

# **Addendum**

to the Final Environmental Impact Report for the  
San José Water Land Company Planned Development Rezoning  
(SCH# 2002062017), 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 the Supplemental Program  
Environmental Impact Report for the Envision San José 2040 General Plan (SCH# 2009072096).

# **Delmas Avenue Mixed-Use Development**

City of San José File Nos. PDC15-051, PD15-061,  
PT16-012, & HP16-002

**Prepared by the**



April 2016

**ADDENDUM TO  
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN JOSE  
WATER LAND COMPANY PLANNED DEVELOPMENT REZONING  
(SCH# 2002062017)**

**DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL  
IMPACT REPORT (SCH #2003042127)**

**ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM  
ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL  
ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096),**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the **San Jose Water Land Company Planned Development Rezoning Final Environmental Impact Report, the Downtown Strategy 2000 Final Program Environmental Impact Report, the Envision San José 2040 General Plan Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Supplemental Environmental Impact Report.**

**Project Name:** Delmas Avenue Mixed-Use Development

**File Numbers:** PDC15-051, PD15-061, PT16-012, & HP16-002

**Project Description**

**PDC15-051:** A Conforming Planned Development Rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow a mixed use development of up to 1.04 million square feet of office/retail and up to 325 multi-family attached residences on an approximately 8.93 gross acre site.

**PD15-061:** A Planned Development Permit to allow the construction of up to 1.04 million square feet of office/retail and up to 325 multi-family attached residences on an approximately 8.93 gross acre site.

**PT16-012:** Tentative Map to consolidate 19 parcels into 1 parcel and subdivide into three (3) parcels for condominium and office use on a 8.93 gross acre site.

**HP16-002:** Historic Preservation Permit to allow the demolition of non-historic structures, relocation of the transformer house, the construction of an underground parking garage, and a landscaped plaza within the Historic City Landmark (San Jose Water Works) Parcel on a 1.02 gross acre site.

**Location:** The project site is located on the west and east sides of Delmas Avenue in San Jose. The site is bounded by the Los Gatos Creek to the west, West Santa Clara Street to the north, the Guadalupe River to the east, West San Fernando Street, and the VTA light rail tracks to the south (374 West Santa Clara Street).

**Council District:** 3

**Assessor's Parcel Numbers:** 259-38-036, -039, -041, -042, -109, -110, -128, -142, -145, -146, -147

The environmental impacts of this project were addressed by four Environmental Impact Reports: San Jose Water Land Company Planned Development Rezoning Final Environmental Impact Report (EIR) adopted by City Council Resolution No. 71952 on February 3, 2004 (SCH #2002062017), Downtown Strategy 2000 Final Program EIR adopted by City Council Resolution No. 72767 on June 21, 2005 (SCH #2003042127), the Envision San Jose 2040 General Plan Final Program EIR adopted by City Council Resolution No. 76041 on November 1, 2011 (SCH #2009072096), and the Envision San Jose General Plan 2040 Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 2015, 2015 (SCH #2009072096). The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that, "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred."

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

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

## **ANALYSIS**

The proposed project would not result to any new or substantially increased significant impacts. The proposed project would comply with all standard permit conditions and mitigation measures set forth in the Initial Study/Addendum Analysis and Mitigation Measure and Monitoring Report Program for this project. The proposed project, therefore, will not result in new impact or impacts of greater severity than those previously identified in the San Jose Water Land Company Planned Development Rezoning Final EIR, the Downtown Strategy 2000 Final Program EIR, the Envision San Jose 2040 General Plan Final Program EIR, and the Envision San Jose 2040 General Plan SEIR.

## CONCLUSION

The proposed project is within the scope of the San Jose Water Land Company Planned Development Rezoning Final EIR, the San Jose Downtown Strategy 2000 Final Program EIR, the Envision San Jose 2040 General Plan Final Program EIR, and the Envision San Jose 2040 General Plan SEIR. Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts that have not been previously disclosed; nor would it result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the previously certified EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR. This addendum will not be circulated for public review, but will be attached to the EIRs, pursuant to CEQA Guidelines §15164(c).

Harry Freitas, Director  
Planning, Building and Code Enforcement

4-18-16  
Date

[Signature]  
Deputy

Project Manager: Kelsey Steffen

### **Attachments:**

1. Delmas Avenue Mixed-Use Development (PDC15-051, PD15-061, PT16-012, and HP16-002) Draft Initial Study/Addendum Analysis, dated April 2016.
2. Delmas Avenue Mixed-Use Development (PDC15-051, PD15-061, PT16-012, and HP16-002) Mitigation Monitoring and Reporting Program (MMRP), dated April 2016.

# TABLE OF CONTENTS

---

	<u>Page</u>
SECTION 1.0 INTRODUCTION AND PURPOSE .....	3
1.1 PREVIOUS ENVIRONMENTAL REVIEW AND APPROVALS .....	3
1.2 SUBSEQUENT ENVIRONMENTAL REVIEW .....	4
SECTION 2.0 PROJECT INFORMATION.....	6
2.1 PROJECT TITLE .....	6
2.2 PROJECT LOCATION.....	6
2.3 PROPERTY OWNER/PROPONENT .....	6
2.4 LEAD AGENCY CONTACT.....	6
2.5 ASSESSOR'S PARCEL NUMBERS .....	6
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION.....	6
2.7 SANTA CLARA VALLEY HABITAT CONSERVATION PLAN (SCVHP) DESIGNATION AND INFORMATION .....	7
SECTION 3.0 PROJECT DESCRIPTION.....	11
3.1 OVERVIEW OF THE PROPOSED PROJECT.....	11
3.2 PROJECT DESCRIPTION .....	11
SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS .....	20
4.1 AESTHETICS .....	22
4.2 AGRICULTURAL AND FOREST RESOURCES .....	30
4.3 AIR QUALITY .....	32
4.4 BIOLOGICAL RESOURCES.....	45
4.5 CULTURAL RESOURCES.....	58
4.6 GEOLOGY AND SOILS .....	65
4.7 GREENHOUSE GAS EMISSIONS .....	72
4.8 HAZARDS AND HAZARDOUS MATERIALS .....	83
4.9 HYDROLOGY AND WATER QUALITY .....	95
4.10 LAND USE .....	105
4.11 MINERAL RESOURCES.....	109
4.12 NOISE .....	110
4.13 POPULATION AND HOUSING .....	115
4.14 PUBLIC SERVICES.....	117
4.15 TRANSPORTATION .....	121
4.16 UTILITIES AND SERVICE SYSTEMS.....	129
SECTION 5.0 REFERENCES .....	136
SECTION 6.0 LEAD AGENCY AND CONSULTANTS.....	138

# TABLE OF CONTENTS

---

## Page

### **Figures**

Figure 2.0-1	Regional Map.....	8
Figure 2.0-2	Vicinity Map .....	9
Figure 2.0-3	Aerial Photograph and Surrounding Land Uses .....	10
Figure 3.2-1	Conceptual Site Plan .....	16
Figure 3.2-2	Proposed Setbacks .....	17
Figure 4.4-1	Landscape Planting Plan .....	53
Figure 4.8-1	Underground Features and Environmental Soil Impacts .....	85

### **Tables**

Table 3.2-1	Proposed Heights, Depths, and Elevations .....	18
Table 4.0-1	Letter Codes of Environmental Issues .....	20
Table 4.3-1	Comparison of BAAQMD Thresholds of Significance for Criteria Air Pollutants and Precursors.....	33
Table 4.7-1	Voluntary Greenhouse Gas Reduction Strategy Criteria .....	80
Table 4.9-1	Pervious and Impervious Surfaces On-Site .....	101

### **Photos**

Photo 4.1-1	View of Site A from West Santa Clara Street.....	23
Photo 4.1-2	View of Site A from Southeast Corner of Site.....	23
Photo 4.1-3	View of Guadalupe River Adjacent to Western Project Boundary.....	24
Photo 4.1-4	View of Site B from Northern Portion of Site .....	24
Photo 4.1-5	Historic San José Water Company Building On-Site .....	25
Photo 4.1-6	Delmas Avenue Within the Project Limits .....	25

### **Appendices**

Appendix A-1	Construction Health Risk Assessment, <i>Illingworth &amp; Rodkin, Inc.</i> , March 2016.
Appendix A-2	Transportation Demand Management Analysis, <i>Hexagon Transportation Consultants</i> , April 2016.
Appendix B-1	Top of Bank Biological Study, <i>Huffman-Broadway Group, Inc.</i> , August 2015.
Appendix B-2	Riparian Setback Assessment, <i>Huffman-Broadway Group, Inc.</i> , April 2016.
Appendix C-1	Geotechnical Investigation, <i>Haley &amp; Aldrich, Inc.</i> , November 2015.
Appendix C-2	Supplemental Geotechnical Consultation, <i>Haley &amp; Aldrich, Inc.</i> , April 2016.
Appendix D-1	Phase I Environmental Site Assessment, <i>Haley &amp; Aldrich, Inc.</i> November 2015.
Appendix D-2	Phase II ESA, <i>Haley &amp; Aldrich, Inc.</i> November 2015.
Appendix E	Analysis of Interim Construction Impacts, <i>Hexagon Transportation Consultants</i> , March 2016.
Appendix F	Traffic Operations Analysis, <i>Hexagon Transportation Consultants</i> , April 2016.

## SECTION 1.0 INTRODUCTION AND PURPOSE

---

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

The purpose of this Addendum is to evaluate the environmental impacts of the proposed Conforming Planned Development Rezoning and Planned Development Permit submitted by *Trammell Crow Company* to construct up to 1.04 million square feet of commercial and retail uses and up to 325 residential units in the City of San José. The 8.8-acre project site is located on the west and east sides of Delmas Avenue in San José, bounded by Los Gatos Creek to the west, West Santa Clara Street to the north, the Guadalupe River to the east, and West San Fernando Street to the south. The site currently contains surface parking, trees, landscaping, and the historic San José Water Company building.

### 1.1 PREVIOUS ENVIRONMENTAL REVIEW AND APPROVALS

In 2004, the City of San José certified the Final Environmental Impact Report (FEIR) for the SJW Land Company Planned Development Rezoning project (SCH# 2002062017, “2004 FEIR”) and approved a Planned Development Rezoning to accommodate up to 1.040 million square feet (including the existing 15,000 square foot San José Water Company building) of commercial and retail uses and up to 325 residential units on the site. This project was approved but has yet to be constructed.

In 2005, the City of San José approved the *Downtown Strategy 2000* plan, which was an update of the *Downtown Strategy Plan*. The updated Downtown Strategy included an expansion of the boundaries of downtown San José, including to the west of Highway 87 as far as the Union Pacific railroad tracks, which incorporated the project site into the limits of the Downtown. The Downtown Strategy FEIR (SCH# 2003042127) evaluated development of up to 10,000,000 square feet of office, 1,200,000 square feet of retail, 10,000 residential units, and 2,500 hotel rooms within the San José Downtown area.

In September 2011, the City of San José certified the Final Program Environmental Impact Report (FPEIR) for the Envision San José 2040 General Plan (SCH# 2009072096), which provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José which, if fully developed, would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1.

In December 2015, the City of San José certified a Supplement to the FPEIR for the Envision San José 2040 General Plan and formally adopted a City-wide Greenhouse Gas (GHG) Reduction Strategy. The City’s projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by Assembly Bill 32 and addressed in

the Climate Change Scoping Plan. Measures have not been identified that would ensure that GHG emissions would be consistent with state-wide 2050 goals, however, and the City adopted overriding considerations for identified future impacts associated with buildout of the City’s General Plan.

## **1.2 SUBSEQUENT ENVIRONMENTAL REVIEW**

CEQA Guidelines §15162 states 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 states that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (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 previous environmental review), the City of San José has concluded that the proposed project would not result in any new impacts not previously disclosed in the aforementioned EIRs; 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 EIR Addendum has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the 2004 SJW Land Company FEIR, the Downtown Strategy FEIR, and the Envision San José 2040 General Plan FPEIR pursuant to CEQA Guidelines §15164(c).

## **SECTION 2.0 PROJECT INFORMATION**

---

### **2.1 PROJECT TITLE**

Delmas Avenue Mixed-Use Development

### **2.2 PROJECT LOCATION**

The approximately 8.8-acre project site is located on the west and east sides of Delmas Avenue in San José. The site is bounded by Los Gatos Creek to the west, West Santa Clara Street to the north, the Guadalupe River to the east, and West San Fernando Street and light rail tracks to the south. Figures 2.0-1 and 2.0-2 contain regional and vicinity maps of the project site, respectively, and Figure 2.0-3 shows an aerial photograph with surrounding land uses.

### **2.3 PROPERTY OWNER/PROPONENT**

Trammell Crow Company  
Tom Jodry, Senior Vice President, Development Management  
101 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
(415) 772-0399

### **2.4 LEAD AGENCY CONTACT**

City of San José  
Department of Planning, Building, and Code Enforcement  
200 East Santa Clara Street, tower - third floor  
San José, CA 95113-1905

Kelsey Steffen  
Planner | Environmental Review  
Email: [Kelsey.steffen@sanjoseca.gov](mailto:Kelsey.steffen@sanjoseca.gov)  
Phone: (408) 535-3806

### **2.5 ASSESSOR'S PARCEL NUMBERS**

259-38: -036, -039, -040, -041, -042, -109, -110, -128, -142, -145, -146, -147

### **2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION**

General Plan: *Downtown*  
Zoning: *A(PD) - Planned Development*

**2.7                    SANTA CLARA VALLEY HABITAT CONSERVATION PLAN (SCVHP)  
DESIGNATION AND INFORMATION**

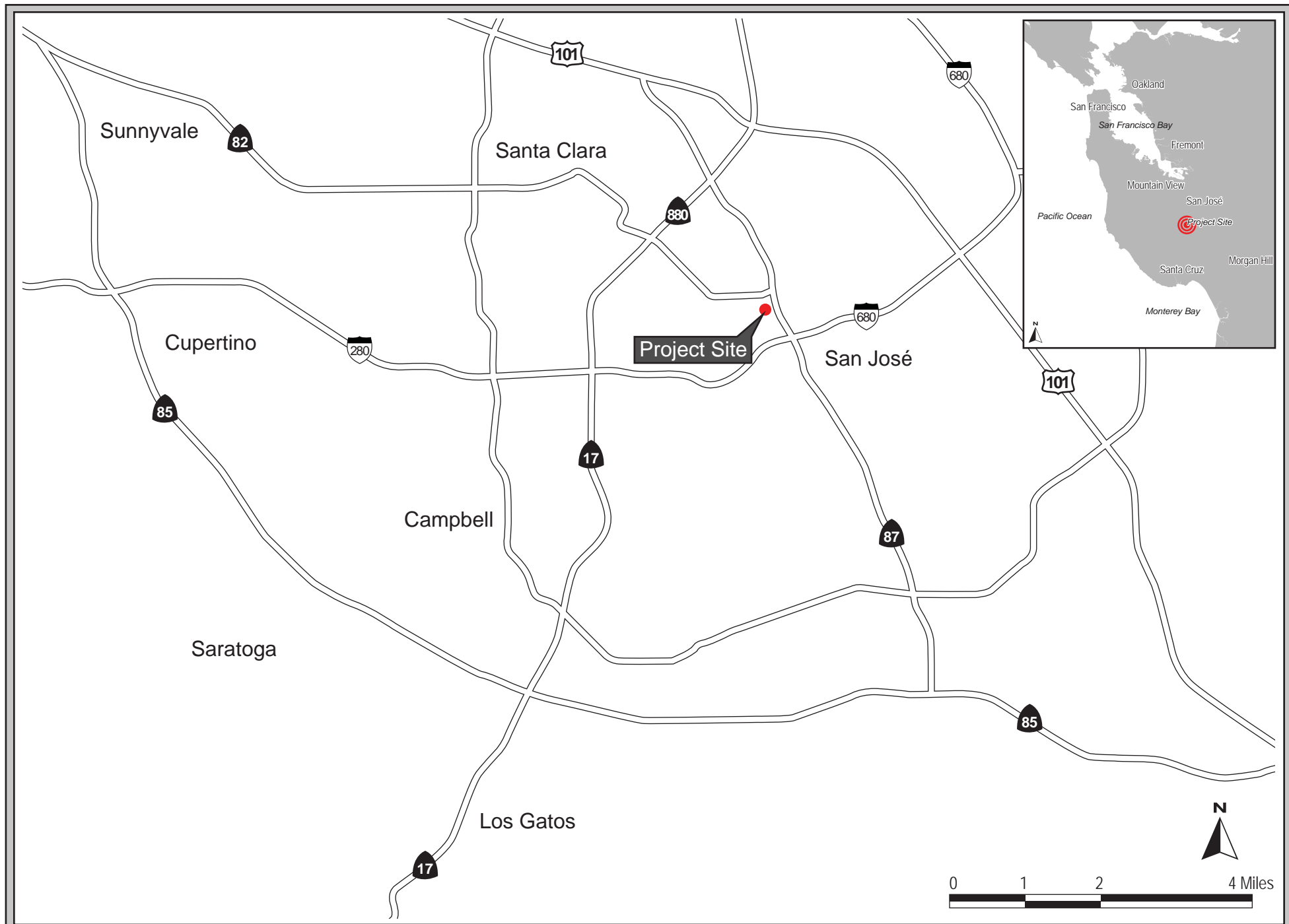
Private Development Area:                    *Urban Development Equal to or Greater Than Two Acres Covered*

Land Cover:                                      *Urban-Suburban*

Land Cover Fee Zone:                        *Urban Areas (No Land Cover Fee)*

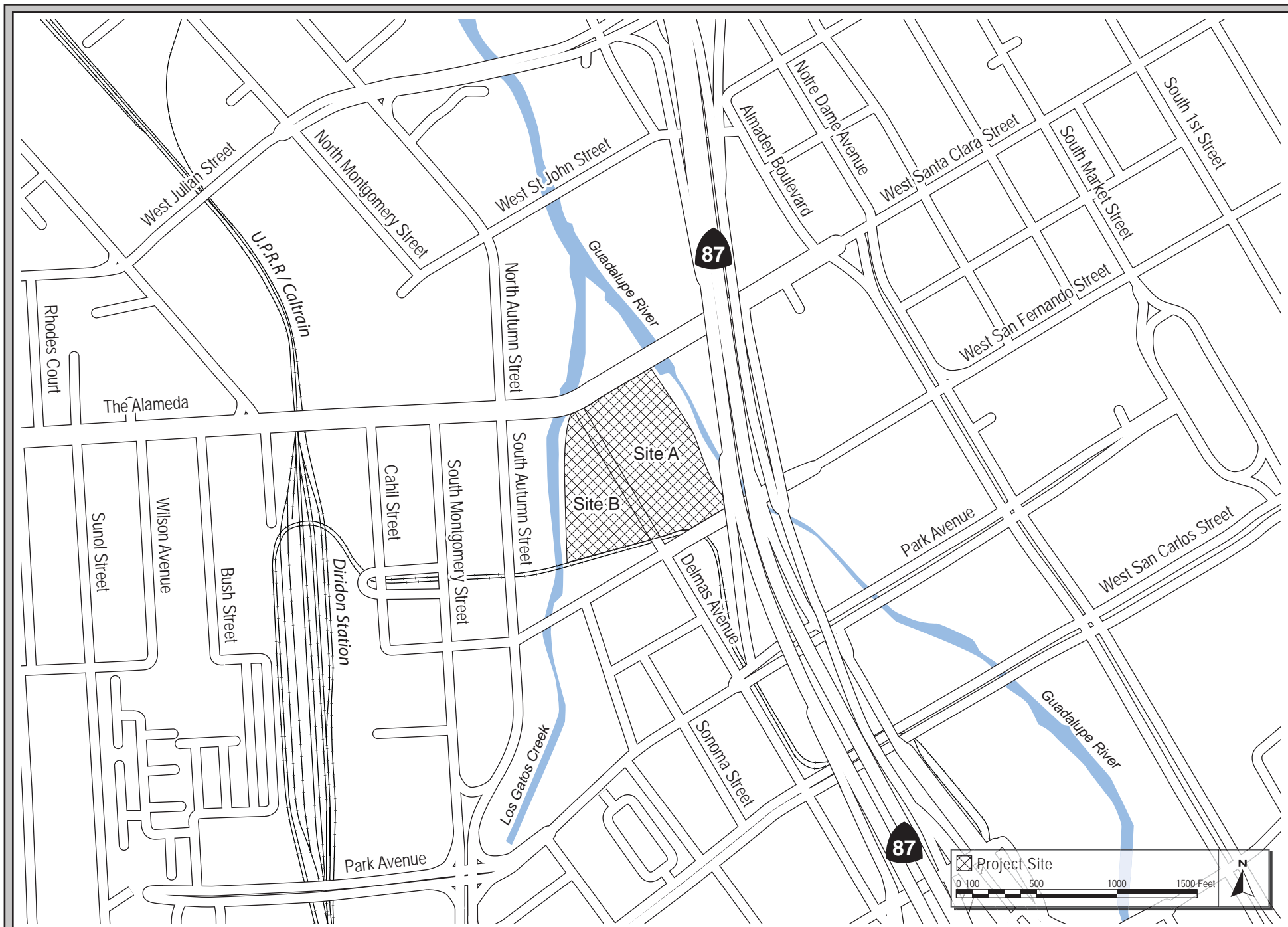
Wildlife Survey Area:                        *Tricolored blackbird (Condition 17 may apply)*

Category 1 Streams and Setbacks:        *Riparian buffer shown for illustrative purposes. Ground truthing will determine actual riparian buffer needed. (Condition 11)*



REGIONAL MAP

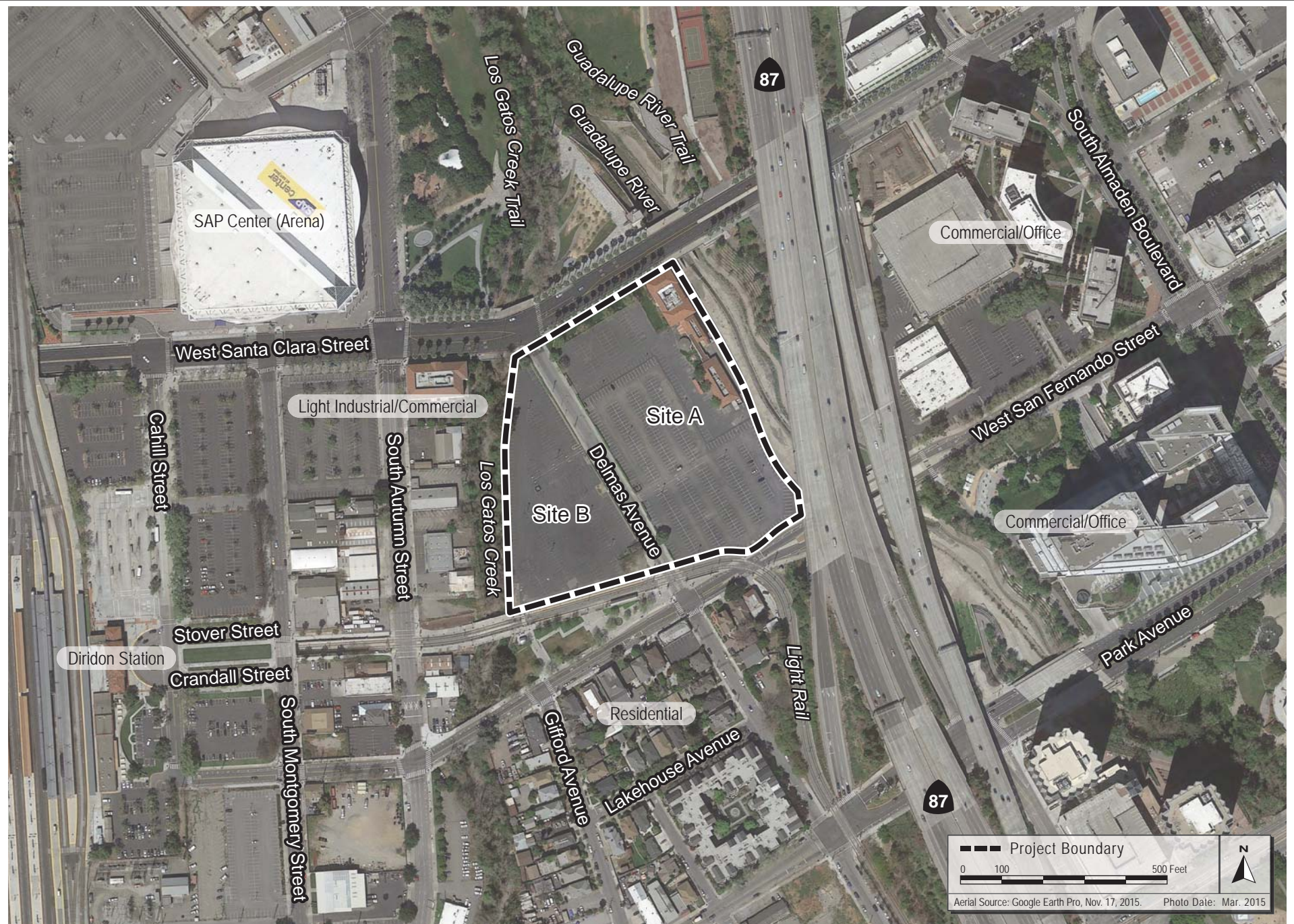
FIGURE 2.0-1



VICINITY MAP

FIGURE 2.0-2





AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3



## **SECTION 3.0 PROJECT DESCRIPTION**

---

### **3.1 OVERVIEW OF THE PROPOSED PROJECT**

The 8.8-acre project site is located on the west and east sides of Delmas Avenue in San José, bounded by Los Gatos Creek to the west, West Santa Clara Street to the north, the Guadalupe River to the east, and West San Fernando Street to the south. The site currently contains surface parking, trees, landscaping, and the historic San José Water Company building. The proposed development would include up to 1.025 million square feet of commercial and retail uses on the portion of the site east of Delmas Avenue (henceforth “Site A”) and up to 325 residential units and up to 15,000 square feet of commercial and retail uses on the portion of the site west of Delmas Avenue (henceforth “Site B”).

Development on this site at the above-stated amounts of commercial and residential uses was approved in 2004. The City subsequently approved the 2005 *Downtown Strategy 2000*, which expanded the Downtown Core boundary to include the subject site, and the 2011 *Envision San José 2040 General Plan*. The details of the previously-approved development are included below, along with a detailed description of the currently-proposed project.

### **3.2 PROJECT DESCRIPTION**

#### **3.2.1 Approved 2004 Project**

In 2004, the City of San José certified the Final Environmental Impact Report (FEIR) for a Planned Development rezoning to accommodate up to 1.025 million square feet (including the existing 15,000 square foot San José Water Company building) of commercial and retail uses on the east side of Delmas Avenue (Site A), and up to 325 residential units and up to 15,000 square feet of ground floor commercial on the west side of Delmas Avenue (Site B). The estimated employment population was approximately 3,000 employees, based on a density of three employees per 1,000 square feet.

The approved development included up to two levels of below-grade parking on Site A and one level of below-grade parking on Site B, with maximum depths of excavation reaching 28 feet on Site A. In addition, the two levels of below-grade parking on Site A would lie beneath a five-level above-grade parking structure. The approved parking ratios were 1.75 stalls per residential unit and 2.25 – 3 stalls per 1,000 square feet of commercial space, though the latter could be reduced by up to 10 percent due to the proximity of the site to a light rail station.

Other elements of the approved project included two new intersections on Delmas Avenue between West Santa Clara Street and West San Fernando Street – one four-way signalized, and one right-in/right-out only. Unsignalized access on San Fernando Street east of Delmas Avenue was also proposed, however, there was insufficient detail at the rezoning stage to analyze the possible turning movements at that location.

Maximum building heights of the approved project ranged from 218 feet above-grade near West Santa Clara Street to 265 feet above-grade near West San Fernando Street. The project included a

minimum 50-foot setback from the top of bank of the Los Gatos Creek and the Guadalupe River. That setback was divided into the following three zones:

*Zone 1:* a 10-foot wide zone measured from top of bank that would be densely planted with native vegetation; and,

*Zone 2:* a 30-foot wide zone (including Zone 1), which would comprise the Santa Clara Valley Water District’s maintenance easement; and,

*Zone 3:* a 40-foot wide zone, extending from the outer edge of Zone 1, which would comprise a City of San José Parks and Recreation easement. Uses in Zone 3 could include landscaping, pedestrian trails in conformance with the County’s trail standard, and seating areas.

The 2004 FEIR concluded that the development would result in significant and unavoidable impacts to traffic on segments of I-280 and SR 87, to regional air quality due to vehicle emissions, to the adjacent Guadalupe River trail from building shading, and to neighboring land uses from construction-related noise impacts. Significant and unavoidable cumulative traffic, air quality, and construction noise impacts were also identified. The project incorporated mitigation measures to reduce impacts to the extent feasible, however, in approving the project, the City Council adopted a statement of overriding considerations finding that on balance the project’s benefits outweighed the identified significant and unavoidable environmental impacts.

### **3.2.2      Downtown Strategy**

In 1992, the City of San José approved the *Downtown Strategy Plan*, which was a long-range program for the redevelopment and preservation of the central core of San José. The plan included development of office and retail space, hotel rooms, theater space, and residences. In 2005, the City of San José approved the *Downtown Strategy 2000* plan, which was an update of the *Downtown Strategy Plan*. The updated Downtown Strategy included an expansion of the boundaries of downtown San José, including to the west of Highway 87 as far as the Union Pacific railroad tracks, which incorporated the project site into the limits of the Downtown and changed the site’s General Plan land use designation to *DT – Downtown*.

The *San Jose Downtown Strategy 2000* plan continues the City’s long-range planning program for the redevelopment and preservation of the central core of San Jose. The plan includes the following development:

- 8,000,000 to 10,000,000 square feet of office;
- 900,000 to 1,200,000 square feet of retail space;
- 8,000 to 10,000 residential units; and
- 2,000 to 2,500 hotel rooms.

The *Downtown Strategy 2000* FEIR was a broad range, program-level environmental document. The FEIR did, however, develop project-level information whenever possible, such as when a particular site was identified for a specific size and type of development. The FEIR also identified mitigation



measures and adopted Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development.

The project site was designated *General Commercial* in the *Downtown Strategy 2000* FEIR, which permitted a range of commercial uses, including office, retail, restaurant, entertainment, hotel, and other compatible commercial activities. Given the site's proximity to the Los Gatos Creek trail, the *Downtown Strategy* contemplated recreation-oriented commercial uses on the site that would enhance the creek amenity. Building heights and by extension, densities, were restricted only to the limits established by the Federal Aviation Administration for operation of the San José International Airport. The Downtown Strategy did not assume substantially more or less development on the site than was included in the approved project.

### **3.2.3 Proposed Project**

The previously-approved 2004 development was a Planned Development (PD) rezoning of the site to set the allowable densities and types of land uses that could be constructed on the site, as well as to establish development standards for future development. The currently proposed project is a Conforming PD rezoning and a PD Permit. Once adaptive reuse plans are developed, an Historic Preservation Permit will be filed for exterior alterations to the City Landmark San José Water Company building, which will be the subject of additional environmental review. As detailed below, the proposed PD Zoning and Permit would include construction of up to 1.04 million square feet of office and retail space and 325 residential units on the 8.8-acre site. The proposed site plan is shown in Figure 3.2-1.

#### **3.2.3.1 *Site A***

The proposed project includes construction of a 10-story and a 13-story office building on Site A, which would result in a total of approximately 994,100 square feet of office space on the project site. Located on the northern portion of the site, the 10-story office building ("Office A") would be 210 feet above grade at the top of roof and would contain approximately 14,300 square feet of retail space on the first two levels. The 13-story office building ("Office B") would be 226 feet above grade at the top of roof. Building heights and elevations are summarized in Table 3.2-1, below.

In addition to the proposed office and retail uses, approximately 16,600 square feet of retail space would be constructed within the historic San José Water Works building (San Jose Water Company building), which would be retained as part of the project. However, as noted above, adaptive reuse plans have not yet been developed to allow for a Historic Preservation (HP) Permit to be filed for exterior alterations to the City Landmark San José Water Company building. The proposed PD zoning development standards require that future adaptive reuse and exterior changes to the San Jose Water Company building must be in conformance with the Secretary of the Interior's Standards for Rehabilitation, thereby ensuring the historic building is treated sensitively. The future HP Permit application will be the subject of additional environmental review. In total, Site A would contain up to 1.025 million square feet of office and retail uses. Demolition of existing surface parking lot, which contains approximately 1,110 parking spaces<sup>1</sup>, would be necessary to accommodate the

<sup>1</sup> Estimate based on counts using aerial imagery of the site.

proposed project. The proposed project includes a 1,967 stall, four-level underground parking structure underneath Site A, as described in *Section 3.2.3.3* below.

The project proposes to modify the 50-foot riparian setback established for the site in the 2004 PD zoning, by instead requiring an above-grade setback of 30 feet for structures adjacent to the top-of-bank of the Guadalupe River, and allowing the below-grade parking garage to be built adjacent to the flood control channel that forms the Guadalupe River's west bank. Refer to Figure 3.2-1 for additional detail regarding the riparian setbacks proposed on the site.

### **3.2.3.2        *Site B***

Development on Site B would include up to 325 multi-family residential units in a 11-story, approximately 380,000 square foot building. Under the PD zoning standards for Site B, the ground level would feature up to 15,000 square feet of commercial space. The structures proposed on Site B would not be built within 50 feet of Los Gatos Creek, as the project proposes to maintain the riparian setback requirements established in the 2004 PD zoning. The height of the proposed multi-family residential building would be 127 feet above grade.

The proposed project includes a 428 stall, three-level underground parking structure underneath Site B, as described in *Section 3.2.3.3* below.

### **3.2.3.3        *Roadway Improvements, Access, Circulation, and Parking***

The proposed project would demolish and reconstruct Delmas Avenue in a new alignment between West Santa Clara Street and West San Fernando Street. A new signalized intersection would be included on the new alignment between Sites A and B. One through-lane would be maintained in each direction on Delmas Avenue and dedicated left-turn pockets would be provided for access to the project site. This intersection would be the only point of ingress to the proposed underground parking garages.

The proposed project includes two separate underground parking garages, both of which would be accessed from the new intersection on Delmas Avenue. A four-level underground parking structure containing 1,967 parking spaces would be constructed beneath the office buildings on Site A to serve office tenants and patrons of the retail space. This structure would also have a secondary exit onto San Fernando Street east of Delmas Avenue. A three-level underground parking structure containing 428 parking spaces would be constructed underneath the apartment building on Site B to serve residents of the proposed apartment building. The proposed below-grade parking garages would include a total of 2,395 parking stalls. With an additional 68 surface parking spaces provided for visitors, guests, and patrons, the proposed project includes a total of 2,463 parking spaces.

Implementation of the proposed project would result in removal of the existing, 1,110-stall surface parking lot. This parking lot is currently available during events at the arena (SAP Center) northwest of the site across West Santa Clara Street. Parking provided for the proposed offices may be made available to arena patrons on event days, as is currently the case for other office parking in the Downtown area.

As detailed in the Traffic Operations Analysis (Appendix E), the proposed project includes a number of roadway improvements both on-site and off-site that will support the proposed mixed-use development. Project-sponsored improvements include the following measures:

- Construction of new traffic signals at the Delmas/Santa Clara intersection and the main project driveway intersection on Delmas (coordinated with the existing signal at Delmas/San Fernando),
- Railroad pre-emption for the new signal at the main project driveway on Delmas Avenue,
- Extension of the westbound left-turn lane on Santa Clara Street at Delmas Avenue to a distance of 300 feet,
- Widening Delmas Avenue to provide left-turn lanes at the main project driveway and at Santa Clara Street and a second through lane on southbound Delmas at San Fernando Street (requires VTA and CPUC approval),
- Loading zones with appropriate signage on both sides of Delmas Avenue and the south side of Santa Clara Street,
- Extension of the raised median on Santa Clara Street from its current terminus near the Guadalupe River Bridge to Delmas Avenue,
- A truck loading dock driveway on San Fernando Street with sufficient space to allow trucks to turn around on site,
- A truck loading dock driveway on Delmas Avenue with restricted hours for truck loading/unloading,
- Restriping westbound San Fernando at Delmas to add a left-turn lane and signal modifications to add a protected left-turn phase for the westbound approach (in addition to the existing permissive left-turn),
- A new median opening to allow left-turns out from the San Fernando driveway (requires VTA and CPUC approval), and
- Removal of on-street parking and restriping to add a second through lane on southbound Delmas Avenue between San Fernando Street and Park Avenue along with signal modifications to provide a separate left-turn phase that will allow southbound through traffic to proceed during an LRT crossing.

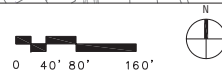
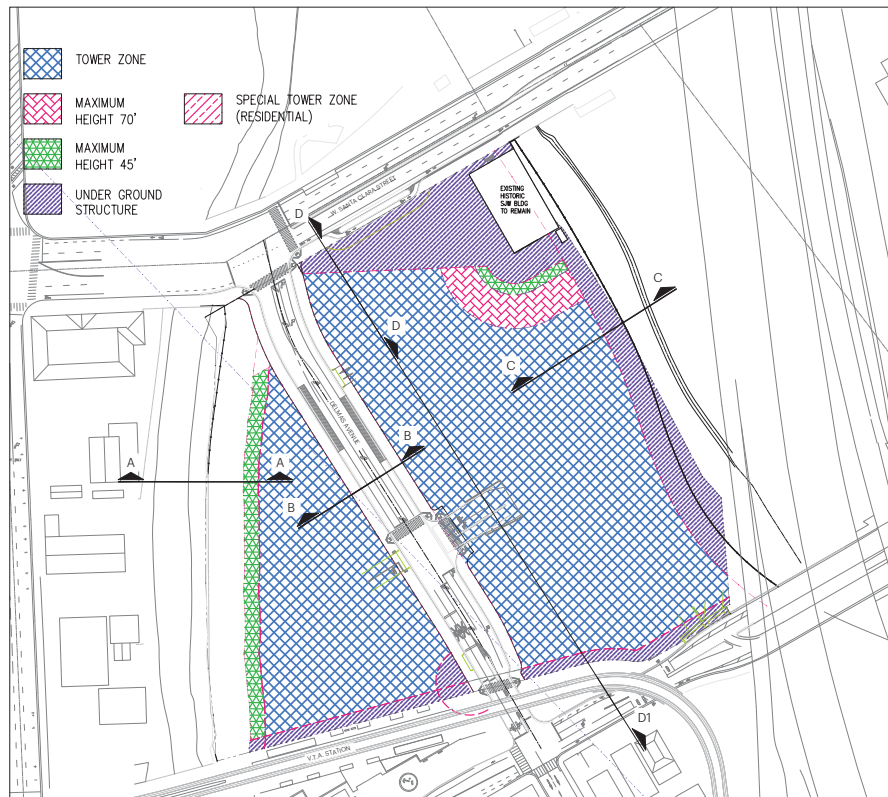




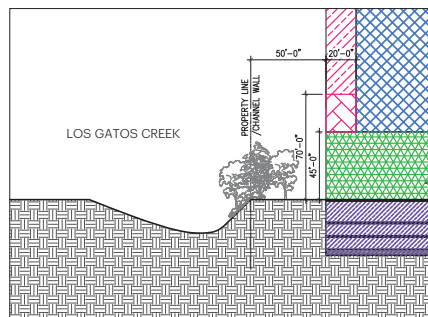
CONCEPTUAL SITE PLAN

FIGURE 3.2-1

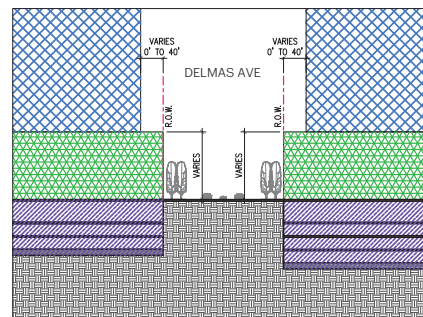




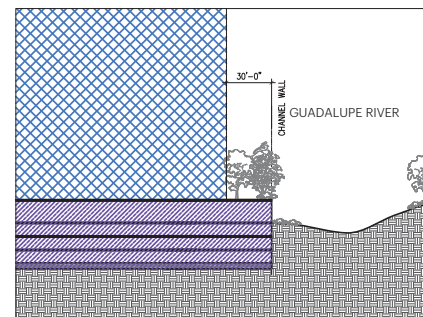
**05 MAXIMUM HEIGHT DIAGRAM**



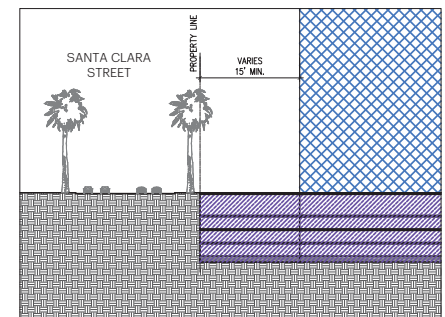
**01 SECTION A-A**



**02 SECTION B-B**



**03 SECTION C-C**



**04 SECTION D-D**



### SPECIAL TOWER ZONE (Residential)

No structure shall exceed height of 45 feet with the following exception: portion of the above grade building which are greater than 45 feet in height may encroach within this zone, provide that portion of the structure within this zone which reaches 70 feet in height shall not exceed 50% of the area of this zone and the portion of the structures which reaches the building envelope height shall not exceed 35% of the area of this zone. (The area that reaches the building envelope height is included in the area that reaches 70 feet.) Refer to sheet 2d. Beyond 70 feet measured from top of bank, the height of the towers shall conform to the building height envelope requirements set forth in Section B3.2.2. of the Guidelines.

NOTE: ALL HEIGHTS TAKEN FROM ADJACENT GRADE UNLESS OTHERWISE NOTED.

### 3.2.3.4 Grading and Drainage

The bottom level of the four-level underground parking garage would be approximately 44-47 feet below grade and the bottom level of the three-level underground garage would be 34-37 feet below grade. An additional seven to 10 feet of excavation would be needed to accommodate construction of the foundation, which would be a 4-6 foot thick reinforced concrete mat foundation. The elevation along the bottom of the planned excavation will be 33 feet above mean sea level (NAVD88) for the parking garage beneath Site A, and 43 feet above mean sea level for the parking garage beneath Site B. A summary of all building heights and depths is provided in Table 3.2-1 below.

<b>Table 3.2-1 Proposed Heights, Depths, and Elevations</b>		
<b>Project Component</b>	<b>Approximate Height/Depth (relative to current ground)</b>	<b>Elevation above mean sea level (NAVD88)</b>
Parking garage (Site A)	-44 – 47'	40 – 43'
Bottom of excavation (Site A)	-54'	33'
Parking garage (Site B)	-34 – 37'	50 – 53'
Bottom of excavation (Site B)	-44'	43'
Current ground level	-	87'
Proposed finished floor	+3'	90'
Office A top of roof	+226'	316'
Office B top of roof	+210'	300'
Residential building top of roof	+127'	217'

Excavation for the project would require off-haul of approximately 460,000 cubic yards of soil. In addition, to ensure the structural integrity of the proposed underground parking, dewatering must occur to lower groundwater levels on and adjacent to the site. Mitigation identified in the 2004 FEIR to avoid settlement resulting from groundwater drawdown limited excavation to 34 feet below ground surface (bgs). Excavation for the currently proposed project would be required to depths of 54 feet bgs, as much as 20 feet more than approved in 2004. A low permeability shoring system would be used in conjunction with a dewatering system to ensure a safe excavation for the project and to prevent off-site settlement from groundwater drawdown (refer to **Section 4.6, Geology and Soils**, for more detail).

As part of the Bay Area Rapid Transit (BART) Silicon Valley extension plan, the Santa Clara Valley Transportation Authority (VTA) envisions constructing tunnels beneath the project site to connect planned future stations in downtown San José to Diridon Station. The project would be designed to be compatible with future BART tunnels constructed beneath the project site.

### 3.2.3.5 Utilities

Utility modifications proposed as part of the project include abandonment and removal of a six-inch diameter water line in Delmas Avenue. Several new sanitary sewer laterals would be constructed to connect to the existing 10-inch sewer line within Delmas Avenue. Storm drainage would be provided throughout the site and would connect to new storm drain lines adjacent to both the Guadalupe River and Los Gatos Creek. Connections to a 12-inch storm drain line in Delmas Avenue would also be provided. Further detail is provided in **Section 4.16, Utilities and Service Systems**.

### **3.2.3.6      *Landscaping and Trees***

The proposed project would entail removal of up to 23 trees from the project site, 13 of which are considered ordinance-sized in the City of San José. The proposed project would plant approximately 245 trees on the site and would include approximately 55,000 square feet of pervious open space and landscaping.

### **3.2.3.7      *Green Building Measures***

The proposed office buildings and residential building would be designed and constructed to obtain a LEED-Gold<sup>2</sup> and Silver certifications, respectively. Measures implemented to achieve these ratings would include use of low-emitting materials for construction, use of at least 20 percent recycled materials for construction, water efficient landscaping and appliances, and optimized energy performance. In addition, the proposed project site is within walking distance of Diridon Station, which will contribute to reduced vehicle travel from future residents and employees of the site.

### **3.2.3.8      *Construction***

Construction of the proposed project is expected to require approximately 30 months. To accommodate the scale of excavation and construction proposed, Delmas Avenue would be temporarily closed during construction for between two to three years. At this time it is anticipated that the project would be constructed in two phases, with the first phase including the multi-family residential building and Office A and excavation of the parking garages on both sides of Delmas Avenue, and the second phase including the remainder of the proposed development.

### **3.2.4      Required Permits and Approvals**

- Conforming Planned Development Rezoning
- Tentative Map
- Planned Development Permit
- Conditional Vacation
- Historic Preservation Permit<sup>3</sup>
- Demolition Permits
- Tree Removal Permit
- Avigation Easement
- Construction Access Permit and Restricted Access Permit (Santa Clara Valley Transportation Authority)
- California Public Utility Commission Approval (for work related to light rail facilities)

---

<sup>2</sup> LEED, or Leadership in Energy and Environmental Design, is a program by the United States Green Building Council which includes a set of rating systems for the design, construction, operation, and maintenance of environmentally-responsible and resource-efficient buildings.

<sup>3</sup> Due to insufficient plan details at this time, receipt of a Historic Preservation Permit for modifications to the San José Water Company building will require subsequent environmental review once an application is filed with the City.

## SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines §15152, this Addendum tiers off the previously-certified Final Environmental Impact Report (FEIR) for the SJW Land Company Planned Development Rezoning (SCH# 2002062017, hereinafter ‘2004 FEIR’), the Downtown Strategy FEIR (SCH# 2003042127) and the Envision San José 2040 General Plan Final Program EIR (SCH# 2009072096, hereinafter ‘General Plan FPEIR’).

This section of the Addendum describes any changes that have occurred in environmental conditions on and near the project area since certification of the aforementioned EIRs, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the CEQA Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development evaluated in the 2004 FEIR) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

Mitigation measures are identified for all potentially significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Project Conditions.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Standard Permit Conditions.”

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, would denote the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** would refer to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

Table 4.0-1 Letter Codes of Environmental Issues	
Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Service
TRAN	Transportation
UTIL	Utilities and Service Systems



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

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

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

## **4.1 AESTHETICS**

### **4.1.1 Setting**

#### **4.1.1.1 *Project Site***

The 8.8-acre project site is located on the west and east sides of Delmas Avenue in San José. The site is bounded by Los Gatos Creek to the west, West Santa Clara Street to the north, the Guadalupe River to the east, and West San Fernando Street and light rail tracks to the south (refer to Figure 2.2-3). The project site contains an approximately 1,110-stall surface parking lot and the historic San José Water Company building.

The project site is flat and is only visible from surrounding roadways. The visual character of the site is highly urbanized with downtown San José located east of the site across SR 87. Vegetation on the site consists of landscape vegetation, trees, and landscaping along major street frontages.

#### **4.1.1.2 *Surrounding Area***

Due to the project site's unusual location between two waterways, it is surrounded by a diversity of land uses. The Arena Green and two multi-use trails (Los Gatos Creek Trail and Guadalupe River Trail) are located to the north of the site across West Santa Clara Street, light industrial and commercial uses are located across Los Gatos Creek to the west, residential uses are located across west San Fernando Street to the south, and State Route 87 is located to the east. In addition, there is a Santa Clara Valley Transportation Authority (VTA) light rail station adjacent to the southwest corner of the project site. Other notable land uses in the vicinity of the site include the SAP Center (arena) approximately 400 feet northwest of the site, and the Diridon Station approximately 1,000 feet to the west.

#### **4.1.1.3 *Scenic Vistas***

The project site is located in the Central/Downtown Planning Area identified in the San José General Plan FPEIR. These areas are characterized by dense urban office and residential development and major transportation facilities. Views of the Diablo Range Foothills or Santa Cruz Mountains from public viewpoints such as West Santa Clara Street or West San Fernando Street are obstructed by trees and development. The Santa Cruz Mountains can be viewed temporarily by vehicles passing by the site on SR 87. The project site is not located within a scenic viewshed or along a scenic highway identified by the San José General Plan. State Route 87 adjacent to the project site is not a state-designated scenic highway; the nearest scenic highway is State Route 9, approximately 10 miles southwest of the project site.<sup>4</sup>

---

<sup>4</sup> California Department of Transportation. *California Scenic Highway Mapping System – Santa Clara County*. Last updated May 5, 2015. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/scenic\\_hwy.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/scenic_hwy.htm)



Photo 4.1-1: View of Site A from West Santa Clara Street



Photo 4.1-2: View of Site A from Southeast Corner of Site



Photo 4.1-3: View of Guadalupe River Adjacent to Western Project Boundary



Photo 4.1-4: View of Site B from Northern Portion of Site





Photo 4.1-5: Historic San José Water Company Building On-Site



Photo 4.1-6: Delmas Avenue Within the Project Limits

**4.1.2 Environmental Checklist and Discussion of Impacts**

AESTHETICS						
	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”	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3
3) 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 – 3
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The 2004 FEIR evaluated the visual and aesthetic impacts that would result from buildings with maximum heights ranging from 218 feet above ground near West Santa Clara Street and 264 feet above ground near San Fernando Street. Multiple photosimulations from surrounding land uses and viewpoints were included in support of the analysis. The 2004 FEIR concluded that the proposed development would result in significant and unavoidable impacts from shading of surrounding land uses by the proposed structures. Potentially significant impacts to visual character were found to be mitigated due to the project’s conformance with the City’s Commercial and Residential Design Guidelines, as well as Land Use Development standards.

The proposed project would result in the same impacts as the approved project, as described below.

**4.1.2.1 Impacts to Scenic Resources and Scenic Vistas (Checklist Questions 1 & 2)**

The 2004 FEIR concluded that there were no scenic resources on the project site with the potential to be impacted by redevelopment. Similar to the proposed project, the approved project included retention of the historic SJWC building. The proposed project would not result in any new or more significant impacts to scenic resources.

In addition, impacts to scenic vistas were found to be less than significant. Impacts to views were evaluated for buildings reaching up to 264 feet above ground, whereas the currently-proposed buildings would be 226 feet above ground at the highest point (fronting West San Fernando Street). Since the proposed buildings would not exceed the height of the approved development, impacts to scenic vistas from the currently proposed project would not be greater than those of the approved project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.1.2.2      *Impacts to Visual Character (Checklist Question 3)***

The 2004 FEIR found that because the buildings would be substantially larger than any of the existing development on the west side of SR 87, they could substantially degrade the visual character or quality of the site and its surroundings. Of note was the small-scale Victorian neighborhood south of the site and the Arena Green and creek trails north of the site. Though visual renderings included in the 2004 FEIR showed that the buildings would have a mass and scale that is generally compatible with the high-rise development on the east side of SR 87, impacts to the visual character of the land west of SR 87 were found to be potentially significant.

Although the currently-proposed buildings would be smaller in height than those approved for the site, there would still be multiple buildings exceeding nine stories. This is well above the scale of existing development both on the site and on adjacent properties, therefore the proposed project would result in a substantial change in the visual character of the project area.

**Impact AES-1:**      The proposed buildings would be substantially larger than existing development on the west side of State Route 87 and could substantially degrade the existing visual character or quality of the site and its surroundings. **(Significant Impact)**

The following mitigation measures were included in the 2004 FEIR to reduce the project's impacts to visual character:

**MM AES-1.1:**      The conceptual plan submitted to the City of San José for the PD rezoning of the project site is intended to assure a minimum level of aesthetic quality. Specific structures proposed in the future will be reviewed by City staff for conformance with the standard established by the PD Rezoning. Conformance with the PD Zoning proposed by the project will require that the project include design and aesthetic qualities that would conform to City guidelines and would ensure that the appearance of the project is consistent with acceptable aesthetic guidelines. While there is no way to avoid the visual change that will result from development of the project, conformance with the City guidelines included in the PD Zoning will ensure that the proposed development will not substantially degrade the existing visual character or quality of the site and its surroundings.

**MM AES-1.2:**      Future development under the PD Zoning proposed by the project will conform to the City's adopted Residential and Commercial Design Guidelines.

**MM AES-1.3:**      Future development on the site will use low-pressure sodium lighting for outdoor uses, in compliance with City Council Policy 4-3, which would reduce the potential for night-time glare. It is noted that the project area has allowances for high-pressure sodium lighting on West Santa Clara Street.

**MM AES-1.4:** The future development will be subject to design review by the Planning staff, which would ensure that external building materials are used that minimize reflected glare and that are compatible with the architectural styles and materials of nearby buildings.

The 2004 FEIR found that along with conformance with the adopted Commercial and Residential Design Guidelines, as well as applicable land use development standards, implementation of these mitigation measures would reduce potentially significant impacts to visual character to less than significant levels. The proposed project includes buildings at lower heights than the approved project and would implement the above-described mitigation, therefore the proposed project would not result in any new or more significant impacts. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

#### **4.1.2.3      *Shade and Shadow Impacts (Checklist Question 3)***

Shade and shadow impacts occur when a structure reduces the access of surrounding land uses to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. A shade and shadow analysis completed for the 2004 FEIR found that the maximum building envelope of the approved development would cast substantial shadows over the Arena Green park to the north and the Guadalupe River trail to the east. The most severe shadows would occur during the winter midday hours (11:00 AM to 2:00 PM). Although the currently-proposed buildings would not be as tall as those approved for the site, the shadows cast by the structures on nearby recreational uses would still be substantial.

**Impact AES-2:** Buildout of the proposed buildings would create substantial shading on surrounding recreational areas, including the Arena Green to the north and the Guadalupe River Trail to the east. **(Significant Impact)**

The 2004 FEIR concluded that absent a restriction on the size of buildings, which could be inconsistent with the City's goals and policies for densification of infill sites near transit, there are no measures that could be incorporated into the project to avoid shading. The shading impact from both the approved and the proposed development is significant and unavoidable. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

#### **4.1.2.4      *Light and Glare Impacts (Checklist Question 4)***

Construction of the proposed development would increase the indoor and outdoor lighting on the site, which could contribute to increased light spillover in the project area. The addition of tall office and residential buildings would also increase the potential sources of glare to surrounding areas.

Outdoor lighting from both the approved and proposed projects would be subject to the City of San José's Outdoor Lighting Policy, as codified in Council Policy 4-3. This policy promotes energy efficient lighting while minimizing light pollution and sky glow. One of the requirements contained in the policy is to use low-pressure sodium lighting for outdoor unroofed areas. In 2011, the policy was amended to allow projects to substitute LED lighting for low-pressure sodium lighting.



The 2004 FEIR found that indoor lighting from the proposed buildings would not spillover to the nearest sensitive land uses (i.e. the residences south of West San Fernando Street), and that the setbacks from the riparian corridors would prevent outdoor lights from shining on the waters of Los Gatos Creek or Guadalupe River. The 2004 FEIR also concluded that because the project would be required to comply with the City's Outdoor Lighting Policy, the adopted Commercial and Residential Design Guidelines, and applicable land use development standards, impacts from glare and improper lighting would be avoided. The proposed project does not include any new or substantially greater sources of light or glare than the approved project. With adherence to the above-described policies, light and glare impacts from the proposed project would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.1.3            Conclusion**

The proposed project would construct structures up to 226 feet in height and would result in a substantial change in the physical environment in the project area. Shade from the proposed buildings would affect nearby residential uses, and no mitigation is available to reduce the impact. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Impacts to the visual character of the area would be mitigated through implementation of the measures described in this chapter, as well as through conformance with the adopted Commercial and Residential Design Guidelines, and applicable land use development standards. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

The proposed project would not result in any new or more significant light and glare impacts than those evaluated in the 2004 FEIR. The proposed development must comply with Council Policy 4-3, which will minimize the amount of light pollution associated with the proposed project. Impacts to scenic vistas and resources would be the same as those previously identified in the 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.2 AGRICULTURAL AND FOREST RESOURCES

### 4.2.1 Setting

According to the Santa Clara County Important Farmland 2012 map, the project site is designated as *Urban and Built-Up Land*.<sup>5</sup> *Urban and Built-up Land* is occupied by structures with a building density of at least one unit per 1.5 acres, or six structures for every ten acres of land.

The project site is a developed surface parking lot and is not the subject of a Williamson Act contract.<sup>6</sup> The site is located within an urban area of San José and there is no agricultural or forest land adjacent to the project site.

### 4.2.2 Environmental Checklist and Discussion of Impacts

AGRICULTURAL AND FOREST RESOURCES						
	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”	Information Source(s)
Would the project:						
1) 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"/>	4
2) 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"/>	5, 6
3) 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, 2, 6
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

<sup>5</sup> California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014. Map.

<sup>6</sup> County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties*. Accessed November 25, 2015. <https://www.arcgis.com/home/webmap/viewer.html?webmap=328429a3701a444485f31982cbdd9c71>

AGRICULTURAL AND FOREST RESOURCES						
	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”	Information Source(s)
Would the project:						
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

#### 4.2.2.1 *Impacts to Agricultural and Forest Resources (Checklist Questions 1 – 5)*

The 2004 FEIR found that rezoning the site to allow commercial and residential uses would have no impact on agricultural resources. The currently proposed project would result in the same impact as the approved project, No Impact, as described below.

The project site is not designated farmland and is not used for agricultural or forestry purposes. The project would not result in the development of prime agricultural land. The project site has been used for non-agricultural purposes since the late 1880s and is within a developed urban area. **[Same Impact as Approved Project (No Impact)]**

#### 4.2.3 Conclusion

The proposed project would not result in any new or more significant impacts to forestry or agricultural resources than those described in the 2004 FEIR or the General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

### 4.3 AIR QUALITY

A full discussion of the regulations and authorities governing air quality can be found in *Section 3.4.1.6* of the Envision San José 2040 General Plan FPEIR. The ambient and regulatory requirements regarding air quality have remained relatively unchanged since the certification of the General Plan FPEIR in 2011. Relevant regulatory changes that have occurred since the certification of the 2004 FEIR are described in *Background Information*, below. The construction air quality analysis contained in this section is based on a Construction Health Risk Assessment prepared by *Illingworth & Rodkin, Inc.* in April 2016. The operational air quality analysis is based in part on a Transportation Demand Management Analysis prepared by *Hexagon Transportation Consultants* in April 2016. These reports are included as Appendices A-1 and A-2, respectively, of this EIR Addendum.

#### 4.3.1 Setting

The concentration of a given pollutant in the atmosphere is determined by the amount of a pollutant released and the atmosphere's ability to transport and dilute it. The major factors affecting transport and dilution are wind, temperature, atmospheric stability, terrain and for certain pollutants, ultraviolet radiation (i.e. sunshine).

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are concentrations of contaminants below which adverse health effects associated with each pollutant are avoided. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are reactive organic gases (ROGs) which lead to ground-level ozone (O<sub>3</sub>), carbon monoxide, nitrogen oxides (NO<sub>x</sub>), and particulate matter.

Three pollutants are known at times to exceed the State and Federal standards in the project area: ozone, coarse particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>). These are all considered regional pollutants because the concentrations are not determined by proximity to individual sources, rather, they show a relative uniformity throughout a region.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor exhaust. Cars and trucks release at least 40 different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Extensive construction, and the equipment associated with it, can also be a substantial source of TAC emissions.

### Vehicle Trip Reduction

General Plan Policy TR-7.1 requires all large employers in the City to develop and maintain transportation demand management (TDM) programs to reduce vehicle trips generated by their employees. San José maintains a goal to reduce the number of vehicle miles traveled by 40 percent by 2040 in a three tier strategy (all reductions are measured from the 2009 base year). Tier I (10 percent reduction) goals and policies became effective upon the City Council's approval of the *Envision San José 2040 General Plan*. The Tier II reduction (20 percent) would come into effect as part of the City's Major Review and City Council's determination.

### Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The sensitive receptors closest to the project site are the residences approximately 85 feet to the south, across West San Fernando Street.

#### 4.3.1.1 Background Information

Since the certification of the 2004 FEIR, the BAAQMD issued new CEQA Air Quality Guidelines (updated May 2011). The new Guidelines lowered the thresholds of significance for criteria air pollutants and precursors, as detailed in Table 4.3-1 below.

<b>Table 4.3-1 Comparison of BAAQMD Thresholds of Significance for Criteria Air Pollutants and Precursors</b>				
<b>Pollutant</b>	<b>Thresholds Used in 2004 FEIR</b>		<b>Current Thresholds</b>	
	<i>Daily Emissions (lbs/day)</i>	<i>Annual Emissions (tons/yr)</i>	<i>Daily Emissions (lbs/day)</i>	<i>Annual Emissions (tons/yr)</i>
ROGs	80	15	54	10
NO <sub>x</sub>	80	15	54	10
CO	550 (stationary)	100 (stationary)	-	-
PM <sub>10</sub>	80	15	82	15
PM <sub>2.5</sub>	-	-	54	10
ROG = reactive organic gas, a precursor to ozone NO <sub>x</sub> = nitrogen oxides, a precursor to ozone CO = carbon monoxide PM <sub>10</sub> = respiratory particulate matter, 10 microns or less in size PM <sub>2.5</sub> = fine particulate matter, 2.5 microns or less in size				

Revisions to the thresholds of significance for criteria pollutants lowered both the daily and annual emissions thresholds for ozone precursors. The thresholds for coarse particulate matter essentially stayed the same, carbon monoxide thresholds were eliminated, and fine particulate matter thresholds were added.

### Transportation Demand Management

The proposed project would be required to implement a transportation demand management (TDM) program in conformance with General Plan Policy TR-7.1, which requires large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.

#### 4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	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”	Information Source(s)
Would the project:						
1) 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, 7
2) 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"/>	2, 3, 8
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 8
5) 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, 2

The 2004 FEIR, which analyzed development of up to 1.04 million square feet of commercial office and retail uses along with 325 residential units on the project site, found that such development would result in significant unavoidable impacts to regional air quality. Vehicles associated with the approved development would emit ozone precursors and coarse particulate matter at levels exceeding the BAAQMD thresholds of significance. Mitigation measures were incorporated to reduce emissions, however they were insufficient to reduce emissions below the significance thresholds.

Construction-related air quality impacts were found to be less than significant with mitigation measures included and no violations of the California 8-hour carbon monoxide standard were expected. Health risks to future residents of the site from vehicle-related toxic air contaminant emissions were not evaluated in the 2004 FEIR because those health risks were not well-understood at the time. In addition, health risks to nearby residents from construction-related diesel emissions were also not evaluated for the same reason.

The proposed project would result in the same impacts as the approved project, as described below.

#### **4.3.2.1      *Regional Air Quality Impacts From the Project (Checklist Questions 1 – 3)***

The BAAQMD has developed thresholds of significance for local plans (general plans, redevelopment plans, specific area plans). The following criteria must be satisfied for a local plan to be determined to be consistent with the Bay Area 2010 Clean Air Plan (CAP) and not have a significant air quality impact:

- The local plan should be consistent with the CAP and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth over the planning period will not exceed the values in the current CAP, and the rate of increase in VMT for the jurisdiction is equal to or less than the rate of increase in population.
- The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) included in the CAP that identify cities as implementing agencies.

The proposed project would increase the vehicle trips associated with the site over the existing condition, but would not generate more than were approved for the site in 2004. The operational criteria pollutant emissions modeled for the approved 2004 project exceeded all applicable BAAQMD thresholds, thresholds which have been lowered since the 2004 FEIR was certified. These significant volumes of air pollution would be caused primarily by traffic generated by the approved development. The currently-proposed project would allow for the same amount of development as the approved project, which would generate a quantity of vehicle trips similar to those estimated for the approved project. Therefore, the proposed project would also create a substantial contribution to cumulative regional air quality impacts.

**Impact AQ-1:**            Project-generated vehicle emissions of regional air pollutants would exceed the BAAQMD thresholds of significance, resulting in a significant contribution to regional air quality impacts. **(Significant Impact)**

Mitigation measures were incorporated into the 2004 project to reduce air pollution generated by the project. These measures are re-stated below and shall be incorporated into the currently-proposed project:

**MM AQ-1.1:**            Incorporation of site planning features to coordinate building placement, orientation, and design in order to create pedestrian-friendly spaces and pathways. Physical improvements, such as sidewalk improvements, landscaping, and bicycle parking would act as incentives for pedestrian and bicycle modes of travel.

**MM AQ-1.2:**            Provision of direct, safe, attractive pedestrian access from the project to transit stops and adjacent development.

**MM AQ-1.3:** Provision of public walkways/trails within open spaces along West Santa Clara Street and Los Gatos Creek, linking the Diridon LRT station with the Pavilion.

**MM AQ-1.4:** Development of a pedestrian plaza between the Diridon LRT station and the proposed residential building.

**MM AQ-1.5:** Design and location of buildings to facilitate transit access.

In conformance with General Plan Policy TR-7.1, all large employers in the City are required to develop and maintain transportation demand management (TDM) programs to reduce vehicle trips generated by their employees. The 2004 FEIR also included the following mitigation measure to support a TDM program with trip reduction measures to be selected by the Director of Planning at the time of PD Permit issuance. These measures align with the recommendations of the current BAAQMD CEQA Guidelines, and have been updated to apply to the proposed project.

**MM AQ-1.6:** Prior to issuance of a grading permit, a transportation demand management plan (TDM Plan) shall be prepared and submitted to the City of San Jose Planning Director, detailing the measures that will be utilized on site to achieve a total reduction in vehicle miles travelled of 70 percent (when compared to a comparable suburban development). The TDM Plan shall include detailed analysis demonstrating that the program would achieve the desired vehicle miles travelled reduction target. Measures in the TDM Plan shall include, but are not limited to, the following:

- Provide transit information kiosks
- Develop a transit use incentive program for employees, such as on-site distribution of passes, ECO passes, and/or subsidized transit passes for local transit system.
- Implement feasible transportation demand management (TDM) measures for a project of this type. This would include preferential parking for carpools/vanpools, a ride-matching program, guaranteed ride home programs, coordination with regional ridesharing organizations and transit incentives program.
- Designate an on-site TDM coordinator for the project to implement and monitor utilization of public transportation and measures to encourage carpooling and other trip diversion programs.
- Provide emergency transportation of employees who use public transportation. The TDM coordinator will establish policies and programs to reduce and eliminate deliveries and pick-up during peak commute times.



- Encourage and promote telecommuting, to increase the number of employees that telecommute.
- Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).
- Provide showers and lockers for employees bicycling or walking to work.
- Provide secure and conveniently located bicycle parking and storage for workers.
- Provide on-site shops and services for employees, such as cafeteria bank/ATM, convenience market, etc.
- Provide electric vehicle charging stations in garage.

Prior to issuance of certificates of occupancy, the project applicant shall submit a report to the City of San José Planning Director documenting the implementation of the measures detailed in the TDM plan and analysis demonstrating achievement of the 70 percent reduction goal . Documentation could include photographs of TDM measures, details of the planned programs, and sample information to be distributed to future tenants and residents. The applicant shall maintain the TDM plan over the life of the project and submit an annual report to the City's Supervising Environmental Planner.

Based on the TDM analysis prepared for the project (refer to Appendix A-2), the proposed project would achieve vehicle miles traveled (VMT) reductions ranging from 65 to 69 percent<sup>7</sup> based solely on its location. The project site's urban location within a quarter-mile of Diridon Station, which provides regional transit access, makes it a very transit-friendly and transit-oriented site. Thus, the potential for the project to achieve additional reductions in VMT by implementing additional measures to promote transit use is relatively small. Based on the TDM analysis, an additional 0-1 percent of VMT reduction could be achieved by implementing the above-described TDM measures. Therefore, it is feasible for the project to achieve the 70 percent VMT reduction detailed in **MM AQ-1.6**.

The proposed project would not increase the amount of development allowed on the site compared to the approved project; therefore, the volume of vehicle trips generated by the project (and the associated VMT) would not be expected to increase. The proposed project would not result in new or substantially greater operational air quality impacts than those identified in the 2004 FEIR. The project would be required to implement the mitigation measures that were incorporated into the

---

<sup>7</sup> The project's estimated VMT is compared against that of a typical suburban development of the same scale and land use.

project in the 2004 FEIR, however, these measures would not reduce emissions below levels of significance. These measures are consistent with the Bay Area 2010 CAP and the project would not conflict with any applicable air quality plans. **[Same Impact As Approved Project (Significant Unavoidable Impact)]**

#### **4.3.2.2      *Construction-Related Air Quality Impacts (Checklist Question 4)***

Construction activities such as demolition, grading, construction vehicle traffic, and wind blowing over exposed earth would generate TAC emissions and fugitive particulate matter emissions that affect local air quality and human health. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The proposed project would include the demolition of the existing surface parking and the southern San José Water Company building, consistent with the approved 2004 project. The proposed excavation would reach 44 and 54 feet below grade to accommodate the three level underground parking garage beneath Site B and the four level underground parking garage beneath Site A, respectively. This corresponds to elevations of 33 and 43 feet above mean sea level (NAVD88). The 2004 project included up to two levels of below-grade parking on Site A and one level of below-grade parking on Site B. Thus, the proposed project would entail more construction and excavation than the approved 2004 development.

Construction on the project site would result in TAC and dust emissions for multiple consecutive years. The nearest sensitive receptors are the residences approximately 85 feet south of the site across San Fernando Street. These receptors could be exposed to hazardous air pollution during construction, resulting in health risks in excess of the BAAQMD thresholds of significance. In addition, residences along the haul routes used for construction truck traffic could be exposed to elevated levels of exhaust emissions for the duration of the construction period.

To estimate the health risks caused by construction, emissions and dispersion modeling were completed by *Illingworth & Rodkin, Inc.* for the proposed project. The model CalEEMod Version 2013.2.2 was used to estimate the volume of construction emissions, while the U.S. Environmental Protection Agency (EPA) AERMOD dispersion model was used to calculate concentrations of TACs resulting from project-related emissions at nearby sensitive receptors. Dispersion modeling was also completed to determine whether emissions from haul trucks cause significant impacts to sensitive receptors along the truck haul routes (primarily at Delmas Avenue and West San Carlos Avenue). Project-specific construction equipment data and soil excavation estimates were provided by the applicant for use in the emissions modeling. Refer to Appendix A-1 for a list of all of the project parameters and data used in the modeling.

The increased health risks for infants, children, and adults were modeled based on the BAAQMD and California Office of Environmental Health Hazard Assessment (OEHHA)-recommended health hazard assessment methods. The results of the health risk assessment are summarized in Table 4.3-2 below:

Table 4.3-2 Community Risk to Sensitive Receptors During Construction				
		Cancer Risk (cases per million)	Chronic Hazard Index (no units)	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Project Impacts	Adult	1.1	0.03	0.7
	Child/Infant <sup>a</sup>	44.6		
Thresholds of Significance		10	1.0	0.3
Significant Impact?	Adult	No	No	Yes
	Child/Infant <sup>a</sup>	Yes		
<sup>a</sup> Infant and child exposures (3 <sup>rd</sup> trimester through two years of age) were assumed to occur at residences during the entire construction period. Source: Illingworth & Rodkin, Inc. <i>Diridon Transit Oriented Development Project Construction TAC Assessment, San José, California.</i> April 5, 2016.				

The maximum-modeled diesel particulate and PM<sub>2.5</sub> concentrations occurred at the residences 85 feet south of the site across San Fernando Street (see Appendix A-1 for the precise location). The health risks detailed in the table above were calculated for receptors at the maximum exposure location. Since the PM<sub>2.5</sub> concentrations and the excess cancer risks resulting from construction TAC emissions are greater than the BAAQMD significance thresholds, the project (as currently proposed and as originally approved) could expose sensitive receptors to substantial pollutant concentrations.

Depending upon the timing for completion of proposed residential building and future resident occupancy, some project residents could be exposed to construction activity emissions from the remainder of the project to be implemented. The duration of future project resident exposure (if any) to project construction for the remaining office/retail construction is unknown, but is expected to be shorter than modeled for nearby existing residents and, and the future project residents would be protected by the same mitigation measures identified below to ensure no significant health risks would result.

**Impact AQ-2:** Construction of the proposed project would result in toxic air contaminant and dust emissions, which could result in significant health risks to nearby sensitive receptors, and potentially to future project residents exposed to non-residential project construction activity. **(Significant Impact)**

BAAQMD acknowledges that implementation of the current BAAQMD Construction Mitigation Measures (identified below) would reduce construction-related dust emissions to the maximum extent feasible. The measures listed below are from Tables 8-1 and 8-2 from the BAAQMD CEQA Air Quality Guidelines, which list measures recommended for all projects and for projects exceeding the construction emissions thresholds, respectively. These measures were included in the 2004 FEIR, however, they were revised in 2011 when the BAAQMD Air Quality Guidelines were updated in 2011. The most current BAAQMD-recommended measures to minimize construction air quality impacts are listed below and would be included along with project-specific measures to reduce health risk from construction emissions:

**MM AQ-2.1:** BAAQMD Basic Construction Mitigation Measures Recommended for All Proposed Projects (Table 8-1) shall be printed on project construction plans and bid documents, and shall be implemented during construction.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly 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.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**MM AQ-2.2:** BAAQMD Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold (Table 8-2) shall be printed on project construction plans and bid documents, and shall be implemented during construction.

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimizing the idling time of diesel powered construction equipment to two minutes.
- The project shall develop a plan demonstrating that off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.
- Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

The project would also implement the following dust control mitigation measures from the Downtown Strategy FEIR:

**MM AQ-2.3:** The following dust control measures from the Downtown Strategy FEIR shall also be implemented prior to and during construction, as appropriate:

- Any temporary haul roads to soil stockpiles used during construction of projects shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant.
- Water sprays shall be utilized to control dust when material is being added or removed from soil stockpiles. If a soil stockpile is undisturbed for more than one week, it shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation.
- All neighboring properties located within 500 feet of property lines of a construction site shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request.
- In order to address particulate emissions from diesel-powered equipment and vehicles, the following measures shall be implemented: (i) properly maintain vehicle and equipment engines; (ii) minimize the idling time of diesel powered construction equipment; (iii) consider requiring construction equipment that is fueled by alternative energy sources; and (iv) consider requiring add-on control devices such as particulate traps.

**MM AQ-2.4:** All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The construction contractor may use other measures to minimize construction period diesel emissions to reduce the predicted cancer risk below the thresholds (e.g. CARB-certified Level 3 Diesel Particulate Filters or non-diesel equipment), if documented in the construction operations plan detailed below.

To ensure compliance with this measure, the project applicant shall submit to the Department of Planning, Building, and Code Enforcement a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures. The plan shall be submitted for review and approval prior to issuance of a grading, demolition, and/or building permit.

Implementation of the BAAQMD dust control measures, originally identified in the 2004 FEIR and updated in **MM AQ-2.1**, **AQ-2.2**, and **AQ-2.3** based on the latest BAAQMD CEQA Air Quality Guidelines, would reduce exhaust emissions by approximately five percent and dust emissions by over 50 percent. In addition to these measures, implementation of **MM AQ-2.4** would reduce the

maximum increased lifetime infant/child cancer risk to 10 per million, which would be below the threshold of significance of *greater* than 10 cases per million. PM<sub>2.5</sub> concentrations would be reduced to less than 0.2 µg/m<sup>3</sup>, which is below the threshold of significance of 0.3 µg/m<sup>3</sup>.

The 2004 FEIR did not describe the potential health risks from construction diesel exhaust and TAC emissions, as those risks were not well understood at the time and quantified health risk assessments were not typically included in CEQA documents according to the BAAQMD CEQA Guidelines then in effect. Nevertheless, the currently-proposed project is expected to result in the same impact as the approved project, less than significant with mitigation. Feasible mitigation exists to achieve these reductions; therefore, the proposed project would result in a less than significant health risk impact from construction air pollution. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

#### **4.3.2.3      *Odor Impacts (Checklist Question 5)***

The proposed project would not generate any new sources of odors. Diesel fumes from construction equipment may be a nuisance, but that would be temporary and highly variable, and would not be a significant odor impact. **[Same Impact as Approved Project (No Impact)]**

#### **4.3.2.4      *Planning Considerations: Local Air Quality Impacts to the Project***

As previously discussed, on December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project’s future users or residents, unless the project would exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. The discussion below addresses the potential air quality impacts to future residents of the site.

Construction of new residential units on the site would introduce sensitive receptors into the project area, where they may be exposed to harmful concentrations of ambient air pollution. The health risks of TACs from nearby sources were not quantitatively evaluated in the 2004 FEIR because at the time, diesel emissions and other TACs were not typically quantified. Since then, however, BAAQMD has adopted the 2011 and 2012 CEQA Air Quality Guidelines, which contain guidelines for quantitative health risk assessment from TACs.

The greatest source of TAC emissions in the project area is SR 87, which experiences on average between 109,000 and 124,000 daily vehicle trips.<sup>8</sup> SR 87 is approximately 500 feet east of the proposed residential tower. Based on the BAAQMD Roadway Analysis Screening tool, a roadway experiencing 124,000 vehicle trips would cause an elevated cancer risk of 9.55 cases per million and a fine particulate matter concentration of 0.189 µg/m<sup>3</sup> at a site 500 feet to the west.<sup>9</sup> These levels are below the BAAQMD threshold of significance for health risks (10 excess cancer cases per million

---

<sup>8</sup> California Department of Transportation. *2014 Traffic Volumes on California State Highways*. 2014. Available at: <http://traffic-counts.dot.ca.gov/>

<sup>9</sup> Bay Area Air Quality Management District. *Roadway Screening Analysis Calculator*. April 16, 2015. Available at: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>



and PM<sub>2.5</sub> concentrations above 0.3 µg/m<sup>3</sup>), therefore health risks from SR 87 would be less than significant.

The only other source of TAC emissions in the project area is the emergency diesel generators located at the arena (SAP Center) northwest of the site. Based on aerial views of the site, these generators appear to be located at the rear of the Arena near the intersection of North Autumn Street and West St. John Street, over 800 feet northeast of the proposed residential units. The cancer risk from these generators (ID# 14193 in BAAQMD system) is identified as 24.49 excess cases per million, which exceeds the BAAQMD threshold of significance.<sup>10</sup> Using the BAAQMD Distance Adjustment Multiplier Tool for Diesel Internal Combustion Engines, this cancer risk reduces to 1.47 excess cases per million at a distance of 787 feet. Therefore, the cancer risk from the generators is well below the BAAQMD threshold of significance.

None of the sources of harmful air pollution in the vicinity of the site exceed the BAAQMD thresholds of significance for single sources. Taken together, these sources do not exceed the cumulative significance thresholds (100 excess cancer cases per million and PM<sub>2.5</sub> concentrations above 0.8 µg/m<sup>3</sup>), therefore future residents of the site would not be exposed to cumulatively significant health risks from existing sources in the vicinity of the site.

#### **4.3.3            Conclusion**

The proposed project would not result in any new or more significant operational air quality impacts than those addressed in the certified 2004 FEIR or the General Plan FPEIR. [**Same Impact as Approved Project (Significant Unavoidable Impact)**]

The proposed project, with the implementation of all feasible mitigation measures, would not result in a new significant construction-related air quality impact. (**Less Than Significant Impact with Mitigation**)

Future residents of the project site would not be exposed to significant health risks from existing sources of TACs in the project area. (**Less Than Significant Impact**)

The proposed project would not generate any new sources of odors. [**Same Impact as Approved Project (No Impact)**]

---

<sup>10</sup> BAAQMD. *Stationary Source Screening Analysis Tool – Santa Clara County*. May 30, 2012. Available at: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>

## 4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Top of Bank Biological Study and a Riparian Setback Assessment prepared by *Huffman-Broadway Group, Inc.* in August 2015 and April 2016, respectively. These reports are provided in Appendices B-1 and B-2 of this Addendum.

### 4.4.1 Setting

The project site is completely developed and no native biotic habitats have been identified on-site. Development on the site consists of several buildings in the northeast corner, surface parking lots, trees, and landscaping. The project site is bounded on the west and east sides by Los Gatos Creek and the Guadalupe River, respectively. Parking lots abut the retaining wall/top-of-bank of both the Guadalupe River and Los Gatos Creek.

The segment of the Guadalupe River that forms the eastern site boundary is a concrete-lined flood control channel, which was constructed as part of the Downtown Flood Protection project in 2004-2005 to provide protection from a one percent annual chance flood, or the 100-year flood. Adjacent to the east side of the site, a concrete retaining wall rises approximately 20 feet from a concrete spillway. The top of this wall forms the “top of bank” for the west side of the Guadalupe River at this location.

The segment of Los Gatos Creek that forms the western site boundary has an earthen streambed and supports riparian vegetation along the banks on both sides of the creek. Riparian tree species encountered along the stream banks included black walnut (*Juglans hindsii*), box elder (*Acer negundo*), Fremont's cottonwood (*Populus fremontii*), sycamore (*Platanus racemosa*), and Pacific willow (*Salix lasiandra*). A nonnative blue gum eucalyptus (*Eucalyptus globulus*) is also present along the top of the uppermost stream bank.

### **Riparian Corridor Policy**

The City's riparian policy is administered through use of a Riparian Corridor Policy Study that describes suggested buffer widths. The Policy Study defines a riparian corridor as any defined stream channel, including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in adjacent upland habitats. The Policy Study states that riparian setbacks should be measured 100 feet from the outside edges of riparian habitat or the top of bank, whichever is greater. However, the Policy Study also states that setback distances for individual sites may vary if consultation with the City and a qualified biologist, or other appropriate means, indicates that a smaller or larger setback is more appropriate for consistency with riparian preservation objectives. The riparian corridors adjacent to the site are discussed in greater detail in *Section 4.4.2.3*, below.

#### 4.4.1.1 *City of San José Tree Ordinances*

The City of San José Tree Ordinance (Municipal Code Section 13.28 and 13.32) defines an ordinance-sized tree as any woody perennial plant with a main stem or trunk measuring 56 inches in circumference (or approximately 18 inches in diameter) at a height of two feet above natural grade. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees.

### Existing Trees

There are 23 trees on the project site (excluding trees in the adjacent Los Gatos Creek riparian corridor), 13 of which are considered ordinance sized. The on-site trees are listed in Table 4.4-1 below. There are no other trees anticipated to be affected by project construction, though there are other trees elsewhere adjacent to the site in the public right-of-way or in the Los Gatos Creek riparian zone.

<b>Table 4.4-1 Trees Species Observed on Site</b>		
<b>Scientific Name</b>	<b>Common Name</b>	<b>Circumference*</b>
<i>Magnolia grandiflora</i>	Southern Magnolia	81
<i>Magnolia grandiflora</i>	Southern Magnolia	60
<i>Magnolia grandiflora</i>	Southern Magnolia	44
<i>Magnolia grandiflora</i>	Southern Magnolia	41
<i>Phoenix dactylifera</i>	Date Palm	147.5
<i>Platanus x acerifolia</i>	London Plane	50
<i>Platanus x acerifolia</i>	London Plane	38
<i>Platanus x acerifolia</i>	London Plane	38
<i>Platanus x acerifolia</i>	London Plane	63
<i>Platanus x acerifolia</i>	London Plane	69
<i>Platanus x acerifolia</i>	London Plane	75
<i>Ailanthus altissima</i>	Tree of Heaven	120
<i>Ailanthus altissima</i>	Tree of Heaven	104
<i>Ailanthus altissima</i>	Tree of Heaven	55
<i>Ailanthus altissima</i>	Tree of Heaven	49
<i>Ailanthus altissima</i>	Tree of Heaven	97
<i>Ailanthus altissima</i>	Tree of Heaven	39
<i>Ailanthus altissima</i>	Tree of Heaven	111
<i>Ailanthus altissima</i>	Tree of Heaven	94
<i>Ailanthus altissima</i>	Tree of Heaven	12
<i>Ailanthus altissima</i>	Tree of Heaven	59
<i>Ailanthus altissima</i>	Tree of Heaven	30
<i>Ailanthus altissima</i>	Tree of Heaven	110
*Circumference measured in inches Note: Ordinance sized trees are 56+ inches in circumference.		

#### 4.4.1.2 Special-Status Species

The 2004 FEIR found multiple instances of special-status plant species recorded in the vicinity of the project area, however, reconnaissance-level surveys concluded that none of those species could occur on or adjacent to the project site. Special-status animal species, on the other hand, were found to have a high probability to be present in the project vicinity. The six species are: steelhead rainbow trout, fall-run Chinook salmon, the sharp-shinned hawk, the Cooper's hawk, the Vaux's swift, and the California yellow warbler. The potential presence of these species is associated primarily with the adjacent waterways and, in the case of Los Gatos Creek, their riparian corridors. As described

later in this chapter, the segment of the Guadalupe River adjacent to the project site does not contain riparian habitat.

#### **4.4.1.3 Santa Clara Valley Habitat Conservation Plan**

Adopted on October 14, 2013, the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP) 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 SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site has a land cover designation of *Urban - Suburban* and is located in the *Urban Areas (No Land Cover Fee)* fee zone in the SCVHP.<sup>11</sup> The project site is also located within the Tricolored blackbird Wildlife Survey Area and contains a riparian buffer ‘shown for illustrative purposes.’ Per the SCVHP, ground truthing is required to determine the actual riparian buffer needed. This requirement was met through preparation of Appendices A-1 and A-2, and is addressed in detail in Section **4.4.2.4 Santa Clara Valley Habitat Conservation Plan** below.

### **Nitrogen Deposition**

Nitrogen deposition is known to have deleterious effects on many of the serpentine plants in the Santa Clara Valley Habitat Plan area, as well as the host plants that support the federally-threatened Bay Checkerspot Butterfly. Nonpoint sources such as automobiles combust fuel and emit nitrogen compounds into the air, some of which is ultimately deposited into soils in the Santa Clara Valley. Because serpentine soils tend to be nutrient poor, nitrogen deposition acts as an artificial fertilizer for those soils. The elevated nitrogen levels facilitate the spread of invasive plant species which ultimately can out-compete serpentine species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining population of butterflies). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentines, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of the Bay Checkerspot Butterfly.

All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area. Therefore, even relatively small amounts of increased nitrogen deposition resulting from new development could contribute to a cumulatively significant impact by diminishing the population sizes of serpentine species and possibly the chances of survival of the threatened butterfly and the serpentine-specific plant species within Santa Clara County.

---

<sup>11</sup> Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser Parcel Report*. Accessed November 17, 2015. Available at: <http://www.hcpmaps.com/habitat/>

The mitigation program developed for the SCVHP includes feasible mitigation measures for the impacts of nitrogen deposition upon serpentine habitat and the Bay Checkerspot Butterfly that are incorporated as a Standard Project Condition in future projects within the SCVHP area. These requirements include payment of fees commensurate with the volume of new daily vehicle trips that a project is expected to generate. The fees are collected by the Santa Clara Valley Habitat Agency and used for serpentine habitat restoration and preservation.

#### 4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	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"	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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, 2, 9
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 9, 10
3) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 9, 10

BIOLOGICAL RESOURCES						
	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”	Information Source(s)
Would the project:						
5) 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, 2, 6
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11

The 2004 FEIR concluded that with the incorporation of mitigation and avoidance measures, the approved project would not result in any significant impacts to biological resources. The setbacks included in the project were found to adequately protect the adjacent riparian corridors. Potentially significant impacts from stormwater runoff during construction and disturbance to nesting birds were identified and mitigated.

The proposed project would result in a New Less Than Significant Impact With Mitigation, as described below.

#### 4.4.2.1 *Impacts to Trees (Checklist Question 5)*

##### **Tree Removal**

The proposed project would require removal of up to 23 trees from the project site (13 of which are ordinance-sized), and would maintain a 50-foot setback from Los Gatos Creek. The proposed landscape plan indicates that approximately 245 trees would be planted on-site, which would exceed the tree replacement requirements of the City of San José. Excavation for the proposed underground parking structure along West Santa Clara Street could impact the palm trees along West Santa Clara Street, which are intended to remain.

**Impact BIO-1:** Construction and excavation could result in damage to the root systems and/or driplines of trees along West Santa Clara Street, which are intended to remain.

The proposed project shall implement the following mitigation measures to protect all on- and off-site trees intended for preservation.

**MM BIO-1.1:** The following measures shall be included in the project to reduce construction-related impacts to trees to be preserved:

- No construction equipment, vehicles or materials shall be stored, parked, or left standing within the tree dripline; and
- Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
- Wires, signs and other similar items shall not be attached to trees; and
- Cutting and filling around the base of trees shall be done only after consultation with the City Arborist and then only to the extent authorized by the City Arborist; and
- No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
- Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms; and
- Wherever cuts are made in the ground near the roots of trees, appropriate measures as determined by the project consulting arborist, shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130)
- Damage to any tree during construction shall be reported to the City's Supervising Environmental Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the City Arborist.

In addition, the proposed project would be required to implement the following standard conditions, which are required of all new development projects in the City of San José.

### **Standard Project Conditions**

- Install street trees within public right-of-way along the entire project street frontage per City of San José standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Project." Street trees shall be installed in cut-outs at the back of the curb. Obtain a San José DOT street tree planting permit for any proposed street tree planting within San José.
- Contact the San José City Arborist at (408) 794-1901 for the designated street tree, as applicable.

Implementation of these mitigation measures and standard project conditions would ensure that the proposed project would not result in any significant impacts to trees. This impact was not previously identified in the 2004 FEIR, however, the approved 2004 project would have had the same or similar impacts to trees to be preserved. Therefore, the proposed project would not result in any new significant impacts to trees. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**



#### 4.4.2.2 *Impacts to Special Status Species and Nesting Raptors (Checklist Questions 1 & 4)*

The 2004 FEIR concluded that breeding raptors such as the Cooper's hawk may be present near the site, and could be impacted during project construction. No other potential impacts to special-status species were identified. For the currently-proposed project, construction on the site during the nesting season could result in the abandonment of active nests and/or direct mortality to individual raptors and birds. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction.

**Impact BIO-2:** Removal of trees from the site or disturbance from demolition and construction activities near trees to remain could result in the disturbance or destruction of tree-nesting raptors and birds and their nests.

The following measures were included in the 2004 FEIR and are updated in this Addendum to reflect the latest standard mitigation in the City of San José. These measures are included in the proposed project to avoid significant impacts to nesting raptors during the construction phase:

**MM BIO-2.1** A qualified ornithologist shall conduct protocol-level, pre-construction surveys for nesting raptors and birds on-site not more than 14 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur between February 1 to April 31. Between May 1 and August 31, pre-construction surveys shall be conducted on-site not more than 30 days prior to the onset of ground disturbance or tree removal. All large trees within 250 feet of the limits of grading shall be inspected as construction occurs on the project site.

**MM BIO-2.2** If a nesting bird or raptor is detected, an appropriate construction buffer shall be established during the nesting season. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.

**MM BIO-2.3** A report summarizing results of the pre-construction survey and subsequent efforts to protect nesting raptors or birds (if found to be present) shall be submitted to the City of San José Supervising Environmental Planner prior to the onset of any ground disturbance or tree removal.

With implementation of these measures to avoid disturbance to tree-nesting raptors, the proposed project would avoid potentially significant impacts to nesting raptors and birds. The proposed project would not result in any new significant impacts that were not previously evaluated in the 2004 FEIR. [**Same Impact as Approved Project (Less than Significant with Mitigation)**]

#### 4.4.2.3 *Impacts to Sensitive Habitats (Checklist Questions 2 and 3)*

The previous zoning established a 50-foot setback from Los Gatos Creek and the Guadalupe River Channels. The City of San José's Riparian Corridor Policy generally requires that new developments

be set back 100 feet from the edge of riparian corridors, however, there are exceptions provided for “locations in or near downtown San José and urban infill projects.” The minimum setback distance allowed under the exception is “no less than 30 feet.” The 2004 FEIR concluded that the proposed minimum 50-foot setbacks for buildings and active use areas from both the Los Gatos Creek and Guadalupe River was sufficient to protect sensitive species and buffer the habitat from impacts resulting from operation of the approved project.

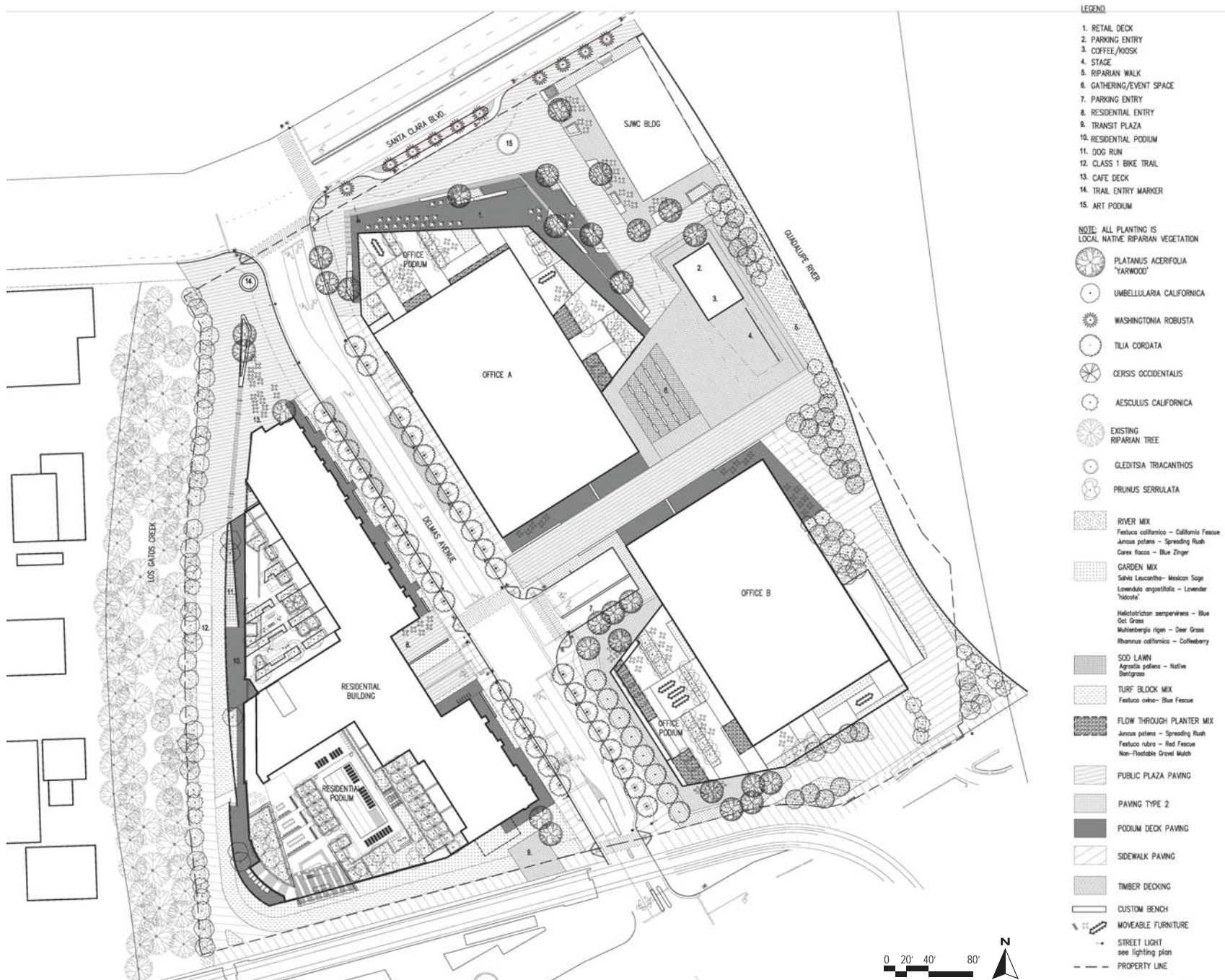
As shown in Figure 3.2-2, the proposed project would maintain the existing zoning’s 50-foot above and below ground setback from Los Gatos Creek, but would reduce the above-ground setback from the Guadalupe River top-of-bank to 30 feet. The project would also allow the under-ground parking structure to abut the retaining wall that forms the west side of the Guadalupe River flood control channel.

There are current, developed land uses on the site that are legal uses established before there was a City riparian setback policy. Based on the developed nature of the site, a lack of suitable habitat, as well as a finding that no species or sensitive habitat covered by the Santa Clara Valley Habitat Conservation Plan (discussed below) could occur on the portion of the project adjacent to the west side of the Guadalupe River retaining wall, the project Riparian Setback Assessment (Appendix B-2) concluded that there would not be:

*“a significant impact to the biological resources associated with this segment of the Guadalupe River if new project development were to occur above or below ground surface up to the onsite edge of the retaining wall.”*

Therefore, the proposed 30-foot above-ground setback from Guadalupe River would not result in impacts to a riparian corridor. The proposed project will add pervious surface with locally native trees and vegetation along a planned pedestrian pathway within the 30-foot setback, thus improving the existing conditions along the Guadalupe River channel. As concluded in the Riparian Setback Assessment, below ground development up to the on-site edge of the retaining wall along the Guadalupe River would not cause a significant impact to a biological resource.

Currently, the project site contains a paved parking lot which encroaches on the dripline of trees along the riparian corridor and ends within 10 feet of the top of bank of Los Gatos Creek. The proposed project would include a 50 foot setback from Los Gatos Creek, which is the same setback that was approved for the project in 2004. As shown in Figure 4.4-1, locally native riparian plant species would be planted within 10 feet of the top of bank, followed by a pedestrian trail and open areas. This is consistent with the setback zones approved for the project in 2004. This component of the project would benefit the Los Gatos Creek riparian corridor by removing paved, impervious surfaces, and allowing water to infiltrate within the dripline of riparian trees. Therefore, the proposed modifications to the approved riparian setbacks would not cause a significant impact to a sensitive biological habitat. In addition, the proposed project is consistent with the City of San José Riparian Corridor Policy and Habitat Plan requirements for development adjacent to riparian habitat, as discussed below. **[Same Impact as Approved Project (Less Than Significant Impact)]**



LANDSCAPE PLANTING PLAN

FIGURE 4.4-1

#### 4.4.2.4 *Santa Clara Valley Habitat Conservation Plan (Checklist Question 6)*

The SCVHP became effective on October 14, 2013. The large scale habitat conservation plan provides a comprehensive approach to addressing impacts to sensitive species and their habitats in the Santa Clara Valley. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land, covered species habitat, and other biological values.

The project site has a land cover designation of *Urban - Suburban* and is located within a Wildlife Survey Area for the tricolored blackbird. Since there are no sensitive habitats on the site, the project would not be expected to result in direct impacts to species covered by the SCVHP or their habitats. As described below, there is sensitive habitat adjacent to the site along Los Gatos Creek, which would be incrementally enhanced by the proposed project.

#### **Riparian Setbacks**

The Guadalupe River and Los Gatos Creek are designated as Category 1 Streams under the SCVHP. Per Condition 11, the required setback for Category 1 streams is 100 feet. There are exceptions to the setback requirement, however; the SCVHP states that stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites with legal buildings and uses.<sup>12</sup>

As described in *Section 4.4.2.3* above and in the project Riparian Setback Assessment (Appendix B-2), the project site is a developed site located within the City's Downtown area and generally lacks on-site riparian habitat. Los Gatos Creek along the western boundary of the site is classified as a Category 1 stream, which is defined as having "sufficient flow to support covered species and riparian habitat." Los Gatos Creek does contain riparian habitat adjacent to the project site; in fact, the dripline of trees along Los Gatos Creek hangs over the existing paved parking lot on portions of the northwest boundary of Site A. As described previously, the project would remove impervious surfaces and implement a 50-foot setback from Los Gatos Creek. Within 10 feet of the riparian corridor, the project would include riparian plantings that would enhance the riparian corridor and allow water to infiltrate within the dripline of existing riparian trees.

Although the Habitat Plan maps the Guadalupe River as riparian and categorizes the river as a Category 1 stream. The segment of the Guadalupe River adjacent to the site is a concrete-lined flood control channel with a narrow riverbed that sparsely supports scattered willow riparian scrub vegetation. There is a lack of suitable habitat within the Guadalupe River for species covered by the Habitat Plan, and the segment does not meet the definition of Category 1 streams. Therefore, based on the evidence and analysis in the Riparian Setback Assessment prepared for the project, this segment of the Guadalupe River is not a riparian corridor and the proposed project is not subject to the 35 foot minimum setback established by the SCVHP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

<sup>12</sup> Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. August 2012. Page 6-54.

### **Tricolored Blackbird**

The northern portion of the project site is located within the Wildlife Survey Area for tricolored blackbirds (*Agelaius tricolor*). The species breeds colonially in wetland and riparian areas that contain reeds, cattails, or similar vegetation with adjacent areas of wetlands, field crops, grasslands, and similar land cover types where they can forage for insects, seeds, and other food. Tricolored blackbirds are found almost exclusively in California, primarily in the Central Valley, including a few recently documented breeding colonies in the SCVHP study area (where they are considered rare and uncommon). While portions of the Guadalupe River corridor are mapped as potential Tricolored blackbird habitat, the project site is developed and lacks adjacent open grasslands or other suitable foraging habitat, which makes the potential for tricolored blackbird on the project site unlikely.

The project is required to comply with SCVHP Condition 17, which requires a habitat survey to determine if potential nesting sites are present on the project site. If no nesting habitat is identified, compliance with Condition 17 would be satisfied. If potential nesting habitat is found during the habitat surveys, then the SCVHP requires pre-construction surveys for the species to ensure that project activities do not directly affect nesting tricolored blackbird colonies. The project site is located adjacent to Los Gatos Creek and the Guadalupe River riparian corridor is north of the site across West Santa Clara Street.

In accordance with Condition 17 of the SCVHP, if suitable tricolored blackbird habitat is found, the project shall implement the following measures to ensure that the project does not directly affect nesting tricolored blackbird colonies during construction of the project.

- Prior to any ground disturbance a qualified biologist shall make a best effort to determine if there has been nesting adjacent to the project site in the past five years. This includes checking the California Natural Diversity Database (CNDDB), contacting local experts, and looking for evidence of historical nesting (i.e., old nests).
- If no nesting in the past five years is evident, a preconstruction survey shall be completed in areas that could support potential tricolored blackbird nesting habitat. Surveys will be made at the appropriate times of year when nesting use is expected to occur. The surveys will document the presence or absence of nesting colonies of tricolored blackbirds within 250 feet of the project site. Surveys will conclude no more than two calendar days prior to construction.
- To avoid last-minute changes in schedule or contracting that may occur if an active nest is found, the project proponent may also conduct a preliminary survey up to 14 days before construction. If a tricolored blackbird nesting colony is present, a 250-foot no-activity buffer zone will be applied from the outer edge of all hydric vegetation associated with the colony. Activities within the 250-foot buffer zone will be prohibited. The project proponent will notify the local jurisdiction or the Santa Clara Valley Habitat Agency, and the Habitat Agency will notify the appropriate Wildlife Agencies (e.g. California Department of Fish and Wildlife) immediately of the nest location. The buffer zone could be reduced or increased in areas depending on specific characteristics of the location and based on recommendations by a qualified biologist. The Santa Clara Valley Habitat Agency will coordinate with the

Wildlife Agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis.

- If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., staging areas moved farther away). If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds enter the active construction zone.

With adherence to the required SCVHP conditions, the proposed project would have less than significant impacts to the tricolored blackbird. This impact was not discussed in the 2004 FEIR because there was no adopted SCVHP at the time. Nevertheless, the currently-proposed project would result in the same potential to impact the tricolored blackbird as the approved project would.

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

### **Nitrogen Deposition**

As detailed in Section 3.3.5 of the Santa Clara Valley Habitat Conservation Plan, nitrogen in air pollution, which results primarily from vehicles, increases the nutrient load in Santa Clara Valley serpentine grassland communities.<sup>13</sup> This nutrient loading can result in the loss of plants necessary to support the Bay Checkerspot butterfly, a species listed as threatened under the federal Endangered Species Act. The SCVHP requires payment of nitrogen deposition fees for all covered projects that generate new vehicle trips and are two acres in size or more. These fees are used to protect and restore serpentine grassland communities which support the Bay Checkerspot butterfly.

Since the City of San José is a local partner to the SCVHP, the proposed development within the City of San José is considered a covered project. As discussed in *Section 4.15, Transportation*, the proposed development would generate approximately 8,043 daily vehicle trips. The SCVHP fee program was designed in such a way that fees paid by development within the jurisdictions of the six local partners would be sufficient to mitigate for the impacts evaluated in the SCVHP. With payment of these fees proportional to the impacts of the development, the proposed project would not have a cumulatively considerable contribution to significant cumulative nitrogen deposition impacts. Fees are adjusted annually and the City of San José will determine the final fee amount at the grading permit stage.

This impact was not discussed in the 2004 FEIR because there was no adopted SCVHP at the time. The nitrogen deposition impacts of the project, however, would remain the same as the approved project because the current Conforming PD zoning proposes the same amounts and types of development. **[Same Impact as Approved Project (Less Than Significant Impact)]**

---

<sup>13</sup> Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. August 2012. Page 3-38. Available at: <http://scv-habitatagency.org/178/Final-Habitat-Plan>

#### 4.4.3 Conclusion

With implementation of the mitigation measures in this chapter, the proposed project would not result in a significant impact due to violation of a tree ordinance. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

The proposed project would make fee payments in accordance with the Santa Clara Valley Habitat Plan for nitrogen deposition impacts resulting from vehicle emissions. The project is consistent with the City of San José's Riparian Corridor Policy and the Santa Clara Valley Habitat Plan. Development within the proposed setbacks from the adjacent waterways would not have the potential to impact sensitive habitats or species. **[Same Impact as Approved Project (Less Than Significant Impact)]**

With the implementation of the mitigation measures detailed above, the proposed project would not result in any new or more significant impacts to nesting birds than those addressed in the 2004 FEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation)]**



## **4.5 CULTURAL RESOURCES**

### **4.5.1 Setting**

The project site is currently developed with the former San Jose Water Works building (San Jose Water Company building) and the vast majority of the remaining surface area is paved parking lots. As discussed in detail in the 2004 EIR, the San Jose Water Company building at 374 W. Santa Clara Street (on APN 259-38-128) was constructed in 1934. The San Jose Water Company building was determined eligible for the National Register of Historic Places in 1990 and was designated a City Landmark in 1991 (HL 91-57, see Appendix H of the 2004 FEIR). A building eligible for the National Register is automatically eligible for the California Register. The building was considered to be significant for its association with the oldest water privately owned water utility in California, and as an excellent example of a distinctive type of office building of its period, combining Moderne and Spanish Colonial Revival elements. The San José Water Company, established in 1866 to provide water to San José and neighboring communities, remains in business today under private ownership, which is highly unusual for a water utility. The site of the Water Works building has been occupied by a well field and pumping station since ca. 1880, and the company's office have been located there since 1888.

The San Jose Water Company building is part of a complex that includes the pump house, the transformer house, the data processing building, and the suction basin. The buildings included in the San José Water Works complex are shown on Figure 21 of the 2004 FEIR. The only building in this complex that dates from the construction of the main building or earlier and retains historic integrity is the 1913 transformer house. The other buildings and features were either extensively remodeled in 1984-85, thus lacking historic integrity, or they are modern structures. They are not historically significant. Consequently, the transformer house appears to be the only surviving structure that is significant feature contributing to the main office building. The 1913 transformer house was identified as a significant contributing feature of the Water Works property in the National Register eligibility forms prepared for the property.

In prehistoric times, this area was an alluvial plain that was flooded on a regular basis. Native American occupation and use of the Santa Clara Valley extended over 5,000-8,000 years and possibly longer. The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the “Costanoan” or Ohlone. Prehistoric sites recorded in the Santa Clara Valley include villages, temporary campsites, and non-habitation sites such as quarries. Per the 2004 FEIR, buried prehistoric sites in the vicinity of the waterways bordering the project site are largely due to sediment deposition as a result of repeated flooding.

**4.5.2 Environmental Checklist and Discussion of Impacts**

CULTURAL RESOURCES						
	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”	Information Source(s)
Would the project:						1 - 3
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
3) 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 - 3
4) 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 - 3

The proposed project would result in the same impact as the approved 2004 PD zoning, Less than Significant Impact with Mitigation, as described below.

**4.5.2.1 Prehistoric Resources Impacts and Impacts to Human Remains**  
**(Checklist Questions 2 & 4)**

The 2004 FEIR found that there is a moderate to high potential that grading and excavation for the project along Los Gatos Creek could uncover prehistoric or historic archaeological resources. The 2004 EIR identified the need for monitoring by a professional archaeologist for subsurface construction activities within 500 feet of the Los Gatos Creek (monitoring is not needed along the Guadalupe River given the extensive disturbance associated with the installation of the flood control project).

The proposed project would entail additional excavation to provide an additional level of below grade parking, and as with the approved project, there is the possibility that excavations would result in the discovery of buried prehistoric archaeological deposits.

**Impact CUL-1** The proposed project construction activities within 500 feet of Los Gatos Creek could result in disturbance of unknown subsurface cultural resources or human remains. **(Significant Impact)**

The project would implement the following the mitigation measures that were included in the 2004 FEIR that have been updated and expanded to reflect current City practices:

**MM CUL-1.1:** Subsurface construction activities within approximately 500 feet of Los Gatos Creek shall be monitored by a qualified archaeologist. The archaeologist

shall prepare an Archaeological Monitoring and Evaluation Plan (AMEP) and submit it to the Supervising Environmental Planner for review and approval prior to the issuance of any grading permit. The AMEP shall identify areas where the monitoring will occur and the frequency of reporting and provide a technical analysis work plan to guide the methods and procedures to be used during the significance evaluation. Monitoring reports shall be submitted to the Supervising Environmental Planner for review and approval while subsurface construction activities are occurring on site, as stated in the AMEP. If no resources are discovered, the archaeologist shall submit a report to the Supervising Environmental Planner at the conclusion of all subsurface activities verifying that the required monitoring occurred and that no further mitigation is necessary.

- MM CUL-1.2:** In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the San José Director of Planning, Building and Code Enforcement shall be notified, and a professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials. All recommendations and mitigation measures shall be reviewed, approved, and enforced by the Director of Planning Building and Code Enforcement prior to resuming any ground disturbance activities.
- MM CUL-1.3:** If human remains are discovered, pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code, all project-related construction shall cease within a 50 foot radius of the find and the Santa Clara County Coroner shall be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased. If no satisfactory agreement can be reached as to the disposition of the remains, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a subsurface location that would not be subject to further disturbance.
- MM CUL-1.4:** If the San José Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.
- MM CUL-1.5:** A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of

identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions. The report shall be submitted to the San José Supervising Environmental Planner.

Implementation of these measures would result in a less than significant impact to potential subsurface cultural resources. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### **4.5.2.2      *Impacts to Paleontological Resources (Checklist Question 3)***

The project site contains alluvial soils that have been deposited over years from repeated flooding of the Guadalupe River. As detailed in the San José General Plan FPEIR, these alluvial soils are not conducive to preservation of fossils, and are generally associated with the Holocene era (i.e. last 10,000 years of the Earth's history after the last major glacial period). These geologic units are not considered sensitive for paleontological resources, therefore the proposed project is not expected to result in significant impacts to paleontological resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.5.2.3      *Historic Resources Impacts (Checklist Question 1)***

##### **Impact to San José Water Company Headquarters Building**

As part of the 2004 approved project zoning, the main, rectangular headquarters building fronting West Santa Clara Street was retained for commercial and/or retail uses, subject to market demand. All other existing buildings, except the transformer house (on APN 259-38-128), were approved for removal from the site with an approved Historical Preservation and Planned Development Permits. These buildings and their lack of historical significance are discussed in *Section 4.5.1* above as well as in the 2004 FEIR.

The project proposes to adapt the historic Water Company building to a new retail use, which is anticipated to entail exterior alterations that could affect its integrity. However, the necessary level of plan detail is not currently available to allow meaningful review by an architectural historian, and therefore, the proposed Planned Development Zoning District will include a performance standard such that proposed changes to the historic Water Company building must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

An architectural historian meeting the Secretary of the Interior's Standards will conduct a "Standards review" pursuant to the Secretary of the Interior's Standards to document the proposed exterior alterations will not destroy character-defining features and the building would otherwise retain sufficient integrity to continue to convey its historic significance and therefore ensure the project would not result in a significant impact. The project will require a separate Planned Development Permit and Historic Preservation Permit, accompanied by a separate EIR Addendum, for exterior alterations to the Water Company building and review before the Historic Landmarks Commission prior to development permit approval.

The San José Water Headquarters building will remain with the proposed project, so potential impacts to this historic resource would be related to the construction of new development in proximity to the historic building. The project retains the 2004 approved PD zoning setback zones and design guidelines for new construction adjacent to the historic Water Company building. These setbacks and guidelines were established as mitigation for the new construction.

The guidelines require that there will be a primary setback zone from the San Jose Water Company building of 40 feet. This primary setback zone would be a landscaped plaza and no permanent buildings other than landscape structures will be constructed in this minimum 40 foot setback zone. The buildings in the second setback zone, between 40 and 55 feet from the San Jose Water Company building, will not exceed 45 feet in height. The buildings in the third setback zone, between 56 and 100 feet from the San Jose Water Company building, will not exceed 70 feet in height. Beyond 100 feet from the San Jose Water Company building, the tower heights will conform to the building envelope requirements.

The proposed Land Use Development Standards provide that buildings in the second setback zone, including walls for the parking podium, should be consistent with the architecture, materials, color, etc. of the existing San Jose Water Company building.

A future development designed in conformance with these design guidelines would not result in an adverse impact to the historic integrity of the San José Water Company Building. At the PD permit stage, the final design for the project would be reviewed by the San Jose Historic Preservation Officer and the San Jose Historic Landmarks Commission. A Historic Preservation Permit (HP16-002) has been submitted to the City to allow the demolition of non-historic structures, relocation of the transformer house, the construction of an underground parking garage, and a landscaped plaza within the Historic City Landmark (San José Water Company building) parcel. These proposed physical changes to the site were evaluated in the 2004 FEIR. As noted above, a separate PD permit, HP permit, and environmental review will be required for proposed exterior alterations to the main historic Water Company building.

**Impact CUL-2:** Development of the proposed project could result in substantial adverse effects to the existing historic San Jose Water Company building.

In addition to the above design guidelines, the following mitigation measures are included in the project to avoid impacts to the San José Water Company building:

**MM CUL-2.1:** The buildings in the second setback zone, including walls for the parking podium, shall be compatible with the architecture, materials, color, etc. of the existing San Jose Water Company building.

**MM CUL-2.2:** At the PD permit stage, the final design for the project shall be reviewed by the San Jose Historic Preservation Officer and the San Jose Historic Landmarks Commission. A Historic Preservation Permit (Zoning Ordinance §13.48.210) will be required for any alteration or demolition of any structure on the Historic Parcel.

Construction activities, including the excavation of the underground parking garage on Site A could impact the historic San Jose Water Company building and transformer house. See *Section 4.12.2.1* for a discussion of impacts and mitigation for the protection of the two buildings.

Implementation of these mitigation measures along with compliance with the design guidelines established for the historic San José Water Company building would avoid potentially significant impacts to historic resources. **[Same Impact as Approved Project (Less than Significant With Mitigation)]**

### **Impact to the Transformer House**

The project may move the 1913 transformer house, considered the only surviving structure that is a significant feature contributing to the main office building, or it may be retained in its historic location. If necessary, the project would move the transformer house within an area behind or to the side of the main office building that would retain the association between the main office building and the transformer house and, therefore, would not result in an adverse impact to the historic integrity of the transformer house. A site plan showing the recommended relocation area was included in the cultural resources report, Appendix H of the 2004 FEIR. The transformer house will be rehabilitated according to the *Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings*. Through these measures, the project would result in a less than significant impact to the 1913 transformer house.

HP16-002 has been filed with the City to allow for the relocation of the transformer house in fulfillment of MM CUL-2.2 above. Pending the approval of the Historic Preservation permit, as well as the determination of the City, one of the following measures will be implemented as a part of the project to reduce and avoid impacts to the 1913 transformer house.

- The transformer house will be retained on its historic site and rehabilitated according to the *Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of Interior 1990). New construction in the vicinity of the building should be compatible with its historic character. This mitigation measure would reduce the impact to a less-than-significant level.
- If the transformer house is to be relocated, it will be moved to a different location on the current parcel. Moving the transformer house to a location beside or behind the main office building (within the area recommended by the architectural historian and noted on a map in 2004 FEIR Appendix H) would retain the association between the main office building and the transformer house and, therefore, would not result in an adverse impact to the historic integrity of the transformer house. The transformer house is a small, wood-frame structure and has been determined feasible to move. The relocated structure would be rehabilitated according to the *Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of Interior 1990). This mitigation measure would reduce potential impacts to the transformer house to a less-than-significant level.

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

### 4.5.3 Conclusion

The above measures will avoid or reduce potential impacts to buried archaeological resources, and reduce impacts to the San José Water main office building and 1913 transformer house to a less than significant level. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**



## **4.6 GEOLOGY AND SOILS**

The following discussion is based in part on a Geotechnical Investigation and Supplemental Geotechnical Consultation completed for the project by *Haley & Aldrich, Inc.* in November 2015 and April 2016, respectively. These reports are provided in Appendices C-1 and C-2 of this Addendum.

### **4.6.1 Setting**

#### **4.6.1.1 *Soils and Groundwater***

##### **Soils**

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The soil is made up of bedrock overlaid with marine and terrestrial sedimentary rocks of Tertiary and Quaternary age materials. The soils on the site consist of fill and medium stiff silts and clays to depths of 30 to 40 feet below ground surface (bgs), with alluvial soils below the medium stiff soil layers, and interbedded layers of sands and gravels throughout the subsurface profile.

The topography of the developed project site is relatively flat, with an elevation ranging from approximately 84 feet above mean sea level NAVD88<sup>14</sup> (amsl) in the northeast corner and 89 feet amsl NAVD88 in the southwest. There are no creeks, natural drainages, or other notable natural or geologic features located on the site, however, the site is bounded by the Guadalupe River to the east and Los Gatos Creek to the west.

##### **Groundwater**

Investigatory Cone Penetrometer Tests completed for the Geotechnical Investigation encountered groundwater at depths ranging from 25 to 34 feet bgs, which corresponds to elevations between 53 and 62 feet NAVD88. Historic groundwater levels on the site have ranged from 16-20 feet bgs. Due to the geological and soil-related hazards related to the proposed excavation of up to 43 feet below grade, the project's foundation system is designed at a groundwater level of 15 feet bgs. This is considered conservative as the highest ground water levels recorded on the site were 16 feet bgs, and seasonal variations typically result in much lower groundwater levels.

Granular soil layers beneath the site are expected to be closely tied or hydraulically connected to the water level of the nearby Guadalupe River and Los Gatos Creek. Therefore, groundwater levels on the site are related to the water levels of the adjacent waterways. Higher water levels in the Guadalupe River or Los Gatos Creek correlate with higher piezometric pressure (i.e. liquid pressure) in the underlying sand and gravel layers.

---

<sup>14</sup> NAVD88 stands for North American Vertical Datum of 1988, which is the standard vertical datum used for land surveying in the United States. All elevation measurements contained in this EIR Addendum are based on the NAVD88 datum, unless otherwise noted.

#### **4.6.1.2      Seismicity**

The San Francisco Bay Area is one of the most seismically-active regions in the United States. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geologic conditions.

The three major active fault lines in the region are the San Andreas Fault, the Calaveras Fault, and the Hayward Fault. The San Andreas Fault runs north/south and parallel to the Hayward Fault and the Calaveras Fault line. The Hayward Fault (southeast extension) is approximately six miles northeast of the site, the Calaveras Fault is just under nine miles to the northeast, and the San Andreas Fault is approximately 12 miles to the southwest. The project site is not located within a state of California Fault Rupture Hazard Zone, therefore fault rupture through the site is not anticipated.<sup>15</sup>

#### **Liquefaction**

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking, which can result in significant ground deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site lies within a potential liquefaction zone. Based on the calculations made in the project's Geotechnical Investigation (Appendix C-1), overall liquefaction-induced settlement could range from 0.75 to 2.75 inches. Differential settlement is estimated to be approximately one inch over a horizon distance of 50 feet.

#### **Lateral Spreading**

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as an open body of water, channel or excavation. There is potential for lateral spreading to occur at the open face of Los Gatos Creek west of the site. There is a concrete retaining wall along the west bank of the Guadalupe River, which was paved as part of a flood control project completed for that segment of the river. Lateral spreading is not expected to be a potential hazard along the Guadalupe River.

---

<sup>15</sup> City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011. Figure 3.6-1.

**4.6.2 Environmental Checklist and Discussion of Impacts**

GEOLOGY AND SOILS						
	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”	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 12
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 12
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 12
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 12
2) 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 – 3, 12
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3, 12
4) 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 – 3, 12
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The currently proposed project will result in the same impact as the approved project, Less Than Significant Impact With Mitigation, as described below.

#### **4.6.2.1      *Soil and Groundwater Hazards (Checklist Questions 3 and 4)***

The bottom level of the four-level underground parking garage would be approximately 44-47 feet below ground surface (bgs) and the bottom level of the three-level underground garage would be 34-37 feet bgs. An additional seven feet of excavation would be needed to accommodate construction of the foundation, which would be a 4-6 foot thick reinforced concrete mat foundation. The elevation along the bottom of the planned excavation would be 33 feet above mean sea level (NAVD88) for the parking garage beneath Site A, and 43 feet above mean sea level for the parking garage beneath Site B. Dewatering would be necessary to depths corresponding to the bottom of the project excavation.

The 2004 FEIR concluded that the below-grade parking structures would be subject to significant impacts from water filtration and hydrostatic pressures. In addition, the 2004 FEIR found that excavation beyond 34 feet bgs, necessary for basement excavations, would have potentially significant off-site impacts due to ground settlement. Finally, undesirable off-site ground movement impacts were identified as a possibility if proper shoring practices were not implemented during excavation. Mitigation measures were included to limit dewatering to 34 feet bgs to reduce all potentially significant groundwater and soils impacts to less than significant levels.

Whereas the 2004 FEIR evaluated basement excavations ranging from 23 to 28 feet bgs (not to exceed 34 bgs), the currently proposed project would require excavations ranging from 44 to 54 feet bgs (deeper for the four-level underground parking structure beneath Site A). In addition, dewatering would be required to depths exceeding those evaluated in the 2004 FEIR. This increase in excavation depth could result in new impacts related to hydrostatic pressures on the proposed parking structure and more substantial off-site ground settlement from dewatering. The hazard for undesired ground movements from improper shoring would also be incrementally increased.

**Impact GEO-1:**      The proposed project would require excavation to depths ranging from 44 to 54 feet below grade (approximately 33 to 43 feet above mean sea level, NAVD88), substantially deeper than approved for the site in 2004. This would result in increased hydrostatic pressures on the proposed parking structure and an increased potential for undesirable off-site ground movements (e.g. slump) during construction. Increased groundwater drawdown necessary for excavation could also result in a substantial increase in off-site ground settlement from reduced groundwater levels. All of these impacts could create hazards to nearby structures, utilities, and surface improvements. **(Significant Impact)**

In addition to implementing the mitigation measures that were included in the 2004 FEIR, the proposed development shall implement the following measures to avoid significant hazards from geology and soils. This measure is drawn from the Supplemental Geotechnical Consultation prepared for the proposed project (refer to Appendix C-2):

**MM GEO-1.1:**      A low permeability shoring system, such as soil-cement secant piles, shall be selected and the bottom of the shoring shall extend into an underlying low-permeability clay layer to cutoff the lateral and vertical flow of groundwater

into the planned excavation. Shallow dewatering wells or trenches shall be installed within the excavation to depress the groundwater level within the shored area, as needed. The specifications of the proposed excavation shoring system shall adhere to the recommendations of the project-level geotechnical investigations.

This measure would fully mitigate any effects raised in the 2004 FEIR regarding the protection of nearby structures and surface improvements from ground settlement associated with a wide-spread depression of the groundwater due to construction dewatering activities. In addition, this proposed shoring and dewatering option would significantly reduce the volume of groundwater that would require pre-treatment prior to removal from the site.

The following measures were included in the 2004 FEIR and would also be implemented as mitigation measures in the proposed project. These measures have been slightly revised to meet current City of San José mitigation requirements.

- MM GEO-1.2:** Buildings and subsurface garages shall be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- MM GEO-1.3:** Prior to development, the site shall undergo extensive preparation, including abandoning and/or removing existing wells and utilities in the site, as well as dewatering, excavation, and fill and compaction design techniques as specified in the project geotechnical investigation. Subgrade preparation shall include shallow and deep excavation to stabilize subgrade material with the use of engineered fill materials.
- MM GEO-1.4:** A corrosion specialist shall advise the project designer and engineer on alternate materials, pipe coatings, etc. for a corrosive soil environment during the design stage, so that the presence of corrosive soils would not result in a significant impact to buried metallic elements of the project.
- MM GEO-1.5:** To prevent slope failure during basement construction, the walls of the basement excavations shall be supported by soldier beams and wood lagging with tie-backs, as needed, or by other types of suitable shoring systems. Where space permits, or where proximity to the creek/river channels does not provide sufficient length for adequate tie-back capacity, the sides of the excavation shall be benched or sloped at safe inclinations. The proposed shoring system shall be designed in conformance with the recommendations of the project's design-level geotechnical investigation.

- MM GEO-1.6:** All temporary slopes and trenches excavated at the site shall include temporary shoring. Shoring, bracing, and benching shall be conducted in accordance with the strictest governing safety standards.
- MM GEO-1.7:** Potential groundwater contamination shall be evaluated through sampling and testing of groundwater prior to and during construction. Prior characterization, discharge approval and permits (to discharge to the Water Pollution Control Plant), and a health and safety plan shall be required if contaminated groundwater will be pumped or discharged during dewatering.
- MM GEO-1.8:** Any proposed retaining walls, such as the walls for the sub-surface basement and garage structures, shall be designed to resist lateral earth pressures from adjoining natural materials and/or backfill and from any surcharge loads. Potential support methods include tiebacks, soldier beams, and wood lagging, temporary slopes, or other suitable shoring system. All support systems shall be designed in accordance with a design-level geotechnical investigation. The contractor shall forward the plan for the support system to the consulting structural engineer and geotechnical engineer for preconstruction review.
- MM GEO-1.9:** Drainage shall be provided by a subdrain system positioned behind the parking garage walls to prevent any build-up of hydrostatic pressures from surface water infiltration and/or a rise in the ground water level.

The project would also implement the following Standard Project Conditions, which are required for projects built in the City of San José to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

**Standard Project Conditions**

- Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of the Notice of Intent (NOI) and proof of receipt of the SWPPP will need to be submitted to Public Works prior to issuance of a grading permit.
- The proposed project will be required to implement best management practices to prevent substantial erosion and siltation during the development of the site. The project will also be required to submit an erosion control plan as part of the grading and drainage permit application to Public Works prior to issuance of a grading permit. Erosion control measures would need to be implemented during the rainy season (i.e. between October 1 and April 30).

Implementation of a low-permeability shoring system, as required by **MM GEO-1.1**, would prevent lowering of the groundwater level beneath areas adjacent to the project site. The remaining mitigation measures (**MM GEO-1.2** through **MM GEO-1.9**), which were included in the 2004 FEIR, would be implemented to mitigate potential impacts from hydrostatic pressures on the

proposed parking structure and undesirable off-site ground movements (e.g. slump) during construction. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

#### **4.6.2.2        *Seismic Hazards (Checklist Question 1)***

The project site is located within the seismically-active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of the project. Future employees and residents of the site would be exposed to hazards associated with severe ground shaking during a major earthquake on one of the region's active faults. The hazard is not unique to the project site because it applies to all locations throughout the greater Bay Area.

The project site includes potentially-liquefiable soil materials, therefore, the project applicant would be required to obtain a Geologic Clearance from the City Geologist prior to issuance of a grading and building permit. In order to obtain such clearance, the applicant would need to submit a geotechnical report that addresses the liquefaction potential of the site. This report is also required under **MM GEO-1.2** above. Design and construction of the proposed project in conformance with the recommendations of the project-specific geotechnical investigation as well as applicable provisions of the California Building Code would ensure that potential seismic hazards are avoided to the maximum extent feasible. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.6.2.3        *Erosion Impacts (Checklist Question 2)***

Grading and excavation for the proposed project would temporarily increase erosion in the project area. Long-term operation of the proposed development, however, would not be expected to increase erosion. As discussed in **Section 4.9, Hydrology and Water Quality**, the project would implement measures to control stormwater runoff during construction and minimize erosion. The project would be required to comply with the San José Grading Ordinance, which requires implementation of an Erosion Control Plan during construction. Therefore, the proposed project would result in significant erosion impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.6.2.4        *Alternative Wastewater Disposal (Checklist Question 5)***

The proposed project would not use septic or alternative wastewater disposal systems. **[Same Impact as Approved Project [(No Impact)]**

#### **4.6.3        Conclusion**

With the implementation of the above mitigation measures, the proposed project would not result in any new or more significant impacts from soil- or seismic-related hazards than those addressed in the 2004 FEIR. **[Same Impact as Approved Project (Less than Significant Impact With Mitigation)]**

## **4.7 GREENHOUSE GAS EMISSIONS**

The 2004 FEIR did not contain a discussion of greenhouse gas (GHG) emissions from the then-proposed project because GHG analyses were not called for by the CEQA Guidelines at the time. In addition, the key state, regional, and local policies driving analysis of GHG emissions (discussed below) were not in place at the time environmental review commenced. Therefore, this analysis includes a more extensive regulatory discussion than those found in other sections of this EIR Addendum.

### **4.7.1 Existing Setting**

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere and heat the earth's system, but they retain some heat radiating from the earth back into space. Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO<sub>2</sub> being assigned a value of one and sulfur hexafluoride being several orders of magnitude stronger with a GWP of 23,900. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

Among the potential implications of global warming are rising sea levels and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutant emissions, much of the GHG emissions associated with land development come from motor vehicles (mobile sources). Mobile-source GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and subregional level, and other measures to reduce automobile use. Energy conservation measures also contribute to reductions in GHG emissions.

#### **4.7.1.1 *Existing GHG Emissions from the Project Site***

The main sources of GHG emissions from the project site are vehicles using the surface parking and to a lesser extent, electricity generation for lighting.

#### **4.7.1.2 *Regulatory Setting***

##### **Federal**

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. These acts are administered by the U.S. Environmental Protection Agency (EPA) at the federal level, the California Air Resources Board (CARB) at the state level, and the Bay Area Air Quality Management District (BAAQMD) at



the regional level. There are currently no adopted federal standards for GHG emissions applicable to the proposed project.

## **State of California**

### AB 32, Scoping Plan, and CEQA

In September 2006, Governor Schwarzenegger signed the Global Warming Solutions Act (Assembly Bill (AB) 32), to address the GHG emissions in California. The Act requires that emissions in California be reduced to year 1990 levels by 2020. In June 2005, the Governor signed Executive Order S-3-05 which set a goal for the state to 80 percent below 1990 levels by 2050. Additional state law related to the reduction of greenhouse gas emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below).

In December 2008, CARB 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. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction mandate. The Board approved the *First Update to the Climate Change Scoping Plan* on May 22, 2014.

The 2014 update defines CARB's climate change priorities for the next five years and lays the groundwork to start the transition to the post-2020 goals set forth in Executive Order S-3-05 and B-16-2012.<sup>16</sup> The 2014 update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the 2008 Scoping Plan and evaluate how to align the state's long-term GHG reduction strategies with other state policy priorities such as for water, waste, natural resources, agriculture, clean energy, transportation, and land use.

Under state law (Public Resources Code Section 21083.05), Lead Agencies such as the City of San José retain discretion to determine the significance of impacts from GHG emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of GHGs and under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate, or estimate GHG emissions resulting from a project. Since the certification of the SJ Water Land Company FEIR dates to 2004, GHG emissions effects were not addressed.

### Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued Executive Order B-30-15 to set a new interim statewide GHG emission reduction target. The purpose of establishing the interim target is to ensure that California meets its previously-established target of reducing GHG emissions to 80 percent below 1990 levels by 2050. Under Executive Order B-30-15, the interim target is to reduce GHG emissions to 40 percent below 1990 levels by the year 2030.

---

<sup>16</sup> Executive Order B-16-2012, issued by Governor Brown in March 2012, calls for expanded infrastructure to support zero emission vehicles and sets benchmarks for future state fleet vehicle purchases of zero emission vehicles. The executive order is available online at: <http://gov.ca.gov/news.php?id=17472>

As a part of this effort, the CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB will initiate a public process in the summer of 2015 to update the State's Climate Change Scoping Plan. The updated Scoping Plan will provide a framework for achieving the 2030 target and will be completed and adopted by CARB in 2016.

### Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced GHG emissions from passenger vehicles along with other benefits.

In 2010, CARB adopted GHG reduction targets for regions across California, as mandated by SB 375. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS.<sup>17</sup> The SCS is referred to as *Plan Bay Area* and was adopted 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 identified by local jurisdictions.

## **Regional**

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

### Regional Clean Air Plans

BAAQMD and other agencies prepare clean air plans as required under the State and Federal Clean Air Acts. The Bay Area 2010 Clean Air Plan provides a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent Clean Air Plan also includes measures designed to reduce GHG emissions.

---

<sup>17</sup> ABAG, BAAQMD, BCDC, and MTC. *One Bay Area Frequently Asked Questions*. Accessed July 23, 2013, Available at: [http://onebayarea.org/about/faq.html#UQceKR2\\_DAk](http://onebayarea.org/about/faq.html#UQceKR2_DAk)

### BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing air quality impacts, thresholds of significance, mitigation measures, and background air quality information. In June 2010, the Air District's Board of Directors adopted their CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and GHG emissions.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, among numerous other jurisdictions in the San Francisco Bay Area Air Basin, has recently used the thresholds and methodology for assessing GHG emissions put forth by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

In December 2010, the California Building Industry Association (BIA) filed a lawsuit in Alameda County Superior Court challenging toxic air contaminants and PM<sub>2.5</sub> thresholds developed by BAAQMD for its CEQA Air Quality Guidelines (*California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693). One of the identified concerns is that the widespread use of the thresholds would inhibit infill and smart growth in the urbanized Bay Area. On January 19, 2012, the Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project, though no further findings or rulings were made. On March 5, 2012, the Alameda County Superior Court issued a judgment that BAAQMD had failed to comply with CEQA when it adopted its Thresholds. The Court issued a writ of mandate ordering the District to set aside the Thresholds and cease disseminating them until the District fully complies with CEQA. The BAAQMD appealed this ruling, and the Appellate Court overturned that decision, finding that adopting the thresholds did not amount to a project under CEQA (*California Building Industry Association v. Bay Area Air Quality Management District* (2013) 218 Cal.App.4<sup>th</sup> 1171). The Court of Appeal also found that the challenged thresholds were supported by substantial evidence. On December 17, 2015 the California Supreme Court ruled on an issue unrelated to the substance of particular thresholds or the evidence on which they are based.

In April 2012, BAAQMD revised their website in conformance with the Superior Court order, no longer recommending use of the 2010 Thresholds in determining a project's significant air quality impacts. Based on the Appellate ruling, however, it is reasonable for agencies to conclude that the thresholds are based on substantial evidence and that they represent a reasonable method of determining significance. The City of San José has carefully considered the thresholds prepared by BAAQMD and the court rulings, and considers the quantitative thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- Bay Area Air Quality Management District (BAAQMD) *CEQA Air Quality Guidelines*. May 2011.
- California Air Resources Board. 2008. Climate Change Scoping Plan. (Statewide GHG Emission Targets)

### **City of San José**

The *Envision San José 2040 General Plan* includes a range of policies and actions that are intended to reduce GHG emissions. It also provides for and commits the City to the implementation of an integrated GHG Reduction Strategy that contains overall performance criteria against which the City's future actions can be evaluated. To assist in interpreting and implementing the Strategy, specific performance criteria from the General Plan were incorporated into a GHG Reduction City Council Policy. Other policies, such as Green Building Policies, may also be developed or incorporated in the Council Policy to ensure that new development and redevelopment incorporates design and operational characteristics in conformance with the strategy.

#### 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)

#### City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy.

**4.7.2 Environmental Checklist and Discussion of Impacts**

GREENHOUSE GAS EMISSIONS						
	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”	Information Source(s)
Would the project:						
1) 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"/>	1 – 3
2) Conflict with an applicable plan, policy or regulation 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"/>	1 – 3

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

**4.7.2.1 Impacts From the Project (Checklist Questions 1 & 2)****Operational Emissions**

The project proposes the same amounts and types of development as allowed under the site’s existing PD zoning. The substantive changes proposed in the conforming PD zoning consist of modifications to several development standards (garage depth below grade, setbacks along the Guadalupe River) which do not have implications for the project’s operational GHG emissions compared to the existing approved PD zoning. Therefore, the proposed conforming PD zoning is anticipated to have the same operational GHG emissions as the existing approved PD zoning.

The GHG Reduction Strategy in the *Envision San José 2040 General Plan* (as evaluated in the *Envision San José 2040 General Plan FPEIR* and *Supplemental Program EIR*) identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City ensures an individual project’s consistency with the GHG Reduction Strategy. Per CEQA Guidelines Section 15183.5, projects that are consistent with a qualified GHG Reduction Strategy are considered to have a less than significant GHG emissions impact.

Below is a listing of the mandatory and voluntary criteria provided by the City of San José.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
  - Solar Site Orientation
  - Site Design
  - Architectural Design
  - Construction Techniques
  - Consistency with City Green Building Ordinance and Policies
  - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4
  - Pedestrian/Bicycle Site Design Measures
  - Consistency with Zoning Ordinance
  - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7
3. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
4. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
5. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
6. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the land use designations set for the site in the Land Use/Transportation Diagram. The proposed office buildings and residential building would be designed and constructed to obtain LEED-Gold<sup>18</sup> and Silver certifications, respectively. Measures implemented to achieve these ratings would include use of low-emitting materials for construction, use of at least 20 percent recycled materials for construction, water efficient landscaping and appliances, and optimized energy performance. In addition, the proposed project site is adjacent to a LRT station, and within walking distance of Diridon Station, which will contribute to reduced vehicle travel from future residents and employees of the site. Bicycle racks and lockers would be provided on the site consistent with City of San José requirements. Through the proposed design and

---

<sup>18</sup> LEED, or Leadership in Energy and Environmental Design, is a program by the United States Green Building Council which includes a set of rating systems for the design, construction, operation, and maintenance of environmentally-responsible and resource-efficient buildings.

location of the project, as well as its consistency with the General Plan designation for the site, the project is consistent with mandatory criteria 1-3.

The historic San José Water Company building on the northeast corner of the site is a designated City of San José Landmark and is eligible for the National Register of Historic Places. The northern building would be retained as part of the project, with interior renovations intended to convert it into usable retail space. The transformer house would also be retained and rehabilitated according to the *Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior 1990). The transformer house may also be relocated at the determination of the City on the current parcel either behind or next to the San Jose Water Company building. As discussed in **Section 4.5, Cultural Resources**, the adjoining structures such as the data processing building, pump house, and suction basin are not considered historic and would be demolished as part of the project (Historic Preservation Permit application File No. HP16-002). The demolition of these structures was also reviewed and approved as part of the 2004 project.

The proposed PD zoning development standards require that a Historic Preservation Permit be issued prior to any future adaptive reuse and exterior changes to the San Jose Water Company building and transformer house be reviewed by the San Jose Historic Preservation Officer and the San Jose Historic Landmarks Commission in conformance with the Secretary of the Interior's Standards for Rehabilitation, thereby ensuring the historic building is treated sensitively. Given the requirement to reuse the historic structure as part of the project, the proposed development is consistent with mandatory criterion 4.

Criteria 5 and 7 are not applicable to the proposed project because the project is not an energy-intensive use and does not propose vehicle-serving uses. The proposed project would be required to implement a TDM program in conformance with General Plan Policy TR-7.1.

#### Voluntary Criteria

Table 4.7-1 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

<b>Table 4.7-1 Voluntary Greenhouse Gas Reduction Strategy Criteria</b>		
<b>Policies</b>	<b>Description of Project Measure</b>	<b>Project Conformance/ Applicability</b>
<b>BUILT ENVIRONMENT AND RECYCLING</b>		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not include on-site renewable energy generation systems.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The closest recycled water line currently available is approximately ½-mile north of the project site.	<input type="checkbox"/> Required/ Proposed <input type="checkbox"/> Not Proposed or <input checked="" type="checkbox"/> Not Applicable
<b>TRANSPORTATION AND LAND USE</b>		
Limit parking above code requirements TR-8.4	Parking would be provided at rates slightly above the Zoning Code.	<input type="checkbox"/> Project is Parked at or below Code Requirements <input checked="" type="checkbox"/> Project is Parked above Code Requirements or <input type="checkbox"/> Not Applicable



<b>Table 4.7-1 Voluntary Greenhouse Gas Reduction Strategy Criteria</b>		
<b>Policies</b>	<b>Description of Project Measure</b>	<b>Project Conformance/ Applicability</b>
Install and maintain trails adjacent to designated trail locations.  Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location.  PR-8.5, TN-2.7	The project includes a 50 foot setback from the Los Gatos Creek which provides space for a trail on the east side of the creek. The existing Guadalupe River trail runs along the east side of the Guadalupe River and is inaccessible from the project site. Access to the Guadalupe River trail is available from the Arena Green park, north of the project site across West Santa Clara Street.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Car share programs  Promote car share programs to minimize the need for parking spaces  TR-8.5	The project proponent has not partnered with a car sharing service.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand)          TR-8.12	Although the project does not propose to reduce parking below Code, the proposed project will implement a TDM program and also include electric car charging stations, and bicycle parking.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Project Does Not Propose or <input type="checkbox"/> Not Applicable

The proposed project is consistent with all of the mandatory criteria that are applicable to the project, and some of the voluntary criteria proposed by the Greenhouse Gas Reduction Strategy in the General Plan FPEIR and the Supplemental Program EIR. **(New Less Than Significant Impact)**

### ***Construction Emissions***

GHG emissions would occur during demolition of the existing parking lots and other hardscape, excavation of the underground parking garage, grading, and construction of the commercial and residential buildings. There are no established thresholds of significance for GHG emissions resulting from construction of a project. The currently proposed conforming PD zoning entails additional levels of below-grade parking compared to the approved PD zoning (three west of Delmas Ave and 4 east of Delmas Ave vs. two), which would lead to an increase in GHG emissions

associated with excavation and off-haul of the additional soil, as well as the additional construction activity to construct the extra garage levels.

Mitigation measures **AQ-2.1** through **2.4**, which were incorporated into the project to reduce construction-related particulate and diesel emissions, would also incrementally reduce construction GHG emissions. These emissions would be temporary and would not prevent the City of San José or state of California from meeting the statutory emissions reduction targets set forth in AB 32, S-3-05, or B-30-15. Construction-related GHG emissions would constitute a less than significant contribution to the cumulative global effects of GHG emissions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.7.2.2      *Impacts to the Project***

The elevation of the project site ranges from 84 to 89 feet above sea level, therefore the project would not be vulnerable to sea level rise resulting from climate change. **(No Impact)**

#### **4.7.3      Conclusion**

The project is consistent with the City of San José Greenhouse Gas Reduction Strategy and would not generate greenhouse gas emissions that would have a significant effect on the environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## **4.8 HAZARDS AND HAZARDOUS MATERIALS**

The following discussion is based on a Phase I Environmental Site Assessment (ESA) and a Phase II Environmental Investigation Report prepared for the project site in November 2015 by *Haley Aldrich*. These reports are enclosed in Appendices D-1 and D-2.

### **4.8.1 Setting**

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near a project site is critical because human exposure to hazardous materials above regulatory thresholds can result in adverse health effects.

#### **4.8.1.1 *Site History***

The Phase I ESA, which evaluated the anticipated disturbance area of the proposed project, included a review of database records and aerial photographs to determine the project site history and the potential for previous on-site development to have used hazardous materials. The earliest available record of the site was an 1884 Sanborn Map, which depicted the San José Water Company (SJWC) in a small parcel in the northeast corner of the project site. Two 50 foot high, 20,000-gallon tanks were located on the site along with artesian wells, repair shops, and a pipe yard. The SJWC parcel expanded over the following years, and small sheds and outbuildings can be seen on Delmas West.

A lumber yard occupied the northwest corner of the site in 1915, while a number of new features are depicted on the SJWC parcel. These include a 3,000 gallon underground oil tank and a 52,000 gallon suction cistern. The lumber yard was gone by 1939, at which point a laundry facility with an associated boiler room could be found on the west side of the site. Through 1984, other uses on the project site included a gasoline station, a building labeled for ‘greasing,’ a pipe shop, machine shop, an additional laundry facility, and an auto repair shop.

With the exception of the SJWC buildings on the northeast end of the site, most of the buildings were cleared from the site by 1993. By 2005, the site had been paved with asphalt and was used as a surface parking lot.

#### **Site Reconnaissance**

A site reconnaissance was completed for the Phase I ESA on June 26, 2015. During the site visit, an aboveground diesel storage tank associated and an existing emergency generator were observed in an enclosure at the southeast end of the single-story SJWC building. Minor staining was observed on top of the storage tank, but no staining was observed in the area around the generator. Five monitoring wells were observed on the site, however no documentation pertaining to the wells could be obtained.

#### **4.8.1.2      *Potential Hazards and Hazardous Materials***

Based on the historical uses and previous environmental studies completed for the site, the Phase I ESA concluded that soil and groundwater on the site could be contaminated. Several features were identified that are typically associated with hazardous materials or petroleum products. These include a former gasoline underground storage tank (UST), a 3,000-gallon crude oil UST lacking removal documentation, and boiler rooms. In addition, at least two underground cisterns and associated water conveyance features associated with the historical SJWC operations are located on-site.

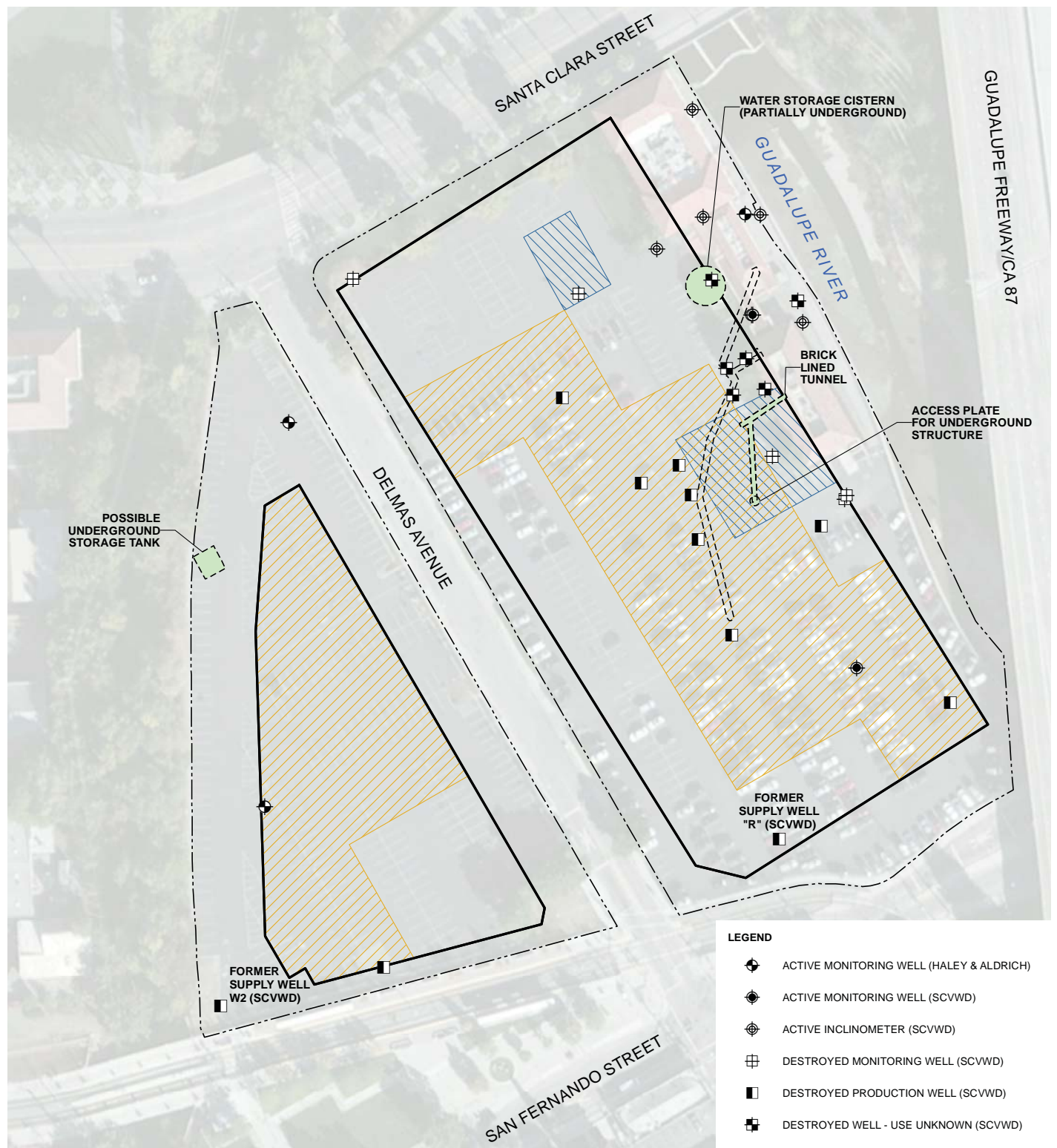
Previous site investigations detected low levels of benzene, toluene, total petroleum hydrocarbons (TPH), and polycyclic aromatic hydrocarbons (PAHs). Low levels of volatile organic compounds (VOCs) were also detected in shallow soils at the location of the former auto repair facility and in deeper soils (~12 feet below grade) at the location of the former laundry facility.

#### **Phase II Investigation**

To further characterize potential contamination on the site, a Phase II subsurface investigation was undertaken for the proposed project (see Appendix D-2). Soil samples found arsenic, cobalt, and lead concentrations in excess of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) for construction workers. Some on-site soils contain lead and TPH in concentrations that exceed the maximum concentrations allowed for disposal at San Francisco Bay Area waste disposal facilities. In addition, naturally-occurring asbestos was detected in surface soils immediately below the asphalt adjacent to the SJWC building.

A temporary well located on the northern portion of the site, at the corner of Delmas Avenue and West Santa Clara Street, found groundwater with benzene, ethylbenzene, naphthalene, TPH-g (gasoline), and xylene above the ESLs for the respective constituents. These concentrations are potentially typical of groundwater at that location, where TPH-g impacts were also observed in soil. Other low-level exceedances of ESLs were detected at monitoring wells, where selenium, nickel, and 1,2-dichlorethane were found above ESLs. This indicates that groundwater does not meet potential drinking water protection standards, and that disposal of it during dewatering may require a permit prior to discharge to the storm or sanitary sewer. Concentrations of VOCs were not high enough to pose a potential vapor intrusion risk to future commercial workers on the site.

A map of the project site depicting the locations of underground features and approximate extent of contamination can be found in Figure 4.8-1, below.



#### LEGEND

- ACTIVE MONITORING WELL (HALEY & ALDRICH)
- ACTIVE MONITORING WELL (SCVWD)
- ACTIVE INCLINOMETER (SCVWD)
- DESTROYED MONITORING WELL (SCVWD)
- DESTROYED PRODUCTION WELL (SCVWD)
- DESTROYED WELL - USE UNKNOWN (SCVWD)
- SUBSURFACE FEATURE IDENTIFIED FROM WELL RECORDS REVIEW
- SUBSURFACE FEATURE IDENTIFIED DURING GEOPHYSICAL INVESTIGATION
- APPROXIMATE EXTENT OF LEAD IMPACTS IN SOIL (ENCOUNTERED FROM 0-5' BGS)
- APPROXIMATE EXTENT OF TPH-g IMPACTS IN SOIL (ENCOUNTERED FROM 10-20' BGS)
- PROPOSED BUILDING FOUNDATION FOOTPRINT
- SITE BOUNDARY



0 100 200  
SCALE IN FEET

UNDERGROUND FEATURES AND ENVIRONMENTAL SOIL IMPACTS

FIGURE 4.8-1

### **Hazardous Building Materials**

The SJWC buildings were constructed in the late 1800s, well before the United States banned use of lead-based paint or asbestos-containing building materials (ACMs). Therefore, a survey for potentially hazardous building materials was conducted for both the main SJWC building and rear addition. The building survey found asbestos-containing building materials, fluorescent light ballasts which likely contain polychlorinated biphenyls (PCBs), and multiple building materials containing lead. Mold was also identified in various areas based on visual observations.

#### **4.8.1.3      *Off-Site Sources of Contamination***

The Phase I ESA included a review of hazardous material databases to evaluate the potential for off-site contamination to affect the project site. A number of former leaking UST sites were identified in the vicinity of the project site. Many of these cases were closed through cleanup programs completed under regulatory oversight, while others were found not to have the potential to impact the project site. The potential for on-site USTs to impact the site is detailed above; no off-site USTs have the potential to impact the site. For a complete discussion of the database records found in the vicinity of the project site, refer to Section 5.3 of Appendix D-1.

#### **4.8.1.4      *Norman Y. Mineta-San Jose International Airport/Federal Aviation Administration***

The Norman Y. Mineta San José International Airport is located approximately 1.5 miles northwest of the project site. The project site is located within the Airport Influence Area identified in the Comprehensive Land Use Plan (CLUP) for the San José International Airport.<sup>19</sup>

Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. This requirement and notification area are distinct from those set forth in the CLUP.

For the project site, any proposed structure of a height greater than 140 feet above mean sea level is required under FAR Part 77 to submit a *Notice of Proposed Construction or Alteration* (Form 7460-1) to the FAA.<sup>20</sup> This determination is based on a map developed by the City of San José consistent with the description above. Since the project proposes structures exceeding this height above ground, notification to the FAA is required. In turn, City of San José General Plan Policy CD-5.8 requires development to comply with applicable FAA regulations identifying maximum heights for

---

<sup>19</sup> Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport*. October 27, 2010.

<sup>20</sup> City of San José. *Notice Requirement Criteria for Filing FAA Form 7460-1*. N.d. Map.

obstructions. Application of this General Plan policy ensures that new development does not create hazards to aircraft operation.

#### 4.8.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	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”	Information Source(s)
Would the project:						
1) 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, 2
2) 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 – 3, 13
3) 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
4) 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 – 3, 13
5) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 14
6) 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

HAZARDS AND HAZARDOUS MATERIALS							
	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”	Information Source(s)	
Would the project:							
7) 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 – 3	
8) 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	

The proposed project would result in the same impacts as the approved project, Less Than Significant Impact With Mitigation, as described below.

#### 4.8.2.1 Findings of the 2004 FEIR

The 2004 FEIR found that development on the project site could expose construction workers, the general public, and future users of the site to contaminated soil and groundwater contaminated with fuels, oils, solvents, and metals. In addition, the FEIR concluded that active water production wells on the site could be destroyed or contaminated if not properly abandoned. Potentially significant hazards from ACMs, lead-based paint, and on-site electrical transformers were also identified. Mitigation measures were incorporated into the project to reduce all potentially significant hazardous materials impacts to less than significant levels. These measures are incorporated into the proposed project and are identified in their respective sections below.

#### 4.8.2.2 Potential On-Site Sources of Contamination (Checklist Questions 1 – 4)

##### Soils

Soil samples taken from the project site contained arsenic, cobalt, and lead concentrations in excess of the RWQCB ESLs for construction workers. In addition, naturally-occurring asbestos was detected in surface soils immediately below the asphalt adjacent to the SJWC building. Therefore, excavation for the proposed underground parking could expose the people constructing the proposed development to hazardous contamination. Such exposure could result in negative health effects to construction workers. In addition, certain soils on-site that are contaminated with TPH-g at concentrations requiring disposal at special facilities outside of the San Francisco Bay Area, if excavated and removed from the site.



**Impact HAZ-1:** Residual metals, petroleum hydrocarbons, and naturally-occurring asbestos present in on-site soils could pose a health risk to construction workers during grading excavation, and other earthwork activities. **(Significant Impact)**

The 2004 FEIR included mitigation measures requiring additional subsurface investigations, remedial actions (if needed), and soil management during construction. The subsurface investigations were completed as part of the Phase II Environmental Site Assessment completed for the currently proposed project (see Appendix D-2). No remedial actions were found to be necessary, therefore those mitigation measures do not need to be implemented again for the proposed project. The following measures shall be implemented to avoid health hazards from on-site soils. These measures are updated versions of the original 2004 FEIR mitigation, and have been expanded to account for both new information obtained during the subsurface investigation as well as the refinement of hazardous contamination mitigation since 2004:

**MM HAZ-1.1:** The project applicant shall prepare a Health and Safety Plan (HSP) to outline safe work practices and emergency procedures to be followed during earthwork at the site.

**MM HAZ-1.2:** The project applicant shall complete a Soil Management Plan (SMP) to outline soil handling requirements and to include recommendations for excavation and removal of soil related to waste classification categories. The SMP would additionally identify personnel to be present on-site to observe Occupational Safety and Health Administration (OSHA) safety standards and follow the HSP.

**MM HAZ-1.3:** The project applicant shall prepare a Dust Control Plan (DCP) to outline dust control measures and monitoring requirements in accordance with Cal/OSHA and Bay Area Air Quality Management District (BAAQMD) guidelines.

**MM HAZ-1.4:** All plans and measures to avoid hazards from earthwork, including the HSP, SMP, and DCP, shall be submitted to the San José Director of Planning, Building, and Code Enforcement, and the Santa Clara County Department of Environmental Health (SCCDEH), for review and approval prior to issuance of a grading permit. All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits. Documentation of the completion of all cleanup activities (A No Further Action Letter) shall be provided to the Supervising Environmental Planner, for review and approval prior to issuance of a grading permit.

Human exposures to hazardous materials during earthwork activities would be minimized through avoidance and best management practices, as detailed in the above-described plans. Implementation of these mitigation measures would ensure that adequate protections are in place before any earthwork can commence on the site. Therefore, the proposed project would result in a less than significant impact to human health from the release of hazardous materials into the environment. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

## Groundwater

Benzene, ethylbenzene, naphthalene, TPH-g (gasoline), and xylene were detected in concentrations above their ESLs at a temporary well located in the vicinity of a former oil and gas station, as well as a former degreaser, at the northwest corner of Delmas East. Other low-level exceedances of ESLs for selenium, nickel, and 1,2-dichlorethane were detected at monitoring wells elsewhere on the site. Based on the Phase II subsurface investigation, these concentrations of contaminants would not pose a potentially significant vapor intrusion risk to future occupants of the site. Dewatering would be required during excavation and construction, however, which requires disposal of the water pumped from the project site. The statewide Construction General Permit (described further in **Section 4.9, Hydrology and Water Quality**) authorizes certain non-stormwater discharges to surface waters during construction, including uncontaminated groundwater dewatering. If groundwater is not disposed of properly, it could pose a potentially significant impact to human health and to the surrounding environment.

**Impact HAZ-2:** Groundwater beneath the project site does not meet the standards for drinking water at certain locations, therefore disposal of groundwater generated by excavation dewatering activities could pose a significant hazard to human health and to the surrounding environment. **(Significant Impact)**

The proposed project has implemented the groundwater sampling and monitoring requirement identified in the 2004 FEIR. The following measures, which are updated versions of the original mitigation identified for groundwater disposal, will be implemented as part of the project:

**MM HAZ-2.1:** The project applicant shall prepare a dewatering plan to ensure analysis and proper treatment and disposal of groundwater. The plan shall include research into permitting, testing, and handling requirements for disposal of groundwater generated by excavation dewatering activities. Treatment of groundwater will either be at the San José/Santa Clara Regional Wastewater Facility or through use of on-site treatment (e.g. pumped into filtration units) prior to discharge to the stormwater system.

Implementation of this mitigation would ensure that contaminated groundwater is not released into the surrounding environment. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

## Hazardous Building Materials

Based on the hazardous building material investigation completed for the site, a number of hazardous building materials in the historic SJWC building could pose a hazard to construction worker health during demolition, if not handled properly. These substances include ACMs, lead, PCBs, mold, and mercury.

**Impact HAZ-3:** Demolition of the southern SJWC building could expose construction workers and nearby receptors to potential health risks from asbestos, lead, polychlorinated biphenyls, mold, and mercury. **(Significant Impact)**

The following mitigation measures were identified in the 2004 FEIR and are updated to reflect the latest regulations. These measures would be implemented as part of the proposed project:

- MM HAZ-3.1:** A certified hazardous materials management contractor shall be retained to perform permitting, abatement, and disposal of hazardous building materials during renovation or demolition of the SJWC buildings.
- MM HAZ-3.2:** During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- MM HAZ-3.3:** All potentially friable asbestos-containing materials shall be removed in accordance with local, state, and federal guidelines prior to 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 the CCR, Section 1529, to protect workers from exposure to asbestos. 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.
- MM HAZ-3.4:** Building materials classified as hazardous materials shall be disposed of in conformance with Federal, State, and local laws.
- MM HAZ-3.5:** Any transformers on the site shall be tested prior to removal and disposed of in accordance with OSHA and EPA standards.

Implementation of these measures would avoid any potentially significant impacts from hazardous building materials on the site. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### **4.8.2.3      *Potential Off-Site Sources of Contamination***

The Phase I ESA found that historical contamination from land uses in the vicinity of the project site would not have potential to cause hazards on-site. This finding was based on successful remediation of contamination, distance of contamination from the site, or the lack of potential for that contamination to move onto the site. Therefore, impacts from off-site sources of contamination would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**4.8.2.4      *Norman Y. Mineta-San Jose International Airport/Federal Aviation  
Administration (Checklist Questions 5 – 6)***

Pursuant to federal regulations (FAR Part 77) and the City’s General Plan, the high-rise development structures proposed by the project rezoning must be submitted to the FAA for airspace safety review and issued “Determinations of No Hazard” prior to City development permit approval, with any conditions set forth by the FAA incorporated into the City permit as required conditions of approval. The project applicant has submitted the three proposed buildings for requisite FAA review. In December 2015, the FAA issued Determinations of No Hazard for the residential building on Site B at a maximum height of 127 feet above ground. The determinations are valid until June 2017. FAA review of both Office A, at a proposed maximum height of 226 feet above ground, and Office B, at a proposed maximum height of 210 feet above ground, is currently underway. In order to be consistent with the San José General Plan, the proposed project must obtain a Determination of No Hazard for all of the proposed buildings and comply with any conditions set forth therein.

The project site is also located within the Airport Influence Area but not within a CLUP-defined “airport safety zone.” As discussed in **Section 4.10, Land Use**, the proposed rezoning of the project site will be referred to the Airport Land Use Commission for a determination of consistency with the San Jose International Airport CLUP. The CLUP sets forth development height restrictions at the applicable FAA-defined “obstruction surface”, which for this site is a level surface of 212 feet above mean sea level, unless the FAA has issued a Determination of No Hazard allowing a higher building elevation, as it has for the project’s proposed residential building.

Compliance with federal regulations and City and CLUP policies above will ensure that the proposed project would not impact airspace safety. **[Less Impact Than Approved Project (Less Than Significant Impact)]**

**4.8.2.5      *Other Hazards***

The City of San José does not maintain designated evacuation routes, and the project site is not located within a Very High Fire Hazard Severity Zone.<sup>21, 22</sup> The project site is not in the vicinity of a private airstrip. There are no elementary, middle, or high schools within a quarter-mile of the project site. The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Underground Storage Tanks**

As detailed in *Section 4.8.1.2* and Appendix D-1 of this Addendum, there is potential for the site to contain USTs from previous land uses. Due to a lack of documentation of the proper abandonment or removal of on-site USTs, these could pose hazards to construction workers during excavation of the project site.

---

<sup>21</sup> City of San José. *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan*. September 2011. Page 237.

<sup>22</sup> Ibid, Figure 3.8-3, page 588.

**Impact HAZ-4:** Excavation during project construction could encounter hazardous underground storage tanks, which could result in significant health risks to construction workers. **(Significant Impact)**

The 2004 FEIR identified potential impacts that could result from USTs on the project site. The following measures are updated to reflect the latest and best practice in responding to potentially hazardous USTs, and would be implemented in order to avoid impacts from potential USTs on the project site:

**MM HAZ-4.1:** If an underground tank is encountered during construction, the project applicant shall contact the Santa Clara County Department of Environmental Health (SCCDEH) and remove the tank under oversight of the agency. If the tank is found to have leaked, the applicant shall implement follow-up soil and groundwater investigation (i.e. sampling) and remedial actions, if necessary.

**MM HAZ-4.2:** If remedial action is necessary, the applicant shall enter into a Voluntary Cleanup Program with SCCDEH and obtain a case closure letter (or equivalent) to certify successful implementation of remedial actions. The case closure letter shall be provided to the San José Supervising Environmental Planner prior to issuance of a building permit.

Implementation of these mitigation measures along with **MM HAZ-1.1** and **-1.2** would ensure that any USTs on the project site are handled appropriately and that any health hazards associated with them are avoided. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### **Former Wells**

The 2004 FEIR identified three on-site active water production wells and ten “retired” water production wells. Due to the historical use of the site for water production, unknown water supply wells and/or artesian wells or other underground structures may be encountered during site development activities. Potential destruction and/or contamination of these wells through accidental discovery could result in a significant impact if not handled properly.

**Impact HAZ-5:** Development of the site could result in destruction or contamination of unknown water production wells. If not properly abandoned, they could result in potential risks to future construction workers at the site.

The proposed project would implement the following mitigation measure that was included in the original 2004 FEIR:

**MM HAZ-5.1:** Any of the currently active wells proposed to be abandoned, and unknown wells that are discovered during site development, shall be properly abandoned in accordance with applicable regulations of the Santa Clara Valley Water District.

With implementation of this mitigation measure, the proposed project would not result in significant hazards associated with former wells on the project site. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

#### **Emergency Response and Wildland Fires (*Checklist Questions 7 & 8*)**

The project site is in an urban area and would not be vulnerable to wildland fires. Implementation of the project would not impair implementation of an emergency response plan. **[Same Impact as Approved Project (No Impact)]**

#### **4.8.3            Conclusion**

With the implementation of the mitigation measures identified in this chapter, the proposed project would not result in any new or substantially greater hazardous material impacts from disturbance of contaminated soils or groundwater than the previously-approved project would have. **[Same Impact as Approved Project (Less than Significant with Mitigation)]**

Implementation of the measures identified above would avoid potentially significant impacts from hazardous building materials. Additional measures have been included consistent with the 2004 FEIR to avoid hazards from former on-site water wells and USTs. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

FAA issuance of Determination of No Hazard and incorporation of any conditions of the FAA determination into the project, along with a consistency finding from the ALUC, would ensure that the proposed project would have a less than significant impact to airspace safety. Because this consistency is now required by City policy, the impact is now considered less than significant (the 2004 FEIR identified the impact as less than significant with mitigation incorporated). **[Less Impact Than Approved Project (Less Than Significant Impact)]**

## 4.9 HYDROLOGY AND WATER QUALITY

### 4.9.1 Setting

The existing drainage and regulatory requirements regarding hydrology and water quality are generally unchanged since the certification of the San José General Plan FPEIR, therefore they are not described in detail here. The primary changes have been to the City of San José's update of its *Post-Construction Urban Runoff Management* (Policy 6-29) and the adoption of the *Post-Construction Hydromodification Management* (Policy 8-14), which are discussed below.

#### 4.9.1.1 *Flooding*

The project site is not located near a large body of water, near the ocean, or in a landslide hazard zone. Therefore it is not subject to inundation by seiche, tsunami, or mudflow.<sup>23</sup>

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map for the project area, portions of the project site along Guadalupe River are mapped within Flood Zones D and X.<sup>24</sup> Flood Zone D represents unmapped flood zones, while Flood Zone X represents areas that could be inundated in the 500-year flood (0.2 percent chance flood). Other portions of the site are in Flood Zone A, which indicates potential for a 1 percent chance flood discharge to occur on the site; however, the Guadalupe River Park and Flood Protection Project was constructed adjacent to the project site. This large flood protection project extends between Interstates 880 and 280, and the project site is located within Reach 3B. Along this reach of the project, the west bank of the Guadalupe River is armored with a vertical concrete retaining wall 18 to 22 feet high between Woz Way and West Santa Clara Street. The eastern bank is armored with gabions at the toe of slope and stone terraces on the slope. The river bottom is also armored with a constructed low-flow channel.

With completion of the Reach 3B improvements, the project site is no longer susceptible to flooding as the 1% chance flood discharge is contained in the river channels of the Guadalupe River and Los Gatos Creek. The project applicant will be filing a Letter of Map Revision (LOMR) to remove portions of the site mapped within Flood Zone A from the official FEMA maps. The LOMR must be obtained before the City will issue a building permit.

The project is located within the Lenihan Dam<sup>25</sup> failure inundation area as mapped by the ABAG.<sup>26</sup> Lenihan Dam is located on Los Gatos Creek and has a total capacity of 19,044 acre-feet with a surface area of 412 acres. As of April 1, 2015, storage was 8,533 acre-feet (44.8% of capacity, or

<sup>23</sup> California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning*. Map. July 31, 2009. Available at: [http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/SantaClara/Pages/SantaClara.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara/Pages/SantaClara.aspx)

<sup>24</sup> Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0234H*. May 18, 2009. Accessed on December 2, 2015. Available at: <http://msc.fema.gov>

<sup>25</sup> Lenihan Dam, previously known as Lexington Dam, was renamed in 1996 for James J. Lenihan, the Santa Clara Valley Water District's longest-serving director with 37 years of service. <http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx>

<sup>26</sup> City of San José. *Envision San José 2040 General Plan FPEIR*. September 2011. Figure 3.7-5

66% of the dam's seasonal average to date).<sup>27</sup> The Santa Clara Valley Water District (SCVWD) recently completed the Lenihan Dam Outlet Modification project. This project replaced an aging outlet pipe under Lenihan Dam to improve dam safety.

#### **4.9.1.2      *Water Quality, Drainage, and Hydrology***

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 indiscrete sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentrations, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

The proposed project drains into the Guadalupe River watershed which consists of a 170-square-mile area of multiple small-creek watersheds including the Guadalupe River and Los Gatos Creek watersheds. The Guadalupe River and Los Gatos Creek form the eastern and western boundaries of the site. The project site is virtually completely paved and drains to existing outfalls in Los Gatos Creek and the Guadalupe River. There are two existing storm outfalls on the site that drain to Los Gatos Creek and three outfalls that drain to the Guadalupe River.

#### **4.9.1.3      *Regulatory Requirements***

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the Cities of Santa Clara and San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as harvesting and reuse, infiltration, and biotreatment. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists co-permittees, such as the Cities of Santa Clara and San José, with the implementation of the provisions of the Municipal NPDES Permit.

The project will create or replace approximately 333,000 square feet of impervious surface. Based on its size and land use, the project will be required to comply with Provision C.3 of the Municipal Regional Permit MRP. The project meets the standards for an infill, transit-oriented development and qualifies as a Special Project under Section C.3.e.ii of the MRP. The project is permitted to treat 20 percent of runoff by bioretention and the remaining 80 percent by media filters and tree-box type biofilters.

---

<sup>27</sup> Santa Clara Valley Water District. *Rainfall and Reservoir Status Report*. Accessed April 6, 2015. Available at: <http://www.valleywater.org/Services/MeasuresAndReadings.aspx>



The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project site is located in a catchment and subwatershed greater than or equal to 65 percent impervious, therefore it is not subject to the hydromodification requirements of Provision C.3 of the MRP.<sup>28</sup>

### **Construction General Permit**

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

The project is expected to require Construction General Permit coverage based on area of land disturbed. Prior to the commencement of construction or demolition, the project will need to file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

### **San Jose Grading Ordinance**

All development projects, whether subject to the CGP or not, are required to 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 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). Post-Construction BMPs are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling. Post-Construction TCMs are site design measures, landscape characteristics, or permanent stormwater pollution prevention devices installed

---

<sup>28</sup> City of San José. *Classification of Subwatersheds and Catchment areas for Determining Applicability of HMP Requirements*. July 2011. Available at: [http://stormwater.sanjoseca.gov/planning/stormwater/SJ\\_HM\\_Applicability\\_Map.pdf](http://stormwater.sanjoseca.gov/planning/stormwater/SJ_HM_Applicability_Map.pdf)

and maintained to reduce stormwater pollution loading from the site. TCMs are installed as part of a new development or redevelopment projects and are maintained in place after construction has been completed. Examples include biofilters and detention/retention measures.

This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. The proposed project would be subject to Policy 6-29.

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

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks. Hydromodification occurs when the total area of impervious surfaces increases and causes more water to run off the surface at a faster rate. Storms that previously did not produce runoff from a property under pervious conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion and causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

Policy 8-14 requires stormwater discharges from new and redevelopment projects that create or replace one acre (43,560 square feet) or more of impervious surfaces to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to of local waterways. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects that are exempt from HCM requirements. For example, projects are exempt that do not increase the impervious area of a site, as are projects that drain to exempt channels, projects that drain to stream channels within tidally-influenced areas, or projects that drain to non-earthen stream channels that are hardened on three sides and extend continuously upstream from a tidally-influenced area.

The Santa Clara County Permittees' Hydromodification Applicability Map defines which areas of the City of San José are subject to Policy 8-14. According to the updated July 2011 map, the project site is within a catchment or subwatershed in which the surfaces are more than 65 percent impervious.<sup>29</sup> Therefore, the project is exempt from the MRP's hydromodification requirements.

---

<sup>29</sup> City of San José. *Classification of Subwatersheds and Catchment areas for Determining Applicability of HMP Requirements*. July 2011. Available at: [http://stormwater.sanjoseca.gov/planning/stormwater/SJ\\_HM\\_Applicability\\_Map.pdf](http://stormwater.sanjoseca.gov/planning/stormwater/SJ_HM_Applicability_Map.pdf)

**4.9.2 Environmental Checklist and Discussion of Impacts**

HYDROLOGY AND WATER QUALITY						
	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”	Information Source(s)
Would the project:						
1) 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 – 3
2) 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 – 3
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which 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 – 3
4) 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 – 3
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water 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 – 3
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3
7) 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 – 3, 15

HYDROLOGY AND WATER QUALITY						
	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”	Information Source(s)
Would the project:						
8) 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 – 3, 15
9) 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 – 3
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The currently proposed project will result in the same impact as the Approved Project, Less than Significant with Mitigation, as described below.

#### 4.9.2.1 *Flooding Impacts (Checklist Questions 4, 7 – 10)*

With completion of the Guadalupe River Park and Flood Protection Project, the proposed project is not located on a site in a 100-year floodplain and would not place housing within a 100-year flood hazard zone. The project applicant will be filing a LOMR to remove portions of the site mapped within Flood Zone A from the official FEMA maps. The LOMR would be required as a condition of project approval; that is, the project cannot obtain a building permit without submitting an approved LOMR to the City of San José.

Flooding throughout the project area could occur if the Lenihan Dam failed, however, the potential for this to occur is highly unlikely. It is the responsibility of the California Department of Water Resources and local agencies (i.e. SCVWD) to minimize the risk of dam failure. Regulations for dams and reservoirs are included in the California Code of Regulations. The project site is not vulnerable to seiche, tsunami, or mudflow. The proposed project would not result in any new or more significant flooding impacts than were described in the 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.9.2.2 *Drainage and Hydrology Impacts (Checklist Questions 2, 3 & 5)*

The project site is 92 percent impervious under existing conditions and does not contribute to groundwater recharge (refer to Table 4.9-1 below). The project site is relatively flat and drains to several on- and off-site storm drains. The project would not substantially alter the existing drainage pattern of the site and would not alter the course of any stream or river.

The 2004 FEIR found that the project would develop the site with areas of landscaping and pervious surfaces, including riparian setbacks along Los Gatos Creek. With implementation of the proposed

project the area of impervious surfaces on the site would be reduced by approximately 29,000 square feet, which would incrementally decrease the volume of runoff produced by the site compared to the existing condition.

<b>Table 4.9-1 Pervious and Impervious Surfaces On-Site</b>						
<b>Site Surface</b>	<b>Existing/Pre-Construction (square feet)</b>	<b>% of Total</b>	<b>Conceptual Project/Post-Construction (square feet)</b>	<b>% of Total</b>	<b>Difference (square feet)</b>	<b>Δ %</b>
<b>Impervious</b>						
Roof Areas	5,404	1	104,436	27	99,032	26
Parking	311,867	80	0	0	-311,867	-80
Sidewalks, Patios, Paths, etc.	10,170	3	189,775	49	179,605	46
Streets (public)	30,949	8	0	0	-30,949	-8
Streets (private)	0	0	35,284	9	35,284	9
<i>Subtotal</i>	<i>358,390</i>	<i>92</i>	<i>329,495</i>	<i>85</i>	<i>-28,895</i>	<i>-7</i>
<b>Pervious</b>						
Landscaped Areas	30,767	8	59,662	15	28,895	7
Pervious Paving	0	0	0	0	0	0
Other Pervious Surfaces	0	0	0	0	0	0
<i>Subtotal</i>	<i>30,767</i>	<i>8</i>	<i>59,662</i>	<i>15</i>	<i>28,895</i>	<i>7</i>
<b>TOTAL</b>	<b>389,157</b>	<b>100</b>	<b>389,157</b>	<b>100</b>	<b>-</b>	<b>-</b>
Note: Minor discrepancies may occur due to rounding. Figures may change based on final Public Works Clearance.						

Consistent with the findings of the 2004 FEIR, since the paved site is currently producing nearly 100% runoff from stormwater, there is sufficient capacity in the existing storm drainage system to accommodate the future development, which will likely produce the same or less storm water runoff than the existing condition. The proposed project includes abandonment and removal of portions of an existing 10-inch diameter storm drain pipe in Delmas Avenue. New on-site drains would connect to the remaining 10-inch line at the north end of Delmas Avenue at West Santa Clara Street. Additional on-site drainage systems would connect to a new storm drain line that would be installed along the southern end of Delmas Avenue at West San Fernando Street. The project would not contribute runoff water which would exceed the capacity of the existing stormwater drainage system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.9.2.3 Water Quality Impacts (Checklist Questions 1 & 6)**

##### **Construction-Related Impacts**

Construction of the proposed project, which includes grading and excavation activities, may result in temporary impacts to surface water quality. Construction of the proposed project would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are discharged into the storm drain system and ultimately drain to the San Francisco Bay.

The proposed project would not result in any new or more significant construction-related water quality impacts than those described in the 2004 FEIR, which found that short-term construction-related water quality impacts would be less than significant with mitigation incorporated.

**Impact HYD-1:** Construction activities could temporarily increase pollutant loads in stormwater runoff. **(Significant Impact)**

Implementation of the project would result in the temporary disturbance of the site. Since the project would disturb more than one acre of soil, it would be required to comply with the statewide Construction General Permit. The Permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes sediment control measures and other stormwater pollution prevention practices specific to the project.

The project is also subject to the City's Grading Ordinance and prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants. In addition to any measures included in the Plan, the project would implement the following measures identified in the 2004 FEIR and the General Plan FPEIR:

- MM HYD-1.1:** The following project-specific measures, based on RWQCB Best Management Practices, have been included in the project to reduce construction-related water quality impacts. These measures are updated versions of the mitigation measures included in the 2004 Valley FEIR. All mitigation would be implemented prior to and during earthmoving and demolition activities on-site and would continue until the construction is complete.
- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
  - Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
  - All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
  - Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
  - All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
  - All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- 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.
- A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

With implementation of these measures and compliance with the CGP and the City's Grading Ordinance, the project would have a less than significant construction-related water quality impact.  
**[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

### **Post-Construction Impacts**

Stormwater runoff from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas, although the project has the benefit of providing structured parking, replacing large areas of surface parking, thereby reducing the amount of parking directly exposed to rainfall and resulting polluted runoff. As noted previously, the existing site is almost entirely covered in impervious surfaces and the project includes landscaped setbacks adjacent to the Los Gatos Creek and other new areas of pervious surfaces.

The project is subject to City Council Policy 6-29, a policy which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces include BMPs and TCMs to mitigate stormwater runoff impacts. To accommodate the City's requirement, the proposed project has been designed to comply with the requirements of the MRP issued by the California Regional Water Quality Control Board (RWQCB), commonly referred to as Provision C.3.

The project qualifies as a Category C Special Project under the MRP and is entitled to treat 80 percent of the surface area with media filters and tree pod biofilters. The project earns a 50 percent credit because it is within a quarter-mile of a transit hub (Diridon Station), 20 percent for minimized surface parking, and 10 percent for achieving a floor-area ratio of at least 2:1. The project includes six flow-through planters, two perk filters, and four tree pod biofilters. All stormwater treatment features would be numerically-sized to capture all of the run-off from the project site. The project's stormwater control plan must be reviewed by the City's Department of Public Works and Department of Planning, Building, and Code Enforcement for consistency with Policy 6-29 and the MRP prior to issuance of the planned development permit.

The project will drain to the City's storm drain system, which connects to existing outfalls located on both Guadalupe River and Los Gatos Creek. The Guadalupe River is listed as an impaired waterbody pursuant to Section 303d of the Clean Water Act and the project will be subject to the following condition:

- **Discharge to 303d-Listed Waterbody.** The project will directly discharge stormwater runoff to a Clean Water Act section 303d-listed waterbody (Guadalupe River). Site design, source control, and/or treatment control measures included in the project's Stormwater Control Plan must ensure that post-development runoff from this project shall not exceed pre-development levels for such pollutants that are listed.

With implementation of these required measures, the proposed project would not result in any new or more significant long-term water quality impacts that were not already evaluated in the 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.9.3      Conclusion**

The proposed project, with the implementation of the above measures and compliance with the policies of each City, would not result in any new or more significant water quality impacts than the approved project evaluated in the certified 2004 FEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation)]**



## 4.10 LAND USE

### 4.10.1 Setting

#### 4.10.1.1 *Existing Land Use*

The project is proposed on a 8.83 gross-acre site that is located in the Diridon Station area at the western portion of Downtown San José. The site is bound by West Santa Clara Street to the north, West San Fernando Street and the Vasona Corridor LRT station and tracks to the south, and the channels of the Los Gatos Creek and the Guadalupe River to the west and east, respectively. The site is comprised of two properties that are bisected by Delmas Avenue, a public street. The historic San José Water Company headquarters building and ancillary buildings are located at the north end of the eastern property. The remainder of the eastern property is currently a privately owned and operated public parking lot. The western property is also developed as a privately owned and operated public parking lot. An aerial photograph of the site and surrounding area is shown on Figure 2.0-3.

#### 4.10.1.2 *Surrounding Land Uses*

The project site is surrounded by the same variety of land uses identified in the 2004 FEIR (see Figure 2.0-3). The Guadalupe River is located along the eastern edge of the site. A large flood control project has been constructed on the reach of the Guadalupe River abutting the project site. Elevated above the river is State Highway 87, the Guadalupe Freeway. South of the site is West San Fernando Street and the Delmas Avenue residential neighborhood, which is part of the Lake house/Delmas Historic District. The VTA Vasona Corridor LRT alignment crosses the southwest edge of the site, and a LRT station is located adjacent to the southwest corner of the site. Two blocks west of the site is the Diridon Caltrain and Amtrak Station. Along the west edge of the site is the mature riparian channel of Los Gatos Creek. North of the site is West Santa Clara Street and the Guadalupe River Park and Confluence Park. Across West Santa Clara Street and just northwest of the Site is the SAP Center (Arena).

### 4.10.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project: 1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 – 3

LAND USE						
	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”	Information Source(s)
Would the project:						
2) 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 – 3
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 11

#### 4.10.2.1 Conformance with Land Use Plans (Checklist Questions 2 & 3)

##### 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, up to a floor area ratio (FAR) of 15.0 and residential densities up to 350 dwelling units per acre (DU/AC). Under this designation, residential projects should generally incorporate ground floor commercial uses. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the Envision 2040 General Plan (such as Historic Preservation Policies) indicates otherwise. The proposed Conforming PD Zoning’s uses and development intensities (residential density and commercial FAR) are in conformance with the *Downtown* land use designation.

##### Santa Clara Valley Habitat Plan

As described in **Chapter 4.4, Biological Resources**, the proposed project would not conflict with the Santa Clara Valley Habitat Plan. Payment of nitrogen deposition fees for new vehicle trips to and from the project site would avoid potentially significant contributions to cumulative nitrogen impacts in the Santa Clara Valley. (**Less Than Significant Impact**)

##### San José International Airport Comprehensive Land Use Plan

The project site is located approximately 1.5 miles southeast of the Norman Y. Mineta San Jose International Airport and within the Airport Influence Area defined by the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan (CLUP) for San Jose International. As required by State regulations, the City will refer the proposed rezoning project to the ALUC for a

determination of consistency with the CLUP prior to City approval. (Note to City: has the ALUC referral already happened, and if so, should we report the results in the Addendum?) The City General Plan incorporates applicable CLUP policies, including a requirement that the project property owner grant an Avigation Easement to the City (setting forth acceptance of elevation limits and aircraft overflight impacts) prior to development.

#### **4.10.2.2      *Land Use Compatibility (Checklist Question 1)***

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the people or development introduced onto the site by the new project; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope.

### **Impacts from the Proposed Project**

The 2004 FEIR found the 2004 PD zoning project, a high density, infill project comprised of office, retail, and residential uses, would not physically divide an established community. The existing on-site parking lots, while undeveloped, are not considered open space in terms of their recreational or visual character. The change in visual character and potential shading impacts resulting from the project is described in Section 4.1 *Aesthetics*.

### **Interface with Surrounding Uses**

The 2004 FEIR found that mitigation included in the project will ensure that the project does not result in significant land use impacts related to the site's proximity to the airport. Prior to the issuance of building permits for development, the property owner(s) shall grant an avigation easement to the City of San José. The easement would specify the elevation limits of development on the site and provide for acceptance of aircraft noise impacts. The potential BART alignment crossing the site will not result in a significant land use impact.

The current project proposes the same amounts and types of development as allowed under the site's existing PD zoning. The substantive changes proposed in the conforming PD zoning consist of modifications to several development standards (garage depth below grade, setbacks along the Guadalupe River) which do not have implications for the project's land use impacts compared to the existing approved PD zoning. Therefore, the proposed conforming PD zoning is anticipated to have the same land use impacts as the existing approved PD zoning. Mitigation for air quality, noise, hazardous materials, and visual impacts which would further reduce land use impacts to a less than significant level are discussed in *Section 4.3, Air Quality*, *Section 4.12, Noise*, and *Section 4.8, Hazardous Materials*, and *Section 4.1, Aesthetics and Shading* of this EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.10.3      Conclusion**

The proposed project, with the implementation of the Standard Project Conditions and mitigation measures described in this Addendum, would not result in any new or more significant land use impacts than those addressed in the certified 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

## 4.11 MINERAL RESOURCES

### 4.11.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as an area containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board have classified other areas in San José as areas containing mineral deposits of statewide significance. The project is within a developed urban area and does not contain any known or designated mineral resources.

### 4.11.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	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”	Information Source(s)
Would the project:						
1) 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"/>	2, 3
2) 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 type="checkbox"/>	2, 3

#### 4.11.2.1 *Mineral Resource Impacts (Checklist Questions 1 & 2)*

The 2004 FEIR did not discuss mineral resource impacts from the proposed mixed-use project. The project site is an existing parking lot and the former San Jose Water Company building and is not located on any known mineral resource deposits. Redevelopment of the site would not cause the loss of availability of a known mineral resource. **[Same Impact as Approved Project (No Impact)]**

### 4.11.3 Conclusion

The project would not result in any impacts to mineral resources. **[Same Impact as Approved Project (No Impact)]**

## 4.12 NOISE

The following discussion is based on noise assessments completed by *Illingworth & Rodkin, Inc.* for the 2004 SJ Water Land Company FEIR (Appendix G) and the 2011 Envision San José 2040 General Plan FPEIR (Appendix C).

### 4.12.1 Setting

The ambient noise conditions and regulatory requirements regarding noise, including the noise thresholds of significance, have not changed substantially since the certification of the San José General Plan FPEIR and the 2004 SJ Water Land Company FEIR.

#### 4.12.1.1 *Noise Conditions*

The project site is exposed to noise from the SR 87 freeway and surrounding roadways, the adjacent VTA LRT line, the more distant Diridon Station which includes heavy diesel trains, and aircraft overflights from the San José Mineta International Airport.

### 4.12.2 Environmental Checklist and Discussion of Impacts

NOISE						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project result in:						
1) 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 - 3
2) 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 - 3
3) 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 - 3
4) 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 - 3
5) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15

airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?						
6) 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

#### 4.12.2.1 Noise Impacts from the Project (Checklist Questions 1 – 4)

##### Traffic-Generated Noise Impacts

The 2004 FEIR found project-generated traffic would not result in perceptible noise level increases. As discussed in **Chapter 4.15, Transportation**, the currently proposed project would not generate more daily vehicle trips than the 2004 approved project would have. Therefore, the proposed project would not result in new or greater traffic-related noise impacts than those previously-evaluated for the project in the 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

##### Operational Noise Impacts

The 2004 FEIR found that operational noise from mechanical equipment noise, parking lot noise, and other on-site noise sources would not substantially increase the existing noise levels at any existing sensitive receptor. The proposed project would not introduce any new permanent noise sources to the project site that were not previously evaluated for the project. Most of the development proposed would be indoor use (e.g. offices and retail stores), and external noise sources such as vehicle-related noise from the proposed parking garage would be intermittent. Therefore, the proposed project would not result in any new or more significant operational noise impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

##### Short-Term Construction Impacts

Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise sensitive land uses, or when construction occurs over extended periods of time. Reasonable regulation of the hours of construction, the arrival and operation of heavy equipment, and the delivery of construction materials, can all reduce construction-related noise impacts.

The 2004 FEIR found construction of the proposed project, including pile driving, would result in significant temporary noise impacts to existing and future residences adjacent to the construction areas. The approved 2004 PD zoning includes measures to reduce construction noise, including restricting noise-generating construction activity between the hours of 7:00 AM to 7:00 PM, Monday through Friday; no construction activities will occur on weekends or holidays; a perimeter solid plywood construction barrier, eight feet high, will be constructed to shield residential land uses from

construction noise; multiple-pile drivers will be used to expedite this phase of construction. The measures will reduce the construction noise impacts, but the phased construction and pile driving could expose existing and future noise sensitive land uses to high noise levels for several years.

The currently proposed project includes a mat foundation and does not propose pile driving, although it does involve substantially increased excavation for the underground parking garages than approved for the site in the 2004 PD zoning.

**Impact NOI-1:** Noise and vibration from construction of the proposed project could result in significant impacts to residences in the vicinity of the project site.  
**(Significant Impact)**

**MM NOI-1.1:** Implementation of San José General Plan Policy EC-1.7 would require a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control ‘disturbance coordinator’ and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator



will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

Implementation of these mitigation measures would reduce noise during construction, but since the project would require construction over multiple years, noise from construction would remain significant and unavoidable. **[Same Impact as Approved Project (Significant Unavoidable Temporary Impact)]**

The 2004 FEIR found that project construction could generate vibration levels that may exceed structural vibration limits for the historic San José Water building. Potentially significant temporary noise impacts were also identified. The proposed project would be required to implement the following mitigation measure to reduce construction noise impacts:

**MM NOI-1.2:** Vibration monitoring and building surveys should be undertaken prior to, during, and after project construction to document conditions and provide appropriate level of protection for the San Jose Water Company building. If damage is detected during construction, all construction will be stopped until appropriate protective measures (e.g., shoring, bracing, etc.) are implemented to avoid further building damage. The surveys shall include internal and external monitoring in the structure for cracks, settlement, and distress, and shall document the condition of the foundations, walls, and other structural elements. The surveys shall be undertaken under the direction of a licensed Professional Structural Engineer and shall be in accordance with industry accepted standard methods. Written reports documenting conditions before, during, and after project completion shall be prepared under the supervision of a structural engineer and submitted to the Supervising Environmental Planner and Historic Preservation Officer for review and approval. The reports shall clearly identify if damage has occurred and provide all supporting documentation for characterizing areas of potential liability.

Implementation of this mitigation would ensure that vibration from construction equipment does not damage the historic San José Water building intended for preservation on the site. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

#### **4.12.2.2      *Planning Considerations: Noise Impacts to the Project***

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

General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to bring interior and exterior noise levels down to acceptable limits. The analysis below discloses information on the project's compliance with General Plan Policy EC-1.1.

Based on the City of San José's projected aircraft noise contour maps, the proposed residential building on the west side of Delmas Street and roughly half of the commercial development on the east side of Delmas Street would be located in the 60-65 dB CNEL impact area of San Jose International Airport. The remaining portion of the commercial development would be within the 65 dB CNEL contour of the airport. Under the City's General Plan and the ALUC's CLUP, these noise exposure levels are considered compatible for the proposed land uses. In compliance with General Plan and CLUP policies, the project property owner will be required to grant an Avigation Easement to the City providing for acceptance of aircraft noise impacts prior to development.

The 2004 FEIR found the proposed residential uses on the site would be exposed to noise levels exceeding 60 DNL, which exceeds the threshold for multi-family housing in Title 24, Part 2, State Building Code and General Plan noise and land use compatibility standards for residential land uses. The upper stories of the proposed commercial buildings will be exposed to noise levels above the "satisfactory" limit of 76 DNL for commercial uses. The proposed Conforming PD rezoning would also exposing future residents and commercial building occupants to elevated noise levels, and would incorporate the mitigation measure identified in the 2004 FEIR.

The following Permit Conditions would be incorporated into the project to reduce noise impacts to a less than significant level:

**Permit Conditions:**

- Prior to the approval of Building Permits to construct the project, a qualified acoustical engineer will be retained to prepare a detailed analysis of interior noise exposure. The specific determination of the noise insulation treatments necessary shall be conducted on a unit-by-unit basis. Results of the analysis shall be submitted to the City along with the building plans and submitted for review and approval prior to the issuance of the building permit. Construction techniques such as mechanical ventilation, sound-rated windows, etc. will adequately reduce interior noise levels to 45 dBA DNL or lower.

**4.12.3      Conclusion**

The proposed project would not result in any new or more significant noise impacts than were described in the 2004 SJ Water Land Company FEIR. **[Same Impact as Approved Project (Temporary Significant and Unavoidable Impact)]**

## 4.13 POPULATION AND HOUSING

### 4.13.1 Setting

The current and future population and housing estimates have not changed substantially since the 2011 certification of the Envision San José 2040 FPEIR. Currently there are no residential uses on-site.

### 4.13.2 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING						
	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”	Information Source(s)
Would the project:						
1) 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 - 3
2) 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
3) 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

#### 4.13.2.1 *Population and Housing Impacts (Checklist Questions 1 – 3)*

The 2004 San Jose Land Company FEIR did not discuss population and housing impacts, however, the population and housing impacts of commercial and residential development on the project site were included in the scope of the Envision San José 2040 General Plan FPEIR analysis. The City of San José General Plan provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units, supporting a population of approximately 1.3 million people by 2035. As a result the San José General Plan FPEIR found significant and unavoidable population and housing impacts from this employment growth. The project proposes the same amounts of commercial and residential development as allowed under the existing PD zoning, and would incrementally contribute to the anticipated employment and population growth in San José, thereby contributing to the significant and unavoidable population and housing impacts discussed in the General Plan FPEIR. The project office component is anticipated to increase employment on the site by approximately 3,000 workers (assuming 3.0 employees per thousand sq. ft.), while the residential component would add 325 units housing approximately 730 residents (assuming 2.25 residents per

unit). Development of the site with 1.025 million square feet of commercial uses and 325 units would not cause new or more significant population and housing impacts than those previously-identified in the General Plan FPEIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

#### **4.13.3            Conclusion**

The proposed project would not result in any new or more significant population growth and/or housing impacts than were described in the certified San José General Plan FPEIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

## **4.14 PUBLIC SERVICES**

### **4.14.1 Background Information**

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

The impact of a particular project on public services and facilities is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). These impacts are economic; not environmental.

CEQA does not require an analysis of fiscal impacts unless the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

**4.14.2 Environmental Checklist and Discussion of Impacts**

PUBLIC SERVICES						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3

The 204 FEIR found development of the project would not create the need for any new fire or police facilities. Nor would it require the construction of new school, libraries, or parks. The current project proposes the same amounts and types of development as allowed under the site's existing PD zoning. The substantive changes proposed in the conforming PD zoning consist of modifications to several development standards (garage depth below grade, setbacks along the Guadalupe River) which do not have implications for the project's demands on public services compared to the existing approved PD zoning. Therefore, the proposed conforming PD zoning is anticipated to have the same public services impacts as the existing approved PD zoning.

**4.14.2.1 Fire and Police Service Impacts (Checklist Question 1)**

The project would continue to be served by the existing police and fire facilities identified in **Section II, M, Public Services** in the 2004 FEIR. The project would be constructed in conformance with current building codes, which include features and design standards that would reduce potential fire hazards. The project design would also be reviewed by the San José Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity.

Given the infill location of the project site and the fact that the site is already served by the San José Police and Fire Departments, the proposed project would not result in significant impacts to police

and fire services requiring new or expanded facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.14.2.2      *Schools and Libraries Impacts (Checklist Question 1)***

The project site is located within the San José Unified School District. The closest elementary school to the site is Hester Elementary School, located at 1460 The Alameda, about 0.8 miles northwest of the project site. The closest middle school is Hoover Middle School, located at 1635 Park Avenue, about 1.4 miles northwest of the site. The closest high school to the site is Lincoln High School, located at 555 Dana Avenue, located about 1.4 miles northwest of the site.

The San José Unified School District uses a student generation rate of 0.139 elementary students, 0.059 middle school students, and 0.074 high school students per multi-family attached dwelling unit.<sup>30</sup> Using this generation rate, the proposed 325 dwelling units would generate 45.2 elementary students, 19.2 middle school students, and 24.1 high school students.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to issuance of building permit. In San José, future development project applicants can either negotiate directly with the affected school district(s), or they can make a "presumptive payment" of \$1.93 per square foot for multi-family units. The school district is responsible for implementing the specific methods for mitigating school effects under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment.

The 2004 FEIR found the increase in on-site population resulting from the project is expected to be served by the existing libraries in the area and will not result in the need for new or expanded library facilities. The current project proposes the same amounts and types of development as allowed under the site's existing PD zoning, and would not result in increased demand for library space.

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

#### **4.14.2.3      *Recreation Impacts (Checklist Question 1)***

The current project continues to propose a 50 foot setback along the eastern bank of Los Gatos Creek between San Fernando and Santa Clara Streets which would facilitate implementation of the City's Los Gatos Creek Trail Project and also would provide a pedestrian link between the San Fernando Street light rail station and the SAP Center (Arena).

The City of San José has adopted a Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that requires residential developers to either dedicate parkland, pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Residential development as proposed by this project would result in an increased demand for neighborhood parks and recreational facilities. Implementation of the City's PDO/PIO would offset

---

<sup>30</sup> Odell Planning and Research, Inc. *Development Fee Justification Study Prepared for the San Jose Unified School District*. April 2014.

any increased demand for neighborhood/community park facilities resulting from the proposed project. Additionally, all new development of high density housing is typically required to provide private and common open space in conformance with the City's adopted Residential Design Guidelines, subject to site constraints, such as noise impacts, etc.

Workers associated with the new commercial development east of Delmas Ave (Site A) may use nearby parks such as Arena Green for lunch or breaks, but this would not require the construction of new facilities or accelerate physical deterioration of existing facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

#### **4.14.3            Conclusion**

The proposed project would not result in any new or more significant impacts to public services or facilities than those addressed in the certified 2004 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**



## **4.15 TRANSPORTATION**

This section is based in part on an Analysis of Interim Construction Impacts and a Traffic Operations Analysis prepared by *Hexagon Transportation Consultants* in March and April 2016, respectively. These analyses are found in Appendix E and Appendix F, respectively, of this Addendum.

### **4.15.1 Setting**

Since the certification of the 2004 San Jose Water Land Company FEIR, the circulation system surrounding the project site remains generally unchanged with one exception. The Vasona Corridor light rail line has been completed and the LRT station on San Fernando St. adjacent to the site is in operation.

#### **4.15.1.1 *Site Access and Roadway Improvements***

The proposed project includes two separate underground parking garages, both of which would be accessed from the new intersection on Delmas Avenue. A four-level underground parking structure containing 1,967 parking spaces would be constructed beneath the office buildings on Site A to serve office tenants and patrons of the retail space. This structure would also have a secondary exit onto San Fernando Street east of Delmas Avenue. There would be secondary access to the office/retail garage via a driveway directly to San Fernando St. The San Fernando St. driveway would be limited to right turns only, except during special events when left turns out would be permitted. There would be no left turns in at any time.

A three-level underground parking structure containing 428 parking spaces would be constructed underneath the apartment building on Site B to serve residents of the proposed apartment building. The proposed below-grade parking garages would include a total of 2,395 parking stalls. With an additional 68 surface parking spaces provided for visitors, guests, and patrons, the proposed project includes a total of 2,463 parking spaces.

The proposed project includes a number of improvements both on-site and off-site that will support the proposed mixed-use development. Project-sponsored improvements include the following measures:

- Construction of new traffic signals at the Delmas/Santa Clara intersection and the main project driveway intersection on Delmas (coordinated with the existing signal at Delmas/San Fernando),
- Railroad pre-emption for the new signal at the main project driveway on Delmas Avenue,
- Extension of the westbound left-turn lane on Santa Clara Street at Delmas Avenue to a distance of 300 feet,
- Widening Delmas Avenue to provide left-turn lanes at the main project driveway and at Santa Clara Street and a second through lane on southbound Delmas at San Fernando Street (requires VTA and CPUC approval),
- Loading zones with appropriate signage on both sides of Delmas Avenue and the south side of Santa Clara Street,

- Extension of the raised median on Santa Clara Street from its current terminus near the Guadalupe River Bridge to Delmas Avenue,
- A truck loading dock driveway on San Fernando Street with sufficient space to allow trucks to turn around on site,
- A truck loading dock driveway on Delmas Avenue with restricted hours for truck loading/unloading,
- Restriping westbound San Fernando at Delmas to add a left-turn lane and signal modifications to add a protected left-turn phase for the westbound approach (in addition to the existing permissive left-turn),
- A new median opening to allow left-turns out from the San Fernando driveway (requires VTA and CPUC approval), and
- Removal of on-street parking and restriping to add a second through lane on southbound Delmas Avenue between San Fernando Street and Park Avenue along with signal modifications to provide a separate left-turn phase that will allow southbound through traffic to proceed during an LRT crossing.

#### **4.15.1.2      *Public Transit***

The Santa Clara Valley Transportation Authority (VTA) operates a bus and light rail transit (LRT) system in Santa Clara County. Service provided by VTA includes connections with bus and rail service operated by other public entities, including Caltrain commuter rail, Altamont Commuter Express (ACE) trains, Amtrak Capitol Corridor trains, and the Bay Area Rapid Transit (BART) system. The project is located a short walking distance west of the Diridon transit station, the primary commuter transit hub in San Jose and the numerous public transit options serving the Diridon station remain as described in detail in the 2004 FEIR.

**4.15.2 Environmental Checklist and Discussion of Impacts**

TRANSPORTATION/TRAFFIC						
	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”	Information Source(s)
Would the project:						
1) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 - 3, 16
2) 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 - 3, 16
3) 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, 2, 15
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 - 3, 15
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) 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, 3, 6

The approved project was forecast in 2004 to generate 10,169 daily trips with 1,323 trips during the AM peak hour and 1,395 trips during the PM peak hour, and the 2004 SJ Water Land Company

FEIR disclosed Significant and Unavoidable traffic impacts to mixed-flow segments on State Route 87 and Interstate 280 freeways. There are no feasible physical improvements to add capacity to those impacted freeway segments to reduce the project's impact to a less than significant level.

The current project proposes the same amounts and types of development as allowed under the site's existing PD zoning. The substantive changes proposed in the conforming PD zoning consist of modifications to several development standards (garage depths below grade, setbacks along the Guadalupe River) which do not have implications for the project's trip generation compared to the existing approved PD zoning. Therefore, the proposed conforming PD zoning is not anticipated to result in new or more significant impacts than those described in the 2004 FEIR.

#### **4.15.2.1      *Level of Service Impacts (Checklist Questions 1 & 2)***

The 2004 approved project was found to result in significant increases in congestion and delay at two nearby intersections (Bird Ave/San Carlos St, and Delmas Ave/SB SR 87 Off-Ramp and Park Ave) that were subject to the City's minimum LOS D standard. Both intersections would degrade to LOS E as a result of project trips and the project was conditioned to mitigate its impacts to a less than significant level as follows:

- The improvement at Bird Ave/San Carlos St would be to add a second northbound left-turn lane;
- The improvement to the Delmas Ave/San Fernando St to Southbound SR 87 Off-Ramp and Park Ave intersection would be to widen Delmas Ave between San Fernando St and Park Ave to provide a second southbound through lane, which requires the removal of on-street parking.

Upon approval of the Planned Development Rezoning in 2004, the project trips were placed in the City's Approved Trips Inventory, and have been assumed to be on the roadways surrounding the site in all subsequent traffic studies completed in the area. As part of the Traffic Operations Analysis (Appendix F) completed for the project in 2016, updated trip generation estimates were prepared as presented in Table 4.15-1 below.

**Table 4.15-1****Project Trip Generation Estimates**

Land Use		Daily Rate <sup>a</sup>	Daily Trips	AM Peak-Hour Rate <sup>a</sup>			AM Peak-Hour Trips			PM Peak-Hour Rate <sup>a</sup>			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Residential	325 d.u.	4.78	1,552	0.17	0.31	0.48	54	101	155	0.31	0.17	0.48	101	54	155
Office	1,000,000 s.f.	6.01	6,013	0.84	0.11	0.95	838	114	952	0.16	0.79	0.96	163	794	956
	Internal Trips <sup>b</sup>		(239)				(5)	(2)	(7)				(11)	(11)	(21)
Retail	40,000 s.f.	23.88	955	0.50	0.21	0.71	20	9	28	1.07	1.07	2.14	43	43	85
	Internal Trips (25%)		(239)				(5)	(2)	(7)				(11)	(11)	(21)
	<b>Total</b>		<b>8,043</b>				<b>902</b>	<b>219</b>	<b>1,122</b>				<b>285</b>	<b>869</b>	<b>1,154</b>

<sup>a</sup>Trips per dwelling unit or per 1,000 square feet including reductions for bike/walk/transit useage and pass-by trips.  
<sup>b</sup>Internal trips for the office component are equal to the number of internal trips calculated for the retail component.  
<sup>c</sup>Source: "Transportation Impact Analysis Guidelines", May 7, 1998, Santa Clara Valley Transportation Authority, Congestion Management Program.

In 2005, the City expanded the boundary of the Downtown Core to the west to encompass the site (an action covered by the Downtown Strategy 2000 EIR, which assumed the approved SJ Water Land Company development as part of its traffic analysis). By City policy, intersections located within the Downtown Core are not expected to maintain a minimum LOS D. The two intersections (Bird Ave/San Carlos St, and Delmas Ave/SB SR 87 Off-Ramp and Park Ave) impacted by the project were also located in the expanded Downtown Core, and therefore, there is no longer a requirement for those intersections to maintain a minimum LOS D, i.e. it is now considered acceptable that the project traffic would reduce the level of service at each intersection to LOS E. Accordingly, the City is considering removing the project requirement to implement the aforementioned mitigation identified in the 2004 San Jose Water Land Company FEIR for the Bird Ave/San Carlos Street intersection. Based on the Traffic Operations Memo (Appendix F), the project would continue to implement improvements to the Delmas Ave/SB SR 87 Off-Ramp and Park Ave intersection to facilitate vehicle movements.

Deletion of this prior LOS mitigation at Bird Ave/San Carlos Street does not constitute ‘new information’ pursuant to CEQA Guidelines Section 15162 requiring subsequent or supplemental environmental review, in that the resulting LOS E conditions at this intersection is now considered acceptable. Therefore, there are no major revisions required of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor are there substantial changes to disclose with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. **(New Less Than Significant Impact)**

### ***Traffic Conditions During Construction***

The 2004 FEIR found construction impacts will be temporary and would be not anticipated to substantially disrupt peak hour traffic. The segment of Delmas Avenue between Santa Clara Street and San Fernando Street will be closed for approximately two years during project construction. In

2016, Hexagon Transportation Consultants (Appendix E) evaluated the effects of closing this segment of Delmas Avenue. The existing traffic volumes at the Delmas/Santa Clara intersection and the Delmas/San Fernando intersection were counted in November, 2015. Delmas Avenue serves two-way traffic flow between Santa Clara Street and San Fernando Street. However, south of San Fernando Street, Delmas Avenue is a one-way southbound street. For this reason, Delmas Avenue carries very few northbound trips (less than 100 vehicles per hour) on the two-way segment that bisects the proposed project. The traffic volumes are slightly greater in the southbound direction, as it provides a direct connection to southbound SR 87. However, since Delmas Avenue terminates at Santa Clara Street, traffic volumes on southbound Delmas are also quite low (less than 225 vehicles per hour).

The majority of vehicle trips on Delmas Avenue between Santa Clara Street and San Fernando Street are generated by the adjacent surface parking lots. These existing parking facilities will not be available during construction of the project on Delmas Avenue. Therefore, these existing parking lot trips will be eliminated from the surrounding roadways. It is expected that commuters that use these existing parking lots will shift to a number of other parking facilities in the Downtown area. There is insufficient information available to determine the possible increase in parking demand at other locations due to the closure of the Delmas parking lots. Some commuters may choose to park at locations several blocks away from Delmas Avenue causing them to reroute their trips so that they do not travel on any roadways in the vicinity of the project.

A small number of through trips not associated with the existing parking lots would be diverted to alternative routes including Montgomery Street, Autumn Street, and Almaden Boulevard due to the temporary closure of Delmas Avenue between Santa Clara Street and San Fernando Street. The increases in volume on each of these streets would be quite low (less than 30 vehicles during the AM peak hour and less than 75 vehicles during the PM peak hour.) This small increase in trips (roughly one vehicle per minute) is expected to have an insignificant effect on intersection operations. Furthermore, the affected roadways are within the Downtown Core, and are thus exempted from the City's level of service standard. Roadways outside the Downtown Core would not be affected. Therefore, it is concluded that the interim impacts associated with construction of the project would be less than significant. **(Less than Significant Impact)**

#### **4.15.2.2      *Pedestrian, Bicycle, and Transit Impacts (Checklist Question 6)***

The 2004 FEIR found that development of the project would contribute to improved access for both bicyclists and pedestrians in the project area, and that no significant adverse impacts to either bicycle or pedestrian facilities would result from the project. The 2004 FEIR also found the project would be well served by existing and future transit routes, and the project would result in an incremental increase in demand for transit service. The current project proposes the same amounts and types of development as allowed under the site's existing PD zoning. The substantive changes proposed in the conforming PD zoning consist of modifications to several development standards (e.g. garage depths below grade, setbacks along the Guadalupe River) which do not have implications for the project's demand on existing pedestrian, bicycle, and transit facilities compared to the existing approved PD zoning.

As explained in detail in the Traffic Operations Memo (Appendix F), the project will facilitate the movement of vehicle traffic to and from the proposed development as well as pedestrian and bicycle travel in an urban setting that provides numerous travel choices. The proposed project includes a number of features such as sidewalks and bike parking that will support active modes of transportation. In addition, the design of project driveways and the adjacent public street network should minimize conflicts between motor vehicles, bicycles, and pedestrians. San Fernando Street has green bike lanes and is a designated bike path between Diridon Station and the Downtown. The width of the loading dock driveways is the minimum necessary to accommodate truck turning movements given the width of the adjacent streets. Likewise, the office/retail driveway will have only three lanes at Delmas Avenue before widening to a four-lane cross-section on the garage ramp in order to minimize the pedestrian crossing distance and potential conflicts with bicycles. The San Fernando Street garage driveway is proposed to be 26 feet wide in order to provide emergency vehicle access to the back of Office Building B.

In addition, the project would provide appropriate visible and audible warning signals at the residential driveway to alert pedestrians and bicycles to vehicles exiting the site. Therefore, the proposed conforming PD zoning is anticipated to have the same less than significant impacts as the existing approved PD zoning. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.15.2.3      *Safety Impacts***

The proposed land uses would be compatible with the surrounding environment and would not affect safety from a land use compatibility standpoint. New driveways and modifications to intersections would be reviewed for consistency with San José design standards prior to issuance of a building permit. The proposed project would improve access for bicyclists and pedestrians, and would not increase hazards due to any proposed design features. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.15.2.4      *Parking Supply***

Implementation of the proposed project would result in removal of the existing, 1,110-stall surface parking lot. This parking lot is currently available during events at the arena (SAP Center) northwest of the site across West Santa Clara Street. Parking provided for the proposed offices may be made available to arena patrons on event days, as is currently the case for other office parking in the Downtown area. The 2004 FEIR found the proposed project would result in a net increase of commercial parking spaces on the site, some or all of which the project proponent could elect to make available for Arena patron parking. Even without the project site spaces, there are sufficient parking spaces available for the City to meet its contractual obligations to provide Arena patron parking. The current project proposes a net increase in parking, as well, compared to existing conditions, replacing the current 1,100 spaces with approximately 2,463 new off-street spaces, some of which could be made available for Arena events. As disclosed in the 2004 FEIR, the City will continue to require removal of on-street parking and restriping to add a second through lane on southbound Delmas Avenue between San Fernando Street and Park Avenue, which will result in a loss of approximately six parking spaces on both the west and east sides of Delmas Avenue between

Lakehouse Avenue and Park Avenue. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**4.15.2.5      *Air Traffic and Emergency Access (Checklist Question 3 & 5)***

The residential component of the project has received a No Hazard Determination from the Federal Aviation Administration, and the commercial buildings also would be required to obtain No Hazard Determinations (see *Chapter 4.8, Hazards and Hazardous Materials* for further information). With incorporation of any requirements set forth in the FAA determination, the project would not affect air traffic patterns. The project proposes construction at an infill location in San José, therefore it would not affect evacuation routes or result in inadequate emergency access to the site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**4.15.3      Conclusion**

The proposed project, which proposes the same amounts and types of development as allowed under the site's existing 2004 PD zoning as well as a list of on-site and off-site improvements to facilitate vehicular, pedestrian, and bicycle access to the site, would not result in more significant impacts to the transportation system than those addressed in the certified 2004 SJ Water Land Company FEIR. **[Same Impact as Approved Project (Significant Unavoidable Impacts)]**



## **4.16 UTILITIES AND SERVICE SYSTEMS**

### **4.16.1 Setting**

#### **4.16.1.1 *Water Service***

The project site is located within the service area of the San José Water Company. There are existing 12-inch and six inch diameter potable water lines in Delmas Avenue, within the project limits. There is minimal water demand currently associated with the site.

#### **4.16.1.2 *Sanitary Sewer/Wastewater Treatment***

Wastewater from the City of San José is treated at the San José/Santa Clara Water Pollution Control Plan (WPCP), located near Alviso. The WPCP provides primary, secondary and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater per day (mgd). There is an existing 24-inch sanitary sewer line in West San Fernando, a 10-inch sanitary line in Delmas Ave, and a 12-inch sanitary line in West Santa Clara. There is a small amount of sewage generated by the San José Water Company building on the site.

#### **4.16.1.3 *Storm Drainage System***

The project site is virtually completely paved and drains to existing outfalls in Los Gatos Creek and the Guadalupe River. While development of the proposed project would result in more intense development than presently exists, the new development will include landscaping and open space areas that will replace some of the existing impervious areas. Therefore, the project will result in an overall decrease in the amount of runoff produced by the site.

#### **4.16.1.4 *Solid Waste***

According to the Source Reduction and Recycling Element prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for at least 25 more years. Recycling services are available to most businesses. The existing uses on the site generate a small quantity of solid waste.

**4.16.2 Environmental Checklist and Discussion of Impacts**

UTILITIES AND SERVICE SYSTEMS						
	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) 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 - 3
2) 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 - 3
3) 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 - 3
4) 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 - 3
5) 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 - 3
6) 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 - 3
7) 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 - 3, 6

The 2004 FEIR found implementation of the proposed project is not expected to exceed the capacity of electricity, gas, and telephone service providers and would result in less than significant utilities and service systems impacts. The project proposes the same amounts and types of development as allowed under the site’s existing PD zoning. The substantive changes proposed in the conforming PD

zoning consist of modifications to several development standards (garage depth below grade, setbacks along the Guadalupe River) which do not have implications for the project's demand on utilities and service systems compared to the existing approved PD zoning. Therefore, the proposed conforming PD zoning is anticipated to have the same utilities impacts as the existing approved PD zoning, as discussed below.

#### **4.16.2.1      *Water Service Impacts (Checklist Questions 2 & 4)***

The 2004 FEIR found development of the approved project will not use water in a wasteful manner or result substantial impacts related to increases in water demand. Any active on-site wells displaced by the proposed project will be replaced and the project will not result in any impacts to San José Water Company's ability to provide sufficient water supply to the downtown San José service area. Development of the project, with forecast total water use for the project of approximately 47,441 gallons per day, would not adversely affect the water service system. The project includes abandonment and removal of a six-inch water line in Delmas Avenue. The existing 12-inch water line in Delmas Avenue would serve future development on the site.

In accordance with state law (Senate Bill 610), a water supply assessment was completed by the SJWC for the Envision San Jose 2040 General Plan FPEIR. The assessment, which accounted for the planned development of the Delmas Ave site according to the existing approved 2004 PD zoning, concluded that the San José Water Company over the 20 year period evaluated in the assessment would be able to adequately supply the planned growth in the portion of San José served by SJWC without any additional sources of supply or system operation changes. As noted above, the current Conforming PD zoning proposes the same amounts and types of development as allowed under the site's existing 2004 PD zoning and would not result in increased water demand. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.16.2.2      *Sanitary Sewer/Wastewater Treatment Impacts (Checklist Questions 1 & 5)***

The 2004 FEIR found development of the approved 2004 PD zoning would not result in a significant impact upon the existing sanitary sewer services provided by the City of San José in that the San José Water Pollution Control Plant (now referred to as the San José-Santa Clara Regional Wastewater Facility) would have adequate capacity to treat the estimated 40,325 gallons per day (85% of water demand)<sup>31</sup> increase in wastewater generation from the project.

As noted above, the current Conforming PD zoning proposes the same amounts and types of development as allowed under the site's existing 2004 PD zoning, would not result in increased water demand, and accordingly, would not increase sanitary sewer generation beyond the approved 2004 project. At a cumulative level, the Envision San Jose 2040 General Plan FPEIR concluded that development consistent with the General Plan would increase wastewater generation in the City by 30.8 million gallons per day (mgd) through the year 2040, which was within the 38.8 mgd of

---

<sup>31</sup> Standard industry practice is to estimate wastewater generation as 85 percent of fresh water consumption, under the assumption that while some water is consumed or diverted, most is ultimately discharged to the sanitary sewer system.

treatment capacity available to the City. Therefore, the proposed project's incremental increase would not necessitate the construction of new wastewater treatment facilities or cause existing facilities to exceed the treatment limits set by the Regional Water Quality Control Board.

The project includes multiple new sanitary sewer lateral connections to the existing 10-inch sanitary sewer line in Delmas Avenue. Based on a review by the City of San José Public Works Department, the additional sewage flow into the syphons on West Santa Clara Street and West San Fernando Street is expected to improve the operation of the sanitary sewer infrastructure serving the site. The proposed project is not expected to cause exceedance of the capacities of other sanitary sewer lines serving the site or the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.16.2.3      *Storm Drainage System Impacts (Checklist Question 3)***

The project site is relatively flat and drains to several on- and off-site storm drains. The 2004 FEIR found the future development of the completely paved site is expected to result in a reduction of stormwater runoff from the site, due to the incorporation of landscaping and pervious open space areas. Therefore, it was assumed that there was sufficient capacity in the existing storm drainage system to accommodate the future development which reduces storm runoff.

As with the existing approved 2004 PD zoning, the current proposed PD zoning entails development that will result in a reduction in impervious surfaces and storm water runoff when compared to the existing condition. The total area of impervious surfaces is estimated to decrease by 29,000 square feet with implementation of the proposed project. New on-site drains would connect to a 12-inch line in Delmas Avenue within the project limits. A new storm drain line would also be constructed along the northwest site boundary between the proposed residential building and Los Gatos Creek. Additional on-site drainage systems would connect to an existing outfall at the east end of the site adjacent to the Guadalupe River. The project would not increase runoff volumes and would not contribute runoff water which would exceed the capacity of the existing stormwater drainage system. **[Same Impact as Approved Project (Beneficial Impact)]**

#### **4.16.2.4      *Solid Waste Impacts (Checklist Questions 6 & 7)***

The 2004 FEIR found development of the approved PD zoning will result in an incremental increase in solid waste and recyclables collected under the City contracts. This increase would not exceed either the capacity of the collection systems or the secured landfill capacity.

The current Conforming PD zoning proposes the same amounts and types of development as allowed under the site's existing 2004 PD zoning and would not result in increased solid waste generation. The Envision San Jose 2040 General Plan FPEIR found that estimated increases in solid waste generation resulting from development under the General Plan through 2035 would not exceed the existing and planned capacities of landfills serving the City of San José. Therefore, development on the project site consistent would not be expected to result in new or more significant solid waste impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### **4.16.3            Conclusion**

The proposed project would not result in any new or more significant utilities impacts than were previously identified in the 2004 SJ Water Land Company FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. *Final Environmental Impact Report for the San José Water Land Company Planned Development Rezoning, SCH# 2002062017*. April 2004.
3. City of San José. *Envision San José 2040 General Plan*. November 2011.  
  
--. *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan, SCH# 2009072096*. September 2011.
4. California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014. Map.
5. County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties*. Accessed November 25, 2015.
6. City of San José. *Municipal Code of Ordinances*.
7. BAAQMD. *Bay Area 2010 Clean Air Plan*. Adopted September 15, 2010.
8. Bay Area Air Quality Management District (BAAQMD). *CEQA Air Quality Guidelines*. Updated May 2011.
9. Huffman-Broadway Group, Inc. *Biological Assessment*. April 18, 2016.
10. Huffman-Broadway Group, Inc. *Top of Bank Biological Study, Delmas Project Site, San José, California*. August 28, 2015.
11. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012.
12. Haley & Aldrich, Inc. *Geotechnical Investigation*. November 2015.  
  
--. *Supplemental Geotechnical Consultation*. April 2016.
13. Haley & Aldrich, Inc. *Phase I & II Environmental Site Assessments*. November 2015.
14. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport*. October 27, 2010.
15. Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0234H*. May 18, 2009.

16. Hexagon Transportation Consultants. *Traffic Operations Analysis for Diridon Station TOD on Delmas Avenue*. April 2016.

## SECTION 5.0 REFERENCES

---

- ABAG, BAAQMD, BCDC, and MTC. *One Bay Area Frequently Asked Questions*. Accessed February 26, 2016. Available at: [http://onebayarea.org/about/faq.html#.UQceKR2\\_DAK](http://onebayarea.org/about/faq.html#.UQceKR2_DAK)
- Bay Area Air Quality Management District. *Roadway Screening Analysis Calculator*. April 16, 2015. Available at: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>
- California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014. Map.
- California Department of Transportation. *California Scenic Highway Mapping System – Santa Clara County*. Last updated May 5, 2015. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/scenic\\_hwy.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/scenic_hwy.htm)
- . *2014 Traffic Volumes on California State Highways*. 2014. Available at: <http://traffic-counts.dot.ca.gov/>
- California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning*. Map. July 31, 2009. Available at: [http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/SantaClara/Pages/Santa\\_Clara.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara/Pages/Santa_Clara.aspx)
- City of San José. *Classification of Subwatersheds and Catchment areas for Determining Applicability of HMP Requirements*. July 2011. Available at: [http://stormwater.sanjoseca.gov/planning/stormwater//SJ\\_HM\\_Applicability\\_Map.pdf](http://stormwater.sanjoseca.gov/planning/stormwater//SJ_HM_Applicability_Map.pdf)
- . *Final Environmental Impact Report for the San José Water Land Company Planned Development Rezoning, SCH# 2002062017*. April 2004.
- . *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan, SCH# 2009072096*. September 2011.
- . *Notice Requirement Criteria for Filing FAA Form 7460-1*. N.d. Map.
- County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties*. Accessed November 25, 2015. <https://www.arcgis.com/home/webmap/viewer.html?webmap=328429a3701a444485f31982cbdd9c71>
- . *Stationary Source Screening Analysis Tool – Santa Clara County*. May 30, 2012. Available at: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>
- Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0234H*. May 18, 2009. Accessed on December 2, 2015. Available at: <http://msc.fema.gov>



- Haley & Aldrich, Inc. *Geotechnical Investigation for Delmas Avenue Commercial and Residential Development, West Santa Clara Street and Delmas Avenue, San José, California*. November 2015.
- . *Phase I Environmental Site Assessment, Adobe Land Between West Santa Clara Street and West San Fernando Street at Delmas Avenue, San José, California*. November 2015.
- . *Phase II Environmental Investigation Report, Adobe Property, West Santa Clara Street and Delmas Avenue, San José, California*. November 2015.
- . *Supplemental Geotechnical Consultation, Delmas Avenue Commercial and Residential Development, West Santa Clara Street and Delmas Avenue, San José, California*. April 4, 2016.
- Hexagon Transportation Consultants, Inc. *Analysis of Interim Construction Impacts for the Diridon Station TOD*. March 4, 2016.
- . *Traffic Operations Analysis for Diridon Station TOD on Delmas Avenue*. April 19, 2016.
- . *Transportation Demand Management Analysis for Diridon Station TOD on Delmas Avenue*. April 1, 2016.
- . *Analysis of Interim Construction Impacts*. March 4, 2016.
- Huffman-Broadway Group, Inc. *Biological Assessment: For the proposed Adobe project in San José, California, what would be an appropriate setback from the Guadalupe River?* April 18 2016.
- . *Top of Bank Biological Study, Delmas Project Site, San José, California*. August 28, 2015.
- Odell Planning and Research, Inc. *Development Fee Justification Study Prepared for the San Jose Unified School District*. April 2014.
- Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport*. October 27, 2010.
- Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser Parcel Report*. Accessed November 17, 2015. Available at: <http://www.hcpmaps.com/habitat/>
- . *Santa Clara Valley Habitat Plan*. August 2012. Available at: <http://scv-habitatagency.org/178/Final-Habitat-Plan>
- Santa Clara Valley Water District. *Rainfall and Reservoir Status Report*. Accessed April 6, 2015. Available at: <http://www.valleywater.org/Services/MeasuresAndReadings.aspx>

## **SECTION 6.0      LEAD AGENCY AND CONSULTANTS**

---

### **Lead Agency:**

#### **City of San José**

##### ***Department of Planning, Building, and Code Enforcement***

Harry Freitas, Director

Jason Rogers, Division Manager

Meenaxi Panakkal, Supervising Environmental Planner

Kelsey Steffen, Environmental Project Manager

### **Consultants:**

#### **David J. Powers and Associates, Inc.**

##### ***Environmental Consultants and Planners***

Akoni Danielsen, Principal Project Manager

Matthew Gilliland, Project Manager

Zachary Dill, Graphic Artist

#### **Haley & Aldrich, Inc.**

##### ***Geologists and Geotechnical Engineers***

Micah Hintz, Senior Engineer

Dean Iwasa, Geotechnical Engineer

James Schwarz, PG, Senior Geologist

Brooke Rumley, Staff Geologist

Voytek Bajsarowicz, Senior Client Leader

#### **Hexagon Transportation Consultants**

##### ***Traffic and Transportation Engineers***

Michelle Hunt, Vice President & Principal Associate

#### **Huffman-Broadway Group, Inc.**

##### ***Environmental Regulatory Consultants***

Terry Huffman, Ph.D., Wetland Regulatory Scientist

#### **Illingworth & Rodkin, Inc.**

##### ***Air Quality Specialists***

James Reyff, Project Scientist

Josh Carman, Staff Consultant