Agency, Climate Action Team Report to the Governor and Legislature, April 3, 2006

California State Department of Water Resources, Water Resources Control Board, Geotracker website, http://www.waterboards.ca.gov/gama/geotracker_gama.shtml

City of San Jose, Envision San Jose 2040 General Plan, adopted November 1, 2011.

City of San Jose, Envision San Jose 2040 General Plan Draft EIR, June 17, 2011.

City of San Jose Greater Downtown Strategy 2000 for Development, February, 2001

City of San Jose Downtown Strategy 2000 Plan FEIR, LSA Associates, November, 2005

City of San Jose Traffic Control Manual, September, 2005

City of San Jose Traffic Impact Analysis Handbook, November, 2009

Federal Emergency Management Agency, Flood Insurance Rate Map No. 06085C0234H, May, 2009

Federal Transit Administration's (FTA's) *Transit Noise and Vibration Impact Assessment* (May 2006)

Rincon Consultants, Inc., *Villas on the Park Housing Project, Cultural Resources Study* (October, 2016)

San Jose Santa Clara Regional Wastewater Facility website, www.sanjoseca.gov accessed April 27, 2016

Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan, 2013. Geobrowser tool accessed April 19, 2016

11/9/2016

File No. C16-020 & CP16-014 - Daniels, Justin

File No. C16-020 & CP16-014

Bob Pfahnl <bob.pfahnl@gmail.com>

Thu 8/25/2016 6:08 PM

Inbox

To: Daniels, Justin <Justin.Daniels@sanjoseca.gov>;

Dear Mr. Daniels,

My name is Robert Pfahnl, I am a resident of The Plaza at 30 East Julian Street, across the street from the proposed site referred to in the above file number.

I would like to express my disapproval of the location of this site and the services they provide. I think a building/center with these centers would be better served in a less residential area, more towards the core downtown between 1st & 4th, between Santa Clara & San Fernando. This is already where the homeless and some ormerly-homeless congregate, and I think they would be better served with a location there.

Just putting in my two cents. Thank you!

-Robert Pfahnl

The following
items were
received after
packets were
distributed.

From: Pam Berkowitz [<mailto:pam@housingtrustsv.org>]
Sent: Monday, November 14, 2016 12:15 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: City Planning Commission Meeting 11/16/16

Attached is a letter I would like submitted to the planning commission regarding Agenda Item 4b (C16-020 & CP16-014) for the meeting scheduled for this Wednesday, 11/16. Please let me know if you can distribute and if not the appropriate party to send the letter. Thanks in advance for your help.

Kind Regards,

Pam

Pam Berkowitz | Senior Loan Officer

Housing Trust Silicon Valley

95 S. Market Street, Suite 610 | San Jose, CA 95113

[p] 408.436.3450 ext. 220 | [f] 408.436.3454

pam@housingtrustsv.org | www.housingtrustsv.org



#GIVINGTUESDAY™

November 29, 2016

www.housingtrustsv.org/donate

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95 S. Market St.
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Tel: 408.436.3450
Fax: 408.436.3454
housingtrustsv.org

November 14, 2016

City of San Jose Planning Commission
200 East Santa Clara Street
San Jose, California 95113

Dear Planning Commissioners,

On behalf of the Housing Trust, I am writing to urge you to support the development of Villas on the Park. Villas on the Park development is critical because it includes urgently needed supportive housing units in conjunction with enhanced social services in the downtown core of the city of San Jose. The building on the existing property is vacant and the redevelopment will help the continued revitalization of the downtown area.

This 100% supportive housing development will provide 78 units for the chronically homeless, offer an array of services, including on site healthcare, mental health care, and recovery care. The project will also accommodate up to 20 homeless individuals who are waiting for permanent housing.

The Housing Trust has approved a loan in the amount of \$5,500,000 for an acquisition and predevelopment loan for 278 and 286 N. Second Street, San Jose, for Villas on the Park. This represents an example of the very real potential we have for developing big solutions to the complex housing crisis we face and can make a difference in preventing homelessness and stabilizing the downtown area of the city of San Jose.

Thank you for considering our input.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Zwick".

Kevin Zwick
CEO, Housing Trust Silicon Valley

November 12, 2016

memo to Ed Abelito, Chair, Planning Commission

from Elaine Evans

re File no. C16-020 and

File no. CP16-014

to be heard November 16, 2016

Please consider the perspective below in making your decision about a zoning change in order to specifically facilitate the use proposed.

- for decades, downtown was a forsaken place
- redevelopment bought, paid for and brought development to the downtown core
- The effect was to push the destitute into nearby residential neighborhoods
- the activities of a plethora of street people, over time and to the present, have made the neighborhood a last resort as a place in which to invest or to live
 - one can appreciate the utter lack of respect the wanderer has for the community, when one's feet are on the ground, literally; as one picks up broken glass, food scraps, cigarette butts, cigar remnants— even poop and, sometimes, bodies— passed out or in drunken stupor
 - the influx of workers into the greater region has, more recently, brought investors as well as inhabitants to the immediate area because, despite the stigma long associated with the environs of downtown, there is no place else to go. That could change, should the economy sour OR should disgusting behaviors become intolerable

• one among the few early risk-takers in the neighborhood was Barry Swenson. His residential building with its strikingly-beautiful stone-block facade is located on Julian St. between 1st and 2nd Sts, — not far, paradoxically, from where the Julian St. Rescue Mission operated, once upon a time.

- which of the two, one might ask, is the better fit for a residential neighborhood?

• San Francisco has spent at least a reported \$1 billion toward the cause. The premise —

if you build it, they will come — holds true. They came, and they keep coming. One billion dollars isn't enough. The word gets out and they keep coming.

- who should be coming to this neighborhood?

'if it is true that every action has a reaction, you can't have it both ways for long.

• An alternative location for a project like this should be an industrial area — far from St. James Park and from the largely-residential nearby community which still struggles to overcome the negatives.

From: Nate Echeverria <necheverria@sjdowntown.com>
Sent: Tuesday, November 15, 2016 11:06 AM
To: Freitas, Harry; Daniels, Justin; McHarris, Steve; Lipoma, Emily
Subject: Fwd: Support for homeless housing project downtown

Hi Justin,

Please find SJDA letter of support attached for the 278 N. 2nd Street project scheduled for Planning Commission tomorrow (11/16). Letter was also sent to Mayor and Council.

Let me know if you have any questions or would like to discuss. 408-279-1775 ext 321.

- Nate

----- Forwarded message -----

From: Scott Knies <sknies@sjdowntown.com>
Date: Tue, Nov 15, 2016 at 10:57 AM
Subject: Support for homeless housing project downtown
To: "Liccardo, Sam" <sam.liccardo@sanjoseca.gov>, "Oliverio, Pierluigi" <Pierluigi.Oliverio@sanjoseca.gov>, "Herrera, Rose" <rose.herrera@sanjoseca.gov>, "Kalra, Ash" <ash.kalra@sanjoseca.gov>, "Rocha, Donald" <Donald.Rocha@sanjoseca.gov>, "Khamis, Johnny" <johnny.khamis@sanjoseca.gov>, Raul Peralez <Raul.Peralez@sanjoseca.gov>, Magdalena Carrasco <magdalena.carrasco@sanjoseca.gov>, "Nguyen, Tam" <Tam.Nguyen@sanjoseca.gov>, Mahn Nguyen <Mahn.Nguyen@sanjoseca.gov>, "Jones, Chappie" <Chappie.Jones@sanjoseca.gov>
Cc: Stan Vuckovich <stanv@kbmworkspace.com>, Nate Echeverria <necheverria@sjdowntown.com>

Dear Mayor Liccardo and San Jose City Council members, please find attached our letter of support to the Planning Commission for the proposed homeless housing project on Second Street, just north of St. James Park. This project is slated to be before you for zoning approval Dec. 13, and back again for funding approval in the new year. Scott

--

Scott Knies
Executive Director
San Jose Downtown Association
28 N. First Street #1000
San Jose, CA 95113
(408) 279-1775, ext. 317
(408) 279-1904 fax
sknies@sjdowntown.com
<http://www.sjdowntown.com>

Join us on Facebook <http://www.facebook.com/sjdowntown>

Nathaniel Echeverria
Director of Policy and Operations
San Jose Downtown Association
28 North First Street, Suite 1000
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FAX: 408-279-1904
WWW.SJDOWNTOWN.COM

November 15, 2016

San Jose Planning Commission
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: Villas on the Park – 278 N. 2nd Street - Affirmed Housing with PATH San Jose

Dear Commissioners:

The San Jose Downtown Association supports the homeless supportive housing development proposed for 278 N. 2nd Street in Downtown San Jose.

The development team has conducted outreach with our organization and the community numerous times, and has been a collaborative partner throughout the development process.

It is in this spirit of collaboration that we look forward to working with our partners at PATH and Affirmed to ensure this project has a positive impact both on downtown homelessness issues, as well as the long-term health of our St. James Park neighborhood.

Sincerely,

Scott Knies
Executive Director

Cc: Mayor Sam Liccardo
San Jose City Councilmembers
Harry Frietas
Steve McHarris
Justin Daniels
Lindsay Quackenbush
Megan Colvard
Stan Vuckovich