

# Integrated Final EIR

## Downtown Strategy 2040

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Prepared by



In Consultation with



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& ASSOCIATES, INC.

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## INTRODUCTION TO THE INTEGRATED FINAL EIR

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This Integrated Final Environmental Impact Report (EIR) document is a compilation of documents prepared individually and previously made available to the public. First and Second Amendments to the Draft EIR were prepared by the City prior to certification of the EIR. The First and Second Amendments, together with the Draft EIR, constitute the Final EIR for this project. This Final EIR document integrates these documents, but changes none of them. In conformance with Section 15132 of the CEQA Guidelines, this Final EIR contains the following, at the locations indicated:

- (a) The Draft EIR in its entirety is found in the document which follows this page and the technical appendices (including Appendices A through F).
- (b) The information included in the First and Second Amendments to the Draft EIR is incorporated into the text of the Draft EIR which follows this page. The First and Second Amendments to the Draft EIR are incorporated in their entirety as Appendices G and H, respectively.
- (c) Resolutions of the City Council certifying the Final EIR for the project as complete and in conformance with CEQA and adopting findings for the Downtown Strategy 2040 EIR, approving the Downtown Strategy 2040 to replace the Downtown Strategy 2000, and approving General Plan amendment actions (Appendix I).
- (d) Notice of Determination for the Downtown Strategy 2040 EIR (Appendix J).

The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period. The First Amendment to the Draft EIR consists of comments received by the Lead Agency on the Draft EIR, responses to those comments, and revisions to the text of the Draft EIR. The Second Amendment to the Draft EIR consists of additional revisions to the text of the Draft EIR.

The First and Second Amendments to the Draft EIR were circulated to the public and commenting public agencies 10 days prior to the EIR certification hearing. The text revisions identified in the First and Second Amendments have been incorporated into the text of this Integrated Final EIR. All deletions are shown with a ~~line through the text~~ and all new text is shown with underlining.

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## **Appendices**

Appendix A	Notice of Preparation and Comment Letters
Appendix B	Air Quality and GHG Analysis
Appendix C	Noise Analysis
Appendix D	Transportation Analysis
Appendix E	Water Supply Assessment
Appendix F	Proposed Amendments to Appendix 5 of the 2040 General Plan (Growth Areas Planned Capacity by Horizon)
<u>Appendix G</u>	<u>First Amendment to the Draft EIR</u>
<u>Appendix H</u>	<u>Second Amendment to the Draft EIR</u>
<u>Appendix I</u>	<u>Resolution Nos. 78942, 78943, and 78944</u>
<u>Appendix J</u>	<u>Notice of Determination</u>



## ACRONYMS AND ABBREVIATIONS

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ABAG	Association of Bay Area Governments
ALUC	Airport Land Use Commissions
APM	Automated People Mover
APRS	Advanced Parking Reservation System
ATCM	Air Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BAT	Best Available Technology Economically Available
BCDC	Bay Conservation and Development Commission
BCT	Best Conventional Pollutant Control Technology
BFE	Base Flood Elevation
BMP	Best Management Practices
C&D	Construction and Demolition
CAAQS	California Ambient Air Quality Standards
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimation Model
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CBC	California Building Code
CCE	Community Choice Energy
CDDD	Construction and Demolition Diversion Deposit
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CESA	California Endangered Species Act
CHRIS	California Historical Resources Information System
CHSRA	California High Speed Rail Authority
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CPUC	California Public Utilities Commission
CRHR	California Register of Historic Resources
CUPA	Certified Unified Program Agency
DEIR	Draft Environmental Impact Report

DOT	Director of Transportation
DPM	Diesel Particulate Matter
DPNS	Downtown Pedestrian Network Streets
DSAP	Diridon Station Area Plan
DSMP	Downtown Streetscape Master Plan
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EIR	Environmental Impact Report
EMFAC2007	Emission Factors 2007
ESA	Endangered Species Act
ESD	Environmental Service Department
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FEIR	Final Program Environmental Impact Report
GHG	Green House Gas
HCP	Habitat Conservation Plan
HDDT	Heavy Duty Diesel Truck
HMBP	Hazardous Materials Business Plan
HMP	Hydromodification Management Projects
HMTA	Hazardous Materials Transportation Act
HOV	High Occupancy Vehicle
HRI	Historic Resources Inventory
HSR	High Speed Rail
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MOE	Measure of Effectiveness
MPO	Metropolitan Planning Organization
MRF	Material Recovery Facility
MRP	Municipal Regional Permit
MSDS	Material Safety Data Sheets



MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollution Discharge Elimination System
NRD	National Register of Historic Places District
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OPR	Office of Planning and Research
PBCE	Planning, Building and Code Enforcement
PCJPB	Peninsula Corridor Joint Powers Board
PDO	Parkland Dedication Ordinance
PEIR	Program Environmental Impact Report
PGS	Parking Guidance System
PIO	Park Impact Ordinance
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RMP	Risk Management Program
RMS	Root Mean Square
RRP	Risk Reduction Plan
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SamTrams	San Mateo County Transit District
SBWR	South Bay Water Recycling
SCCDEH	Santa Clara County Department of Environmental Health
SCIA	Sewer Capacity Impact Analysis
SCS	Sustainable Communities Strategy
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program

SCVWD	Santa Clara Valley Water District
SENL	Single Event Noise Level
SHPO	State Historic Preservation Officer
SJC	Norman Y. Mineta San José International Airport
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJSU	San José State University
SJUSD	San José Unified School District
SJWC	San José Water Company
SLF	Sacred Lands Files
SMARA	Surface Mining and Reclamation Act of 1975
SoFA	South First Area (Strategic Development Plan)
SOV	Single Occupant Vehicle
SSO	Sanitary Sewer Overflow
STC	Sound Transmission Class
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TCM	Transportation Control Measures
TCR	Tribal Cultural Resource
TDF	Travel Demand Forecasting
TDM	Transportation Demand Management
TPDM	Transportation and Parking Demand Management
TMDL	Total Maximum Daily Load
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VTa	Valley Transportation Agency
VTP	Valley Transportation Plan
WPCP	Water Pollution Control Plant



## SUMMARY

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The proposed project is the adoption of the City of San José's Downtown Strategy 2040, which is an update to the 2000 Downtown Strategy. The project would increase the number of residential units in Downtown by 4,000 compared to what is currently planned in the 2040 General Plan, which requires moving residential units from other Growth Areas or Urban Villages outside of Downtown such that overall residential units anticipated within the City would not change. Similarly, 3,000,000 square feet of planned office development (approximately 10,000 jobs) would be moved from Coyote Valley to Downtown. The project would extend the planning horizon of the Downtown Strategy to 2040 to match that of the City's 2040 General Plan. The project includes a slight change to the Downtown boundary along North 4<sup>th</sup> Street between East St. John and East Julian Street. The modified boundary would run mid-block between North 4<sup>th</sup> and North 5<sup>th</sup> Streets. The project would amend the 2040 General Plan text to create and apply to the Land Use/Transportation Diagram an Employment Priority Area (EPA) Overlay designation to specific Downtown sites planned for intensive job growth because of their high degree of access to transit and other facilities and services. This overlay would generally apply to designated opportunity sites located within approximately one-quarter mile (walking distance) of the planned Downtown BART station corridor on East Santa Clara Street. Amendments to the 2040 General Plan and Title 20 of the San José Municipal Code (Zoning Ordinance) are proposed in various chapters and sections to incorporate the proposed changes to the Downtown Strategy development levels, boundary, and Land Use Transportation Diagram.

### SUMMARY OF IMPACTS AND MITIGATION MEASURES

The following table includes a summary of the significant impacts discussed within the body of this EIR and identifies mitigation measures to avoid or reduce those impacts. For a complete description of impacts and mitigation measures, refer to the text of the EIR. A complete description of the project and discussion of impacts and proposed mitigation measures can be found in the Section 3.0 of the EIR.

Significant Impact	Mitigation and Avoidance Measures
<b>Air Quality Impacts</b>	
<b>Impact AQ-1:</b> Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay area, contributing to existing violations of ozone standards.	To reduce emissions associated with vehicle travel, future development shall be required to implement a transportation demand management (TDM) program. During supplemental review of future projects, the TDM programs will be evaluated for consistency with General Plan policies. All feasible and applicable measures will be required as part of project design or as conditions of approval. Implementation of TDM programs and consistency with General Plan policies, however, would be insufficient to fully mitigate the project's significant contribution to cumulative air quality impacts given the scale of the project. <b>(Significant Unavoidable Impact)</b>

Significant Impact	Mitigation and Avoidance Measures
<p><b>Impact C-AQ-1:</b> Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards.</p>	<p>To reduce emissions associated with vehicle travel, future development shall be required to implement a transportation demand management (TDM) program. During supplemental review of future projects, the TDM programs will be evaluated for consistency with General Plan policies. All feasible and applicable measures will be required as part of project design or as conditions of approval. Implementation of TDM programs and consistency with General Plan policies, however, would be insufficient to fully mitigate the project's significant contribution to cumulative air quality impacts given the scale of the project. <b>(Significant Unavoidable Impact)</b></p>
<b>Cultural Resources Impacts</b>	
<p><b>Impact C-CUL-1:</b> Downtown Strategy 2040 would make a cumulatively considerable contribution to previously identified significant impacts to historic resources.</p>	<p>Future development projects shall be required to evaluate buildings over or near 45 years of age prior to demolition or substantial alteration and implement 2040 General Plan policies and existing regulations that promote preservation of historic landmarks, districts, and properties of lesser significance. Based on the number of historic resources that have been lost within Downtown (and the City in general), and the potential for remaining historic buildings to be replaced or otherwise adversely affected, the proposed project could make a substantial contribution to the significant impacts previously identified in the Downtown Strategy 2000 EIR. <b>(Significant Unavoidable Cumulative Impact)</b></p>
<b>Greenhouse Gas Emissions Impacts</b>	
<p><b>Impact GHG-1:</b> Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions.</p>	<p>Achieving the substantial GHG emissions reductions needed to meet the 2040 threshold will require an aggressive multiple-pronged approach that includes policy decisions and additional GHG emission controls at the federal and state level, and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. It also will require substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies [such as the California Air Resources Board (ARB), Public Utilities Commission (PUC), California Energy Commission (CEC), Metropolitan Transportation Commission (MTC), and Bay Area Air Quality Management District (BAAQMD)] and technological advances are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable. <b>(Significant Unavoidable Impact)</b></p>

Significant Impact	Mitigation and Avoidance Measures
<p><b>Impact C-GHG-1:</b> Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions.</p>	<p>Achieving the substantial GHG emissions reductions needed to meet the 2040 threshold will require an aggressive multiple-pronged approach that includes policy decisions and additional GHG emission controls at the federal and state level, and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. It also will require substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies [such as the California Air Resources Board (ARB), Public Utilities Commission (PUC), California Energy Commission (CEC), Metropolitan Transportation Commission (MTC), and Bay Area Air Quality Management District (BAAQMD)] and technological advances are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable. <b>(Significant Unavoidable Impact)</b></p>
Noise and Vibration	
<p><b>Impact NV-1:</b> Build-out of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise.</p>	<p>Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it may not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable. <b>(Significant Unavoidable Impact)</b></p>
<p><b>Impact C-NV-1:</b> Build-out of the Downtown Strategy 2040 would result in a significant unavoidable cumulative noise impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian</p>	<p>Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant cumulative traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it may not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa</p>

Significant Impact	Mitigation and Avoidance Measures
<p>Street, Almaden Boulevard, Race Street, The Alameda, King Road, North First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. due to substantial increases in traffic noise.</p>	<p>Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable. <b>(Significant Unavoidable Cumulative Impact)</b></p>
<b>Population and Housing</b>	
<p><b>Impact C-PH-1:</b> Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance, as identified in the 2040 General Plan EIR.</p>	<p>Build-out of the 2040 General Plan would result in a jobs/housing imbalance in the City, with more jobs than employed residents. As a result of increased commuting from other jurisdictions, the 2040 General Plan EIR concluded that implementation of the 2040 General Plan would substantially increase vehicle miles travelled (VMT) per service population in the Bay area region. Therefore, the population and housing impact related to the jobs/housing balance and induced population growth outside of San José was identified in the 2040 General Plan as significant and unavoidable.</p> <p>The Downtown Strategy 2040 is intended to reduce VMT through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting.</p> <p>The main environmental issue associated with a jobs/housing imbalance is increased VMT and the Downtown Strategy 2040 is a key strategy for reducing VMT; however, because the project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR. <b>(Significant Unavoidable Cumulative Impact)</b></p>
<b>Growth-Inducing Impacts</b>	
<p><b>Impact GI-1:</b> Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable</p>	<p>The significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR is associated with growth outside of the City that may result from the projected jobs/housing imbalance within the City. The specific environmental effects of growth outside the City and any mitigation measures to</p>

Significant Impact	Mitigation and Avoidance Measures
growth-inducing impact identified in the 2040 General Plan EIR.	offset those effects will be best addressed at the time resulting development is proposed. Identification of mitigation measures for future housing growth in other cities would be speculative. <b>(Significant Unavoidable Impact)</b>

## SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives that “will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project.” The purpose of the alternatives section is to determine whether there are alternatives of design, scope, or location that will substantially lessen the significant impacts, even if those alternatives “impede to some degree the attainment of project objectives,” or are more costly. [CEQA Guidelines Section 15126.6(b)]

In order to comply with CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project’s objectives as possible. The CEQA Guidelines emphasize a common-sense approach. The alternatives should be reasonable, “foster informed decision-making and public participation,” and must focus on alternatives that avoid or substantially lessen the significant impacts. The project’s objectives are listed in Section 2.5 of this EIR.

As discussed in Section 6.0, Significant Unavoidable Impacts of this EIR, the proposed project would result in significant unavoidable impacts related to air quality, historic resources, GHG emissions, noise, and jobs/housing balance. The majority of these impacts are cumulative in nature. The alternative analysis in this EIR focuses on alternatives that would reduce or eliminate these impacts.

Below is a summary of the project alternatives. A full analysis of the project alternatives, including alternatives that were considered but rejected for further consideration, is provided in Section 7.0 of this EIR.

### **No Project (No Downtown Growth) Alternative**

Under this alternative, the City would essentially decide to halt any growth in Downtown and instead maintain Downtown development at current levels, including implementation of current ‘pipeline’ development projects already entitled under the Downtown Strategy 2000. This alternative would require the City to stop implementing its 2040 General Plan beyond current approved ‘pipeline’ projects, which calls for intensification and growth in the Downtown area. While this alternative would be feasible and would avoid the environmental impacts associated with the project, it would not meet the project objectives, nor would it adhere to the goals and policies in the City’s 2040 General Plan related to locating new growth in the Downtown.



## **No Project (General Plan Buildout) Alternative**

The purpose of this alternative is to identify what development and associated environmental impacts would occur if the City does not adopt the proposed Downtown Strategy 2040; in other words, how the Downtown area would continue to grow and evolve under the current 2040 General Plan's goals, policies, and Land Use Transportation Diagram. Under the No Project General Plan Buildout Alternative, the project area would be developed consistent with the 2040 General Plan, resulting in 4,000 fewer residential units and three million less square feet (sf) of office space compared to the proposed project, although that development is assumed to be implemented elsewhere in the City as currently envisioned by the 2040 General Plan.

The objectives of the proposed project center on encouraging and facilitating growth in Downtown consistent with the goals and policies of the 2040 General Plan. In this area, the No Project (General Plan Buildout) Alternative would be consistent with the project objectives. Where the project and the No Project Alternative differ is the extent to which growth would occur in Downtown. The project would allow additional growth in Downtown beyond what was assumed in the 2040 General Plan, and therefore would achieve the project objectives to a greater extent than the No Project (General Plan Buildout) Alternative.

## **Intensification West of SR 87 Alternative**

There is currently significant interest in the development or redevelopment of properties in the area west of SR 87, specifically the DSAP area. For example, Google is considering proposing a transit-oriented development project (commonly referred to as the Google Village Project) in the DSAP area. Should heightened interest in development in the DSAP area continue, it could result in a shift of density of future office development compared to what was assumed for the Downtown Strategy 2040, with more future office space being located west of SR 87 instead of east of SR 87 as the Transportation Analysis currently evaluates. The Intensification West of SR 87 Alternative is intended to analyze the effects of such a scenario. This alternative assumes that an additional 4,000 jobs (equivalent to roughly 1.2 million sf feet of office space) would occur on the west side of SR 87 instead of the east side.

The Intensification West of SR 87 would not change the overall amount of development allowed under the Downtown Strategy 2040, nor would it change any components of the project description. Instead, this alternative merely changes the assumption of where the development allowed by the project would occur within the Downtown boundaries. This alternative, therefore, would meet the project objectives.

## **Environmentally Superior Alternative**

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those discussed. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project (No Downtown Growth) Alternative is the environmentally superior alternative in that it avoids all project impacts. However, it achieves none of the City's objectives.

The No Project (General Plan Buildout) Alternative would result in very similar environmental impacts (albeit slightly reduced within the boundaries of the Downtown, but somewhat increased Citywide) as the proposed project, and is not considered to be environmentally superior.

Because the Intensification West of SR 87 Alternative is the only alternative considered other than the two “No Project” alternatives, it is by default the environmentally superior alternative among alternatives that are not “No Project” alternatives. This alternative, however, would result in the same significant unavoidable impacts as the proposed project.

### **KNOWN AREAS OF CONTROVERSY**

Pursuant to Section 15123(b)(2) of the state CEQA Guidelines, an EIR shall identify areas of controversy known to the lead agency including issues raised by agencies and the public. The City has made extensive efforts to engage members of the business and development community in the planning process, as well as residents within the immediate area and surrounding long-established neighborhoods. Comments were received on the Notice of Preparation and are included in Appendix A of this EIR. While general concerns were raised typical of large urban development projects, there are no known areas of controversy.

## **SECTION 1.0 INTRODUCTION**

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### **1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT**

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Downtown Strategy 2040 project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

### **1.2 EIR PROCESS**

#### **1.2.1 Notice of Preparation and Scoping**

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project.

Two NOPs were circulated for the EIR. The first NOP was first circulated to local, state, and federal agencies on October 6, 2015 and two public scoping meetings were held on October 26, 2015 and October 28, 2015. Due to changes to the project description (primarily the addition of 3,000,000 square feet of office development), the NOP was revised and recirculated on March 10, 2017 with the standard 30-day comment period concluding on April 10, 2017. The City of San José also held one public scoping meeting on March 29, 2017 to discuss the revised project and solicit public input as to the scope and contents of this EIR. Appendix A of this EIR includes both NOPs and all comments received during the respective circulation periods.

#### **1.2.2 Draft EIR Public Review and Comment Period**

Publication of this Draft EIR will mark the beginning of a 45-day public review and comment period. During this period, the Draft EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of the availability of this Draft EIR will be posted and published for public information and sent directly to every agency, person, and organization that requested it and/or commented on the NOP. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Jenny Nusbaum  
City of San José – Planning Department  
200 East Santa Clara Street – 3<sup>rd</sup> Floor  
San José, CA 95113  
[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)

### **1.3 FINAL EIR/RESPONSES TO COMMENTS**

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the Lead Agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must make a statement of overriding considerations and state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

#### **1.3.1 Notice of Determination**

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

## **SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION**

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### **2.1 BACKGROUND**

This Program Environmental Impact Report (EIR) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City of San José. The purpose of the EIR is to inform the public and various governmental agencies of the environmental effects of the proposed project. The EIR includes descriptions of the physical environment in the project area as those conditions existed at the time the Notice of Preparation (NOP) for the Downtown Strategy 2040 was re-circulated in Spring 2017. The EIR evaluates the potential for development proposed as part of the Downtown Strategy 2040 to result in significant environmental effects; that is, exceeding stated levels or “thresholds” of significance. Measures included in the project to minimize the significant environmental effects are described in the discussion of environmental impacts, per CEQA Guidelines Section 15126.

On July 20, 2005, the City Council certified the Downtown Strategy 2000 EIR (Resolution No. 72767) and adopted the Downtown Strategy 2000 which provided a vision for future housing, office, commercial, and hotel development within the Downtown area consistent with the San José 2020 General Plan. Downtown Strategy 2000 is a strategic redevelopment plan with a planning horizon of 2000-2010 that focused on the revitalization of Downtown San José by supporting higher density infill development and replacement of underutilized properties. While the planning horizon of the Downtown Strategy 2000 is 2010, the traffic analysis projected traffic conditions to 2020.

Due primarily to an increased interest in Downtown development, especially in the residential and office sectors, and because the horizon year of the Downtown Strategy 2000 has passed, the proposed project is an update to the Downtown Strategy to include additional residential units and office space. This was a recommendation coming out of the Envision San José 2040 General Plan (2040 General Plan) Four-Year Review process in 2016. Other changes are also proposed, as described in Section 2.0 Project Description of this EIR. This EIR has been prepared to evaluate the environmental impacts of the proposed increase in residential units and office space as well as other updates proposed for Downtown, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City of San José.

The proposed project includes substantial changes to the amount of residential and office development contemplated in the Downtown Strategy and extends the horizon year of the Downtown Strategy from 2010 to 2040, consistent with the 2040 General Plan. Additionally, the Downtown Strategy 2040 project area includes a large portion of the Diridon Station Area Plan (DSAP), which was adopted in 2014 (refer to Section 2.1.2, below). Therefore, the Downtown Strategy 2040 EIR will utilize any pertinent information included in the Downtown Strategy 2000 EIR, the 2040 General Plan EIR (2040 General Plan EIR), and the DSAP EIR to the extent possible.

#### **2.1.1 Downtown Strategy 2000**

As previously mentioned, the adopted Downtown Strategy 2000 provided a vision for future housing, office, commercial, and hotel development within Downtown. Downtown Strategy 2000 is a strategic redevelopment plan with a planning horizon of 2000-2010 that focuses on the revitalization of Downtown San José by supporting higher density infill development and replacement of



underutilized properties. The San José Downtown Strategy 2000 Plan (Downtown Strategy 2000) is an integrated strategic urban design plan that focuses on the revitalization of Downtown San José by envisioning higher density infill development and replacement of underutilized uses within the boundaries of Downtown. The Downtown Strategy 2000 is **not** a land use document per se, but a vision or action guide for development activities in Downtown planned for 2000-2010.<sup>1</sup>

The Downtown Strategy 2000 established a set of guiding principles of broad goals and objectives for the future development of Downtown as follows:

1. Make the Greater Downtown a Memorable Urban Place to Live, Work, Shop, and Play;
2. Promote the Identity of Downtown San José as the Capital of Silicon Valley;
3. Create a Walkable, Pedestrian-Friendly Greater Downtown; and
4. Promote and Prioritize Development that Serves the needs of the Entire City and Valley.

The Downtown Strategy 2000 Plan includes and integrates the following detailed plans and programs that were prepared subsequently to implement its vision, including, but not limited to:

1. South First Area (SoFA) Strategic Development Plan
2. Diridon/Arena Area Strategic Development Plan
3. Guadalupe River Park Master Plan
4. Downtown Streetscape Master Plan
5. Downtown Design Guidelines
6. Downtown Parking Management Plan
7. Downtown Access and Circulation Study
8. Diridon Station Area Plan

Some of these plans have been implemented or recently prepared/revised, e.g. the Diridon Area Station Plan (DSAP, August 2014), the Guadalupe River Park Master Plan, and the Downtown Streetscape Master Plan. Downtown Design Guidelines have been developed and are being implemented. The Downtown Parking Management Plan and Access and Circulation Study were prepared and their implementation is ongoing.

The Downtown Strategy 2000 EIR divided development capacity into four phases of equal size with transportation improvements to mitigate traffic impacts tied to each phase as identified in the traffic analysis, which utilized level of service (LOS) for impact determination. The overall development capacity in the Downtown Strategy 2000 EIR is as follows:

- 11.2 million square feet of office development (2.8 million square feet per phase)
- 8,500 residential units (2,125 units per phase)
- 1.4 million square feet of retail development (350,000 square feet per phase)
- 3,600 hotel rooms (900 rooms per phase)

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<sup>1</sup> While the Downtown Strategy 2000 had a horizon year of 2010, the traffic analysis prepared for the Downtown Strategy 2000 EIR projected traffic conditions to 2020, consistent with the General Plan 2020 which was current at the time.

While the four development phases were initially equal in size, two subsequent Addenda (October 8, 2014 and July 15, 2016) to the Downtown Strategy 2000 EIR were prepared that shifted residential and office between the four phases, as shown in Table 2.1-1, below. These shifts in development capacity were in response to changes in market demand for residential units and office space Downtown since the adoption of Downtown Strategy 2000. The phasing development capacities for retail space and hotel guest rooms were not changed. The two subsequent Addenda prepared in 2014 and 2016 did not change the total development capacity envisioned in the Downtown Strategy 2000.

Traffic analyses were completed and included in the Addenda to demonstrate that the shifting of development in the first and second phases would not result in new or substantially more severe traffic impacts than those identified in the Downtown Strategy 2000 EIR.

<b>Table 2.1-1: Adjusted Downtown Strategy 2000 Development Phases</b>					
	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Phase 4</b>	<b>Total</b>
<b>Office (sf)</b>	2 million	3.6 million	2.8 million	2.8 million	11.2 million
<b>Residential Units</b>	7,500	334	333	333	8,500
<b>Retail (sf)</b>	350,000	350,000	350,000	350,000	1.4 million
<b>Hotel Guest Rooms</b>	900	900	900	900	3,600

The Downtown Strategy 2000 EIR stated that public funds were to be allocated towards the construction of identified transportation improvements prior to the build-out of each development phase. The Mitigation Monitoring and Reporting Program (MMRP) for the project identified the City as having implementation responsibility of the traffic mitigation with the Director of the Department of Planning, Building, and Code Enforcement (PBCE) and the Director of Transportation (DOT) providing oversight responsibility. The transportation improvements were to be funded by the Redevelopment Agency. San José dissolved its Redevelopment Agency in January 2011, therefore, the City is now responsible for identifying other sources of funding for these improvements, such as regional contributions, transportation impact fees, or financing districts.

## **2.1.2 Diridon Station Area Plan**

In June 2014, the City of San José (City) adopted the Diridon Area Station Plan (DSAP), which established a vision for development at Diridon station and the surrounding area. This plan was developed in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José's Diridon Station. The DSAP area is divided into three zones: 1) the Northern Zone, which is generally north of The Alameda, 2) the Central Zone, which is the core area centered on Diridon Station, and 3) the Southern Zone which is generally between Park Avenue and Interstate 280.

In June 2014, the City of San José certified the Diridon Station Area Plan Integrated Final Program Environmental Impact Report (DSAP EIR), which evaluated the environmental effects of development under the DSAP. The DSAP EIR tiers off the 2040 General Plan EIR because, although the DSAP proposed strategies to intensify the amount of development allowed in the area surrounding Diridon Station, growth that is proposed for the area was evaluated under the 2040 General Plan.

### **2.1.3 Program-Level Environmental Review and Tiering**

According to Section 15168 of the CEQA Guidelines, a Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related: 1) geographically; 2) as a chain of contemplated actions; 3) in connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same regulatory authority and having generally similar environmental effects. If the lead agency finds that pursuant to Section 15162 of the CEQA Guidelines, no new significant effects could occur and no new mitigation measures would be required, the agency can approve the activities as being within the scope of the project covered by the Program EIR and new environmental review would not be required.

Program EIRs allow for a more exhaustive consideration of effects, cumulative impacts, and alternatives than would be practical for a series of individual project-level EIRs. A Program EIR also allows lead agencies to consider broad policy alternatives and program-wide mitigation measures to deal with basic environmental issues and cumulative effects through the use of “tiering”. Tiering refers to using the analysis of general matters contained in a broader EIR in later environmental review documents prepared for projects with a narrower scope or more limited geographic scale (CEQA Guidelines, Section 15152). To use the tiering concept, the later EIR or Initial Study incorporates by reference the general discussions from the broader EIR and concentrates on the issues specific to the later project and effects that were not identified in the prior EIR.

The Downtown Strategy 2040 EIR will provide both program- and project-level environmental review for the amount of development shown in Table 2.4-1. The EIR will evaluate the traffic and traffic-related air quality and noise impacts of Downtown development projects consistent with 2040 General Plan land use designations and Downtown zoning districts up to the year 2040 at a project-level. Program-level review will be provided for the remaining impacts that relate to site-specific conditions, including construction-related impacts that cannot feasibly be evaluated now in the absence of specific development project details.<sup>2</sup> Existing information and analysis in the Downtown Strategy 2000 EIR, 2040 General Plan EIR, and DSAP EIR will be utilized to the extent feasible for development envisioned through 2040.

The 2040 General Plan established a vision for future population and economic growth and the provision of municipal services for the City of San José. The 2040 General Plan provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units, primarily within identified Growth Areas. The 2040 General Plan assumes a slightly increased level of development in the Downtown Core as was anticipated in Downtown Strategy 2000 (1,860 additional residential units).

The City prepared a Program Environmental Impact Report (“2040 General Plan EIR”) for the 2040 General Plan to analyze the environmental effects of the planned growth and identify program-level mitigation measures (policies and actions) to reduce and avoid those impacts. The City certified the 2040 General Plan EIR on September 28, 2011 and adopted the 2040 General Plan on November 1,

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<sup>2</sup> The 2040 General Plan evaluated traffic impacts to a horizon year of 2035 consistent with the Congestion Management Program (CMP) travel demand forecasting model maintained by VTA. The current effort will use the horizon year of 2040, consistent with the most recent travel demand model.

2011. The City subsequently approved a Supplemental Program EIR for the 2040 General Plan EIR in December 2015 that specifically addressed and updated the greenhouse gas emissions analysis.

An Addendum to the 2040 General Plan EIR was also prepared and approved in December 2016 for the Four-Year Review of the General Plan. The review process resulted in the following:

- reducing the job growth capacity of the 2040 General Plan thus changing growth assumptions in planned growth areas of the City;
- changing the horizon year of the 2040 General Plan to match the current travel demand forecasting model (2040);
- moving the Berryessa BART Urban Village from Plan Horizon 2 to Plan Horizon 1; and
- adding new policies to facilitate the provision of affordable housing in the City.

The future growth in Downtown was evaluated in the 2040 General Plan EIR at a conceptual or programmatic level, consistent with the Downtown Strategy 2000. This document tiers off the 2040 General Plan EIR, particularly for the evaluation of cumulative impacts. Consistency with the 2040 General Plan is discussed in detail in Section 3.11 Land Use of this EIR.<sup>3</sup>

The proposed Downtown Strategy 2040 project increases the number of residential units in Downtown by 4,000 units compared to what is currently planned in the 2040 General Plan (as shown in Table 2.4-1), which requires moving residential units from other Growth Areas or Urban Villages outside of Downtown such that overall residential units anticipated within the City would not change. Similarly, 3,000,000 square feet of planned office development (approximately 10,000 jobs) would be moved from Coyote Valley to Downtown. This is described more in Section 2.0 Description of the Proposed Project.

As part of this EIR, project-level analyses have been conducted for traffic and traffic-related air quality and noise impacts. Future analyses of these topics may not be required provided the development proposed does not exceed the overall development or scope analyzed. Supplemental analyses will be needed when there are circumstances unique to a specific project site that have not been analyzed in detail in this EIR [e.g., traffic operations (ingress/egress), cultural/historic resources, aesthetics, hazardous materials, etc.]. Future projects under the Downtown Strategy 2040 will be examined in light of this EIR to determine the appropriate level of subsequent environmental review and what, if any, additional analysis will be needed.

The original Downtown Strategy 2000 document is available for review at <http://www.sjredevelopment.org/PublicationsPlans/Strategy2000.pdf>. The current Downtown Strategy 2000 EIR can be found on the City's "Completed EIRs" website at <http://www.sanjoseca.gov/index.aspx?nid=2434>. The DSAP and its EIR are available at <http://www.sanjoseca.gov/index.aspx?NID=1743>. The 2040 General Plan and its EIR, the December 2015 Supplemental EIR, and the Four-Year Review Addendum are all available for review at [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning).

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<sup>3</sup> The 2040 General Plan EIR is available for review at San José City Hall, 3rd Floor, 200 East Santa Clara Street, San José, or at: <http://www.sanjoseca.gov/planning/eir/EIR.asp>.

## 2.2 CURRENT CONDITIONS

As of March 2017 when the Notice of Preparation was released, approved and/or constructed residential development in Downtown were approaching residential capacities identified in Phase 1 (7,500 residential units), as shown in Table 2.2-1 below. However, not all of the required Phase 1 traffic mitigation from the Downtown Strategy 2000 EIR have been completed. While the extension of Autumn Street to Coleman Avenue has been completed, the remainder of the improvements, which include the widening of Coleman Avenue and traffic calming in adjacent neighborhoods, are not. Without implementation of the traffic mitigation, development beyond Phase 1 cannot proceed under the current Downtown Strategy 2000 EIR and future projects would need to prepare individual EIRs to receive approvals, potentially delaying development that would benefit the City.

The Downtown Strategy 2000 was incorporated into the current 2040 General Plan adopted in November 2011. The General Plan increased the growth capacity within Downtown for housing development by 1,860 units and the planned number of jobs by 3,500 (albeit within the same 11.2 million sf assumed in Downtown Strategy 2000, reflecting market trends of yielding more workers per office square foot) above the development capacities in the Downtown Strategy 2000, as shown in Table 2.4-1 in Section 2.4 below. Because the Redevelopment Agency has been dissolved and the demand for development within Downtown has increased in recent years, the City determined that an update to the Downtown Strategy 2000 is needed to facilitate additional residential and office development capacity beyond what was envisioned in the 2040 General Plan, while maintaining the Downtown Strategy 2000 development capacities for retail and hotel uses.

<b>Table 2.2-1: Downtown Development as of March 2017</b>				
<b>Land Use</b>	<b>Overall Current Downtown Strategy 2000</b>	<b>Downtown Strategy 2000 Phase 1*</b>	<b>Development Completed or Currently on File<sup>1</sup></b>	<b>Remaining Development Capacity in Phase 1<sup>1</sup></b>
<b>Residential</b> (in units)	8,500	7,500	6,549	951
<b>Office</b> (in sf)	11.2 million	2 million	1,195,649	804,351
<b>Retail</b> (in sf)	1.4 million	350,000	258,512	91,488
<b>Hotel</b> (in rooms)	3,600	900	397	503
*Development levels established by the June 2016 Addendum to the San José Downtown Strategy 2000 Final EIR.				
<sup>1</sup> Based upon projects with applications on-file with the City of San José's Planning Department at the time the Revised NOP was circulated (March 7, 2017).				



## 2.3 PROJECT LOCATION

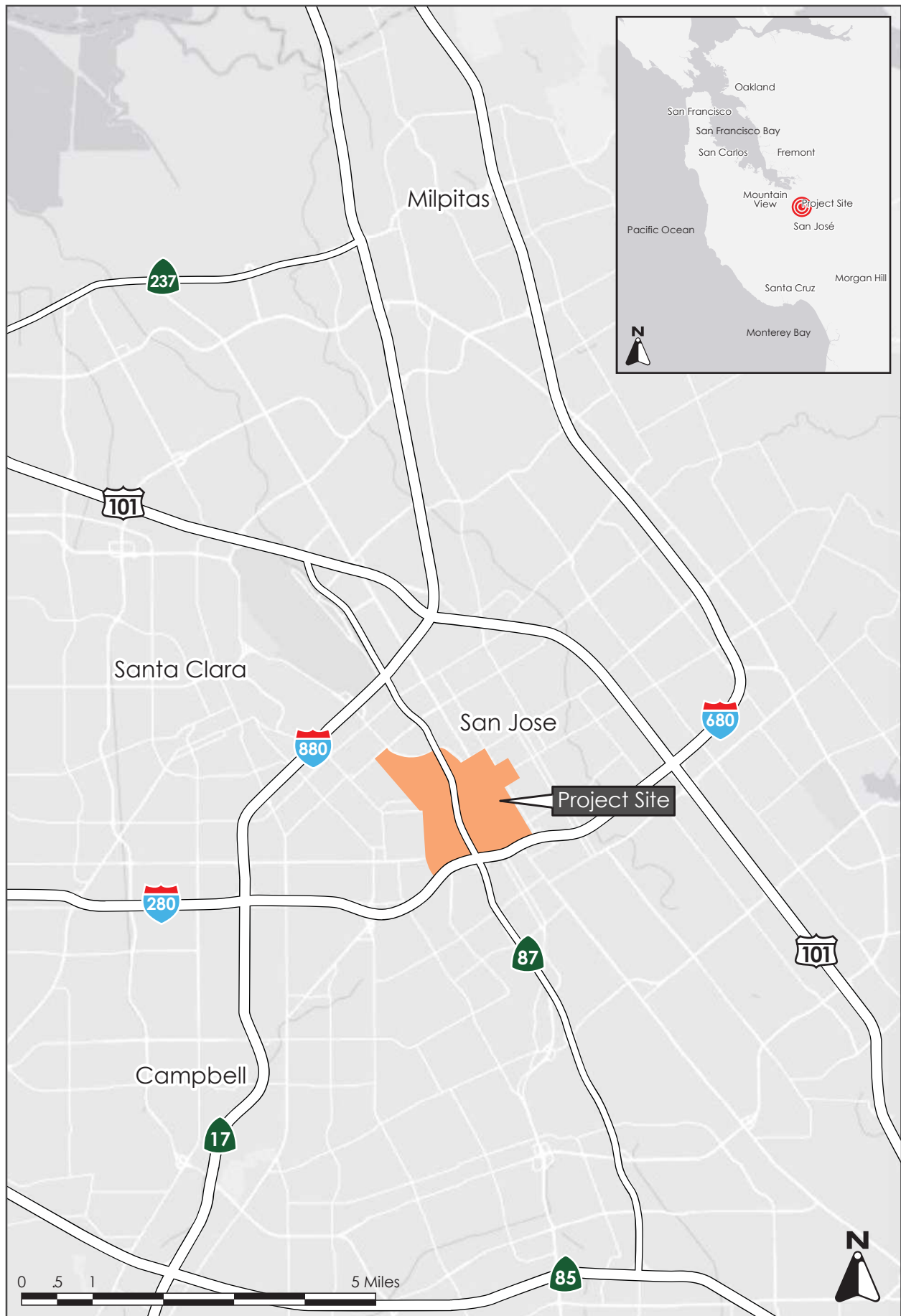
San José's Downtown is located in the central part of the City and encompasses approximately three square miles generally bounded by Taylor Street to the north for areas west of SR 87 and Julian for areas east of SR87, San José State University and City Hall to the east, Interstate 280 to the south, and the Diridon Station Area to the west. The existing Downtown boundaries are shown on Figures 2.3-1 through 2.3-3.

## 2.4 PROJECT DESCRIPTION

The Downtown Strategy 2000 and 2040 General Plan envisioned Downtown development as shown in Table 2.4-1, below. The City is now proposing to update the Downtown Strategy to Year 2040, consistent with the 2040 General Plan, while allowing an increase in the amount of allowed development consistent with the recommendations from the General Plan Four-Year Review process. The broad recommendations and guiding principles of Downtown Strategy 2000 remain generally pertinent to the overall vision for Downtown and were incorporated into the 2040 General Plan. The general descriptions of the "Strategies and Actions", which were programmatic improvements described in Downtown Strategy 2000 and the EIR, will be carried over to the Downtown Strategy 2040 EIR.

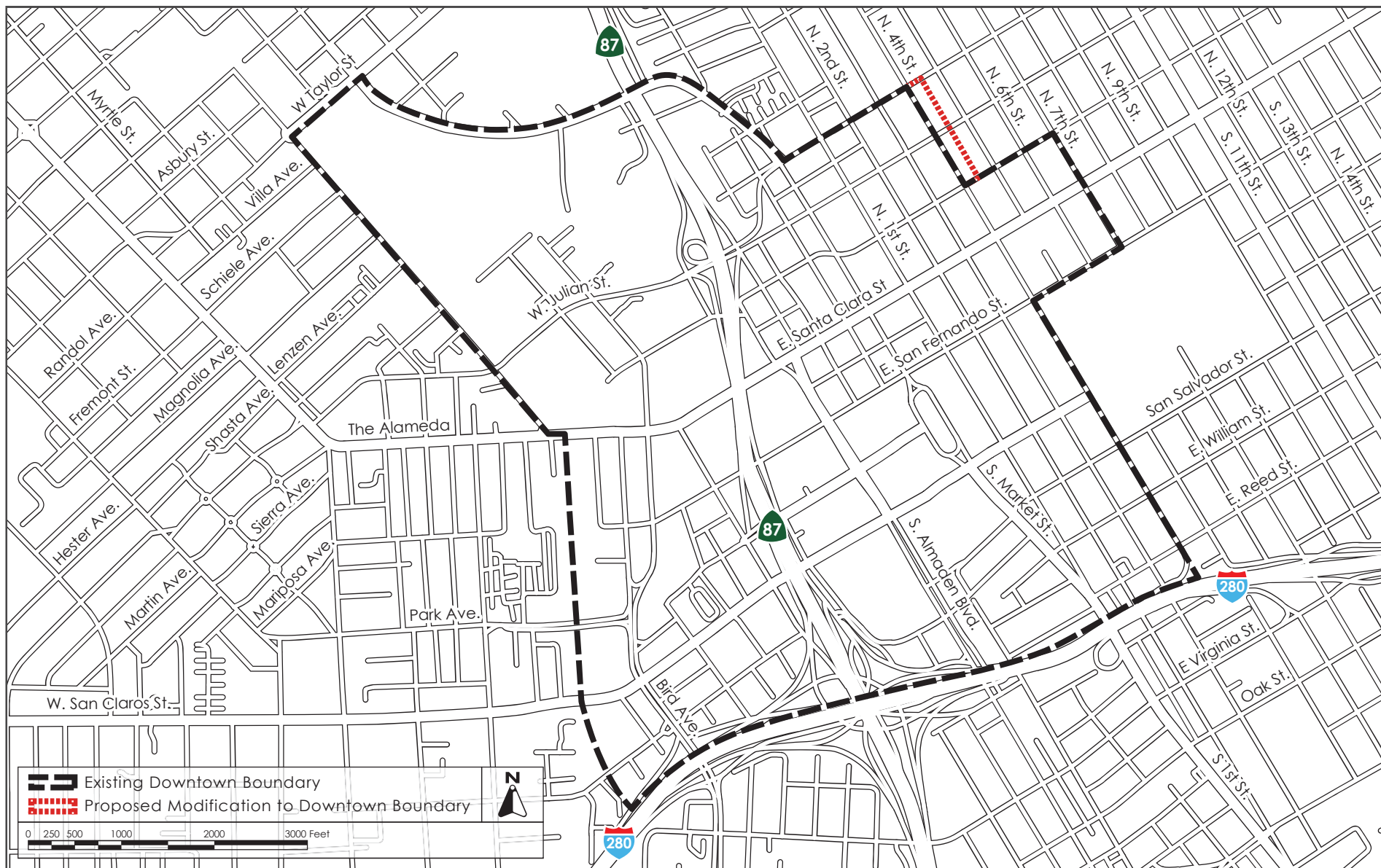
As shown in Table 2.4-1 below, the retail, and hotel capacity envisioned for Downtown would be the same as envisioned in the Downtown Strategy 2000 and 2040 General Plan. The increase in residential capacity would be achieved by transferring residential units from outlying (beyond the general vicinity of Downtown) Urban Villages and other Growth Areas identified in the 2040 General Plan. The increase in office development (or jobs) would be achieved by transferring 10,000 jobs planned in the North Coyote Valley Employment Lands Growth Area identified in the 2040 General Plan. The Downtown Strategy 2000 assumed the 11.2 million sf of office space would accommodate approximately 45,000 jobs, while the same 11.2 million sf was assumed in the 2040 General Plan to accommodate approximately 48,500 jobs, reflecting current trends in the use of office space that yield more employees per square foot. The 14.2 million sf of office space planned in the Downtown Strategy 2040 is expected to accommodate approximately 58,500 jobs, or roughly 10,000 more than currently assumed in the 2040 General Plan.

<b>Table 2.4-1: Proposed Downtown Strategy 2040 Development Capacities</b>			
<b>Land Use</b>	<b>Current Downtown Strategy 2000 (2010 Horizon)</b>	<b>Current 2040 General Plan</b>	<b>Proposed Downtown Strategy 2040</b>
<b>Residential</b> (in units)	8,500	10,360	14,360
<b>Office</b> (in sf)	11.2 million	11.2 million	14.2 million
<b>Retail</b> (in sf)	1.4 million	1.4 million	1.4 million
<b>Hotel</b> (in rooms)	3,600	3,600	3,600



REGIONAL MAP

FIGURE 2.3-1



VICINITY MAP

FIGURE 2.3-2





AERIAL PHOTOGRAPH

FIGURE 2.3-3



The EIRs prepared for the Downtown Strategy 2000 and 2040 General Plan included mitigation measures for environmental impacts, including cultural resources, shade and shadow, biological resources, and stormwater. These mitigation measures have been included, as appropriate and applicable, as conditions of approval for all approved Phase I projects, consistent with the 2040 General Plan. As part of the Downtown Strategy 2040 update effort, impacts were re-analyzed per recent changes in the regulatory and legislative climate, particularly related to traffic, air quality and greenhouse gas emissions requirements that were not in effect at the time the previous EIR was completed. Mitigation measures previously identified in the Downtown Strategy 2000 were reviewed, analyzed, and carried over to this Draft EIR, as necessary and appropriate.

Revisions to the Downtown Strategy 2000, consistent with the 2040 General Plan, also include:

- 1) Identifying “Employment Priority Areas” in proximity to the future Downtown BART Station;
- 2) Changing the Municipal Code Downtown to support General Plan policy conformance;
- 3) Eliminating the project phasing;
- 4) Considering implementation of a Transportation and Parking Demand Management Plan;
- 5) Amending the General Plan’s Land Use/Transportation Diagram to reflect a slight modification to the boundaries of Downtown along North 4th Street between East St. John and East Julian Streets (Figure 2.0-1);
- 6) Reflecting the approved Diridon Station Area Plan; and
- 7) Other General Plan amendments as necessary to update Downtown Strategy 2000 as described below, such as extending the horizon year to 2040.

No other components of Downtown Strategy 2000 require updating at this time. The guiding principles and retail and hotel development capacities remain the same. The development anticipated would be consistent with the 2040 General Plan land use designation of Downtown. Each of the components of the project are described in detail below.

#### **2.4.1      Increase In Residential and Office Capacity**

As described previously, Downtown Strategy 2000 had a capacity of 8,500 residential units and 11.2 million sf of office uses (assumed to accommodate 45,000 jobs). The existing 2040 General Plan anticipates a total of 10,360 residential units and 11.2 million sf of office uses (assumed to accommodate 48,500 jobs) in Downtown by the year 2040. The proposed project would increase the allowed number of residential units to 14,360 and office uses to 14.2 million sf (assumed to accommodate 58,500 jobs).

The proposed project would not increase the overall number of residential units envisioned citywide in the 2040 General Plan. The increase in Downtown residential capacity would be achieved by transferring residential units from outlying (beyond the general vicinity of Downtown) Horizon 3 Urban Villages and other Growth Areas identified in the 2040 General Plan. The Urban Villages/Growth Areas that will contribute residential units are identified in Appendix G and the transfers are reflected in the Transportation Analysis (TA) prepared for the project (Appendix D). The additional 3,000,000 square feet of office uses would come from office development (i.e., jobs) included in the General Plan for North Coyote Valley, which has been reflected in the TA. Retail uses and hotel rooms envisioned for Downtown would not change (1.4 million square feet and 3,600



rooms, respectively). The proposed project includes 2040 General Plan text amendments to revise all references in the 2040 General Plan to be consistent with these development amounts.

This EIR provides project- and program-level environmental clearance for 14,360 residential units, 14.2 million sf of office uses, 1.4 million sf of retail uses, and 3,600 hotel rooms by 2040.<sup>4</sup> Project-level analyses are included for traffic and traffic-related air quality and noise impacts, such that future analyses may not be required provided the residential and office development proposed does not exceed the overall development analyzed. Retail and hotel development Downtown would not be different than that envisioned in Downtown Strategy 2000 or the 2040 General Plan, as shown in Table 2.0-1.

#### **2.4.2 Extend the Horizon Year To 2040**

While the current horizon year of Downtown Strategy 2000 is 2010, the Downtown Strategy 2000 EIR evaluated impacts to 2020. The project proposes to extend the planning horizon of Downtown Strategy 2000 to 2040 consistent with the 2040 General Plan. This EIR provides project-level environmental review for transportation and traffic-related air quality and noise and program-level environmental review for all other impacts to the year 2040, consistent with the 2040 General Plan.

The overall components of Downtown Strategy 2000 that articulate a vision and recommendations of policies and actions towards achieving that vision remain the same; only the horizon year is extended. As with Downtown Strategy 2000, Downtown Strategy 2040 is not a General Plan, Specific Plan, or Redevelopment Plan. It does not determine land uses, zoning requirements, or detailed policies, but it does make substantive recommendations with important policy implications. It is meant to serve as a guide for decision-makers as they consider policy affecting change and growth in Downtown through 2040.

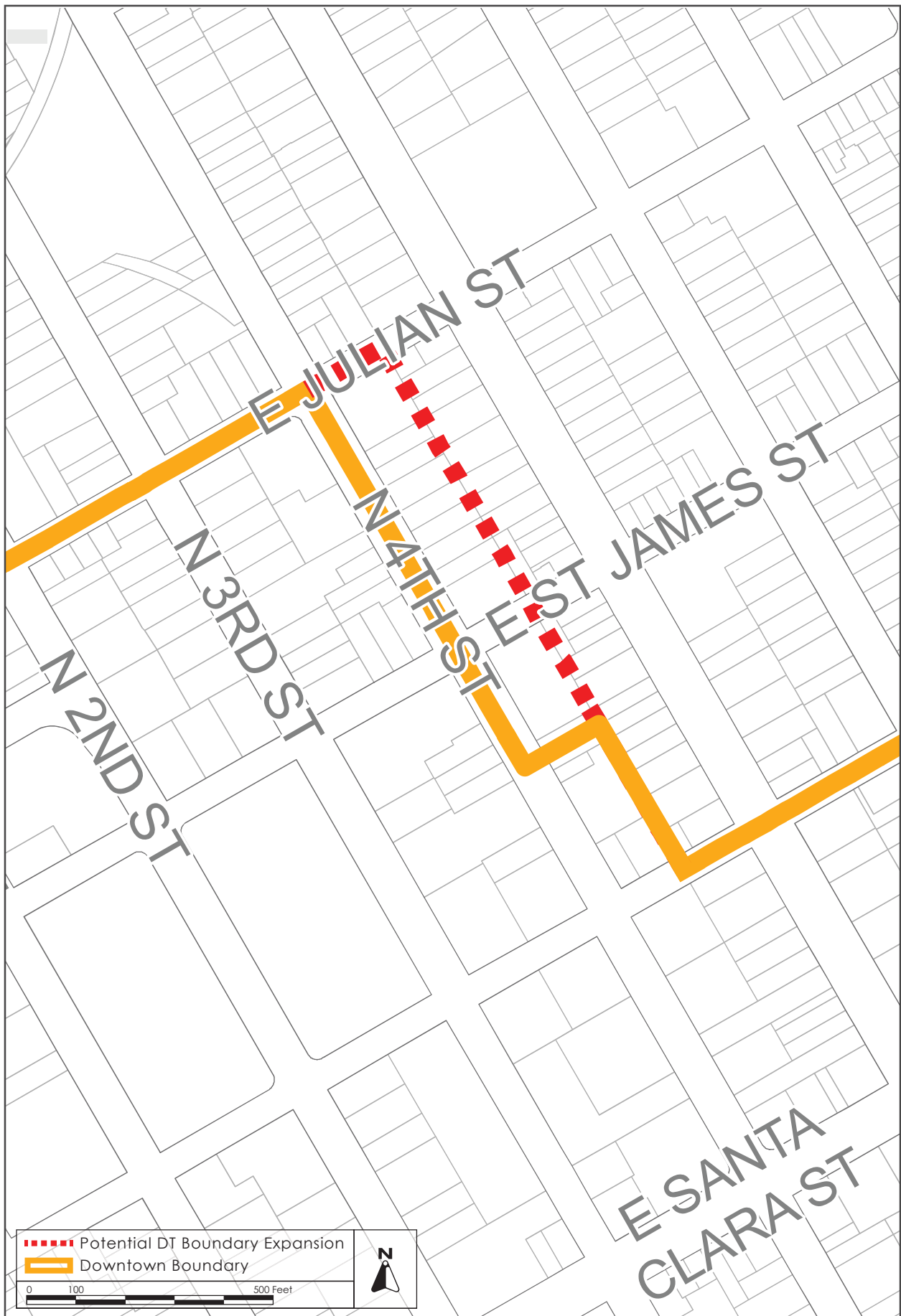
#### **2.4.3 Expand the Downtown Boundary**

The current boundaries of Downtown are shown on Figures 2.3-1 through 2.3-3. The proposed project includes a slight change to the boundaries along North 4<sup>th</sup> Street between East St. John and East Julian Street, as shown on Figure 2.4-1. The boundary would run mid-block between North 4<sup>th</sup> and North 5<sup>th</sup> Streets. The existing land uses in the expansion area include high rise residential, four-story office with parking garage, multi- and single-family residential uses.

Given the dense, urban nature of the existing and future land uses in this area, the City believes expanding the Downtown land use designation onto these properties would allow better interface with uses on the west side of the street. It is intended that future land uses in the expansion area would be compatible with the existing single- and multi-family development on the west side of North 5<sup>th</sup> Street. Compatibility would be ensured through implementation of applicable 2040 General Plan policies and design guidelines during the land use entitlement process.

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<sup>4</sup> It should be noted that, other than the proposed additional 4,000 residential units and three million sf of office uses, the development capacities planned in the Downtown Strategy 2040 are already planned for in the 2040 General Plan. As shown in Table 2.2-1, of the planned development in the Downtown Strategy 2040, 6,549 residential units, 1,195,649 sf of office, 258,512 sf of retail uses, and 397 hotel rooms have been approved and/or constructed as of March 2017.



PROPOSED MODIFICATION TO THE DOWNTOWN BOUNDARY

FIGURE 2.4-1

#### **2.4.4 Eliminate Phasing of Development**

Downtown Strategy 2000 included a phasing plan that divided development into four phases of equal size with transportation improvements identified in each phase. The second phase of development could not be implemented until the roadway improvements identified as mitigation in the Downtown Strategy 2000 EIR were implemented. As described in Section 1.3, two subsequent Addenda to the Downtown Strategy 2000 EIR were approved in October 2014 and July 2016 that shifted only residential and office development capacities between the four phases as shown in Table 1.0-1, above. The shifts in development capacity were intended to allow additional residential units and office development in the first phase due to an increase in market demand for such uses.

The transportation impacts and mitigation identified in the Downtown Strategy 2000 EIR were based on an analytic methodology that utilized delay and congestion on the roadway system as the primary metric for the identification of traffic impacts and potential roadway improvements to relieve traffic congestion that may result due to proposed/planned growth. The thresholds for impacts were reflected in the City's Transportation Impact Policy (Council Policy 5-3), which was based on the use of intersection Level of Service (LOS) as the primary measure of development impacts. However, since the time the Downtown Strategy 2000 EIR was prepared, the State has recognized the limitations of measuring and mitigating only vehicle delay at intersections and in 2013 passed Senate Bill (SB) 743, which requires jurisdictions to stop using a LOS measurement for CEQA transportation analysis. With the adoption of SB 743 legislation, public agencies will be required to base transportation impacts on Vehicle Miles Traveled (VMT) rather than LOS that typically uses delay as its metric. The change in measurement is intended to better evaluate the effects of development growth on the state's goals for climate change and multi-modal transportation.

To adhere to the State's legislation, the City of San José crafted and adopted a new Transportation Analysis Policy, Council Policy 5-1, on February 27, 2018. The new policy is based on the use of VMT as the primary measure of transportation impacts. The new policy replaces Council Policy 5-3. As a result, the City no longer utilizes LOS when identifying transportation impacts and required mitigation under CEQA, such as roadway improvements.

The roadway improvements identified as mitigation in the Downtown Strategy 2000 EIR, which were the basis for the phasing of development, are no longer reflective of the methodology and thresholds established by the State and the City to determine transportation impacts and mitigation. The transportation impacts of the Downtown Strategy 2040 are analyzed in Section 3.15 of this EIR utilizing current methodology and thresholds, including SB 743 and Council Policy 5-1. As described in more detail in Section 3.15, the project would not result in significant transportation impacts requiring roadway improvements. Therefore, no phasing of development is proposed or required for the Downtown Strategy 2040.

#### **2.4.5 Downtown Transportation Plan**

The City is in the process of creating a new comprehensive plan for mobility in Downtown, one that explicitly considers the role of public spaces as places that people move through and gather in and emphasizes walking, transit, and bicycling, as ways to get many more people into and around Downtown. The Downtown Transportation Plan is closely coordinated with VTA and the BART Silicon Valley Project. It is expected to be completed by 2020.

Consistent with the 2040 General Plan, the Plan will propose transportation programs and policy changes that:

- Improve the pedestrian experience by increasing wayfinding and safety, and developing quick and interesting ways to walk to all areas of Downtown
- Develop the low stress bike network within Downtown as well as connecting it to larger City and regional networks
- Increase the speed, frequency and convenience of transit travel through improvements to transit infrastructure and consideration of access
- Improve and rationalize the auto street network through study of such things as converting one way roads to two way, improve east – west travel and ensuring easy access to highways.
- Reduce reliance on automobiles through transportation and parking demand management (TPDM) strategies and practices

The 2040 General Plan establishes a citywide goal of reducing single-occupant automobile commute mode share to no more than 40 percent by 2040 and expressly promotes TPDM to achieve the City’s transportation and development goals. Transportation demand management (TDM) refers to a set of strategies to reduce vehicle trips by promoting alternatives such as staggered or flexible work hours, public transit, carpooling, bicycling, walking, and telecommuting. 2040 General Plan Goal TR-7 is to implement effective TDM strategies that minimize vehicle trips and vehicle miles traveled. TDM strategies also promote more efficient utilization of existing transportation facilities and ensure that new developments are designed to maximize the potential for alternative transportation usage.

2040 General Plan Goal TR-8 is to develop and implement parking strategies that reduce automobile travel through parking supply and pricing management. TDM and parking strategies are inexorably intertwined; effective transportation demand management reduces parking needs and smart growth oriented parking policies are themselves among the most effective forms of transportation demand management, since having guaranteed and/or free parking has been shown to result in higher vehicle use. As such, downtown parking and transportation demand management efforts are treated together in this section and generally referred to as TPDM.

Well-designed TPDM strategies and practices can efficiently manage parking using both parking supply and demand approaches for both short- and long-term traffic management. On the supply side, potential management tools include, but are not limited to, parking trade, shared parking, advanced parking reservation systems (APRS), permit parking programs, preferential parking for carpools and vanpools, and wayfinding and parking guidance systems (PGS). Demand management approaches include, but are not limited to, on- and off-street pricing, “unbundling” parking costs from other user costs, and cash-out programs to allow employees to choose between free parking or the equivalent cost of the subsidized parking space.

TPDM strategies and practices would encourage adoption of alternative modes of transportation and support efficient use of valuable parking resources. TPDM measures include design-based and program-based strategies to manage travel demand. Potential TPDM measures would include: transit information kiosks, preferential parking for carpools/vanpools, ride-matching program, guaranteed ride home program, on-site TPDM coordinator, discounted transit and/or bikeshare passes, car-

sharing programs, biking facilities (e.g., parking, lockers, showers, bike sharing, bike valet), employee shuttles to Diridon Station, the future BART station, and other transit locations, and annual monitoring. In addition, the City's continued participation in the Bay Area Bike Share program, which allows users to rent and return bicycles at various popular locations, can also be considered a TPDM measure.

Downtown commercial office and R&D uses are currently required to have a minimum of 2.5 spaces per 1,000 net square feet of space. The minimum Downtown parking requirement for hotels is currently 0.35 spaces per room versus a projected parking ratio of 0.2 spaces per room. Residential development is currently required to provide one parking space per unit; however, the San José Municipal Code currently allows for parking reductions in the Downtown for all land uses. The City may grant up to a 15 percent reduction in parking spaces when a project has developed a transportation demand management program and the project demonstrates that it can maintain that transportation demand management program for the life of the project. Up to a 50 percent reduction can be granted for mixed-use projects when the reduction will not adversely affect surrounding projects, the project does not depend on or reduce public parking supply, and a transportation demand management program is maintained for the life of the project. Finally, the total parking required for a project may be reduced up to 100 percent where public parking is provided on-site as part of a public or private development project.

As part of the Downtown Transportation Plan, several TPDM strategies will be considered to exceed this goal given current City Municipal Code requirements.

One such option would be to remove parking minimum requirements in certain areas of Downtown dependent upon need and the locations of public garages that could share parking with residential uses. This would reduce traffic in Downtown while encouraging walking, the use of transit, bicycling, and other car-free and car-light travel. Another option would be to “unbundle” the cost of parking from the cost of renting/leasing/owning the usable residential or commercial space, which would reveal the true cost of parking spaces to the end user. The City may also choose to set parking maximums near Diridon Station and the future Downtown BART station. This option would encourage the use of nearby major transit facilities, again reducing traffic and associated parking needs in Downtown.

Having lower projected parking ratios is considered to be appropriate for build-out of the Downtown and allows more space to be devoted to housing, office, retail, and other needed uses. Additional development Downtown will encourage a dense network of bicycle and pedestrian facilities that can serve Diridon Station, already anticipated to become one of the busiest multi-modal stations both in California and the western United States. The construction of the BART extension to Silicon Valley (with a station Downtown), Caltrain modernization, and the High Speed Rail to San Francisco and Los Angeles will further improve access to Downtown from the surrounding communities. Given the planned high level of transit, bicycle, and pedestrian accessibility, it is anticipated that more people will travel to and from Downtown outside of a car than in one, thereby necessitating less parking than is currently required in Downtown.

It should be noted that – unless parking maximums are imposed – developers may decide to build more parking spaces than would be required under the San José Municipal Code. In this event, it is

possible that the City would require that this additional parking be shared with public uses and/or assess fees for this additional parking.

While the projected parking ratios ultimately proposed may be lower than those currently required Downtown, the project does not propose revisions to Municipal Code parking requirements to support these ratios.

The Downtown Transportation plan will also study how to improve the attractiveness and availability of non-automobile transportation options for all that travel to and from Downtown. Improving the experience for people who walk by focusing on safety, way finding, quicker ways to get to all places and developing visually interesting space will increase the proportion of people walking. Creating comfortable and convenient environments for people who walk will encourage people to walk for short trips they currently take by car. Development of safe, low stress and regionally connected bikeways will increase the number of people who bike. The creation of these bike options will encourage the portion of travelers who report they would be willing to bike for travel needs by don't feel there is a viable way to do so. Improvements to the transit system such as new services, improvements to the signaling and other speed improvements, and investments in station and stops will encourage more people to ride transit. Making transit travel times more competitive, improving the experience of getting to and accessing transit will encourage people to change to this publicly beneficial travel mode.

The combination of new and improved non-auto transportation options and TPDM strategies proposed through the Downtown Transportation Plan will enable Downtown to play its part in delivering on the mode change and VMT reduction goals of the General Plan.

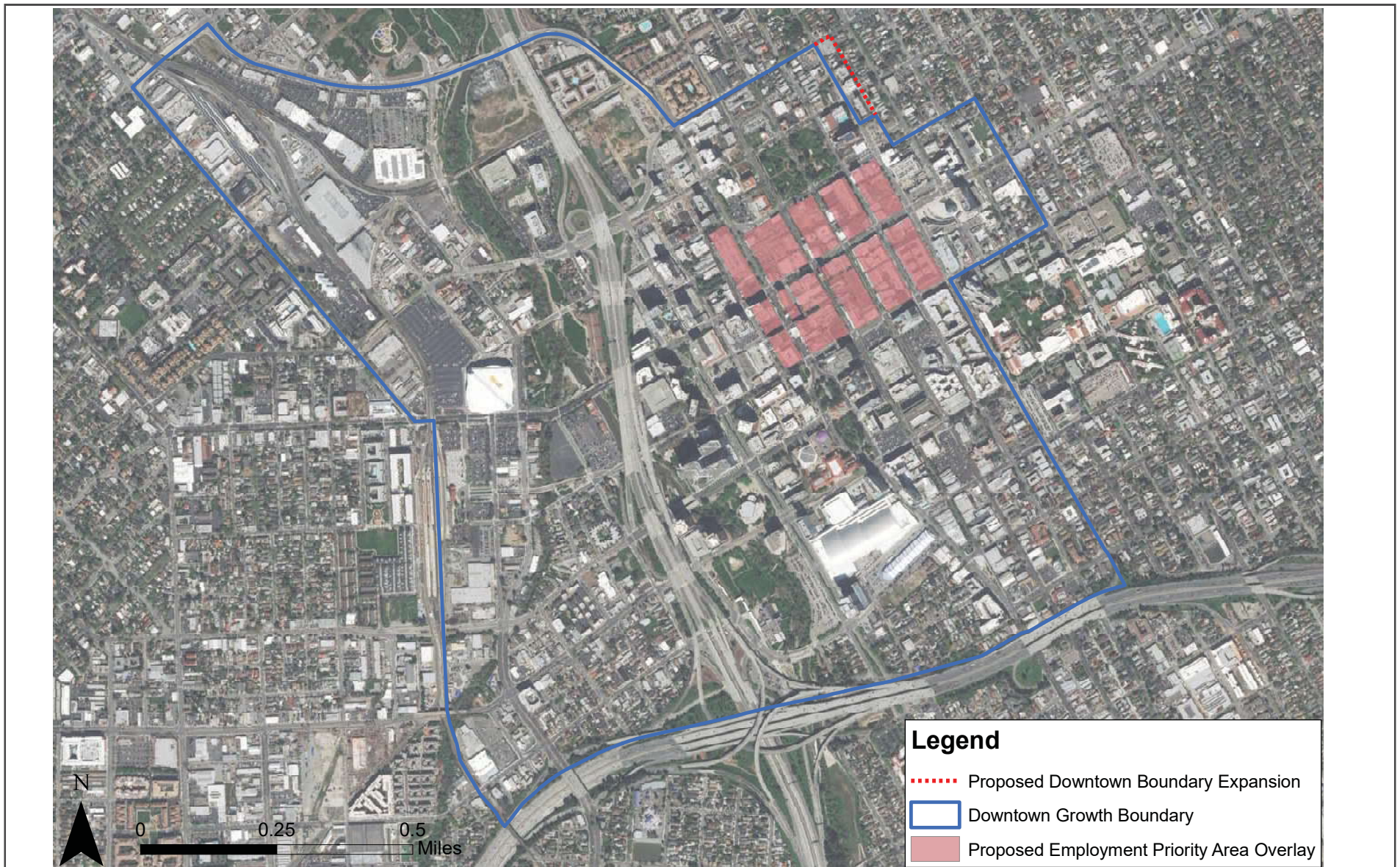
#### **2.4.6      Employment Priority Area**

Phase II of the Valley Transportation Agency's (VTA's) BART Silicon Valley Extension includes a five-mile long subway tunnel near Santa Clara Street through Downtown. The alignment would connect the planned Alum Rock Station between US 101 and 28<sup>th</sup> Street in northeast San José to the Caltrain Station in the City of Santa Clara, west of Norman Y. Mineta San José International Airport.

The VTA has identified the location of the Downtown San José BART station at Santa Clara Street between Market and 4<sup>th</sup> Streets. The station will consist of below-ground concourses and boarding platforms with bicycle facilities. The station will also include multiple entrances and would be conveniently located to provide access to VTA light rail service and several VTA bus lines.

The proposed project would amend the 2040 General Plan text to create and then apply to the Land Use/Transportation Diagram an Employment Priority Area (EPA) Overlay designation to a portion of Downtown planned for intensive job growth because of the area's proximity and good access to the future Downtown BART station (refer to Figure 2.4-2). Studies have shown that locating high intensity employment uses adjacent to transit have a more significant impact on increasing transit ridership than high intensity housing located adjacent to transit. Therefore, to support future BART ridership, the EPA Overlay would reserve key sites in proximity to BART primarily for employment uses.





EMPLOYMENT PRIORITY AREA OVERLAY

FIGURE 2.4-2

This overlay would generally be applied to sites located within approximately one block (walking distance) of the planned Downtown BART station on East Santa Clara Street. As shown on Figure 2.4-2, the overlay boundary is intended to respect property lines and not split parcels. Due to proximity to the future BART station, the EPA supports development at very high intensities, where such high intensity is not incompatible with other major policies within the General Plan, such as Historic Preservation Policies.

The EPA Overlay does not change the uses otherwise allowed within the base “Downtown” land use designation. The EPA Overlay, however, would require a minimum Floor Area Ratio (FAR) of 4.0 for commercial (job generating) uses, including office, retail, service, hotel, or entertainment uses, prior to allowing residential uses, as supported by the “Downtown” General Plan Land Use/Transportation Diagram designation. Typically, the base land use designation will be “Downtown” with an allowed FAR of up to 15.0 (3 to 30 stories) and density of up to 800 DU/AC.

To give an example, a new development project on a one-acre site on Santa Clara Street would be required to provide at least 174,240 square feet of commercial space before the General Plan would support the addition of residential uses in the project. While the EPA would establish minimum commercial requirements prior to allowing residential uses, the EPA does not establish a minimum FAR for stand-alone commercial uses.

The development intensity and site design elements in the areas within the overlay designation should reflect an intense, transit-oriented land use pattern that is typically expected in Downtown. It is envisioned that active commercial uses (e.g. retail and entertainment uses) would be located at the ground level with high-intensity office development above. To help activate the Downtown BART corridor, new development within the EPA overlay should incorporate active ground floor retail commercial uses along the street.

#### **2.4.7 General Plan Text and Land Use Transportation Diagram Amendments**

Amendments to the text of the 2040 General Plan are proposed in various chapters and sections to incorporate the proposed changes to the Downtown Strategy development levels, boundary, and Land Use Transportation Diagram. Further Downtown intensification will entail the following current or future implementing actions:

- a. Establish an Employment Priority Area (EPA) Overlay to reserve sites that are approximately one block from the future Downtown BART station for employment uses to support ridership on the planned BART system, and to support Downtown San José’s growth as a Regional Employment Center. The EPA Overlay designation is intended to be applied to sites planned for intensive job growth because of their high degree of access to the future Downtown BART station. This Overlay is intended to be applied on top of the underlying base “Downtown” General Plan Land Use/Transportation Diagram designation.

The EPA Overlay will require a minimum Floor Area Ratio (FAR) of approximately 4.0 for commercial job-generating uses prior to allowing residential uses, as allowed by a site’s base General Plan Land Use/Transportation Diagram designation. Because of the proximity to the Downtown BART station, the EPA promotes high intensity development, where such high intensity is not incompatible with other major policies within the General Plan, such as



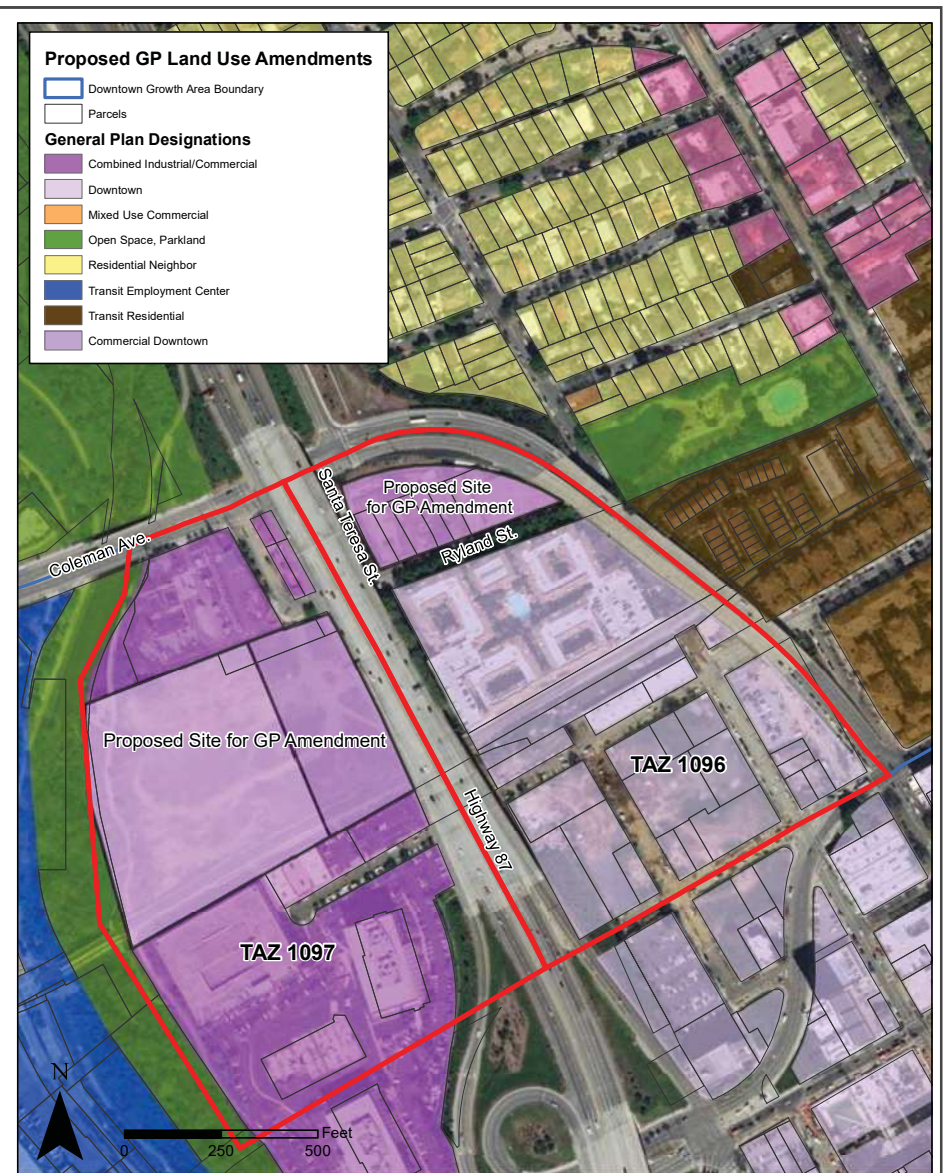
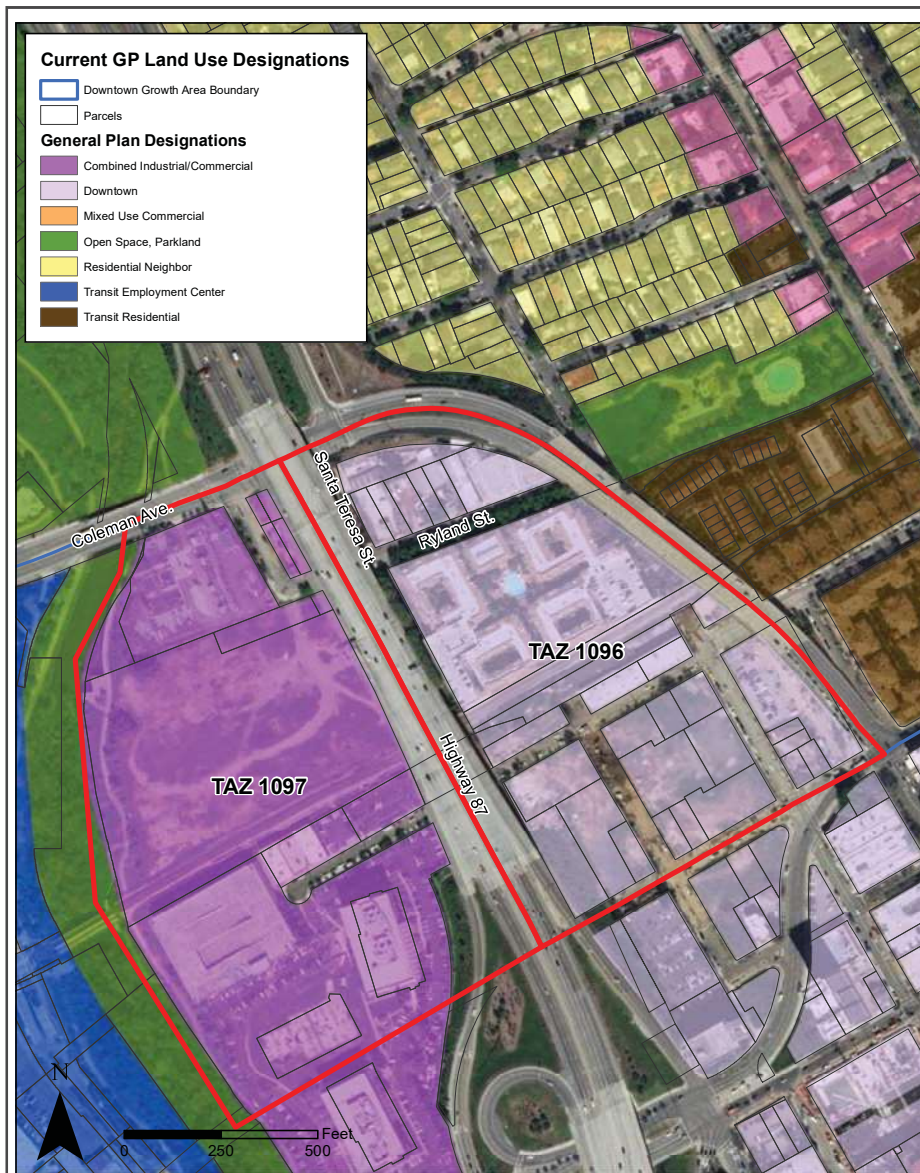
Historic Preservation Policies. In addition, new development should be transit supportive in its design. It is important to locate intensive job use near transit stations because multiple studies have shown that people are more likely to take transit when their jobs are located near a station.

Although the Overlay does not change the uses otherwise allowed under the base land use designation, residential uses would only be allowed after the commercial requirement is first met. For example, a new development project on a one-acre site on Santa Clara Street would be required to provide at least 174,240 square feet of employment generating space before residential uses could be added to the project. While the EPA both establishes minimum commercial requirements prior to allowing residential uses, and promotes higher intensity commercial uses, the EPA does not establish a minimum FAR for stand-alone commercial uses since lower intensity commercial uses are not anticipated to preclude higher intensity commercial development in the future.

- b. Clarify the boundary of the Downtown Growth Area in Chapter 1 (Envision San Jose 2040) of the 2040 General Plan, including elimination of the Downtown Transit Employment Center from the Planned Growth Areas Diagram.
- c. Change 2040 General Plan Land Use/Transportation Diagram to expand the boundary along the eastside of North 4th Street.
- d. Make clear that within the Strategy 2040 area if development permits expire on a site, then the previously entitled capacity on that site will revert back to the unentitled remaining capacity under the Downtown Strategy 2040 EIR.
- e. The new EPA Overlay designation will apply to new development permit applications submitted after the adoption and effective date of the new Strategy.
- f. Add a policy to Chapter 4 (Quality of Life) of the General Plan that requires new development within the Downtown Growth Area that is adjacent to existing neighborhoods planned for lower intensity development to provide transitions to respect the character of those neighborhoods.

In addition, two General Plan Amendments land use amendments are proposed on within the boundaries of the Downtown, as shown on Figure 2.4-3. The proposed land use amendments include:

- g. amend the General Plan Land Use/Transportation Diagram to change the land use designation from *CIC Combined Industrial/Commercial* to a combination of *Downtown* and *Commercial Downtown* on an approximately 10-acre site generally located south of Coleman Avenue between SR-87 and the Guadalupe River to allow a mix of residential and commercial development, and
- h. amending the General Plan Land Use/Transportation Diagram to change the land use designation from *Downtown* to *CIC Combined Industrial/Commercial* on approximately 2.05 acres located on the north side of Ryland Street, east of SR-87, and south and west of Coleman Avenue.



PROPOSED GENERAL PLAN LAND USE AMENDMENTS

FIGURE 2.4-3

Build-out of the 2040 General Plan and related environmental analysis under CEQA assumes development overall in the City will occur at the middle range of the General Plan land use designations or consistent with surrounding development intensities. The reason why the middle or typical range is used as opposed to the maximum intensities potentially allowed under various General Plan land use designations is because building out under the maximum intensities for all General Plan land designation would exceed the total planned growth capacity allocated in the General Plan, and this maximum amount of build-out does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, Federal Aviation Administration regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code in Title 20 (Zoning), market conditions, and other factors. To evaluate the incremental changes of the proposed General Plan land use amendments, average residential and commercial densities for development under these land use designations and in the planning areas of the proposed General Plan amendments for San José are assumed for the current and proposed land use designations on each site. Individual development projects would be required to complete a near term traffic analysis in conjunction with any future development permit applications.

#### **2.4.8      Zoning Ordinance Changes**

Amendments to Title 20 of the San Jose Municipal Code (Zoning Ordinance) are proposed to incorporate the proposed changes to the Downtown Strategy development levels, boundary, and Land Use Transportation Diagram. Further Downtown intensification will entail the following current or future implementing actions:

- a. Better align the boundaries of the Downtown Zoning area to be consistent with the boundaries of the Downtown Strategy 2040 area and the 2040 General Plan.
- b. Facilitate implementing the VMT Policy in the Downtown Strategy 2040 area by changes such as reducing minimum parking space requirements for residential uses, expanding unbundled parking opportunities for all uses, and adding options for Transportation Demand Management (TDM).
- c. Align maximum heights allowed in the Zoning Code with the 2040 General Plan.
- d. Revise and add provisions for development standards in transitional areas adjacent to Downtown such as the area currently identified in the Zoning Code as the Downtown Frame.
- e. Clarify the City's intent for all approved Downtown developments to be constructed in a timely fashion and that upon the expiration of any approved development permits the capacity of those projects will revert to the pool of available Downtown capacity.
- f. Discourage the use of Planned Development zonings, or make their activation otherwise time-limited, so that unconstructed development capacity cannot be held in perpetuity.

## 2.5 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, an EIR must include a statement of objectives, including the underlying purpose of the project. The main purpose of the Downtown Strategy 2040 is to update the Downtown Strategy 2000 to allow additional residential and office development capacity in Downtown by shifting planned growth from other areas of the City, while holding constant the citywide development totals in the 2040 General Plan. The Guiding Principles, objectives, and basic tenants of the Downtown Strategy 2000 and more recent 2040 General Plan would not change with the proposed project. The City's basic objectives for the proposed project, consistent with the Downtown Strategy 2000 EIR are provided below.

- Continue to encourage ambitious job and housing growth capacity in Downtown. This growth capacity is important to achieve multiple City goals, including support for regional transit systems, correcting the City's jobs to housing imbalance, and for the development of Downtown as a regional job center, consistent with the 2040 General Plan, Downtown Strategy 2000.
- Continue to implement the Downtown Strategy 2000 strategies and actions for the six main urban systems within Downtown: Public Realm, Urban Form and Buildings, Transportation and Access, Historic Resources, Economic Projections, and Human Services.
- Extend the horizon year of the Downtown Strategy to 2040 to match that of the Envision San José 2040.
- Update and re-analyze Downtown traffic based on 2040 General Plan Transportation Goals that promote multi-modal mobility and the reduction of Vehicle Miles Traveled (VMT).
- Seek creative and expansive ways by which the City can seek funding to address mobility needs.
- Facilitate a more streamlined development approval process Downtown, thereby taking advantage of current economic conditions.
- Expand the Downtown boundaries to include parcels on the east side of North 4<sup>th</sup> Street between St. John and Julian Streets.
- Allow additional residential development, consistent with the 2040 General Plan, to capitalize on the walkable, livable, and business supportive environments within the Downtown.
- Preserve the jobs sites (commercial, office, and hotel development) envisioned in the Downtown Strategy 2000 and 2040 General Plan.
- Continue to create a highly active and lively pedestrian and bicycle friendly environment with excellent connectivity to downtown destinations and regional transit.
- Ensure the continued vitality of the San José Arena, recognizing that the Arena is a major anchor for both Downtown San José and the Diridon Station area, and that access for Arena customers is critical for the Arena's on-going success.



## **2.6 USES OF THE EIR**

This EIR is intended to inform the decision makers and general public of the environmental impacts associated with adopting and implementing the Downtown Strategy 2040.

### **2.6.1 Program-level Environmental Review**

This EIR provides program-level review for future development that implements the Downtown Strategy 2040 and is consistent with the project's goals and policies. This EIR will provide the basis for tiering the subsequent environmental review of future actions.<sup>5</sup>

The City of San José will use this EIR to provide program-level environmental review under CEQA for the following actions:

1. Adoption of the Downtown Strategy 2040.
2. Approval of amendments to the 2040 General Plan.
3. Approval of amendments to the Zoning Ordinance
4. Approval of the following maximum development capacity in the Downtown Area<sup>6</sup>:
  - 14,360 residential units
  - 14.2 million sf of office uses
  - 1.4 million sf of retail uses
  - 3,600 hotel rooms

### **2.6.2 Project-Level Environmental Review**

Although specific development projects are not proposed at this time, this EIR contains sufficient information to provide project-level clearance for certain impacts by including standard measures that adequately reduce environmental impacts that apply to all projects in San José. This EIR is also intended to provide project-level clearance for the following traffic-related impacts:

- Vehicle Miles Traveled
- Traffic Noise; and
- Operational Emissions of Criteria Pollutants.

At the time future actions are proposed, the City will review the future actions for consistency with the assumptions in this EIR (including conformance with the 2040 General Plan policies and measures included in the project). Supplemental analyses may be required as part of the subsequent environmental review process to evaluate impacts that are unique to a specific project site or design and could not be analyzed in sufficient detail in this EIR and to identify additional mitigation measures, if necessary. It is anticipated that most future projects under the Downtown Strategy 2040 will be required to complete a Phase I Environmental Site Assessment and Tree Survey, at a minimum, as site-specific conditions are beyond the scope of review of this EIR and may change

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<sup>5</sup> For the purposes of this EIR, "subsequent environmental review" includes preparation and adoption of a Categorical Exemption, Negative Declaration, Environmental Impact Report, or Addendum.

<sup>6</sup> As described previously, of the maximum development capacity proposed in the Downtown Strategy 2040, 6,549 residential units, 1,195,649 sf of office, 258,512 sf of retail uses, and 397 hotel rooms have been approved and/or constructed as of March 2017.

over time through 2040. Projects with a residential component will need to complete additional studies, including potentially the following site-specific studies:

- Noise Reports
- Human Health Risk Assessments
- Air Quality Modeling to assess TAC exposure

Additional analyses may be required for future projects depending on their location, land use type, and other design/operational characteristics. For projects that would impact structures more than 45 years old, preparation of a Historic Resources Report would be required to determine whether historically significant resources are present that could be affected by a project, and the significance of project impacts, along with mitigation measures and alternatives, as applicable. Please refer to Section 3.0 Environmental Setting, Impacts, and Mitigation for a detailed description of these requirements.

The appropriate level of subsequent environmental review and need for additional analyses will be determined at the time future actions are proposed. Future private development and public capital improvement projects that are consistent with the Downtown Strategy 2040 and the assumptions in this EIR may not require substantial additional review. In this event, compliance with CEQA would likely occur through the preparation of an Initial Study or Addendum. Future actions that propose substantial changes to the Downtown Strategy 2040 and/or would result in new or substantially greater environmental impacts than identified in this EIR would require the preparation of a subsequent or supplemental EIR, in accordance with Section 15162 of the CEQA Guidelines.<sup>7</sup>

#### **2.6.2.1      *Future Actions***

Future actions that implement the Downtown Strategy may include the following:

- Adoption of ordinances, policies, and plans that implement the Downtown Strategy such as the Transportation and Parking Demand Management Plan or Design Guidelines.
- Amendments to the 2040 General Plan to implement the Downtown Strategy such as establishing an Employment Priority Area and redistributing planned growth within established Growth Areas.
- Updates to the Zoning Ordinance and rezoning of properties in conformance with the Downtown Strategy 2040 and General Plan Land Use/Transportation Diagram.
- Special studies required by or related to implementation of the Downtown Strategy.
- Issuance of entitlements such as Site Development Permits, Planned Development (PD) Permits, Special or Conditional Use Permits, encroachment permits (minor and major), Historic Preservation Permits, and Demolition Permits.
- Issuance of Stormwater Pollution Prevention, Grading, and Tree Removal Permits.
- Approval of Vesting Tentative Maps for the subdivision of parcels or the combining of parcels to accommodate intended intensity of development.
- Rehabilitation, alteration, modernizations, and other improvements to existing structures.

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<sup>7</sup> A subsequent EIR would also be required if new information becomes available or physical or regulatory circumstances change such that the conclusions in this EIR are no longer applicable.

### **2.6.2.2      *Other Agency Review***

Future actions under the Downtown Strategy may involve coordination with and/or review by other responsible and trustee agencies. Under CEQA, a responsible agency is a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. This EIR may also be used by other agencies reviewing subsequent actions consistent with the Downtown Strategy 2040; however, no public agency other than the City of San José has any discretionary approval over the Downtown Strategy 2040. The following agencies may act as responsible and/or trustee agencies for subsequent projects considered under the Downtown Strategy 2040:

- Bay Area Air Quality Management District
- Regional Water Quality Control Board
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Water District
- Peninsula Corridor Joint Powers Board
- Federal Aviation Administration
- Federal Railroad Administration
- California High Speed Rail Authority
- State Office of Historic Preservation
- Native American Heritage Commission
- California Air Resources Board
- California Department of Housing and Community Development
- California Department of Resources Recycling and Recovery
- California Department of Transportation
- California Public Utilities Commission
- State Water Resources Control Board

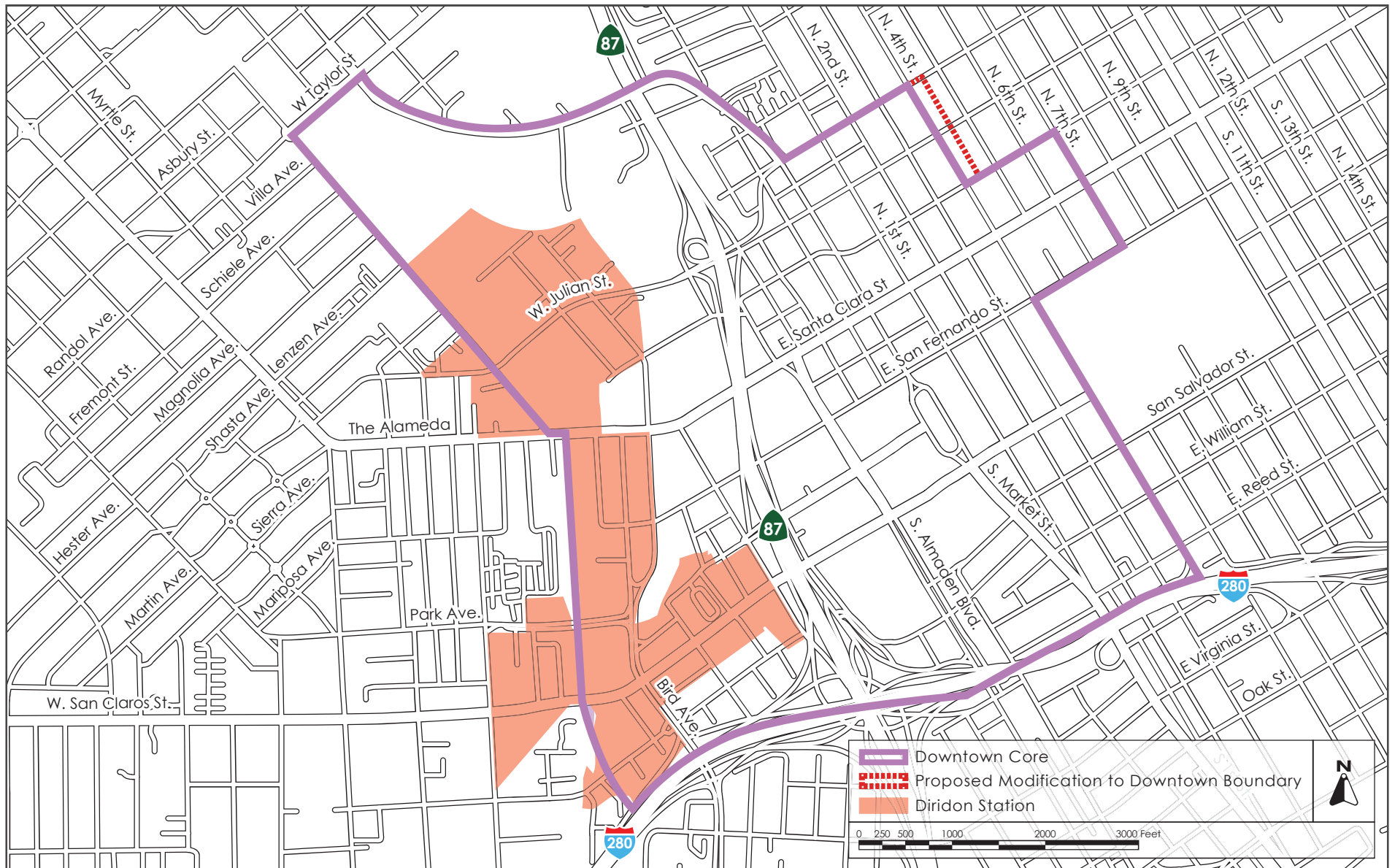
### **2.6.3      Future Potential Projects in the Diridon Station Area**

There is currently significant interest in the development or redevelopment of properties within the Downtown and specifically the DSAP area. For example, Google is considering proposing a master planned, transit-oriented development project (commonly referred to as the Google Village Project) that may include office/R&D space, retail space, public open space, and other amenities in the DSAP area. It has been reported that since December 2016, Google has acquired several parcels in the central zone of the DSAP area. Further, Google has also entered into negotiations with the City of San José for the possible acquisition of several City-owned properties in the area.

The possible Google Village Project is not the subject of this EIR. No development applications associated with this potential future development have been submitted to the City. The decisions being made by the City regarding the Downtown Strategy 2040 are separate from the future decisions the City may be asked to make regarding possible Google Village development proposals or other projects that have not submitted a development application covering a portion of the Downtown area. This EIR analyzes the overall amounts, types, and distribution of development planned for Downtown through the 2040 horizon, and does not include development plans for any specific entity.

As described previously, the Downtown Strategy 2040 plans for the development of 14.2 million sf of office uses (expected to accommodate roughly 58,500 jobs) distributed throughout the Downtown area by the year 2040. Of the 14.2 million sf of planned office uses, five million sf is planned for the DSAP area. Any future development applications within the Downtown area, including the DSAP area, will be evaluated for consistency with this EIR. The boundaries of Downtown and DSAP area shown on Figure 2.6-1.





BOUNDARIES OF DOWNTOWN AND DSAP

FIGURE 2.6-1

## SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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This section of the EIR includes a description of existing conditions in the Downtown area.<sup>8</sup> In each of the impact discussions where it is possible to do so, the impact of the project (under future build-out conditions) is compared to existing conditions.

As described in Section 2.1.2, this EIR tiers off the analyses in the 2040 General Plan EIR and Downtown Strategy 2000 EIR and provides project-level review (where possible) and program-level review for future actions under the Downtown Strategy 2040.

“Mitigation Measures” that are relevant to the effects of a long-term General Plan are laws, regulations, policies, and adopted procedures that will minimize, avoid, rectify, reduce, or eliminate a significant impact (CEQA Guidelines §15370). Accordingly, the 2040 General Plan is largely considered “self-mitigating” because it incorporates policies and actions for the purposes of avoiding or reducing environmental impacts resulting from planned growth. When the City cannot commit to immediate implementation of a new program or policy that would reduce or avoid an impact, the 2040 General Plan EIR identifies these impacts as significant and unavoidable for the purposes of CEQA.<sup>9</sup>

The 2040 General Plan EIR identified 17 significant unavoidable impacts.<sup>10</sup> For all other effects, it was concluded that implementation of General Plan policies, existing regulations, and adopted plans and policies would reduce the impact to a less than significant level. These conclusions are generally based on the assumption that all future projects allowed under the 2040 General Plan will reduce impacts to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies and procedures for protecting environmental quality in the 2040 General Plan. Future development projects will be evaluated for consistency with this assumption. Supplemental analysis may be required to identify additional mitigation measures.

The Program EIR prepared for Downtown Strategy 2000 identified specific mitigation measures to be implemented by future projects. The Downtown Strategy 2000 EIR identified 10 significant unavoidable impacts.<sup>11</sup> For all other significant impacts, it was concluded that implementation of the mitigation measures would reduce the impacts to a less than significant level.

Consistent with the approach taken in the Downtown Strategy 2000 EIR, this EIR identifies specific measures that future public and private projects under the Downtown Strategy 2040 would be required to implement, when sufficient information is known to adequately characterize the impact

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<sup>8</sup> For the purposes of this EIR, existing conditions are considered to be conditions as of March 2017, when the NOP was circulated.

<sup>9</sup> This paragraph is derived from page 134 of the 2040 General Plan EIR, at the beginning of the *Environmental Setting, Impacts, and Mitigation* section.

<sup>10</sup> Three of the significant unavoidable impacts are related to development in North Coyote Valley and are not applicable to the proposed project. The remaining 14 impacts are related to the projected increase in vehicle miles travelled (VMT) in the region, resulting from implementation of the 2040 General Plan.

<sup>11</sup> All but three of the significant unavoidable impacts are related to traffic congestion (level of service). The remaining three impacts are related to regional air quality and cumulative effects on architectural and archaeological resources.

and necessary mitigation. These measures (identified as “Measures Included in the Project to Reduce and Avoid Impacts...” in this EIR) would be standard conditions for all projects in Downtown. It is expected that incorporation of these measures into future projects (either through project design or as conditions of approval) would reduce the impact of the future project (and of the Downtown Strategy 2040 as a whole) to a less than significant level. In addition, this EIR identifies “Measures Included in the Project” for significant unavoidable impacts resulting from Downtown Strategy 2040 implementation and is specifically intended to provide project-level clearance for traffic-related impacts. At the time development is proposed, all future projects will be reviewed for consistency with these assumptions and additional environmental impact analysis and measures may be required to reduce impacts to a less than significant level.

For all other impacts, this EIR provides program-level review. In general, the significance conclusions are based on the expectation that future projects under the Downtown Strategy 2040 will reduce the impacts to a less than significant level through implementation of 2040 General Plan policies and existing regulations. For certain environmental effects that are unique to a specific project design or location, future projects would be required to complete a subsequent analysis at the time development is proposed to identify appropriate measures for reducing the impact to a less than significant level. Future projects that would conflict with policies or regulations may be required to complete detailed evaluations during supplemental environmental review. This approach is consistent with the programmatic analysis in the 2040 General Plan EIR.

To summarize, this EIR is intended to provide project-level CEQA clearance for traffic-related impacts (i.e., VMT, traffic noise, and operational emissions of criteria pollutants) and facilitates project-level review of some impacts by including specific measures in the project. When it is not feasible to identify specific measures that would reduce impacts of future projects to a less than significant level, this EIR provides program-level review, requiring subsequent analyses and/or verification of consistency with 2040 General Plan policies and existing regulations as individual development are evaluated for their project-level impacts.

### **Cumulative Impacts**

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence.

The purpose of the cumulative analysis is to allow decision-makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR. Cumulative analyses are based on the premise that impacts of specific actions may be less than significant when viewed on a project-by-project basis, but when considered along with the impacts of other projects involving similar activities, these specific actions may be cumulatively considerable.

The effects of past projects are generally reflected in the existing conditions described in the specific sections of this EIR. Present projects are those approved but not yet developed. Reasonably foreseeable projects include approved, planned, and proposed projects.

The analysis of cumulative impacts is included at the end of each impact section. For each subject area, the following aspects of cumulative impacts are discussed:

- Would the effects of the proposed project (in this case the Downtown Strategy 2040), when combined with the effects of all past, present, and pending development result in a cumulatively significant impact on the resources in question?
- If a cumulative impact is likely to be significant, would the contribution of the proposed project to that impact be cumulatively considerable?

Section 15130(B) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. For example, the project effects on air quality would combine with the effects of projects in the entire San Francisco air basin, whereas noise impacts would primarily be localized to the surrounding area. The proposed project would primarily contribute to the cumulative effects of development in the area surrounding the Downtown core; therefore, the cumulative discussion mainly refers to the environmental impact analysis in the 2040 General Plan EIR, Downtown Strategy 2000 EIR, and Diridon Station Area Plan (DSAP) EIR certified in 2014. This EIR focuses on the potential for the Downtown Strategy 2040 to result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant cumulative impact.

### **Important Note to the Reader**

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José has policies that address existing conditions affecting a proposed project, which are also discussed in this EIR. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this EIR will discuss operational issues as they relate to City policies. 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, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

### **3.1 AESTHETICS**

#### **3.1.1 Regulatory Framework**

##### **3.1.1.1 *State Designated Scenic Routes***

The California Department of Transportation designates state scenic highways, based upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent that development modifies traveler's enjoyment of the view. There are no highways that are eligible for designation as scenic highways or have been officially designated within the City of San José.<sup>12</sup>

##### **3.1.1.2 *City of San José Policies***

#### **Municipal Code**

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

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

#### **City Design Guidelines and Design Review Process**

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review and approval of development in San José. Adopted design guidelines include those for: Residential, Industrial, Commercial, Downtown/Historic, and Downtown Design Guidelines.

#### **City Council Policy 4-2: Lighting**

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

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<sup>12</sup> California Department of Transportation. "California Scenic Highway Mapping System". Accessed May 14, 2018. <[http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)>.

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

Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow. The Downtown area is exempt from this policy.

### Envision San José 2040 General Plan

The 2040 General Plan identifies “gateways”, freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made environment are crucial. The segment of Bird Avenue over I-280 adjacent to the Downtown area is designated as a gateway for scenic purposes.

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics, as listed in the following table.

Table 3.1-1: General Plan Policies - Aesthetics	
Attractive City	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.2	Install and maintain attractive, durable, and fiscally- and environmentally- sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Villages, Corridors, or along Main Streets, commercial and mixed-use building frontages should be placed at or near the street-facing property line with entrances directly to the public sidewalk. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street façade and pedestrian access to buildings.
Policy CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.

<b>Table 3.1-1: General Plan Policies - Aesthetics</b>	
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-1.28	To maintain and protect the integrity, character, and aesthetic environment of the streetscape in industrial, commercial, and residential neighborhoods, new billboards should be permitted only through a discretionary review process and only where they do not create visual clutter and blight. The relocation of existing billboards from impacted areas to locations where they would have a less visually blighting effect should be encouraged.
Policy CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate through sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
<b>Compatibility</b>	
Policy CD-4.1	Maintain and upgrade design guidelines adopted by the City and abide by them in the development of projects.
<b>Downtown Urban Design</b>	
Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy CD-6.8	Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest and by fostering active uses and avoiding prominence of vehicular parking at the street level.

<b>Table 3.1-1: General Plan Policies - Aesthetics</b>	
Policy CD-6.9	Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.
Policy CD-6.10	Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.
<b>Villages Urban Design</b>	
Policy CD-7.3	Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with any applicable design policies pertaining to the proposed use. Review proposed mixed-use projects that include residential units for consistency with the Design Policies for Urban Villages. Following adoption of an Urban Village Plan, review new development for consistency with design policies included within the Urban Village Plan as well as for consistency with any other applicable design policies.
<b>Attractive Gateways</b>	
Policy CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.
<del>Policy CD-10.4</del>	<del>Prohibit billboards at Gateway locations and along freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) and Grand Boulevards within San José.</del>
Action CD-10.6	Develop Gateway plans for those Gateway locations identified in the General Plan. Plans should include overall streetscape and private design guidelines, needed capital improvements, and long-term solutions for their maintenance.
Action CD-10.7	Work with Caltrans and VTA to ensure that the freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) and Grand Boulevards in San José are maintained and enhanced to include a high standard of design, cleanliness, and landscaping to create a consistent and attractive visual quality.
<b>Landmarks and Districts</b>	
Policy LU-13.7	Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.



Table 3.1-1: General Plan Policies - Aesthetics	
Community Empowerment	
Policy VN-2.3	Ensure that community members have the opportunity to provide input on the design of public and private development within their community.

### 3.1.1.3 *Existing Conditions*

Downtown San José includes a mix of modern and historic buildings. Historic institutional buildings are concentrated in the Downtown area, including the San José Art Museum and St. Joséph's Cathedral near Plaza de Cesar Chavez, Diridon Station, three historic churches and the post office around St. James Park, and the visually prominent tower on the San José State University Campus. The historic buildings and districts are key components of the visual setting in the central area, along the Union Pacific Railroad (UPRR) tracks. Modern high- and mid-rise office buildings, the SAP Center (a large sports arena), and several high rise residential buildings clad with glass and metal are more recent additions to the built environment. Several urban parks punctuate Downtown including the Guadalupe River Park and Gardens (Arena Green East and West) which forms a major green spine to the built environment.

Downtown is the site of civic events, parades, festivals, and public celebrations in public open space areas as well as in major theater venues, such as the historic California Theater, Montgomery Theater, San José Repertory Theatre, and Center for Performing Arts. Most of the major buildings Downtown are very large, including the convention center structures, and several mid- to high-rise hotels that cluster around the convention center. The City Hall high rise and the new massive Martin Luther King Jr. Main Library are adjacent to the San José State University campus which occupies 18 blocks just east of Downtown.

Within the Central/Downtown Planning Area, distinctive one- and two-story residential neighborhoods surround the Downtown area. The Bascom/Forest, Rose Garden, Shasta Hanchett, Garden Alameda, St. Leo's and Autumn/Montgomery neighborhoods are located west of SR 87. Much of the housing in these neighborhoods is over 50 years in age and tall, mature landscaping, including large planted oaks, palm trees, and redwoods, is found throughout the area. Along The Alameda, west of SR 87, the streetscape consists of a mix of modern and historic buildings used as offices and for commercial uses. Distinctive residential areas east of SR 87 include Victorian era homes and bungalows in the Hensley and Jackson Taylor neighborhoods. Industrial buildings and heavy rail lines also extend through the areas north of Downtown. Historic homes on large lots are located in the Naglee Park neighborhood, east of San José State University. An eclectic mix of residences from various eras and neighborhood serving commercial buildings are found east of Coyote Creek in the Five Wounds, Roosevelt Park, Olinder, and other long-established neighborhoods.

The streetscape throughout the Downtown area varies in terms of design features, amenities, and sidewalk width and condition as it transitions from the Downtown core to the north, past the UPRR tracks. Street trees and landscaping add to the aesthetic character of the Downtown area, while overhead power lines detract from the visual quality. Pedestrian activity is generally low, although

Diridon Station is busy during peak commute hours. The Downtown area along Santa Clara Street tends to have high pedestrian traffic when the SAP Center is hosting an event.

#### **3.1.1.4      *Surrounding Area***

The area surrounding the Downtown Strategy 2040 boundaries is primarily residential with some office and commercial uses. Single-family residences are concentrated north of the Downtown area boundary, along The Alameda, as well as south towards US 101 past the southernmost boundary of the Downtown Strategy 2040 boundary.

Refer to Section 3.11 Land Use for photos of the Downtown area and surrounding neighborhoods.

#### **3.1.1.5      *Scenic Views***

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. Given that the topography of the Downtown area is relatively flat, prominent viewpoints of the mountains are limited, as buildings, trees, and infrastructure (e.g., utility lines, elevated roadways, etc.) obscure viewpoints. Views of the mountains, however, are available where roadways provide a break in the built environment or are elevated, such as along SR 87. High-rise buildings and landmarks in Downtown east of SR 87 are also considered scenic resources.

#### **3.1.1.6      *Nighttime Lighting***

Sources of nighttime lighting in San José include indoor lighting visible through windows and outdoor lighting of signs, buildings, walkways, parking lots, and parking structures.

Lick Observatory, located on Mt. Hamilton approximately 14 miles east of San José, is a major research facility for the University of California. Illumination of the night sky by electric lights throughout the Santa Clara Valley can interfere with astronomical observation at the Lick Observatory.

### **3.1.2      Aesthetic Impacts**

#### **3.1.2.1      *Thresholds of Significance***

For the purposes of this EIR, an aesthetic impact is considered significant if the project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings;  
or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

To reiterate, the Downtown Strategy 2040 is a planning document to guide development; it does not propose specific development projects at this time. Therefore, the following discussions provide program-level review of the potential aesthetic impacts that may result from implementation of the Downtown Strategy 2040. Future projects under the Downtown Strategy 2040 will be subject to subsequent environmental review and assessment of project-specific aesthetic impacts.

It should also be noted that aesthetic values are very subjective. Particular opinions as to what constitutes a degradation of visual character will differ among individuals. The discussion below, therefore, emphasizes change in aesthetic character and views, rather than placing value on the aesthetic quality of a particular condition.

### **3.1.2.2      *Impacts to Scenic Vistas***

The 2040 General Plan EIR determined that development under the 2040 General Plan would alter views from key roadways that serve as gateways to the City or currently provide substantial views of the natural environment within or adjacent to the City, although implementation of 2040 General Plan policies would avoid or substantially reduce impacts to scenic views from key gateways and roadways within the City.

As described in Section 3.1.1.5 above, panoramic views of hillside areas and the Downtown skyline are key scenic features in the San José area. Roadways, freeways, and public trails tend to provide the best views of these natural and man-made features. Accordingly, the 2040 General Plan designates “gateways” where views should be preserved, including the segment of Bird Avenue over I-280 adjacent to the Downtown area. Other key roadways in the vicinity of the Plan area with views of hillside areas include I-280, SR 87, and “Grand Boulevards” (i.e., The Alameda/ Santa Clara Street and San Carlos Street).

Future development of mid-to high-rise buildings anticipated under Downtown Strategy 2040 could alter views of hillsides from areas within Downtown Strategy 2040 boundaries. Specifically, where tall structures are constructed immediately adjacent to gateways and freeways, there is the possibility that important views could be partially obscured for motorists, bicyclists, and pedestrians. The 2040 General Plan policies and actions listed in Table 3.1-1 would provide program-level mitigation for impacts to scenic views. For example, in accordance with 2040 General Plan Policies CD-10.2 and CD-10.3, new development adjacent to Gateways, Grand Boulevards, and freeways shall be designed to preserve and enhance attractive natural and man-made vistas. ~~In addition, the City will prohibit billboards along Grand Boulevards, Gateways, and freeways in the Plan area (Policy CD-10.4).~~

With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not result have a substantial adverse effect on a scenic vista. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.1.2.3      *Impacts to Visual Character***

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would not substantially degrade the existing visual character or quality of San José at the local and citywide level, with implementation of 2040 General Plan policies and existing regulations. Similarly, the Downtown Strategy 2000 EIR concluded that development of higher intensity land uses in the

Downtown Core would not result in any significant impact aesthetic impact, with implementation of the Downtown Strategy 2000 design concepts and design criteria.

As described above, the current character of Downtown is largely built-up with residential buildings and has few recreational and landscaped areas. The Downtown Strategy 2040 would implement the goals set forth in the 2040 General Plan and Downtown Strategy 2000 for the Downtown area. Future development would consist of high-density residential and office space in downtown, adding to the already built-up hardscape. Projects would be evaluated individually for specific visual impacts at the time of project approval.

The project proposes to achieve this vision through implementation of Design Guidelines, as described in Downtown Strategy 2000. The Design Guidelines provide a set of design concepts to ensure that buildings and public spaces of the Downtown area support high quality development, an interesting and varying street environment, and a unique identity for Downtown. The Design Guidelines are summarized by seven categories: urban open spaces; sidewalks and paseos; building form; building rehabilitation; building uses; building context; and building character.

The application of the guidelines should be flexible to reflect unique challenges, development opportunities, and market conditions. Projects would be designed based on the following table outlining how the design guidelines are addressed in each of the seven categories.

<b>Table 3.1-2: Design Guidelines by Category</b>
<p><b>Urban Open Spaces</b></p> <ul style="list-style-type: none"> <li>• Definition of open spaces by using buildings and landscaping;</li> <li>• Appropriate size and scale of open spaces;</li> <li>• Activities and the requirement of necessary infrastructure to support them;</li> <li>• Edges and the need to program active uses at the ground and second floors;</li> <li>• Circulation: encouraging pedestrian activity through and across open spaces, and allowing for vehicular circulation where appropriate and safe;</li> <li>• Identity and the use of public amenities to reinforce the identity and use of open spaces;</li> <li>• Orientation for the best solar access and wind protection.</li> </ul>
<p><b>Streets, Sidewalks and Paseos</b></p> <ul style="list-style-type: none"> <li>• Definition of streets and sidewalks by their placement along the lower floors of buildings against the street edge;</li> <li>• Amenities such as lighting, plantings, and paving for pedestrian ways;</li> <li>• Edges and the need to cover pedestrian paths when possible and to design them with the highest level of amenities.</li> </ul>
<p><b>Building Form</b></p> <ul style="list-style-type: none"> <li>• Orientation of structures to receive adequate sun and protection from the elements;</li> <li>• Massing of buildings to minimize bulk;</li> <li>• Height and location of the tallest buildings on the short ends of City blocks and at corners;</li> <li>• Roofscapes and distinctive design for interesting views to and from the building;</li> <li>• Arcades and colonnades to enhance pedestrian areas and sidewalks.</li> </ul>

<b>Table 3.1-2: Design Guidelines by Category</b>	
<b>Building Rehabilitation</b>	<ul style="list-style-type: none"> <li>• Rehabilitation/Reuse of existing buildings and portions of blocks in a way that respects their original character.</li> </ul>
<b>Building Uses</b>	<ul style="list-style-type: none"> <li>• Ground floor uses that are appropriate include retail, entertainment, service retail, cultural and high intensity pedestrian uses;</li> <li>• Second level uses appropriate to specific areas in the Downtown are defined as retail, entertainment, service retail, cultural, high activity uses. Office and residential are interim uses;</li> <li>• Parking structures should be built as low as possible;</li> <li>• Equipment and co-location facilities should generally not be in the Greater Downtown area;</li> <li>• Population densities are recommended.</li> </ul>
<b>Building Context</b>	<ul style="list-style-type: none"> <li>• Existing buildings shall provide the architectural context for new buildings;</li> <li>• Infill development shall be compatible with existing buildings;</li> <li>• Ground level services such as equipment for power, utilities and waste shall be enclosed and below sidewalk grade.</li> </ul>
<b>Building Character</b>	<ul style="list-style-type: none"> <li>• Identity of building character shall be established through design of public spaces to the highest level of amenity;</li> <li>• Materials of the highest quality shall be used on exteriors;</li> <li>• Colors of tall buildings shall be light to medium in value;</li> </ul>

Although the existing visual character of the built environment would be altered, the Downtown Strategy 2040 may enhance the visual character of the Downtown area by:

- facilitating the redevelopment of underutilized properties, many of which contain surface parking lots or older buildings in degraded condition;
- creating a more attractive, pedestrian-oriented environment, with less emphasis on vehicle circulation and parking for new residential and office buildings.

### **Compatibility with Surrounding Development**

The increased height and mass of development in the Downtown area would be consistent with the existing development pattern of Downtown, and larger in height and mass with existing development west of SR87. New buildings would add to the mix of modern and historic structures that is characteristic of the Central/Downtown Planning Area. Therefore, future development under the Downtown Strategy 2040 would be compatible with existing development in the Downtown area planning boundaries. The application of design policies and guidelines would help ensure compatibility and appropriate transitions as new structures are introduced.

The Downtown area is primarily surrounded by single-family residential neighborhoods to the north, south, east, and west of the downtown boundaries. The introduction of new buildings could change the visual character of the building environment at the interface of the Downtown boundary and surrounding residential areas. Potential visual conflicts could occur if the scale of new development is substantially different, as will be the case in particular for new development west of SR87.

The Downtown Strategy Design Guidelines would reduce and avoid impacts related to building mass by planning building mass to minimize bulk, situating height and location of the tallest buildings on the short ends of City blocks and at corners, and orienting buildings to receive adequate sun, as described in Table 3.1-2. Building form guidelines would ensure that new development is integrated and compatible with existing neighborhoods and key City assets in the surrounding area.

The Downtown Strategy 2040 does not specify a height limit for the Downtown area. However, the Strategy is consistent with the Airport Land Use Commission's (ALUC) Land Use Plan which contains height limitations based on FAA requirements related to the Norman Y. Mineta San José International Airport. As part of the City's design review process, future project development will be evaluated for conformance with the proposed Downtown Design Guidelines, Zoning Ordinance, General Plan policies, Municipal Code standards, ALUC Land Use Plan, and other relevant regulations. The projects will be reviewed for compatibility with surrounding development to minimize the potential for land use conflicts to the extent possible.

For the purposes of this EIR, it is assumed that all future projects will reduce aesthetic impacts to a less than significant level through project design. In the event a future project proposes features that could substantially degrade the existing visual character, additional environmental review and detailed evaluation of resources and mitigation measures will be required prior to approval or implementation.

Although development allowed under Downtown Strategy 2040 would alter the appearance of the Downtown area, implementation of the proposed Design Guidelines, 2040 General Plan policies, and existing regulations would avoid substantial degradation of the existing visual character or quality of the Downtown area and its surroundings. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

#### **3.1.2.4      *Impacts from Nighttime Lighting and Daytime Glare***

According to the 2040 General Plan EIR, development allowed under the 2040 General Plan could add sources of nighttime light and daytime glare, including external housing lights, street-lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. Implementation of 2040 General Plan policies and existing regulations would reduce and avoid substantial light and glare impacts.

Future development under the Downtown Strategy 2040 is exempt from the City Council's adopted Private Outdoor Lighting Policy 4.3 and specific requirements of the Lighting Policy 4-2 related to the use of low pressure sodium lighting. Development will be subject to Municipal Code controls for lighting of signs and development adjacent to residential properties, which require lighting to be directed away from residential uses. Implementation of the Downtown Design Guidelines, City



policies, and regulations as part of the design review process will protect the night sky and control the amount of light shining on streets, sidewalks, and residential properties.

With implementation of 2040 General Plan policies and existing regulations, future development under Downtown Strategy 2040 would not result in significant light and glare impacts. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.1.2.5 Cumulative Impacts**

The proposed project has the potential to contribute to cumulative aesthetic impacts in Downtown San José.

#### **Impacts to Visual Character**

As described above, future development of office and residential buildings in the Downtown area would increase the amount of high-rise buildings Downtown, in alignment with current building patterns. Additionally, the proposed expansion of Diridon Station and the High-Speed Rail (HSR) project would alter the aesthetic character of the project area.

#### Diridon Station Expansion and High-Speed Rail Infrastructure

Aesthetic impacts related to the station expansion would mainly occur only if the elevated HSR track proposal is implemented. For this reason, the following discussion focuses on the aerial alternative since it has a higher potential to impact the aesthetic character of the project area. It should be noted that the conceptual station expansion plan can accommodate aboveground and underground HSR alignment options.

Based on the conceptual station expansion plan included in the Diridon Station Area Plan, improvements at Diridon Station to accommodate HSR would include construction of a new station building at the corner of Cahill Street and Santa Clara Street and three platforms located approximately 60 feet above grade to serve up to six HSR tracks. The platforms would be approximately 1,400 feet long, with additional length at either end for switches and trackwork. A canopy would be constructed over the HSR platforms. The canopy would not extend over Santa Clara Street.

The HSR tracks would extend from Diridon Station on an elevated structure, approximately 45 feet above grade.<sup>13</sup> Visible elements of the HSR would include trackway (rails and roadbed), catenary system, fencing, and sound barriers. The catenary system, which consists of the poles, cables, and wires that provide the electrical power to the railway, reaches up to 25 feet above the trackway. The poles would be steel or concrete. The trackway would be lined with fencing and/or sound barriers. Typical sound barriers are built from masonry or pre-cast concrete and are approximately eight to 12

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<sup>13</sup> The HSR components are based on the *Bay Area to Central Valley High-Speed Train Program EIR/EIS* (2008) prepared by the CHSRA and FRA. The CHSRA is currently preparing a Phased Implementation Analysis for construction of HSR infrastructure between San Francisco and San José. During the initial phase of operation, the HSR trains would share the existing Caltrain tracks. The project-level CEQA analysis of these improvements have not yet been released as of July 2018.

feet tall, although other materials and heights are used, including low walls made of prefabricated metal or wooden panels.

The 2008 EIR prepared for the HSR project identified the expansion of Diridon Station as a “medium” visual impact, given that it would be a much longer and taller structure than the existing station building, but in a setting that is proposed to have many larger buildings developed in the area.<sup>14</sup> The visual effect of the elevated HSR tracks was identified as “low” because the trackway is low in profile, the poles of the catenary system resemble power poles, and sound barriers would mask much of the HSR infrastructure, especially from a close vantage point.<sup>15</sup> The aerial structure, however, would cast shadows on residential areas immediately adjacent to the right-of-way. Site-specific designs can minimize the bulk and shading of HSR infrastructure and help blend the structures with surrounding landscape features, although it was unknown at the program-level if design measures can reduce the aesthetic impact of the HSR structure to a less than significant level.

At the time of final station design, subsequent project-level environmental review will be completed for the HSR project to evaluate consistency with City of San José standards and potential effects on the visual character of Diridon Station and the surrounding area. To guide future design and environmental review processes, the CHSRA and City of San José prepared Design Guidance for the San José Corridor. The Design Guidance will be incorporated into a Cooperative Agreement between the City and CHSRA, to be approved by the City Council and CHSRA Board respectively.

Under the agreement, City staff and a Community Working Group will be responsible for reviewing and commenting on future plans for the HSR station and infrastructure, to ensure consistency with the guidelines, while an Aesthetic Design Review Panel will serve as an arbitrator for issues resolution. The City and CHSRA will also conduct additional community outreach during future design and environmental review. A Joint Powers Authority may be established to manage the design and operations of Diridon Station, given the multiple agencies that share the facility.

The Design Guidance includes the following desired outcomes for the expansion of Diridon Station:

- Diridon Station and station approach infrastructure to the north and south of the station are unified and aesthetically refined, when viewed from streets and public places on both sides of the alignment.
- Aesthetic design of the HSR Station and HSR infrastructure advances implementation of the Diridon Station Area Plan (DSAP).
- Historic resources are protected and respected through appropriate scale and proximity of the HSR station building and through functional integration of the HSR station, historic depot rail services, and shared transit services.
- Light spillover is minimized from the HSR station building to the neighborhood west of the station.

The expanded station would mainly be visible from the immediate area. Consistent with the DSAP and Design Guidance, the orientation of new public spaces and future development under the DSAP shall provide a view corridor to showcase the new and existing portions of Diridon Station. The

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<sup>14</sup> CHSRA and FRA. *Bay Area to Central Valley High-Speed Train Program EIR/EIS*. 2008.

<sup>15</sup> Ibid.

HSR station building shall be oriented east towards downtown and Cahill Street, with HSR station architecture addressing the views from the west side of the station and aerial HSR platforms. Based on the expected height of the building, it is not expected to substantially affect views of the eastern foothills from residences located on the opposite side of the tracks such as Plant 51.

When compared to HSR facilities, incorporation of BART into the expanded station would have a minimal effect on the visual character of the site and surroundings, given that the BART tunnel and concourse will be constructed below ground. Based on the conceptual expansion plan for Diridon Station, only BART elevator/escalator entrances and ancillary facilities would be constructed aboveground. These facilities would be designed to be compatible with the proposed public spaces and new buildings, in accordance with DSAP Design Guidelines. Some BART station features would also be integrated into the new portion of the proposed expanded Diridon Station.

### San José State University Master Plan

San José State University (SJSU) has an adopted Master Plan (2001) that outlines the future of development for the university campus, located in downtown San José. The intent of the Master Plan is to facilitate physical growth of SJSU while continuing to maintain the campus character and blend with the surrounding community, and create linkages with the City, among other goals.

As individual projects proposed under the Master Plan are undergoing environmental review, the individual project's aesthetic character would be evaluated to determine consistency with surrounding development and potential impacts to the visual character of the area. Given that Downtown Strategy 2040 would result in an intensification of development in the Downtown area, proposed development of the Downtown SJSU campus would be consistent with the patterns of development for the greater area. Aesthetic impacts would be reduced to the extent feasible.

Although the determination of aesthetic effects is subjective, the combined change in visual character resulting from the proposed Downtown Strategy 2040 and other projects within the area, including the expansion of Diridon Station, the addition of HSR and BART, and implementation of the SJSU Master Plan, would be compatible with existing development in the area, and would represent a less than significant visual impact. Downtown Strategy 2040 contains Design Guidelines to ensure the aesthetic compatibility of future development projects with the City's vision for development in the Downtown and Central areas of San José. With a cohesive vision for future development for the plan area, the Downtown Strategy 2040 should facilitate the enhancement of the built environment.

Tree removal would occur incrementally as development proceeds, although the planting of replacement trees and landscaping would provide mitigation for the aesthetic impact and improve the scenic value of the community forest over time. For these reasons, implementation of Downtown Strategy 2040 would not make a considerable contribution to a significant cumulative impact related to aesthetics. **(Less than Significant Cumulative Impact)**

### **3.1.3 Conclusion**

With implementation of 2040 General Plan policies, proposed Design Guidelines, and existing regulations, future development under Downtown Strategy 2040 would not result have a substantial adverse effect on a scenic vista or the existing visual character or quality of the Downtown area and

its surroundings. The proposed project would not result in significant light and glare impacts. These conclusions are consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

Implementation of Downtown Strategy 2040 would not make a considerable contribution to a significant cumulative impact related to aesthetics. **(Less than Significant Cumulative Impact)**

## 3.2 AGRICULTURAL AND FORESTRY RESOURCES

### 3.2.1 Environmental Setting

#### 3.2.1.1 *Regulatory Framework*

##### Farmland Mapping and Monitoring Program

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published County maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.

##### California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to identify sites that may include agricultural resources or are zoned for agricultural uses.

##### Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.<sup>16</sup> Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.

#### 3.2.1.2 *Existing Conditions*

According to the State of California, Department of Conservation *Farmland Mapping and Monitoring Program*, the Downtown area is designated as Urban and Built-up Land.<sup>17</sup> According to the City's Zoning Ordinance, the *Agricultural* (A) and *Open Space* (OS) zoning districts are intended to provide for areas where agricultural uses are desirable and conserve land for the preservation and managed production of natural resources, including forestlands. There is a small portion of land zoned *Agricultural* or *Open Space* in the Downtown area located adjacent to the Guadalupe River, just east of Autumn Parkway, south of Coleman Avenue.<sup>18</sup>

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<sup>16</sup> *Forest land* is land that can support 10-percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

<sup>17</sup> State of California, Department of Conservation. *California Important Farmland Finder*. Accessed May 14, 2018. Available at: <https://maps.conservation.ca.gov/dlrp/ciff/>.

<sup>18</sup> City of San José. *Land Use Zoning Map*. Accessed May 14, 2018. Available at: <http://csj-landzoning.appspot.com/index.html>.

### 3.2.2 Agricultural and Forestry Resources Impacts

#### 3.2.2.1 *Thresholds of Significance*

For the purposes of this EIR, an agricultural and forestry resource impact is considered significant if the project would:

- 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;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- 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));
- Result in a loss of forest land or conversion of forest land to non-forest use; or
- 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.

#### 3.2.2.2 *Impacts to Agricultural and Forest Resources*

The Downtown area is designated Urban and Built-Up Land; the Downtown area does not contain Farmland. Therefore, the Downtown Strategy 2040 would not convert Farmland to a non-agricultural use. The Downtown area is not under a Williamson Act contract.<sup>19</sup> Therefore, the Downtown Strategy 2040 would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The Downtown area is located within the urban service area of the City of San José. The Downtown and surrounding area are not zoned forest land, timberland, or Timberland Production.<sup>20</sup> Therefore, the Downtown Strategy 2040 would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The Downtown and surrounding area are not forest land. Therefore, the Downtown Strategy 2040 would not result in a loss of forest land or conversion of forest land to non-forest use. The Downtown Strategy 2040 would not 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. For these reasons, the Downtown Strategy 2040 would not result in impacts to agricultural or forest resources. **(No Impact)**

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<sup>19</sup> County of Santa Clara. *Williamson Act Properties*. Accessed May 14, 2018. Available at: <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>.

<sup>20</sup> According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.



### **3.2.2.3        *Cumulative Impacts***

The Downtown Strategy 2040 would not impact agricultural and forestry resources and would therefore not contribute to cumulative impacts to these resources.

### **3.2.3        Conclusion**

Future development under the Downtown Strategy 2040 would have no impact on agricultural or forest resources. **(No Impact)**

### 3.3 AIR QUALITY

The following discussion is based on an air quality assessment prepared by *Illingworth & Rodkin, Inc.* in July 2018. A copy of the report is included as Appendix B of this EIR.

#### 3.3.1 Environmental Setting

##### 3.3.1.1 *Background Information*

Ambient air quality standards have been established at both the state and federal level. The ambient air quality in a given area depends on the quantities of pollutants emitted within the area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, as well as the surrounding topography of the air basin. Air quality is described by the concentration of various pollutants in the atmosphere. Units of concentration are generally expressed in parts per million (ppm) or micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).

As required by the federal Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants: carbon monoxide (CO), nitrogen dioxide ( $\text{NO}_2$ ), ozone ( $\text{O}_3$ ), particulate matter, including respirable particulate matter ( $\text{PM}_{10}$ ) and fine particulate matter ( $\text{PM}_{2.5}$ ), sulfur oxides ( $\text{SO}_x$ ), and lead (Pb). Pursuant to the California Clean Air Act, the state has established the California Ambient Air Quality Standards (CAAQS). Both state and federal standards are summarized in Table 3.3-1. The “primary” standards have been established to protect the public health. The “secondary” standards are intended to protect the nation’s welfare and account for air pollutant effects on soil, water, visibility, materials, vegetation and other aspects of the general welfare. CAAQS are generally the same or more stringent than NAAQS. The Bay Area meets all ambient air quality standards with the exception of ground-level  $\text{O}_3$ ,  $\text{PM}_{10}$ , and  $\text{PM}_{2.5}$ .

#### **Air Pollutants of Concern**

High  $\text{O}_3$  levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides ( $\text{NO}_x$ ). These precursor pollutants react under certain meteorological conditions to form high  $\text{O}_3$  levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce  $\text{O}_3$  levels. High  $\text{O}_3$  levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less ( $\text{PM}_{10}$ ) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ( $\text{PM}_{2.5}$ ). Elevated concentrations of  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

**Table 3.3-1: Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	National Standards <sup>a</sup>	
			Primary <sup>b,c</sup>	Secondary <sup>b,d</sup>
Ozone (O <sub>3</sub> )	8-hour	0.07 ppm	0.07 ppm	Same as primary
	1-hour	0.09 ppm	---	Same as primary
Carbon Monoxide (CO)	8-hour	9.0 ppm	9.0 ppm	---
	1-hour	20 ppm	35 ppm	---
Nitrogen Dioxide (NO <sub>2</sub> )	Annual	0.030 ppm	0.053 ppm	Same as primary
	1-hour	0.18 ppm	0.100 ppm <sup>e</sup>	---
Sulfur Dioxide (SO <sub>2</sub> )	Annual	---	---	---
	24-hour	0.04 ppm	---	---
	3-hour	---	---	0.5 ppm
	1-hour	0.25 ppm	0.075 ppm	---
Respirable Particulate Matter (PM <sub>10</sub> )	Annual	20 µg/m <sup>3</sup>	---	Same as primary
	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as primary
Fine Particulate Matter (PM <sub>2.5</sub> )	Annual	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
	24-hour	---	35 µg/m <sup>3</sup>	---
Lead (Pb)	Calendar quarter	---	1.5 µg/m <sup>3</sup>	Same as primary
	30-day average	1.5 µg/m <sup>3</sup>	---	---

Notes: ppm = parts per million, µg/m<sup>3</sup> = micrograms per cubic meter.

<sup>a</sup> California standards for O<sub>3</sub>, CO, sulfur dioxide, nitrogen dioxide, and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are not to be exceeded. National standards (other than O<sub>3</sub>, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year.

<sup>b</sup> Concentrations are expressed first in units in which they were promulgated.

<sup>c</sup> Primary Standards: the levels of air quality necessary, with an adequate margin of safety to protect the public health. Each state must attain the primary standards no later than three years after that state's implementation plan is approved by the United States Environmental Protection Agency (USEPA).

<sup>d</sup> Secondary Standards: the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

<sup>e</sup> The form of the 1-hour NO<sub>2</sub> standard is the three year average of the 98<sup>th</sup> percentile of the daily maximum 1-hour average concentration.

## **Toxic Air Contaminants**

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue.

### **3.3.1.2      *Regulatory Framework***

Below is a summary of the federal, state, regional, and local regulations. Refer to Appendix B for additional details about the regulatory framework for air quality.

#### **Federal**

The U.S. Environmental Protection Agency (EPA) sets nationwide emission standards for mobile sources, which include on-road (highway) motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The EPA also sets nationwide fuel standards, including diesel engine emission standards and diesel fuel requirements. The federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

#### **State**

To address the issue of diesel emissions in the state, CARB developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. CARB has also adopted and implemented regulations to reduce DPM and NO<sub>x</sub> emissions from in-use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, etc.).

## Regional

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

### 2017 Clean Air Plan

Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, O<sub>3</sub> precursors, and greenhouse gases (GHGs). The proposed control strategy is designed to complement efforts to improve air quality and protect the climate that are being implemented by partner agencies at the state, regional, and local scale. The control strategy encompasses 85 individual control measures that describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and TACs from all key sources;
- Reduce emissions of “super-GHGs” such as methane, black carbon, and fluorinated gases;
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas); and
- Decarbonize our energy system.

For stationary sources, the key elements in the control strategy are to:

- Decrease emissions of GHGs and criteria air pollutants through a region-wide strategy to reduce combustion and improve combustion efficiency at industrial facilities, beginning with the three largest sources of emissions: oil refineries, power plants, and cement plants;
- Reduce methane emissions from landfills, and from oil and natural gas production and distribution; and
- Reduce emissions of toxic air contaminants by adopting more stringent thresholds and methods for evaluating toxic risks at existing and new facilities.

For transportation, the key elements in the control strategy are to:

- Reduce motor vehicle travel by promoting transit, bicycling, walking, and ridesharing.
- Implement pricing measures to reduce travel demand;
- Direct new development to areas that are well-served by transit and conducive to bicycling and walking;
- Accelerate the widespread adoption of electric vehicles; and
- Promote the use of clean fuels and low- or zero-carbon technologies in trucks and heavy-duty equipment.

For buildings and energy, the key elements in the control strategy are to:

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind, and ground-source heat pumps;

- Support the expansion of community choice energy programs throughout the Bay Area;
- Promote energy and water efficiency in both new and existing buildings; and
- Promote the switch from natural gas to electricity for space and water heating Bay Area buildings.

### Local

#### 2040 General Plan

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed in the following table. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to Sections 3.15 Transportation, 3.6 Energy, and 3.8 Greenhouse Gas Emissions for these policies.

<b>Table 3.3-2: General Plan Policies - Air Quality</b>	
<b>Air Pollutant Emission Reduction Policies</b>	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
Policy MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
Policy MS-10.8	Minimize vegetation removal required for fire prevention. Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage alternatives that limit the exposure of bare soil.
Action MS-10.10	Actively enforce the City’s ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.
Action MS-10.11	Enforce the City’s wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings.

<b>Table 3.3-2: General Plan Policies - Air Quality</b>	
Action MS-10.12	Increase the City's alternative fuel vehicle fleet with the co-benefit of reducing local air emissions. Implement the City's Environmentally Preferable Procurement Policy (Council Policy 4-6) and Pollution Prevention Policy (Council Policy 4-5) in a manner that reduces air emissions from municipal operations. Support policies that reduce vehicle use by City employees.
<b>Toxic Air Contaminants Policies and Actions</b>	
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.3	Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
Policy MS-11.4	Encourage the installation of air filtration, to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Action MS-11.6	Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM <sub>2.5</sub> ) emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.



**Table 3.3-2: General Plan Policies - Air Quality**

<b>Objectionable Odor Policies</b>	
Policy MS-12.1	For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
Policy MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.
<b>Construction Air Emission Minimization Policies</b>	
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy MS-13.3	Require subdivision designs and site planning to minimize grading and use landform grading in hillside areas.
Action MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.
Action MS-13.5	Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.
Action MS-13.6	Revise the grading ordinance and condition grading permits to require that graded areas be stabilized from the completion of grading to commencement of construction.

### **3.3.1.3      *Existing Conditions***

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. The Bay Area is considered a non-attainment area for ground-level O<sub>3</sub> and PM<sub>2.5</sub> under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO.

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, churches, elder care facilities, elementary schools, and parks. Sensitive receptors are located throughout the Downtown area and in the areas immediately adjacent to the Downtown boundaries.

### **3.3.2      Air Quality Impacts**

#### **3.3.2.1      *Thresholds of Significance***

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

BAAQMD adopted thresholds of significance to assist the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD reports air pollution emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 3.3-3.

Table 3.3-3: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (Exhaust)	82	15
PM <sub>2.5</sub>	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Single Sources			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual PM <sub>2.5</sub>	B >0.3 µg/m <sup>3</sup>		
Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)			
Excess Cancer Risk	>100 per one million		
Hazard Index	>10.0		
Annual Average PM <sub>2.5</sub>	>0.8 µg/m <sup>3</sup>		
Notes: ROG = reactive organic gases, NO <sub>x</sub> = nitrogen oxides, PM <sub>10</sub> = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM <sub>2.5</sub> = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µm/m <sup>3</sup> = micrograms per cubic meter.			

As previously discussed in Section 3.0, in December 2015, the California Supreme Court issued an opinion in “BIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project’s future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies (refer to Section 3.3.1.2) that address existing conditions affecting a proposed project, which are discussed below as planning considerations.

### 3.3.2.2 Cumulative Contribution to Non-Attainment Criteria Pollutant Emissions

As discussed previously in Section 3.3.1.3, the Bay Area is considered a non-attainment area for ground-level O<sub>3</sub> and PM<sub>2.5</sub> under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for O<sub>3</sub> and PM<sub>10</sub>, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O<sub>3</sub> precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> and apply to both construction period and operational period impacts and are summarized in Table 3.3-3.

The California Emissions Estimator Model (CalEEMod) was used to predict emissions from project construction and operation at full buildout. Refer to Appendix B for more details regarding CalEEMod.

#### Operational Emissions of Regional Criteria Pollutants

Buildout of the Downtown Strategy 2040 would generate emissions mainly through vehicle trips associated with future development. In addition to mobile source emissions, “area sources” such as consumer product use, paint applications, and natural gas combustion for water and space heating would also contribute to operational emissions.

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would result in a significant unavoidable impact due to an increase in air pollutant emissions and concentrations within the air basin. To evaluate regional emissions associated with future development under the Downtown Strategy 2040, an air quality assessment was completed. The results of the assessment are summarized below. Please refer to Appendix B for the complete report.

As shown in the table below, the Downtown Strategy 2040, simply due to its scale, is expected to generate substantial emissions of regional criteria pollutants that exceed the BAAQMD thresholds.

Table 3.3-4: Operational Emissions of Criteria Pollutants				
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<i>Annual Emissions (tons per year)</i>				
BAAQMD Thresholds	10	10	15	10
Project Emissions	<b>242</b>	<b>120</b>	<b>41</b>	<b>18</b>
<b>Bold</b> indicates a significant impact.				

## **Measures Included in the Project to Reduce and Avoid Impacts related to Regional Air Quality**

To reduce emissions associated with vehicle travel, future development will be required to implement a transportation demand management (TDM) program, consistent with the Downtown Transportation Plan. The TDM programs may incorporate, but would not be limited to, the following Transportation Control Measures (TCMs):<sup>21</sup>

- **Rideshare Measures:**
  - Implement carpool/vanpool program (e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.)
- **Transit Measures:**
  - Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.
  - Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.)
- **Services Measures:**
  - Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc.;
  - Provide on-site child care or contribute to off-site childcare within walking distance.
- **Shuttle Measures:**
  - Establish mid-day shuttle service from work site to food service establishments/commercial areas;
  - Provide shuttle service to transit stations/multimodal centers
- **Parking Measures:**
  - Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;
  - Implement parking fees for single occupancy vehicle commuters;
  - Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking);
- **Bicycle and Pedestrian Measures:**
  - Provide secure, weather-protected bicycle parking for employees;
  - Provide safe, direct access for bicyclists to adjacent bicycle routes;
  - Provide showers and lockers for employees bicycling or walking to work;
  - Provide secure short-term bicycle parking for retail customers or non-commute trips;
  - Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development;
- **Other Measures:**
  - Implement compressed work week schedule (e.g., 4 days/40 hours, 9 days/80 hours);
  - Implement home-based telecommuting program.

During project-level supplemental review of future individual development projects, the measures will be evaluated for consistency with the Downtown Strategy 2040 and General Plan policies. All feasible and applicable measures will be required as part of project design or as conditions of approval.

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<sup>21</sup> These measures are recommended by BAAQMD for reducing emissions associated with vehicle travel and are identified in the Downtown Strategy 2000 EIR as mitigation measures for regional air quality impacts.

Although the Downtown Strategy 2040 could substantially reduce emissions of regional air pollutants over the long-term through implementation of 2040 General Plan policies and proposed measures, the policies and measures would not be capable of reducing the impact to a less than significant level given the magnitude of the impact is nearly 25 times the ROG threshold due to the amount of development to be built over the next 20 or more years in the Downtown. Therefore, the impact would remain significant and unavoidable.

**Impact AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay area, contributing to existing violations of ozone standards. **(Significant Unavoidable Impact)**

### **Operational Emissions of Local Criteria Pollutants (CO)**

Emissions of carbon monoxide (CO) are addressed at the local level, since emissions from traffic can directly affect ambient concentrations, for which there are ambient air quality standards. Monitoring data from all ambient air quality monitoring stations in the Bay Area indicate that existing CO levels are currently below national and California ambient air quality standards. Monitored CO levels have decreased substantially since 1990 as newer vehicles with greatly improved exhaust emission control systems have replaced older vehicles. The Bay Area has been designated as an attainment area for the CO standards. The highest measured levels in San José (the closest monitoring stations to the Planning Area) during the past three years are less than 2.0 ppm for 8-hour and less than 3.0 for the 1-hour averaging periods, compared with most stringent State and Federal standards of 9.0 ppm and 20 ppm, respectively.

Even though current CO levels in the Bay Area are well below ambient air quality standards, and there have been no exceedances of CO standards in the Bay Area since 1991, elevated levels of CO still warrant analysis. CO hotspots (occurrences of localized high CO concentrations) could still occur near busy congested intersections. Recognizing the relatively low CO concentrations experienced in the Bay Area, the BAAQMD's CEQA Air Quality Guidelines state that a project would have a less-than-significant impact if it would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. Peak hour traffic volumes for the Downtown Strategy 2040 would be far less. Since intersections affected by the project would have volumes less than the threshold of 44,000 vehicles per hour, the impact of the project related to localized CO concentrations would therefore be less than significant. **(Less Than Significant Impact)**

### **Construction Emissions**

#### Criteria Pollutants

Construction and demolition activities generate criteria pollutants. The operation of diesel-powered construction equipment generates fine particulates (PM<sub>2.5</sub>), carbon monoxide, and ozone precursors. Vehicle travel on unpaved surfaces and ground-disturbing activities such as grading generate fugitive dust, which generally consists of larger, "coarse" particles (PM<sub>10</sub>). However, given the Downtown development program can be built over the next 20 or more years, it is not possible to predict exactly what construction activity will occur in any one year or where within the boundaries of Downtown. Therefore, future project-level environmental review will be required of individual development projects to account for their construction impacts.

The BAAQMD Guidelines recommend different approaches for evaluating construction-related air quality impacts, as summarized in the following table.

<b>Table 3.3-5: BAAQMD Guidelines for the Evaluation of Construction Emissions</b>
<p><u>Criteria Pollutants</u></p> <ul style="list-style-type: none"> <li>• Establishes thresholds for average daily emissions of regional criteria pollutants. (No threshold for carbon monoxide – a local criteria pollutant.)</li> <li>• Provides screening criteria for projects based on land use type and size, to determine need for detailed analysis. For reference, the screening levels for applicable land uses are: <ul style="list-style-type: none"> <li>– <b>240 dwelling units:</b> “condo/townhouse, general” and mid-rise apartments<sup>22</sup></li> <li>– <b>554 rooms:</b> hotel</li> <li>– <b>277,000 square feet:</b> office building, day care center, library, and retail (restaurant, drug store, convenience market, etc)</li> </ul> </li> <li>• Includes lists of “Basic Construction Mitigation Measures” for all projects and “Additional Construction Mitigation Measures” for projects that would generate construction-related emissions exceeding the daily emission thresholds.</li> </ul>

### **Measures Included in the Project to Reduce Construction Emissions**

All future projects would be evaluated for construction-related impacts at the time development is proposed. In conformance with 2017 BAAQMD CEQA Guidelines, GP Policy MS-13.1, and current City requirements, all projects will be required to implement the following control measures:

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

<sup>22</sup> BAAQMD does not define “mid-rise” or high-rise”, although according to the Institute of Transportation Engineers (ITE) trip generation rates, which BAAQMD refers to throughout the Guidelines, “mid-rise” is defined as a building with 3-12 stories, while “high-rise” is taller than 12 stories.



- 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.

Future projects under the Downtown Strategy 2040 that incorporate these measures and are below the screening levels would not result in a significant impact related to construction emissions of regional criteria pollutants.

Future projects that exceed the screening levels would be required to complete additional project-level analysis of construction-related emissions of criteria pollutants. Additional measures may be required to ensure that construction emissions would not exceed the threshold for average daily emissions. According to the 2017 BAAQMD Guidelines, additional measures that would further reduce emissions include:

- Water all exposed surfaces at a frequency adequate to maintain minimum soil moisture of 12 percent (verified by lab samples or moisture probe).
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Install wind breaks with a maximum 50 percent air porosity (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time. Phase activities to reduce the amount of disturbed surfaces at any one time.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat site access points with a 6-12 inch compacted layer of wood chips, mulch, or gravel, to a distance of 100 feet from the paved road.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the idling time of diesel powered construction equipment to two minutes.
- Develop a plan demonstrating that the 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 NOX 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).
- Equip all construction equipment, diesel trucks, and generators with Best Available Control Technology for emission reductions of NOx and PM.
- Use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

If the additional analysis of construction-related emissions of criteria pollutants completed for future projects that exceed the screening levels reveals significant exhaust-related emissions, projects would be required to implement the following measures:

- Based on project specific construction assessments, a plan shall be developed that demonstrates off-road equipment (more than 25 horsepower) on on-road haul trucks to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve appropriate project wide fleet-average NOx and PM10/PM2.5 reductions, such that emissions do not exceed BAAQMD construction period significance thresholds. 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.
- Provide line power to the site during the early phases of construction to minimize the use of diesel powered stationary equipment, such as generators.
- All on-road heavy-duty trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMFAC2007 Category HDDT) used at the project site (such as haul trucks, water trucks, dump trucks concrete trucks) shall be model year 2010 or newer.
- Phasing of construction activities to reduce average daily emissions.

For the purposes of this EIR, it is assumed that all future projects under the Downtown Strategy 2040 would not exceed the average daily or annual emissions during construction, with incorporation of appropriate measures. In the event a future project would exceed the average daily or annual emission threshold or otherwise result in a significant impact based on current BAAQMD Guidelines and City requirements, supplemental environmental review may be required prior to project approval or implementation to identify the additional feasible measures necessary to reduce emissions to less than significant levels. **(Less Than Significant Impact)**

### **3.3.2.3      *Exposure of Sensitive Receptors to Pollutant Concentrations***

Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs.

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources include construction sites, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in proximity to the roadway. For local roadways, BAAQMD considers roadways with traffic volumes of over 10,000 vehicles per day to have a potentially significant impact on a proposed project.

## **Impacts of the Project on the Environment (CEQA Impacts)**

### **Exposure of Existing Sensitive Receptors to TAC Emissions from New Construction**

Buildout of the Downtown Strategy 2040 would result in the construction of a variety of projects over the next 20 or so years. This construction would result in short-term emissions of DPM, a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is

the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a long-term exposure (e.g., 30- or 70-year period). The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area.

As required by 2040 General Plan Policy MS-11.1, projects developed under the Downtown Strategy 2040 would be required to complete project-specific air quality analyses to identify the potential for significant construction TAC impacts. The project-level analyses shall identify measures, including but not limited to those described above as measures included in the project to reduce construction emissions, to reduce significant impacts to less than significant levels. **(Less Than Significant Impact)**

#### Exposure of Existing Sensitive Receptors to New Long-Term Operational Sources of TACs

Future development under Downtown Strategy 2040 may emit TACs. In accordance with GP Policy MS-11.2, future development projects that would emit TACs would be required to: 1) prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review, and 2) employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, the City may require new emitters of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Projects that would generate heavy truck traffic will be required to: 1) designate truck routes that minimize exposure of sensitive receptors to TACs, and 2) post signage on-site that reminds drivers that the State truck idling law limits truck idling to five minutes (GP Policy MS-11.3 and Action MS-11.8).

With implementation of 2040 General Plan policies and best management practices, future development under the DSAP would not expose sensitive receptors to a significant risk associated with TACs. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

#### **Impacts to the Project from the Environment (Planning Considerations)**

The Downtown Strategy 2040 would permit and facilitate the development of new sensitive receptors, such as new homes, in locations near arterial and collector roadways, highways, and stationary sources of TAC emissions. Screening levels indicate that sensitive receptors within the Downtown area would be exposed to levels of TACs and/or PM<sub>2.5</sub> that could cause an unacceptable cancer risk or hazard near highways and stationary sources. Though not a CEQA issue due to the BIA v. BAAQMD decision, which holds that CEQA is concerned with the effects of a project on the environment and not the effects of the environment on a project, the potential effect of existing TAC sources on future projects is discussed to comply with 2040 General Plan Policy MS-11.1 to “Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate

effective mitigation into project designs or be located an adequate distance from sources of TACs to avoid significant risks to health and safety.”

The Downtown area includes TAC sources in the form of freeways (i.e., SR-87 and I-280), many busy local roadways, numerous stationary sources and railroads where diesel-powered trains operate. BAAQMD’s Planning Healthy Places identifies areas with potentially significant TAC or air pollutant exposures<sup>23</sup>. Figure 3.3-1 illustrates the approximate areas in Downtown where BAAQMD recommends that health risks from air pollution be mitigated through best management practices or where further studies are needed as reported by BAAQMD. As shown in Figure 3.3-1, much of the Downtown area is affected by sources of TACs or air pollutants, potentially resulting in unhealthy exposures.

Site-specific modeling will be required prior to development of residential or other sensitive uses that could be affected by TACs associated with roadways or stationary sources, in accordance with BAAQMD and City requirements and GP Policy MS-11.1. If elevated exposures are identified, projects would be required to incorporate mitigation into project design or be located an adequate distance from TAC sources to avoid significant risks to health and safety. Design measures may include the installation of indoor air quality filters and ventilation and the planting of pollution absorbing trees and vegetation in buffer areas. The 2040 General Plan EIR concluded that this mechanism for screening and mitigating the effects of TACs would reduce potential impacts to sensitive receptors to a less than significant level. **(Less than Significant Impact)**

#### **3.3.2.4 Odors**

No new sources of odor are explicitly included in the proposed Downtown Strategy 2040, although future commercial uses may involve odor-generating activities. If new odor sources are proposed within BAAQMD screening distances to new or existing residential uses, supplemental environmental review may be required to assess potential odor impacts and identify appropriate odor minimization and control measures (GP Policy MS-12.1).

Operation of construction equipment at development sites associated with the proposed Downtown Strategy 2040 could also create objectionable odors that may be perceptible at nearby uses. Due to the localized and temporary nature of construction-related odors, future development under the Downtown Strategy 2040 is not expected to generate odors that would affect a substantial number of people.<sup>24</sup> With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not expose sensitive receptors to significant odor impacts. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

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<sup>23</sup> BAAQMD. 2016. *Planning Healthy Places – A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning* May. See: <http://www.baaqmd.gov/plans-and-climate/planning-healthy-places>, accessed June 1, 2018.

<sup>24</sup> BAAQMD does not have a threshold of significance for construction-related odor impacts.





BAAQMD'S PLANNING HEALTHY PLACES DESIGNATIONS IN DOWNTOWN

FIGURE 3.3-1

### 3.3.2.5 Consistency with Plans

#### 2017 Clean Air Plan

Consistency of the Downtown Strategy 2040 with Clean Air Plan control measures is demonstrated by assessing whether the project implements the applicable Clean Air Plan control measures. The Downtown Strategy 2040 facilitates sustainable development by concentrating growth in a dense urban area with axis to transit facilities, and would generally be consistent with Clean Air Plan measures intended to reduce automobile and energy use, which are discussed in Table 3.3-6.

<b>Table 3.3-6: Clean Air Plan Measures</b>	
<b>Applicable BAAQMD Control Strategy Measures</b>	<b>Consistency</b>
<b><i>Transportation Control Measures</i></b>	
TR1: Clean Air Teleworking Initiative	The Downtown Strategy 2040 includes Transportation Demand Management (TDM) strategies to reduce vehicle trips by promoting alternatives such as staggered or flexible work hours and telecommuting.
TR3: Local and Regional Bus Service	The VTA has identified options for the Downtown San José BART station within the Downtown Strategy 2040. The station would be conveniently located to provide access to several VTA bus lines.
TR4: Local and Regional Rail Service	The VTA has identified options for the Downtown San José BART station within the Downtown Strategy 2040. The stations would be conveniently located to provide access to VTA light rail service.
TR 5: Transit Efficiency and Use	While this is mostly a regionally implemented TDM, the Downtown Strategy 2040 would improve connectivity to the region and City through investments in non-automobile infrastructure and transportation demand management measures promoting transit use, carpooling, walking and biking. Improved transportation services would connect to the Diridon Station, the future Downtown Bart Station, and other City and regional destinations.
TR8: Ridesharing, Last-Mile Connection	The Downtown Strategy 2040 would promote the use of public transit, carpools, walking and biking in the area. From priority pedestrian and bicycle networks to TDM programs to reduce minimize vehicle trips and VMT, the Downtown Strategy 2040 would make it easier, more comfortable, and more efficient for employees and residents to walk, bike, carpool, or use transit.
TR9: Bicycle and Pedestrian Access and Facilities	The Downtown Strategy 2040 would create a highly active and lively pedestrian and bicycle friendly environment with excellent connectivity to downtown destinations and regional transit. TDM measures would include bikeshare passes, biking facilities (e.g., parking, lockers, showers, bike sharing, bike valet), and City's continued participation in the Bay Area Bike Share program, which allows users to rent

Table 3.3-6: Clean Air Plan Measures	
Applicable BAAQMD Control Strategy Measures	Consistency
	and return bicycles at various popular locations around the Downtown area. Neighborhoods are also close to walking and transit facilities to make it easy for residences to live in the Downtown area without a car.
TR10: Land Use Strategies	The Downtown Strategy 2040 Area would transition into an innovative, sustainable, and intense transit-oriented district that promotes residential, office, retail, and hotel growth while providing access to walking, biking, and sustainable transportation systems.
TR13: Parking Policies	The Downtown Strategy 2040 would improve connectivity to the region and City through investments in non-automobile infrastructure and transportation demand management measures promoting transit use, walking and biking. The Downtown Strategy 2040 would develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

The project as proposed would not disrupt or hinder the implementation of applicable control measures. **(Less Than Significant Impact)**

### 3.3.2.6 Cumulative Impacts

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts.

#### Operational Emissions of Regional Criteria Pollutants

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Since the project exceeds BAAQMD thresholds for criteria pollutant emissions, the project would have a significant and unavoidable impact on cumulative operational air pollutant emissions. **(Significant and Unavoidable Impact)**

**Impact C-AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. **(Significant Unavoidable Cumulative Impact)**



## Construction-related Impacts

The project could contribute to cumulative impacts on sensitive receptors by generating substantial construction emissions (i.e., dust, TACS, and odors) that affect sensitive receptors within and surrounding the Downtown area. When combined with emissions from other construction sites in the vicinity of Downtown, the Downtown Strategy 2040 could result in average daily emissions that exceed BAAQMD's significance thresholds for criteria pollutants. Construction emissions could also combine to result in significant short-term impacts to sensitive receptors due to dust fall or elevated concentrations of TACs. The potential for construction activities to cause a local air quality impact would be greatest if multiple construction projects occur simultaneously in the vicinity.

The timing of construction projects will be considered during supplemental review to ensure that a given sensitive receptor will not be significantly affected by multiple projects. Furthermore, all future development and transportation projects will be required to implement dust and exhaust control measures during demolition and construction activities (per GP Policy MS-13.1 and BAAQMD CEQA Guidelines). For these reasons, the proposed project would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified construction-related air quality impacts. **(Less Than Significant Cumulative Impact)**

### 3.3.3 Conclusion

Build-out of the Downtown Strategy 2040 would not result in a violation of carbon monoxide standards. With implementation of GP Policy MS-13.1 and measures included in the project, future development under the Downtown Strategy 2040 would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors. Although future development under the Downtown Strategy 2040 would exceed thresholds for ozone precursors when viewed as a whole, the project would not conflict with or obstruct implementation of the 2010 CAP. **(Less Than Significant Impact)**

Build-out of the Downtown Strategy 2040 would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified construction-related air quality impacts. **(Less Than Significant Cumulative Impact)**

**Impact AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. **(Significant Unavoidable Impact)**

**Impact C-AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. **(Significant Unavoidable Cumulative Impact)**

### **3.4 BIOLOGICAL RESOURCES**

#### **3.4.1 Existing Setting**

The majority of the Downtown area is paved, with some small pockets of vegetated or bare ground. Mature native and ornamental trees are scattered throughout the Downtown area, particularly along streets and within parking lots. Developed habitats typically support common wildlife species that are tolerant of periodic human disturbance such as Rock Dove, squirrel, and raccoon. Native bird species commonly found in developed habitats in San José include the house finch, northern mockingbird, Anna's hummingbird, and California towhee. San José is also located along the Pacific Flyway for migratory birds.

The only natural habitats in the vicinity of the Downtown area are the riparian corridors of Los Gatos Creek and the Guadalupe River. Los Gatos Creek flows into the Guadalupe River at the confluence of Santa Clara Street. Between Park Avenue and Santa Clara Street, the Downtown area is separated from Los Gatos Creek by Autumn Parkway. Guadalupe River runs through the center of the Downtown area, generally on the east side of SR87 south of East San Fernando Street and on the west side of SR87 north of East San Fernando Street.

The segments of the Guadalupe River between Interstate 280 and Coleman Avenue in the Downtown Area lie within the boundary of the Guadalupe River Flood Protection Project. This federally authorized project continues a Clean, Safe Creeks project in partnership with the U.S. Army Corps of Engineers (USACE) to plan, design and construct improvements along the Guadalupe River. Improvements include channel widening, construction of floodwalls and levees, replacement of road crossings and planting of streamside vegetation.

The creek/river corridors include mixed riparian forest, aquatic, and shaded riverine aquatic habitats. Shaded riverine aquatic habitat consists of overhanging and in-stream vegetation, which provides organic matter and insects to the aquatic food chain, protective cover from predators, and shade that helps maintain water temperatures. Riparian habitats generally support exceptionally rich animal communities and serve as important corridors of movement, particularly for birds and fish. Native fish species that could occur in Los Gatos Creek and Guadalupe River include Pacific Lamprey, steelhead, Chinook salmon, Sacramento sucker, prickly sculpin, riffle sculpin, California roach, and hitch.<sup>25</sup>

#### **3.4.2 Regulatory Framework**

Existing federal, state, and local regulations adopted for the purpose of reducing or avoiding impacts to biological resources are described in the following subsections and in the 2040 General Plan EIR.

##### **3.4.2.1 *Special Status Species***

Special status plant species are plants that are legally protected under the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), or species that are considered sufficiently rare and may qualify for such listing (CEQA Guidelines Section 15380). The Downtown

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<sup>25</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

area is highly urbanized with very little undisturbed habitat and does not support any special status plant species.<sup>26</sup>

The federal ESA and CESA protect listed wildlife species from harm or “take,” which can include habitat modification or degradation that directly results in death or injury to a listed wildlife species. The Downtown area lacks suitable habitat for most special status wildlife species present in Santa Clara County such as the California red-legged frog, California tiger salamander, and burrowing owl. It is possible that the western pond turtle, a California species of special concern, may occur in the vicinity of Downtown, although the Downtown area has poor quality aquatic and upland nesting habitat near Los Gatos Creek and Guadalupe River.<sup>27</sup>

### **Fish**

The Central California Coast steelhead (federally threatened) and Central Valley Fall-run Chinook salmon (a California species of special concern) are known to spawn in Guadalupe River and Los Gatos Creek.<sup>28</sup> Steelhead and Chinook salmon are anadromous and migrate between the San Francisco Bay and spawning grounds via the Guadalupe River. Migratory adult steelhead are typically present in the river between mid-December and late April and juvenile steelhead can occur at any time during the year. Adult Chinook salmon could occur from mid-June to mid-October, while juvenile Chinook salmon could occur from January through May.<sup>29</sup>

These species require highly specified conditions for migration, spawning, and rearing young. Currently, temperatures within the Guadalupe River can regularly exceed lethal limits for juvenile steelhead and Chinook. Shaded riverine aquatic cover vegetation is considered to be extremely important for maintaining cooler water temperatures needed to sustain populations. Although considered suitable habitat, the reach of Guadalupe River through Downtown provides less than optimal conditions for steelhead and Chinook salmon due to water temperatures, velocity and depth of flow, sandy gravel substrate, pollution, and barriers to migration (e.g., culverts, stream crossings, gabions, and dams).

The National Marine Fisheries Service protects and enhances habitat for Central Valley Fall-run Chinook salmon through the “essential fish habitat” provisions of the Magnuson-Stevens Fishery Conservation and Management Act. Other special status fish that may occur in the Guadalupe River watershed include Pacific Lamprey, green sturgeon, and longfin smelt.

### **Nesting Raptors and Birds**

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading of migratory birds and their nests, except in accordance with regulations prescribed by the Secretary of the Interior. All native bird species in the city are protected under the MBTA. Raptors (i.e., eagles, falcons, hawks, and owls) are specifically protected under the California Fish and Game Code. In San José, raptors such as red-shouldered hawks and Cooper’s hawks are known to nest within

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<sup>26</sup> City of San José. *Baseball Stadium in the Diridon/Arena Area Draft EIR*. 2006.

<sup>27</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

<sup>28</sup> 2040 General Plan EIR.

<sup>29</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

riparian corridors and forage in adjacent habitats. Protected bird species that may occur as occasional or infrequent foragers or transients in the Downtown area include: Sharp-shinned hawk, Red-tailed hawk, Peregrine falcon, White-tailed kite, American kestrel, Willow flycatcher, Loggerhead shrike, and Bryant's savannah sparrow.

## **Bats**

There are three bat species that are designated as California Species of special concern that may occur in San José as occasional foragers or transients, but are not known or expected to breed within city limits.<sup>30</sup> The western red bat may roost in the foliage of trees throughout the city, especially in or near riparian habitat. Pallid bats could forage over many habitats, but are more likely to occur in or near less developed areas or open spaces around the periphery of the city (not in Downtown). Individual Townsend's big-eared bats are expected to occur very infrequently and in small numbers, with greater potential to occur in the southern portion of the City. The likelihood for occurrence of any of these species in Downtown is low.<sup>31</sup> Additionally, other native bat species protected under the California Fish and Game Code may be present in the Downtown area. Old buildings, bridges, and hollow trees provide potential roosting habitat for bats.

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

The Downtown area is covered by the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Subsequent to the certification of the 2040 General Plan EIR, the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted and became effective in October 2013. The Habitat Plan 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 Habitat Plan 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. Conformance with the Habitat Plan is required under Chapter 18.40 of the San José Municipal Code.

### **3.4.2.3      *City of San José Policies***

#### **Tree Removal Ordinance**

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches (4.5 feet) above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City Arborist.

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<sup>30</sup> H. T. Harvey & Associates. *Envision San José 2040 General Plan Update Biological Resources Report*. 2010.

<sup>31</sup> 2040 General Plan EIR.

In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. Under the City's Tree Removal Ordinance, specific criteria or findings must be made before a permit for removal of a live or dead Heritage Tree would be granted.

### **Riparian Corridor and Bird-Safe Building Policy 6-34**

The City of San José's Riparian Corridor and Bird Safe Building Policy, adopted in September 2016, provides guidance consistent with the goals, policies, and actions of the 2040 General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within Riparian Corridor setbacks to minimize flooding from urban runoff, and control erosion; and 3) encouraging bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of State Route 237. It supplements the regulations for riparian corridor protection in the Council-adopted Santa Clara Valley Habitat Plan, the Zoning Code (Title 20 of the San José Municipal Code), and other existing City policies that may provide for riparian protection and birdsafe design. The general guidelines for setbacks and lighting apply to development projects within 300 feet of riparian corridors. Bird-Safe design guidance for buildings and structures includes avoiding large areas of reflective glass, transparent building corners, up-lighting and spotlights.

### **Envision San José 2040 General Plan**

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources, as listed in Table 3.4-1.

<b>Table 3.4-1: General Plan Policies: Biological Resources</b>	
<b>Riparian Corridors</b>	
Policy ER-2.1:	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).
Policy ER-2.2:	Ensure that the 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3:	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise, and toxic substances into the riparian zone.
Policy ER-2.4:	When disturbances to riparian corridors cannot be avoided, implement appropriate measures to restore and/or mitigate damage and allow for fish passage during construction.
Policy ER-2.5:	Restore riparian habitat through native plant restoration and removal of non-native/invasive plants along riparian corridors and adjacent areas.

<b>Special Status Plants and Animals</b>	
Policy ER-4.1	Preserve and restore habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
Policy ER-4.2	Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitats.
Policy ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
<b>Migratory Birds</b>	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
<b>Urban Natural Interface</b>	
Policy ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
Policy ER-6.7	Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.
Policy ER-6.8	Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.
<b>Wildlife Movement</b>	
Policy ER-7.2	In areas important to terrestrial wildlife movement, design new or improved existing roads so that they allow wildlife to continue to move across the roads (e.g., either over the road surface or through undercrossings or overcrossings designed for the animals moving through the areas). Enhance undercrossings used for wildlife movement (e.g., by enlargement) when roads are improved.

Policy ER-7.3	Where new road crossings of streams are constructed, or existing culverts are replaced or improved, design all culverts to allow movement of aquatic species present in any watercourse crossed by the road. Use clear-span bridges in place of culverts where feasible.
<b>Sustainable Parks and Recreation</b>	
Policy PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
<b>Community Forest</b>	
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse affect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.7	Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> <li>4. Remove existing invasive, non-native trees.</li> <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ol>
Policy MS-21.9	Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).
<b>General Provision of Infrastructure</b>	
Policy IN-1.11	Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.



<b>Community Design Policies – Attractive City</b>	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse affect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

### **3.4.3 Biological Resources Impacts**

#### **3.4.3.1 *Thresholds of Significance***

For the purposes of this EIR, a biological resources impact is significant if implementation of the proposed Downtown Strategy 2040 would:

- 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; or
- Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; or
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to marshes, vernal pools, or shorelines through direct removal, filling, hydrological interruption, or other means; or
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### **3.4.3.2 *Impacts to Sensitive Habitats***

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would not result in a significant impact to natural communities and sensitive wildlife habitat, with implementation of 2040 General Plan policies and existing regulations and programs.

The only sensitive natural communities in the vicinity of the Downtown area are the riparian forest and aquatic habitats within the corridors of Los Gatos Creek and the Guadalupe River. The waterways have moderate to steep banks with moderately dense vegetation consisting of a mix of native and non-native understory and trees. The most common plant species in the project reach of Los Gatos Creek is arroyo willow.<sup>32</sup>

<sup>32</sup> City of San José. *KB Home Monte Vista Residential Planned Development Zoning Project Draft EIR*. 2004.

Native vegetation along the Guadalupe River and Los Gatos Creek includes riparian and shaded riverine aquatic cover vegetation. The habitat along the river and creek is classified as great valley mixed riparian forest. The riparian vegetation corridor extends from the river's edge to the top of the banks with a usual width of approximately 100 to 200 feet. Within the project area, the Guadalupe River and Los Gatos Creek riparian corridors contain approximately 13 acres and 6 acres of riparian vegetation, respectively.

### **Aquatic Habitat**

The Downtown Strategy 2040 does not propose any direct modifications to the creek or river, with the possible exception of replacing or installing outfalls or siphons, if required to serve new development. Any work within the banks of Los Gatos Creek or the Guadalupe River would require permits from the SCVWD, USACE, RWQCB, and/or CDFW.

Construction work could adversely affect aquatic habitat if sediments or chemicals are discharged into the waterways. It is assumed that temporary impacts to the waterways would be avoided by restricting all work within the banks to the dry season, staging construction equipment in upland and/or currently developed areas, and implementing water quality best management practices (BMPs) and any permit conditions. The long-term impacts to aquatic habitat from urban development are discussed further in Section 3.10 Hydrology and Water Quality. **(Less Than Significant Impact)**

### **Riparian Habitat**

According to the 2040 General Plan EIR and General Plan Four-Year Review, development within Growth Areas could affect natural communities and sensitive wildlife habitat, especially adjacent to riparian corridors. Potential impacts to riparian corridors were also previously evaluated in the Downtown Strategy 2000 EIR.

The wildlife currently inhabiting the riparian corridors in Downtown is habituated to high levels of disturbance due to the proximity of urban development. Even though the riparian habitat is relatively degraded, these areas are important because they offer natural cover, food, water, and nest sites for a variety of birds and mammals, as well as protect, cool, and enrich aquatic habitats.<sup>33</sup> The riparian habitats also support special status species and serve as important migration corridors for birds and fish. Due to the sensitivity of riparian habitat, intensification of urban development in the vicinity of the Guadalupe River and Los Gatos Creek could result in a substantial adverse effect.

In general, the intensity, proximity, and duration of human activity determine the magnitude of effects on riparian resources, including vegetation, wildlife, and water quality.<sup>34</sup> Potential disturbances resulting from human activity could include increased litter, noise, inadvertent trampling of native vegetation, harassment of wildlife, and predation from pets (mainly cats). Increased night lighting from new development could affect the quality of riparian habitats by changing the behavior of wildlife (e.g., causing them to avoid well-lighted areas or alter dispersal routes) and amplifying predation pressure on some species. Although the Downtown area is

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<sup>33</sup> Ibid.

<sup>34</sup> City of San José. *Riparian Corridor and Bird Safe Building Policy*. 2016.

currently urbanized and nocturnal animals are habituated to some night lighting, the proposed intensification of land uses would increase the sources of artificial light.

Additionally, homeless persons are known to live or camp in urban riparian corridors in San José, trampling sensitive habitat, disrupting wildlife, and leaving behind trash.<sup>35</sup> The Downtown Strategy's effect on the homeless population within the Downtown area is uncertain. While the homeless population could increase as a function of overall population growth, construction of mid-rise buildings adjacent to the creeks and an increase in trail use could cause homeless people to relocate to more isolated areas. A reduction in people living in the riparian corridors could make the area more suitable for nocturnally active wildlife and reduce habitat degradation, although adverse effects of adjacent urban development could offset this benefit.

Riparian corridors may also experience invasions of common landscaping species, such as iceplant, ivies, and periwinkle, from nearby developments. These plants are lower quality sources of food and tend to limit the growth of other plants in the understory that are better sources of food and cover for wildlife.

Implementation of the 2040 General Plan policies and existing regulations described in Section 3.4.2.2 above ~~would~~ will substantially reduce direct and indirect impacts to riparian habitat resulting from increased human activity. For example, prohibiting the use of species known to be invasive to riparian habitats in new landscaping throughout the Downtown area, in accordance with GP Policy ER-6.5, ~~would~~ will help maintain the quality of riparian habitat in the Los Gatos Creek and Guadalupe River corridors.

For specific projects adjacent to the riparian corridor, a setback ~~would~~ will be established in accordance with the Council-adopted Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan) (Chapter 18.40 of Title 18 of the San José Municipal Code), the Zoning Code (Title 20 of the San José Municipal Code), the development guidelines in the San José City Council Policy 6-34 "Riparian Corridor Protection and Bird-safe Design" Policy and GP Policy ER-2.2.<sup>36</sup> Setbacks protect riparian corridors by buffering the effects of adjacent activities.<sup>37</sup> Incorporating other site planning measures set forth in the "Riparian Corridor Protection and Bird-safe Design" Policy development guidelines ~~would~~ will further minimize human-induced disturbances such as lighting, noise, and use of toxic substances. At the time individual development projects proposed near creeks in Downtown are evaluated for project-level environmental impacts, detailed evaluation ~~would~~ will be required to determine impacts to riparian habitat and identify any necessary mitigation. **(Less Than Significant Impact)**

#### Shade/Shadow Impacts

In addition to disturbances related to increased human activity, the construction of new buildings could increase shading of the riparian corridors, as previously described in the Downtown Strategy 2000 EIR. Increasing the duration of shadows on a daily and/or seasonal basis is not anticipated to substantially affect the quality of riparian habitat for wildlife use and movements because animals

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<sup>35</sup> 2040 General Plan EIR.

<sup>36</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

<sup>37</sup> City of San José. *Riparian Corridor and Bird Safe Building Policy*. 2016.

using the corridor are adapted to the shaded conditions provided by the vegetation itself. Although riparian vegetation is generally shade tolerant as well, prolonged periods of shading can preclude some species from growing.<sup>38</sup> While increased shading can decrease the abundance of some nonnative plants such as fennel and ripgut brome, the increased moisture from a shadier environment can also increase the abundance of invasive species such as English ivy.<sup>39</sup>

The specific shade/shadow effects of new development would generally depend on the building height, distance from the riparian edge, and orientation to the creek relative to solar position (path of sunlight).<sup>40</sup> New buildings adjacent to Los Gatos Creek in the Southern Zone would be more likely to cast shadows on the corridor for longer durations throughout the day and year, based on their proximity and orientation to the creek relative to sunlight. While increased shading in warm summer months could help keep water temperatures down, shadows casted by buildings are shortest during this time due to the high position of the sun. Thus, the buildings would mostly increase shading during non- summer months and are not expected to provide beneficial shading during the warm season. However, the majority of the properties abutting the creek in the Southern Zone would have a maximum building height of 65 feet, which reduces the potential for shading when compared to taller buildings that would cast longer shadows. The enforcement of Riparian Corridor Policy setbacks would further reduce potential shading of the riparian habitat.

While an individual development project is not expected to substantially affect the growth of riparian vegetation, the combined effects of new buildings along creeks could be significant. The degradation of shaded riverine aquatic habitat may cause localized increases in water temperature and impacts to special status fish species. **(Less Than Significant Impact)**

### **3.4.3.3      *Impacts to Trees and the Community Forest***

According to the 2040 General Plan EIR, development within Growth Areas could result in direct and indirect impacts to the city's "community forest," which consists of the ornamental trees, stands of native trees, and remnant orchard trees found in developed areas of San José. While not considered sensitive habitat, the community forest provides biological value in the form of nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as beneficial insects such as honeybees. Thus, the City encourages the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest (GP Policy MS-21.4).

Redevelopment of properties in the Downtown area would adversely affect the community forest through the removal of existing trees.<sup>41</sup> The intensification of development may reduce the ground space available for landscaping and could result in a permanent loss of tree canopy on specific sites. Development could also cause indirect impacts if future projects cover roots with pavement and/or limit water infiltration to tree roots, adversely affecting their health and persistence. Without adequate protection, construction activities may damage the roots or branches of trees designated for

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<sup>38</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

<sup>39</sup> City of San José. *Baseball Stadium in the Diridon/Arena Area Draft EIR*. 2006.

<sup>40</sup> The southern sides of buildings receive the most sunlight at any given time of the year, meaning the north sides experience the most shade. Shadows are longest during the winter and shortest during the summer. On a daily basis, shadows would move from west to east as the sun moves across the sky.

<sup>41</sup> The specific trees and total number of trees to be removed within the Downtown area is unknown.

preservation, resulting in tree mortality or degraded conditions such that the ecological value is reduced.

In general, redevelopment under the Downtown Strategy 2040 would not substantially affect the community forest because of the relatively low value of developed habitats for biological resources compared to more natural habitats and the proportionately low magnitude of impacts to native plants and animals likely to occur as one already developed land-use type is converted to another.<sup>42</sup> In addition, the Downtown area is highly urbanized and has a relatively small amount of existing trees compared to other neighborhoods in San José.

Implementation of 2040 General Plan policies and existing regulations described above in Section 3.4.2.2 would limit direct and indirect impacts to trees within the community forest. For example, implementation of tree protection measures during demolition and construction activities, as required under the City's Tree Protections (Section 13.28 of the Municipal Code), would minimize the potential for damage to roots and branches of trees designated for preservation.

In compliance with the City's Tree Removal Controls and 2040 General Plan policies, replacement trees and additional landscaping would be provided on specific development sites and throughout the Downtown area. Tree removal and replacement would be incremental as redevelopment proceeds in the area. The removal of larger, more mature trees and replacement with smaller, young trees would temporarily reduce the total tree canopy until new trees mature. It has been the City's practice to require replacement of mature trees (12 inches in diameter or greater) at a greater than one to one ratio to offset the loss of tree canopy (refer to Table 3.4-2). The community forest would be enhanced further with the addition of trees and plants to be provided on outdoor patios and rooftops of new multi-story residential, commercial, and even industrial buildings.

The 2040 General Plan EIR concluded that implementation of General Plan policies and existing regulations would reduce community forest impacts to a less than significant level. Likewise, the Downtown Strategy 2000 EIR determined that future development would not result in a significant impact related to tree removal with implementation of identified mitigation measures. Consistent with these conclusions, the proposed Downtown Strategy 2040 includes specific measures that would reduce and avoid impacts to community trees resulting from individual projects and the Downtown Strategy 2040 as a whole.

### **Measures Included in the Project to Reduce and Avoid Impacts to the Community Forest**

In compliance with current regulations including the San José Municipal Code, all future public and private projects within the Downtown area will be required to incorporate the following measures into project design or as conditions of approval:<sup>43</sup>

- **Tree Survey.** For future projects that involve direct removal or indirect impacts to community trees, require preparation of a tree survey by a certified arborist during the development review phase.

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<sup>42</sup> 2040 General Plan EIR.

<sup>43</sup> These measures are based on the mitigation measures identified in Downtown Strategy 2000 and current City requirements for all projects in San José.

- **Preservation.** Incorporate existing trees into the project design to the extent feasible. Special priority should be given to the preservation of mature trees and native oaks.
- **Permits.** For existing trees that cannot be incorporated into new landscaping, require a Tree Removal Permit prior to removal of trees meeting the size criterion of the City's Tree Ordinance (currently greater than 38 inches in circumference and 12.1 inches in diameter, measured 4.5 feet above ground).
- **Replacement.** Replace all trees to be removed at the following ratios:

Table 3.4-2: Tree Replacement Ratios				
Circumference of Tree to be Removed <sup>1</sup>	Type of Tree to be Removed <sup>2</sup>			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more <sup>3</sup>	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
<sup>1</sup> As measured 4.5 feet above ground level <sup>2</sup> X:X = tree replacement to tree loss ratio <sup>3</sup> Ordinance-sized tree Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. One 24-inch box tree= two 15-gallon trees				

The species and exact number of replacement trees to be planted on a given project site would be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. The planting and maintenance of replacement and street trees will be made conditions of development approval.

- **In-lieu Mitigation.** In the event the project site does not have sufficient area to accommodate the required tree mitigation, implement one or more of the following measures, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening

purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- The applicant shall make a donation of \$300 per mitigation tree to the City for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.
- **Landscaping Plans.** Prepare landscaping plans to demonstrate conformance with the City of San José landscaping guidelines, zoning specifications, and GP Policy MS-21.8. Landscaping plans shall be submitted the Department of Planning, Building, and Code Enforcement for review and approval during the development review phase.
- **Tree Protection Measures.** Implement the following measures during demolition and construction activities:

#### Pre-construction Treatments

- Retain a consulting arborist to discuss work procedures and tree protection with the construction superintendent before beginning work.
- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing, or grading. Fences shall be six feet tall and chain link, or equivalent, as approved by the consulting arborist. Fences are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

#### During Construction

- Prohibit grading, construction, demolition or other work within the TREE PROTECTION ZONE. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
  - Any root pruning required during construction shall receive the prior approval of, and be supervised by, the consulting arborist.
  - Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
  - Apply supplemental irrigation to trees as determined by the consulting arborist.
  - If injury should occur to any tree during construction, the consulting arborist shall evaluate the trees as soon as possible so that appropriate treatments can be applied.
- **Heritage Trees.** Under the City’s Municipal Code Section 13.68, any pruning of Heritage Trees needs to be done in consultation with the City Arborist to ensure that the work done on or around the tree will not endanger its health, structure, or life.<sup>44</sup>

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<sup>44</sup> This measure would apply to any other Heritage Tree, if designated in the Downtown area in the future.

- **Street Trees.** Integrate the placement and maintenance of street trees, streetlights, signs, and other infrastructure in the design of new or modified streets to protect the long-term viability of new trees (GP Policy MS-21.7).

With implementation of the standard measures listed above, 2040 General Plan policies, and existing regulations such as the Municipal Code, development allowed under the proposed Downtown Strategy 2040 would not result in a significant impact to community trees. This conclusion is consistent with the analyses in the 2040 General Plan EIR, General Plan Four-Year Review, and the Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

#### **3.4.3.4      *Impacts to Special Status and Protected Species***

According to the 2040 General Plan EIR, impacts from future development allowed under the 2040 General Plan could affect special status species found in natural areas such as riparian corridors. As discussed above, the Downtown area does not provide suitable habitat for any special status plants, although several special status wildlife species, as well as protected bird and bat species, are known to occur in the Downtown area. Potential impacts to these species are described in the following discussions.

#### **Fish**

According to the Downtown Strategy 2000 EIR, future development in Downtown could affect the survival rates of steelhead and Chinook salmon by altering the water temperature and quality of Guadalupe River. Similarly, future projects under the proposed Downtown Strategy 2040 could affect these special status fish species by generating pollution, altering flow conditions, and increasing water temperatures in both the Guadalupe River and Los Gatos Creek. The degradation of water quality could occur if sediment, construction debris, chemicals, and/or other materials are allowed to discharge into the waterways.

As described in Section 3.10 Hydrology and Water Quality, the project would not alter the drainage pattern in a manner that would increase sedimentation or the pollutant load of Los Gatos Creek or the Guadalupe River with implementation of regulatory requirements. Potential impacts to water quality resulting from construction activities will be avoided through use of BMPs for erosion control, such as installation of orange and silt fencing to delineate riparian areas and prevent sediment and construction debris from entering the creek.

Reduced shaded riverine aquatic habitat, increased thermal radiation, or the discharge of water from construction sites could cause stream temperatures to rise for prolonged periods, resulting in increased fish mortality.<sup>45</sup> Development under the Downtown Strategy 2040 would not involve the removal of existing riparian vegetation overhanging the creek. **(Less Than Significant Impact)**

#### **Nesting Raptors and Birds**

Hawks, owls, and other tree nesting raptors such as Cooper's Hawks could nest in the larger trees and forage in the riparian corridor and nearby open areas. The trees present in Downtown represent a

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<sup>45</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.



small portion of the suitable nesting and foraging habitat available for these species regionally. Therefore, it is anticipated that the removal of existing trees resulting from redevelopment activities would have no measurable effect on regional populations. Raptors and migratory birds are, however, protected under the Federal MBTA and/or the California Fish and Game Code. Construction-related disturbances (such as the generation of loud noises) have the potential to “take” nests, eggs, or individuals, and otherwise lead to the abandonment of nests. Disturbance that causes nest abandonment or destruction of nests would be considered a significant impact. **(Less Than Significant Impact with Mitigation)**

### **Bats**

Although special status bats species (i.e., Western red bat, Pallid bat, and Townsend’s big-eared bat) are not likely to occur in the Downtown area, impacts to trees or structures such as bridges, overpasses, building attics, or abandoned buildings with large enclosed spaces could adversely affect bats, if present. Direct impacts would include injury to individual bats and indirect disturbances that could lead to the abandonment of roosts or colonies. Effects on western red bats would be less than significant because they are present only as a nonbreeder and there is abundant habitat available in the region.<sup>46</sup> Impacts to populations and available habitat for pallid bats and Townsend’s big-eared bats could have a significant effect on local and regional populations of these species. **(Less Than Significant Impact with Mitigation)**

### **Measures Included in the Project to Reduce and Avoid Impacts to the Special Status Species**

The 2040 General Plan EIR and the General Plan Four-Year Review concluded that implementation of General Plan policies and existing regulations would reduce impacts to special status wildlife to a less than significant level. Likewise, the Downtown Strategy 2000 EIR determined that future development allowed in Downtown would not adversely affect special status wildlife species, including steelhead and Chinook salmon, with implementation of identified mitigation measures. Consistent with these conclusions, the proposed Downtown Strategy 2040 includes specific measures that would reduce impacts to special status and protected species to a less than significant level.

**Fish:** Future projects under the Downtown Strategy 2040 will be required to implement the following measures:<sup>47</sup>

- Between March 1 and October 31, the discharge of water from new construction sites into the Guadalupe River or Los Gatos Creek either directly or through discharge into local storm drains that discharge to these waterways shall be prohibited if the temperature of the water exceeds 72° F unless modeling studies and monitoring demonstrates that the volume of the discharge will not increase the maximum daily stream temperatures above 75.2° F. Applicants shall be required to monitor discharges and shall be required to stop discharges of water above 75° F if maximum daily stream temperatures in the discharge area are exceeded. Discharges shall be prohibited until the discharged water is cooled below the average daily

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<sup>46</sup> 2040 General Plan EIR.

<sup>47</sup> These measures are consistent with the mitigation measures identified in the Downtown Strategy 2000 EIR for impacts to steelhead and Chinook salmon.

stream temperature at the discharge point or maximum daily stream temperatures drop below 75° F.

- Future development proposals for parcels within 100 feet of the riparian corridor of Los Gatos Creek or the Guadalupe River shall assess the effects of the proposed structures (shading and thermal radiation) on riparian vegetation and creek temperatures. Projects that will result in a 20 percent or more increase in shade or any increase in average daily temperature within the river corridor shall be required to: 1) alter their design to reducing shading; or 2) implement other measures to reduce instream water temperatures. Such measures could include increasing the setback or planting of additional shaded riverine aquatic habitat.
- For minor work that may occur within the creek/river channel (i.e., modification of outfalls), additional measures may be required in compliance with local, state, and federal regulations.

**Nesting Raptors and Migratory Birds:** Future projects that could directly or indirectly affect trees that provide nesting habitat for raptors and native birds will be required to implement the following measures, in compliance with the Federal MBTA and/or the California Fish and Game Code.<sup>48</sup>

- Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1<sup>st</sup> through August 31<sup>st</sup>, inclusive.
- If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1<sup>st</sup> through April 30<sup>th</sup>, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1<sup>st</sup> through August 31<sup>st</sup>, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.
- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of any grading or building permit.

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<sup>48</sup> These measures are based on current City requirements for all projects in San José that could affect nesting raptors.

**Bats:** Future projects that involve the demolition of old buildings and/or mature trees will be required to implement the following measures:<sup>49</sup>

- Pre-demolition surveys shall be completed by a qualified bat biologist no more than thirty (30) days prior to any demolition or removal of mature oak trees in the Downtown area. If a colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony.
- If any active bat nurseries are found within construction areas, CDFW will be notified. Construction-free zones may be required around the bat nursery. If permitted by CDFW, the bats may be removed from the buildings or trees by a bat biologist until demolition is complete.<sup>50</sup> The installation of bat boxes adjacent to the Los Gatos Creek or Guadalupe River corridor may be required to replace roosting habitat.
- A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

The measures are intended to comply with current regulations such as the California Fish and Game Code and Endangered Species Act.

With implementation of 2040 General Plan policies, existing regulations, and measures included in future projects, development allowed under the proposed Downtown Strategy 2040 would not result in a significant impact to special status species. This conclusion is consistent with the analyses in the 2040 General Plan EIR, the 2040 General Plan Four-Year Review, and the Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

#### **3.4.3.5      *Impacts to Wildlife Migration Corridors***

According to the 2040 General Plan EIR, redevelopment in Growth Areas could affect the movement of native fish and wildlife. For example, increased traffic on existing roads and construction of new roads would incrementally affect the movement of wildlife by fragmenting habitat, deterring more sensitive animals from crossing roads, and increasing the potential for mortality from vehicle strikes. Given the urbanized setting of the Downtown area, these effects are expected to be minor relative to regional populations and movements of urban-adapted native and nonnative species.

The Downtown area is located along the Pacific Flyway for migratory birds. Because birds migrating at night are often attracted to sources of artificial light, they can collide with buildings. Even during the day, birds may collide with windows or with tall, glass-covered buildings.<sup>51</sup> Thus, intensification of development within the Downtown area may result in additional bird collisions. Given that the species known to occur in the Downtown area are regionally abundant and adapted to urban development, possible collisions with new buildings would not result in substantial impacts on regional bird populations. Furthermore, the planting of replacement trees and additional landscaping

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<sup>49</sup> These measures are based on current City requirements for all projects in San José that could affect bats.

<sup>50</sup> City of San José. *KB Home Monte Vista Residential Planned Development Zoning Project Draft EIR*. 2004.

<sup>51</sup> 2040 General Plan EIR.

could improve the quality of the community forest and ability for birds and wildlife to move through the Downtown area. In accordance with 2040 General Plan Action ER-7.6, the City updated the Riparian Corridor Policy Study and City design guidelines to reflect best practices for avoiding and minimizing bird strikes at new tall buildings in August 2016.

As described above, Los Gatos Creek and Guadalupe River and their riparian habitats serve as important migration corridors for birds and fish, including steelhead and Chinook salmon. The proposed Downtown Strategy 2040 does not include any features that would serve as barriers to fish migration such as culverts or other in-stream structures. Implementation of the 2040 General Plan policies, existing regulations, and measures related to riparian habitat and special status species (described above) would minimize indirect effects on wildlife movement in the riparian corridor.

With implementation of the 2040 General Plan policies, existing regulations, and measures related to riparian habitat and special status species, development allowed under the proposed Downtown Strategy 2040 would not substantially interfere with migratory wildlife corridors or with the movement of native fish or birds. This conclusion is consistent with the analysis in the 2040 General Plan EIR and the Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

#### **3.4.3.6 Consistency with Local Policies and Ordinances**

Future projects allowed under the Downtown Strategy 2040 would be subject to the City's Tree Ordinance. In addition, future development projects on properties adjacent to the creek and the planned community park would be subject to the guidelines of the Riparian Corridor Policy Study. Supplemental environmental and design review processes would ensure compliance with these policies.

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

Future projects in the Downtown area may be subject to riparian setbacks and measures for maintaining hydrologic conditions and protecting water quality (Conditions 3 and 11).<sup>52</sup> It is assumed that all projects within the Downtown area will comply with the provisions of the Habitat Plan, including payment of fees to establish management preserves designed to offset the effects of development in San José on serpentine grasslands and serpentine species.

The Downtown area is located within the Habitat Plan study area and the majority of the area is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. The portions of the Downtown area surrounded by the Guadalupe River and Los Gatos Creek are designated as *Mixed Riparian Forest and Woodland*, *Mixed Riparian Forest and Scrub*, and *Golf Courses/Urban Parks*.

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<sup>52</sup> County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, and Santa Clara Valley Transportation Authority. *Draft Santa Clara Valley Habitat Plan*. Final Santa Clara Valley Habitat Plan. December 2010. August 2012. Available at: [http://www.scv-habitatplan.org/www/site/alias\\_\\_\\_default/341/public\\_draft\\_habitat\\_plan.aspx](http://www.scv-habitatplan.org/www/site/alias___default/341/public_draft_habitat_plan.aspx). <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

With implementation of 2040 General Plan policies, existing regulations, and measures included in the project to protect special status species, the proposed Downtown Strategy 2040 would not conflict with local policies or ordinances protecting biological resources or the provisions of an adopted or pending habitat conservation plan. **(Less than Significant Impact)**

### **3.4.3.7 Cumulative Impacts**

Past and current urban development has resulted in the reduction in the diversity and abundance of native plant and wildlife species and associated habitats. As a result, several species occurring in the project area are designated as threatened or endangered at state and federal levels. Continued degradation of sensitive habitats, including waterways, would result in further losses in biodiversity.

As described throughout this section, the 2040 General Plan EIR and the General Plan Four-Year Review concluded that implementation of the 2040 General Plan would not result in a significant impact to biological resources. Cumulative effects to sensitive habitats and special status plants and animals would be further avoided or offset by measures included in the Santa Clara Valley HCP/NCCP.<sup>53</sup>

#### **Indirect Impacts to Sensitive Serpentine Habitats**

The only significant cumulative biological impact identified in the 2040 General Plan EIR is the potential for substantial indirect impacts to sensitive serpentine grassland habitats in and outside of San José.<sup>54</sup> Given the unique geologic, soil, and biotic conditions associated with serpentine soils, this habitat type supports rare plants and animals such as the Bay checkerspot butterfly. Due to the infertility of serpentine soils, the deposition of nitrogen (a plant fertilizer) could affect the species composition and viability of serpentine grasslands (e.g., the displacement of rare plants with non-native grasses). Development allowed under the 2040 General Plan is expected to substantially increase nitrogen deposition due to the projected increase in vehicle emissions. The indirect impact to serpentine grasslands could be substantial based on the sensitivity of serpentine grassland habitats, as well as the rarity and number of special-status species that depend on the integrity and quality of such habitats.<sup>55</sup>

Implementation of 2040 General Plan policies and existing regulations, including planned multi-modal improvements, trip reduction programs, and local land use strategies, would substantially reduce or offset indirect cumulative effects from nitrogen oxide deposition from vehicular trips. Overall emissions, however, are anticipated to increase within San José. Since the 2040 General Plan was adopted, the Santa Clara HCP/NCCP has been approved and the implementing agency established. The contribution of new development to nitrogen deposition impacts would also be offset by the establishment of managed serpentine grassland preserves.

Although future development under the Downtown Strategy 2040 would generate vehicle trips that would contribute to this significant impact, the Downtown Strategy 2040 is identified as a key land use strategy of the 2040 General Plan and is intended to reduce vehicle travel and associated

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<sup>53</sup> 2040 General Plan EIR.

<sup>54</sup> Serpentine bunchgrass communities occur in the Silver Creek Hills at the north end of Coyote Ridge, on Communications Hill, to the west of Anderson Reservoir, to the north and west of Calero Reservoir, and in the Santa Teresa Hills in the southwest.

<sup>55</sup> 2040 General Plan EIR.

emissions over the long-term (refer to Section 3.3 Air Quality). Therefore, the project will help the City achieve the necessary reductions in nitrogen oxide deposition by participating in the HCP/NCCP. The Downtown Strategy 2040 would not make a cumulatively considerable contribution to the significant impact to serpentine grasslands previously identified in the 2040 General Plan EIR. **(Less than Significant Cumulative Impact)**

### **Impacts to Riparian Habitats and Wildlife**

Construction of the planned and approved projects in the Downtown area would contribute to similar effects on trees, wildlife, and water quality as development under the proposed Downtown Strategy 2040.

As part of the DSAP planned community improvements, construction of the Los Gatos Creek Trail would contribute to the effects of the DSAP's planned community park, including potential disturbances from increased recreational use, as well as the expected benefits of redeveloping the San José Fire Department (SJFD) Training Facility with a more compatible use and more pervious surfaces. The Autumn Street Improvement Project, which was planned under Downtown Strategy 2000, includes the replacement of existing buildings with an open space buffer along the Guadalupe River and Los Gatos Creek. Given that future Downtown Strategy development adjacent to the riparian corridor of Los Gatos Creek would be required to incorporate setback areas, the combined effect of these improvements and the proposed project would be a net increase in riparian habitat and open space.<sup>56</sup>

Intensification of urban development in the Downtown area would increase sources of trash, as described in Sections 3.10 Hydrology and Water Quality and 3.16 Utilities and Service Systems. With implementation of proper waste management and source control measures, the combined effects would not be cumulatively considerable.

### **Impacts to Special Status Fish Species**

As described above, the Downtown Strategy 2000 EIR determined that development in Downtown could result in a significant impact to steelhead and Chinook salmon due to possible increases in water temperatures. The Downtown Strategy 2040 may construct mid-rise buildings adjacent to Los Gatos Creek, which could increase shading in a manner that impairs growth of shaded riverine aquatic habitat. The HSR crossing over Los Gatos Creek would permanently increase shade at this location year-round, which could incrementally affect riparian vegetation, but would also provide shade during the warm season, helping to keep water temperatures down.

The stretches of Los Gatos Creek and the Guadalupe River that could be affected by development in the Downtown area is small relative to the total length of each waterway. With implementation of the avoidance measures listed above (which are consistent with the Downtown Strategy 2000 mitigation measures), the combined increase in shading from the future Downtown Strategy 2040 development would not be considered a significant cumulative impact. The Downtown Strategy 2040 would not make a cumulatively considerable contribution to the previously identified significant impact to special status species. **(Less than Significant Cumulative Impact)**

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<sup>56</sup> City of San José. *Coleman Avenue/Autumn Street Improvement Project Final Integrated Focused EIR*. 2008.

#### 3.4.4 Conclusion

With implementation of 2040 General Plan policies and existing regulations such as the Riparian Corridor Policy and Municipal Code, future development under the proposed Downtown Strategy 2040 would not result in a significant impact to sensitive riparian and aquatic habitats, trees, special status species, or wildlife migratory corridors. The proposed Downtown Strategy 2040 would not conflict with local policies or ordinances protecting biological resources or the provisions of an adopted or pending habitat conservation plan. This conclusion is consistent with the analyses in the 2040 General Plan EIR, the General Plan Four-Year Review, and the Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

The Downtown Strategy 2040 would not make a cumulatively considerable contribution to the previously identified significant impact to serpentine grasslands or special status species. **(Less than Significant Cumulative Impact)**

### **3.5 CULTURAL RESOURCES**

#### **3.5.1 Environmental Setting**

##### **3.5.1.1 *Regulatory Framework***

###### **National Register of Historic Places**

The National Register is a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Historic places are nominated to the National Register by the State Historic Preservation Officer (SHPO) of the state in which the property is located. Any person or agency can propose a nomination (e.g., property owner, local government, citizens), but a nomination must be processed through SHPO.

There are four basic criteria under which a structure, site, building, district, or object can be considered eligible for listing in the National Register. These criteria are:

- Criterion A (Event): Buildings that are associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion B (Person): Buildings that are associated with the lives of persons significant in our past.
- Criterion C (Design/Construction): Buildings that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master.
- Criterion D (Information Potential): Buildings that have yielded, or may be likely to yield, information important in prehistory or history.

For a property to qualify for listing in the National Register, it must also retain “historic integrity of those features necessary to convey its significance.” To determine if a property retains the physical characteristics corresponding to its historic context, seven aspects of historic integrity are evaluated. The aspects of historic integrity include: location, design, setting, materials, workmanship, feeling, and association between the property and an important historic event or person.

###### **California Register of Historic Places**

The California Register is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. As mentioned above, resources determined eligible for the National Register are automatically listed on the California Register. State Historical Landmarks are also automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used for determining eligibility for the California Register are closely based on those developed by the National Park Service for the National Register of Historic Places. The California Register criteria include the following:

- Criterion 1 (Events): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.



- Criterion 2 (Persons): Resources that are associated with the lives of persons important to local, California, or national history.
- Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.
- Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.

As with the National Register, a resource is eligible for listing in the California Register if it meets any one of the criteria of significance and sufficiently retains historic integrity. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

### **Secretary of the Interior's Standards for the Treatment of Historic Properties**

The 1995 U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. The California Environmental Quality Act (CEQA) references these standards relative to consideration of the significance of project impacts, or lack thereof, on historic resources.

### **Assembly Bill 52**

Assembly Bill (AB) 52, the Native American Historic Resource Protection Act, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. A tribal cultural resource (TCR) can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is either included also or eligible for inclusion in the California Register of Historic Resources, or included in a local register of historical resources that is also eligible for listing on the CRHR. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR.

AB 52 includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures for potential impacts. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of the release of the Notice of Preparation for this EIR in March 2017, no tribes had sent written project AB 52 notification requests to the City of San José except for projects in Coyote Valley (approximately 13 miles southeast of Downtown). The City in July 2018 consulted with the designated representative of the Ohlone tribe as part of the SB 18 process discussed below.

## **Senate Bill 18**

The intent of Senate Bill 18 (SB 18) is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.) and designation of open space. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The City in July 2018 consulted with the Ohlone tribal representative pursuant to SB 18.

## **Native American Burials**

California law protects Native American burials, skeletal remains, and associated grave materials and provides for the sensitive treatment and disposition of those remains (Section 7050.5(b) of the California Health and Safety code). CEQA Guidelines section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner or medical examiner be contacted to assess the remains. If the county coroner or medical examiner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The property owner is required to consult with the appropriate Native Americans identified by the NAHC as a “most likely descendant” to develop an agreement for the treatment and disposition of the remains.

### **3.5.1.2      *City of San José Policies***

#### **Historic Preservation Ordinance**

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City’s cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory (HRI), preserve historic properties using a Landmark Designation process, require Historic Preservation Permits for alterations of properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

#### **City Council’s Development Policy on the Preservation of Historic Landmarks**

The City Council’s Development Policy on the Preservation of Historic Landmarks (as amended May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. The City also has various historic design guidelines that suggest various methods for the restoration or rehabilitation of older/historic structures and establish a general framework for the evaluation of applications involving historic preservation issues. The City offers a number of historic preservation incentives, including use of the State Historic Building Code, Mills Act/Historical Property Contract, and various land use and zoning incentives.

## Envision San José 2040 General Plan

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources, as listed in Table 3.5-1.

<b>Table 3.5-1: General Plan Policies - Cultural Resource</b>	
<b>Landmarks and Districts</b>	
Policy LU-13.1	Preserve the integrity and fabric of candidate or designated Historic Districts.
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
Policy LU-13.3	For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
Policy LU-13.7	Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.10	Ensure City public works projects (street lights, street tree plantings, sidewalk design, etc.) promote, preserve, or enhance the historic character of Historic Districts.
Policy LU-13.11	Maintain and update an inventory of historic resources in order to promote awareness of these community resources and as a tool to further their preservation. Give priority to identifying and establishing Historic Districts.
Policy LU-13.13	Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to the uses; transfer

<b>Table 3.5-1: General Plan Policies - Cultural Resource</b>	
	of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-13.20	Explore funding options and techniques to proactively conduct additional historic surveys and to maintain and update the City's Historic Resources Inventory. As funding allows, undertake comprehensive area-wide surveys of the city to identify potential Historic Districts, Cultural Landscapes at the City's edge, and significant buildings and/or structures, including Traditional Cultural Properties.
Action LU-13.21	Implement strategic 2040 General Plan and zoning changes as indicated by federal, state or municipal "historic" or "conservation area" designations, in order to maintain neighborhood vitality and character and to preserve the integrity of historic structures located within those neighborhoods. To preserve predominantly single-family historic neighborhoods, rezone residential structures located in these areas to a single-family zoning designation.
<b>Historic Structures of Lesser Significance</b>	
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy LU-14.3	Design new development, alterations, and rehabilitation/remodels in conservation areas to be compatible with the character of the Conservation Area. In particular, projects should respect character defining elements of the area that give the area its identity. These defining characteristics could vary from area to area and could include density, scale, architectural consistency, architectural variety, landscape, etc.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy LU-14.5	Continue and strengthen enforcement programs, such as those addressing vacant buildings, to promote the maintenance and survival of all classes of the city's historic and cultural resources.
Policy LU-14.6	Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process. As development proposals are submitted, evaluate the significance of structures, complete non-Historic American Building Survey level of documentation, list qualifying structures on the Historic Resources Inventory, and consider the feasibility of incorporating structures into the development proposal, particularly those structures that contribute to the fabric of Conservation Areas
<b>Site Development</b>	
Policy IP-10.3	In addition to a Site Development permit, require an Historic Preservation permit for modifications to a designated Historic Landmark structure. This permit process

<b>Table 3.5-1: General Plan Policies - Cultural Resource</b>	
	fosters the implementation of the Historic Preservation goals and policies of this 2040 General Plan.
<b>Archaeology and Paleontology</b>	
Policy ER-9.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

### 3.5.1.3 *Archaeological Resources*

**Prehistory.** The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the “Costanoan” or Ohlone. Prehistoric era sites associated with Native Americans include habitation sites (e.g., large villages or temporary campsites) and non-habitation sites such as stone tool and other manufacturing areas, cemeteries, isolated burial locations, rock art sites, and trails. Most prehistoric archaeological sites have been found along or very near fresh water sources, adjacent to the major Native American trails, and near stone sources in the foothills.

The archaeological (subsurface) sensitivity is moderate to high in the Downtown Strategy 2040 area due to its proximity to Los Gatos Creek and Guadalupe River. As stated in the Downtown Strategy 2000 EIR, the presence of waterways and the proximity of the historical bay margins indicate that the project area is sensitive for prehistoric archaeological sites. Historically-documented seasonal flooding along the Guadalupe River suggests that such prehistoric sites may lie buried beneath flood-deposited soils. There are seven recorded prehistoric sites within the Downtown Core, and five sites in the College Park neighborhood, north of the Downtown area.<sup>57</sup> Numerous prehistoric archaeological sites have been documented in similar environmental contexts in close proximity to the project area.

<sup>57</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

**History.** The Downtown Strategy 2040 area is located within an area of high historical archaeological sensitivity. San José is California's oldest civil settlement, founded by Lieutenant José Joaquín Moraga in November of 1777 under orders from Governor Felipe de Neve.<sup>58</sup> Moraga's party built Pueblo San José on the banks of the Guadalupe River at the intersection of Hobson and Vendome streets. The first courthouse in the region, an adobe known as the juzgado, was built in 1783; to avoid flooding a second was built on higher ground about five years later. This building remained the seat of local government until 1850, when work began on the county courthouse, which remains, though in a modified form, a major presence on today's St. James Square.

In addition to the pueblo lands, there were three major Spanish land grants in the San José area. The Rancho de Santa Teresa was originally granted to Joaquín Bernal. The Rancho El Potrero de Santa Clara, originally part of the lands of the Mission Santa Clara, was granted after secularization to British vice-consul for California James Alexander Forbes. Rancho Los Coches was granted to Roberto, a Christianized Indian of Mission Santa Clara, who sold it to the Suñol family and Henry M. Naglee. The Suñols built an adobe which is today a local landmark. Naglee built his residence on a 140-acre tract which extended between Eleventh Street and Coyote Creek, today's Naglee Park.

In 1849, San José served briefly as California's first capital. In the following years, the legislature met in Vallejo, Benicia, and, finally, Sacramento. In the years following the Civil War, San José continued to grow. In 1863, Trinity Episcopal Church, the City's oldest surviving religious building was built of redwood at the corner of Second and St. John streets. In 1892, both the City's first federal building and the First Unitarian Church on St. James Square were completed.

San José's first residential neighborhoods grew up around its Downtown commercial core. As time passed, adobes were replaced by stately Victorians, which in time were joined by Craftsman bungalows. Many of the City's historic homes can still be seen in the St. James Square and Naglee Park neighborhoods.

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

### **3.5.1.4      *Paleontological Resources***

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings.

Potentially sensitive areas for the presence of paleontological resources are based on the underlying geologic formation. The Downtown area is situated on Holocene age alluvial deposits, which are underlain by Pleistocene age sediments at unknown depths.<sup>59</sup> Holocene age soil is generally not considered sensitive for paleontological resources, because biological remains younger than 10,000

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<sup>58</sup>City of San José. San José Downtown Strategy 2000 EIR. 2005.

<sup>59</sup> 2040 General Plan EIR 2011.

years are not usually considered fossils. However, in 2005, remains of a mammoth (*Mammuthus columbi*) were found along the Guadalupe River in San José within a geologic strata mapped as Holocene, indicating that Holocene materials in the Santa Clara Valley may have some level of sensitivity for paleontological resources.

### **3.5.1.5      *Historic Resources***

Pursuant to Section 15064.5(a) of the CEQA Guidelines, a resource is generally considered by a lead agency to be “historically significant” if the resource is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (California Register); or the resource is included in a local register of historic resources as defined by State law or identified as significant in an historical resource survey meeting the requirements of State law. A historic resource listed in, or formally determined to be eligible for listing in, the National Register of Historic Places (National Register) is, by definition, included in the California Register. The eligibility criteria for listing on the National and California Registers are summarized in Section 3.5.1.1.

The City of San José Historic Resources Inventory (HRI) identifies known and potential historic resources of varying significance, including properties listed on or eligible for listing in the California and National Registers, City Landmarks, Candidate City Landmarks, Structures of Merit, Contributing Structures, and Identified Sites/Structures. A City Landmark is a highly significant historic resource designated by the City Council as meeting the qualifications for landmark designation as defined in the Historic Preservation Ordinance, and is considered a significant resource under CEQA. A designated City Landmark must conform to the General Plan, and have special historical, architectural, cultural, aesthetic, or engineering value of a historic nature. In making a recommendation to the City Council on a proposed City Landmark, the Historic Landmarks Commission may consider many relevant factors such as: 1) its character, interest or value as part of the local, regional, state or national history, heritage or culture; 2) its location as a site of a significant historic event; 3) its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history; 4) its exemplification of the cultural, economic, social or historic heritage of the City of San José; 5) its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style; 6) its embodiment of distinguishing characteristics of an architectural type or specimen; 7) its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and 8) its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

A Structure of Merit is a category of buildings typically placed on the HRI by the Historic Landmarks Commission that contributes to the historic fabric of the City or neighborhood. Per 2040 General Plan policies, the preservation of Structures of Merit should be a high priority, and the presence of a Structure of Merit on the HRI is an indication that further research may be needed to determine whether or not it is a significant resources for the purposes of CEQA, unless the structure has recently been evaluated and found ineligible as a Candidate City Landmark. For instance, a Structure of Merit first evaluated and placed on the HRI in the 1980s or 1990s could have, with the passage of time, achieved additional significance and may now be eligible as a Candidate City Landmark and considered an historic resource for purposes of CEQA. Alternatively, a structure that has been recently evaluated and placed on the HRI by the Historic Landmarks Commission as a Structure of Merit (as opposed to a Candidate City Landmark by the City Council) would not

typically be considered an historic resource in that the recent evaluation did not find it eligible as a Candidate City Landmark.

The National Register Historic Districts, City Landmark Historic Districts and Conservation Areas that occur within the Downtown area boundaries are described below, and shown on Figure 3.5-1.

Much like a Structure of Merit, the category of Identified Site/Structure (IS) is applied when further evaluation of the significance of the structure should be undertaken. A Contributing Structure may be less significant individually than it is as an element located within a National Register Historic District, City Landmark Historic District, or Conservation Area.

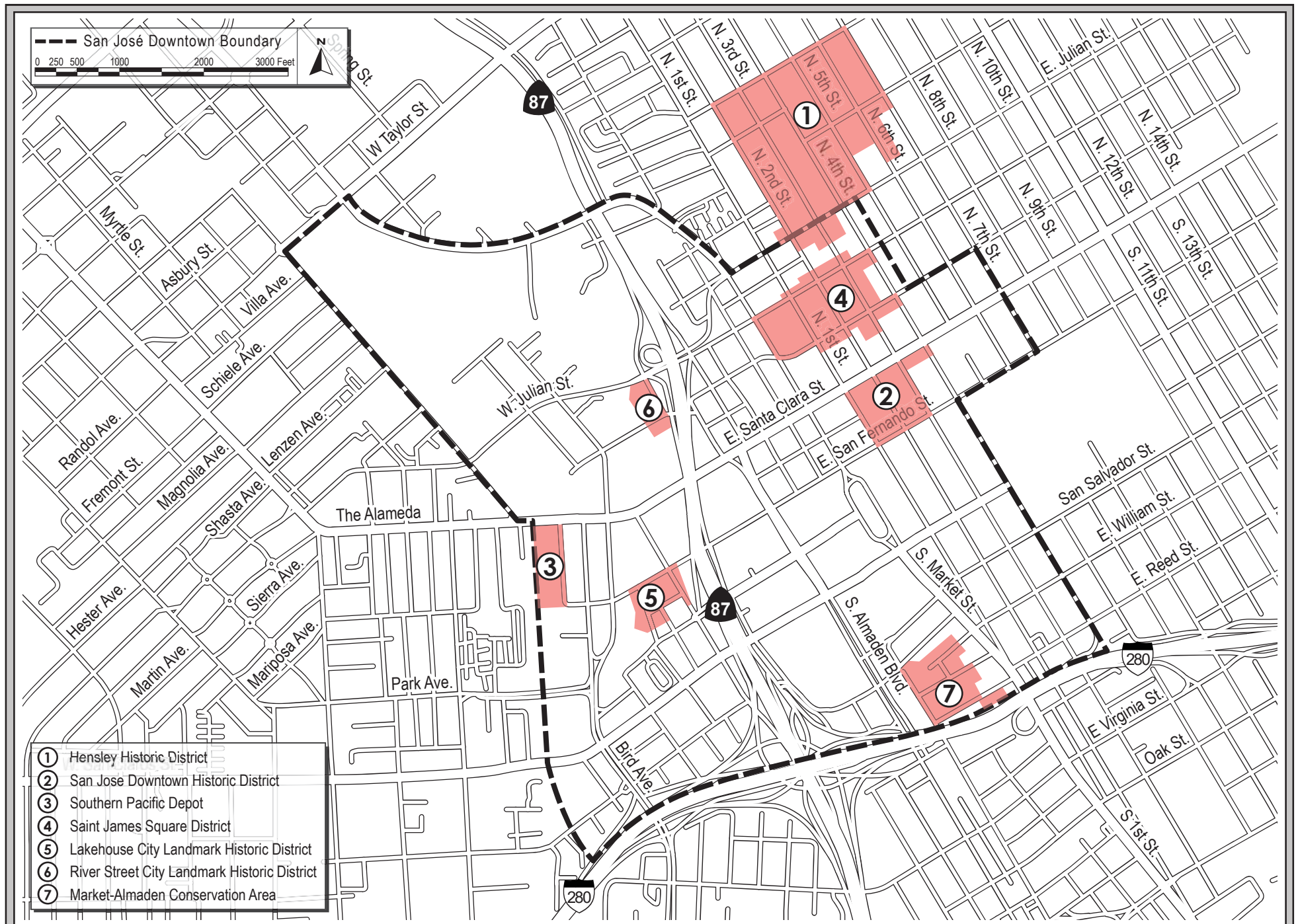
Lastly, it should be noted that not all of the Downtown Strategy 2040 planning area has been comprehensively surveyed, and the HRI is not a complete list of all historically significant structures within the Downtown, given not all properties have been surveyed and also given that surveys completed decades ago may now have incomplete information and structures may have achieved significance with the passage of time, e.g. the structures weren't over 50 years in age at the time of the survey but now are, or they have become more rare with the loss of other structures and/or new information has been gained about their contribution to the history of the City. Therefore, the absence of a structure from the HRI is not conclusive documentation the structure is not a resource under CEQA, and the listing of a structure at a 'lesser' level than Candidate or City Landmark is also not conclusive documentation the structure is not a resource under CEQA. The HRI is used by the City as the starting point for evaluation of a structure.

## **Historic Districts**

### Hensley Historic District (*National Register/City District*)

The Hensley Historic District is part of the former estate of Major Samuel J. Hensley which extended from North First to Fourth Streets and Empire Street to what became the railroad right-of-way and was subdivided in 1886. The extremely irregularly shaped Hensley City Landmark District (HD89-51) is listed under the theme of Architecture and Shelter for the Horticulture period (1870-1918). The district is bounded for the most part by Second Street on the west, Empire Street on the north, Sixth Street on the east, and Julian Street to the south. The National Register listed Hensley Historic District as consisting of 279 properties with 207 contributors. The City Landmark District includes 24 additional properties located at the north and south ends of the National Register District (Winter 2003:103). The mostly single-family residences of various architectural styles were built between 1865 and 1930, mostly between 1880 and 1900, with in-fill to 1930. This district has the largest concentration of Victorian-era residences in the City of San José and is notable as a residential district with the most complete concentration of architectural styles popular between 1856 to 1918 in the City. Larger and more elaborate homes are found on North Third Street with modest workingmen's homes along North Fifth Street built in Italianate, Stick-Eastlake, and Queen Anne styles. As a listed National Register of Historic Places (NRHP) property, the district is automatically included on the California Register of Historical Resources (CRHR).





HISTORIC DISTRICTS AND CONSERVATION AREAS

FIGURE 3.5-1

### San José Downtown Historic District (*National Register*)

The San José Downtown Historic District (also known as the San José Commercial District), a National Register of Historic Places district, is located within the area between East Santa Clara, South First, Second, and South Fourth Streets (along East Santa Clara) to East San Fernando Street. This area contains architecturally and historically significant buildings dating from the 1870s to the early 1940s and continues to serve as Santa Clara Valley's mercantile and financial center. As a listed NRHP property, the district is automatically included on the California Register of Historical Resources (CRHR).

### Saint James Square District (*National Register/City District*)

The Saint James Square City Landmark District (HD84-36) is listed under the theme Social, Arts, and Recreation for the Early American Period (1846-1870). The park, the only public square in the Downtown Core Area, is surrounded by buildings significant for their civic design and uses from the 1860s through 1930s. The park, originally laid out in 1848 by Chester Lyman, occupies a two block area bounded by East St. James Street on the north, East St. John Street on the south, North First Street on the west and North Third Street on the east. The City Landmark District area includes the park, the block west to North Market Street and part of the block east to North Fourth Street and part of the block south between North Second and North Third Streets. In contrast, the smaller National Register of Historic Places District (NRD) St. James Square (St. James Park) area consists of 10 contributors - the park and nine buildings and two non-contributors on blocks opposite the park. As a listed NRHP property, the district is automatically included on the California Register of Historical Resources (CRHR).

### Lakehouse City Landmark Historic District

The Lakehouse Historic District, City Landmark District HD07-158, is generally bounded on the north by West San Fernando Street, on the east by State Highway 87 and the VTA Light Rail right-of-way, on the west by Los Gatos Creek, and on the south by the rear property lines of lots on the north side of Park Avenue, and on the southeast by Sonoma Street and Lakehouse Avenue. This City District consists of mostly single-family residential properties constructed from 1885-1925. The district includes a unique concentration of single-story, Queen Anne Style houses along with some Craftsman and Period Revival through in and surrounding the 1891 Lake House Tract. No theme or period is listed for this City District.

A smaller Lake House Historic District/Delmas Historic District, excluding properties on Gifford Avenue, was determined eligible for the National Register in 1999 due to a unique concentration of single-story predominantly Queen Anne style houses built between 1892 and 1898.

### River Street City Landmark Historic District

The River Street City Landmark Historic District HD96-107, listed under the theme of Architecture and Shelter for the Horticulture period (1870-1918), is located east of North River Street with the Guadalupe River on the west, North Almaden Boulevard and State Highway 87 on the east, West Julian Street on the north, and the River Park and tennis courts on the south (parcels on the south side of West St. John). This 1875-1925 workingman's neighborhood, one of the largest concentrations of

Italian immigrants in California, consists of mostly residences, but also includes the Torino Hotel, Almaden French Bakery, Prindiville Grocery, and a non-contributing machine shop in a variety of styles - Italianate, Greek Revival, Queen Anne, and Mediterranean Revival. Construction of the Guadalupe River Flood Control project resulted in the demolition of 21 buildings and the relocation of nine buildings. Most of the residences have been converted to commercial use.

### **Conservation Areas**

A City of San José Conservation Area is a geographically definable area of urban or rural character with identifiable attributes embodied by architecture, urban design, development patterns, setting, or geography; and history. Conservation Areas have a distinctive character and/or reflect significant development patterns associated with different eras of the City's growth. The following Conservation Area is located within the Downtown Strategy 2040 boundaries:

#### **Market-Almaden Conservation Area**

The Market-Almaden Conservation Area, surrounded by the Downtown core, is located just west of South Market Street bounded by Almaden Avenue on the west, Balbach Street on the north and West Reed Street and I-280 on the south. The area is characterized by mostly single-family residences of Victorians and Craftsman bungalows dating from the late 1800s and early 1900s.

### **Structure of Merit**

A Structure of Merit is a historic resource listed on the HRI that contributes to the historic fabric of the City or neighborhood. As noted above, the presence of a Structure of Merit on the HRI is an indication that more research may be necessary to determine whether the structure qualifies as a Candidate City Landmark and a resource under CEQA, unless the structure has recently undergone an evaluation to confirm it does not meet the criteria for listing as a City Landmark and/or on the California Register. A Contributing Structure may be less significant individually than it is as an element located within a National Register Historic District, City Landmark Historic District, or Conservation Area.

#### **3.5.1.6 *Tribal Cultural Resources***

The types of tribal cultural resources that meet the definition of historical resources under PRC Section 21080.3.1 generally consist of districts, sites, landscapes, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Further, a cultural place is a landscape feature, site, or cultural resource that has some relationship to particular tribal religious heritage or is a historic or archaeological site of significance or potential significance. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations as tribal cultural resources [TCRs].

### **Outreach and Consultation with the Native American Tribes**

Public Resources Code § 21080.3.1(a) defines “consultation” with a cross-reference to Government Code § 65352.4, which applies when local governments consult with tribes on certain planning documents.

*“consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance. (Gov. Code, § 65352.4.)*

As of the time of issuance of the revised Notice of Preparation for the Downtown Strategy 2040 on March 10, 2017, no written requests for consultation from tribal representatives have been received, except for projects in Coyote Valley (located approximately 13 miles southeast of the site). In compliance with SB18 and AB 52, a letter was sent to the NAHC seeking information from the sacred lands files, which track Native American cultural resources, and the names of Native American individuals and groups that would be appropriate to contact regarding this project. The letters included a description of the Downtown Strategy 2040 and provided its location, the City's contact information, and notification that the tribe could request consultation with the City. On June 6, 2018, the City sent letters of notification offering consultation to the following tribal representatives:

- Monica Arellano, Vice-Chairperson, Muwekma Ohlone Tribe of SF Bay Area
- Rosemary Cambra, Chairperson, Muwekma Ohlone Tribe of SF Bay Area
- Andrew Galvan, The Ohlone Indian Tribe
- Ramona Garibay, Representative
- Jakki Kehl
- Edward Ketchum, Amah Mutsun Tribal Band
- Valentin Lopez, Chairperson, Amah Mutsun Tribal Band
- Katherine Erolina Perez
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan
- Trina Marine Ruano Family
- Linda G. Yamane
- Michelle Zimmer, Amah Mutsun Tribal Band of Mission San Juan Bautista
- Irenne Zwierlein, Chairperson, Amah Mutsun Tribal Band

In response to the City's notification to tribal representatives of the proposed Downtown Strategy 2040 and related 2040 General Plan Amendments, a tribal representative for the Ohlone Indian Tribe initiated consultation with the City on the proposed 2040 General Plan Amendments on June 7, 2018.

Additionally, on July 9, 2018 the Ohlone Indian Tribe representative requested notification under PRC Section 21080.3.1, subd. (b) and consultation under PRC Section 21080.3.2 for future projects in the City where the projects include ground-disturbing activities. Although not required under AB 52, the City has met with the Ohlone to discuss the Downtown Strategy 2040 proposed 2040 General Plan amendments and any of the Ohlone's concerns. The discussion focused on the archaeological sensitivity of lands within Downtown San José and adjoining the waterways such as the Guadalupe River. There was consensus on the need to discuss this archaeological sensitivity in the Downtown Strategy 2040 EIR and establish a framework for development-project-level literature reviews, field work, and treatments for potential resources, including human remains for application to the future projects in Downtown when such project involve ground-disturbing activities.

### **3.5.2            Cultural Resources Impacts**

#### **3.5.2.7            *Thresholds of Significance***

For the purposes of this EIR, a cultural resources impact is significant if implementation of the proposed Downtown Strategy 2040 would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of dedicated cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
  - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.

CEQA Guidelines §15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

#### **3.5.2.8            *Archaeological and Paleontological Resources***

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would not result in significant disturbance of buried materials, including archaeological and paleontological resources, with implementation of General Plan policies.<sup>60</sup>

### **Archaeological Resources**

Given the archaeological sensitivity of the Downtown area, previously unknown unrecorded archaeological deposits could be discovered during ground disturbing construction activities,

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<sup>60</sup> It should be noted that the Downtown Strategy 2000 EIR identified significant unavoidable impacts to archaeological resources. With implementation of the new 2040 General Plan policies, however, the impact would be less than significant.

including public improvement projects and future land use development. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites, which could convey important information about San José's history. Therefore, implementation of the Downtown Strategy 2040 may result in substantial adverse effects on prehistoric or historic archaeological resources.

### **Paleontological Resources**

Future development allowed under the proposed Downtown Strategy 2040 has a low potential to impact undiscovered paleontological resources, based on the age and type of surface soils. It is possible, however, that deeper soils may contain older Pleistocene sediments, which have a higher sensitivity for paleontological materials. Activities that involve substantial excavation (such as construction of below-ground parking garages) would have a higher potential for encountering paleontological deposits. Therefore, construction activities may result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the Downtown Strategy 2040 could result in a significant impact to paleontological resources, if encountered.

#### **Measures Included in the Project to Reduce and Avoid Impacts to Archaeological and Paleontological Resources**

The following measures would apply to all future development and improvement projects that require ground disturbance to reduce and avoid impacts to as yet unidentified archaeological resources:

- **Appropriate Prior Review.** For projects involving ground-disturbing activities, the City shall require preparation of a site-specific archaeological resources report to address the potential for archaeological resources to be affected by the project, unless sufficient documentation exists to make such a report unnecessary. At a minimum, this effort shall include a records search at the Northwest Information Center (NWIC) and a field inventory. The report shall be prepared by a qualified archaeologist. The report may recommend archaeological monitoring during construction.
- **Stop Work and Evaluate Unanticipated Finds.** If buried cultural deposits are encountered during project activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC.

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

If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of

the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.

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

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

If the site-specific archaeological resources report recommends monitoring during ground-disturbing activities including but not limited to construction, the following standard measures would apply:

- If no resources are discovered, the consulting archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. In the event that human remains are found, the project shall comply with the procedures set forth by Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California.
- The archaeologist shall submit a report(s) describing the testing program and subsequent results, to the satisfaction of the City's Environmental Principal Planner. The report(s) shall identify any program mitigation that the developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).
- A final report verifying completion of the mitigation program shall be submitted to the City's Supervising Environmental Planner for approval prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and results of the mitigation, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources.

The following measures shall be considered at the time future projects are proposed to reduce and avoid impacts to as yet unidentified paleontological resources:

- **Provide Preconstruction Worker Awareness Training.** The City shall ensure that all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- **Stop Work.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The City Director of Planning or Director's designee will be responsible for ensuring that the project sponsor implements the recommendations of the paleontological monitor regarding treatment and reporting ~~are implemented~~.

With implementation of standard measures and 2040 General Plan policies, future development under the Downtown Strategy 2040 would not result in a significant impact to archaeological and paleontological resources. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### 3.5.2.9 *Historic Resources*

Generally a resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the National Register, California Register, or as a City Landmark on the City's Historic Resources Inventory (HRI). While Conservation Areas, Structures of Merit and Identified Sites/Structures contribute to the historic fabric of the City and are eligible for inclusion on the City's HRI, they are not considered a historic resource under CEQA.

Given the high concentration of older buildings and designated historic structures in the Central/Downtown Planning Area, there may be other properties within the Downtown Strategy 2040 area that are eligible for the National Register, California Register, or City's HRI that have not been identified or evaluated. For example, the area roughly bounded by Montgomery Street, Julian Street, St. John Street, and Guadalupe River has a high concentration of structures listed on the City's HRI. It is possible that this area may qualify as a City Landmark Historic District or Conservation Area.<sup>61</sup>

Future development and infrastructure improvement projects in the Downtown Strategy 2040 area could directly or indirectly affect historic resources, including those that are currently listed and those that have yet to be identified and evaluated. Examples of direct impacts include demolition, relocation, or inappropriate or unsympathetic modification (e.g., use of incompatible materials, designs, or construction techniques in a manner that alters character-defining features). Indirect impacts could occur if:

- new construction conflicts with or isolates historic buildings or structures;
- changes to the historic fabric or setting materially impair the resource's ability to convey its significance; and/or

<sup>61</sup> This conclusion was reached in the *Diridon Station Area Master Plan EIR* certified in June 2014.



- there is deliberate incremental deterioration due to inaction/neglect, lack of occupancy, or inappropriate uses.

Physical changes to a historic resource or its immediate surroundings such that the resource's ability to convey its significance is materially impaired would be considered a significant impact. The anticipated effects on historic resources resulting from the future land use development within the Downtown Strategy 2040 area are described below.

#### Structures of Merit or Identified Site/Structure

The proposed project could affect numerous Structures of Merit currently listed on the City's HRI which contribute to the historic fabric of the City. As described above, the presence of a Structure of Merit on the HRI is an indication that further research may be needed to determine whether or not it is a significant resources for the purposes of CEQA, unless the structure has recently been evaluated and found ineligible as a Candidate City Landmark. A structure that has been recently evaluated and placed on the HRI by the Historic Landmarks Commission as a Structure of Merit (as opposed to a Candidate City Landmark by the City Council) would not typically be considered an historic resource in that the recent evaluation did not find it eligible as a Candidate City Landmark.

It is the City's goal to preserve and enhance historic structures of lesser significance (2040 General Plan Goal LU-14). The City requires standard measures, presented below, to address the loss of Structures of Merit. As for Structures of Merit, projects that would affect an Identified Site/Structure would be required to complete additional analysis to verify the significance of the resource. Future projects would comply with applicable 2040 General Plan policies (LU-14.1, -14.3, -14.4, and -14.6) and measures described below.

#### Traditional Cultural Properties or Cultural Landscapes

A "Traditional Cultural Property" can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community". Within San José, a number of neighborhoods (e.g., Japantown, Chinatown, Alviso, Alum Rock) have or have had strong ties to local ethnic or immigrant communities. Currently there are no Traditional Cultural Properties identified within the City of San José. However, a potential for traditional cultural properties exists due to the patterns of growth and immigration within the City as well as patterns of prehistory.

A "Cultural Landscape" is a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes. No cultural landscapes have yet been identified within the City. Areas that could be considered historic cultural landscapes dating between 1850 and 1900/1920 and possibly later are rural or partially developed areas outside of the Downtown Strategy 2040 area, including Alviso, the Coyote Valley, and Almaden. Landscapes in these areas may best reflect the region's historical land uses, such as settlement patterns, town development strategies, homesteading, mining practices, water conveyance and storage systems, transportation, and farming. The City also includes

numerous historical parks, schools, cemeteries, and designated properties that postdate 1900/1920 and predate 1960 and exist mostly within the Urban Growth Boundary.

### **Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources**

For the purpose of this analysis, it is assumed that impacts to historic resources, and as yet unidentified structures, will be avoided through implementation of 2040 General Plan policies and incorporation of applicable design measures. If a future project could adversely affect historic resources, supplemental analyses would be required to identify mitigation measures necessary to reduce the impact to a less than significant level.

If a future project proposes removal of a historic resource, the supplemental analysis shall address the feasibility of avoiding adverse impacts through project redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting will be identified. If impacts to the historic resource cannot be avoided, all feasible measures shall be implemented to reduce the magnitude of the impact. At a minimum, the City would require “Documentation” and “Commemoration” efforts.<sup>62</sup> Additional measures could include relocation, incorporation of the resources into the project, and/or salvage. However, even with implementation of these measures, demolition of a historic resource would result in a significant unavoidable impact. In such cases, additional project-level environmental review will be required to evaluate the feasibility of mitigation measures and alternatives that conform with the Secretary of the Interior’s Standards and avoid significant impacts.

Consistent with current requirements, future projects would be subject to the following measures, depending on the potential for affecting historic structures:

- **Supplemental Review.** Supplemental evaluation shall be required for future projects that would impact properties that may meet the CEQA definition of historic resources, including properties greater than 45 years of age. If the property is less than 45 years of age, the project proponent shall seek the comment of the San José Historic Preservation Officer regarding any concerns the City may have regarding the proposed action and its effects on the property.
  - At a minimum, the supplemental review effort shall include preparation of a site-specific historic resources report that involves a records search at the Northwest Information Center (NWIC), a review of the San José Historic Resources Inventory, and where there is no evaluation within the last five years (using the Department of Parks and Recreation 523A and B forms), evaluation by a qualified historian or architectural historian to determine if the property meets the CEQA definition of a historic resource.

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<sup>62</sup> “Documentation” refers to the completion of documentation in conformance with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation, Historical American Building Survey (HABS). “Commemoration” refers to the creation of an interpretative exhibit(s) or documentary display(s) that increase public awareness of the resource and its historical significance.

- If the supplemental review effort does not identify any site or structure that meets the definition of a historic resource and could be affected by construction activities, then no further study or protection is necessary prior to project implementation.
- The evaluations would include consideration of criteria for Traditional Cultural Properties and Cultural Landscapes.
- **Evaluate Potential Districts.** At the time development is proposed for the area bounded by North Montgomery Street, West Julian Street, West St. John Street, and Guadalupe River, the area shall be evaluated for its potential to be considered a historic district or Conservation Area. Other areas with a concentration of historic buildings shall also be evaluated for potential district status.<sup>63</sup>
- **Secretary of the Interior’s Standards.** New construction within historic districts or adjacent to a historic resource shall conform to the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, California Historic Building Code, and other applicable regulations.
- **Conform To Guidance.** A qualified historian or architectural historian shall review all plans for any development within designated Historic Districts to ensure conformity with applicable design guidelines, and, if necessary, provide technical assistance to achieve such conformity.

#### Conservation Areas

Projects proposed within recognized Conservation Areas would be evaluated during environmental review to determine compliance with 2040 General Plan Policies (LU-13.21, -14.1, -14.3, -14.4, -14.5, and -14.6). Compliance with the 2040 General Plan policies would ensure that Conservation Area are considered in the City’s Planning Process.

#### Structure of Merit

The following standard measures would apply to projects that involve demolition of one or more Structure of Merit as listed in the City’s Historic Resources Inventory which have undergone supplemental review and been determined not to be a significant historic resource:

- **Documentation.** Prior to the demolition of any Structure of Merit, the structure shall be photo-documented to an archival level consisting of selected views of the building to the following standards:
  - *Cover sheet* - The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
  - *Lenses* - No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
  - *Filters* – Photographer’s choice. Use of a polarized screen is encouraged.

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<sup>63</sup> This measure was included in the *Diridon Station Master Plan EIR*.

- *View* - Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
- *Lighting* - Sunlight is usually preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
- *Technical* - All areas of the photograph must be in sharp focus.

The project shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above documentation shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource which shall be named and the address stated and coordinated with the City's Historic Preservation Officer.

- **Relocation or Salvage.** Prior to demolition, the City will offer each of the buildings for relocation. The City's "offer for relocation" will be placed in a newspaper of general circulation, posted on a website, and posted on the sites for a period of no less than 30 days. In the event that relocation is not possible, prior to demolition the structure and site shall be retained a reasonable period of time as determined by the Director of Planning and made available for salvage to the general public and companies facilitating the reuse of historic building materials.

Implementation of these measures would reduce and avoid impacts to historic resources of projects that involve demolition of one or more Structures of Merit as listed in the City's Historic Resources Inventory.

With implementation of 2040 General Plan policies and existing regulations, future development under the Downtown Strategy 2040 would not result in a significant impact to historic resources. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.5.2.10 Tribal Cultural Resources**

Projects will be evaluated for potential impacts to tribal resources at the time of project-specific environmental review. At the time of Notice of Preparation of this EIR in March 2017, no tribes had requested notice of projects within the geographic area of the project site from the City of San José except for in Coyote Valley (approximately 13 miles southeast), pursuant with the notification requirements of AB 52. Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources.

In accordance with Appendix G of the State CEQA Guidelines, the applicable thresholds of significance with regard to tribal cultural resources are below. The Project could have a significant impact if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is

geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code 5024.1, the Lead Agency

Archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present within Downtown San José. Downtown San José is situated in a setting that offered early inhabitants a nearby diversity of rich ecological communities from which to gather necessary plant and animal resources. Research indicates that human occupancy and use of the general area spans 5,000 to 7,000 years before present, and possibly longer (Downtown Strategy 2000 Draft Environmental Impact Report, or DEIR). The presence of waterways and the proximity of the historical bay margins indicate that the project area is sensitive for prehistoric archaeological sites. Historically-documented seasonal flooding along the Guadalupe River suggests that such prehistoric sites may lie buried beneath flood-deposited soils. Numerous prehistoric archaeological sites are documented in similar environmental contexts relatively near the project area. A review of recorded prehistoric sites in Santa Clara Valley (as of 1982) indicated that nearly 43 percent were situated in a linear arrangement along water courses, such as the Guadalupe River (Downtown Strategy 2000 DEIR).

Future developments allowed under the proposed Downtown Strategy 2040 EIR could impact, either directly or indirectly tribal cultural resources. Project implementation activities such as site clearing, preparation, excavation, grading, trenching, boring etc. could potentially encounter buried cultural resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired.

The 2040 General Plan Goal ER-10-Archaeology and Paleontology and policies ER 10.1—10.4 (listed above) include direction for the protection of such resources, and are also applicable to the Downtown Strategy 2040. However future ground-disturbing activities associated with implementation of the development projects within Downtown San José could have the potential to uncover and damage or destroy unknown resources. This could be a potential effect at the future development-level environmental analysis under CEQA.

### **Preferred Treatment Options and Measures**

The following policy-level and programmatic measures included in the Downtown Strategy 2040 would result in potential cultural resource impacts that are not significant. These measures, can be adapted for the future development projects as avoidance and amelioration measures such as standard permit conditions, for development-specific tiering under CEQA from the Downtown Strategy 2040 EIR.

1. **Appropriate Reviews:** Conduct appropriate levels of reviews and literature review during the planning stage to understand existing information; including Sacred Lands Files (SLF) search and recorded findings by a qualified archaeologist. These listing are updated and maintained at the California Historical Resources Information System, Northwest Information Center, California State University Sonoma (CHRIS/NWIC). For projects involving ground-disturbing activities, the City may require preparation of a site-specific archaeological resources report to address the potential for archaeological resources to be affected by the project.
2. **Supplemental Reviews/Subsurface Testing:** Sites in Downtown San José that are archaeological sensitive should in addition to the above conducted literature search, conduct exploratory trenching and borings on site/s to determine the extent of potential resources on-site. Subsurface testing methodologies and reporting will be based on the methodologies and best practices as described in the Secretary of Interior's Standards for Archaeological Documentation and conducted by a qualified archaeologist.
3. **Determine Regulatory Status of Resources:** A qualified archaeologist should determine the status of known resources and potential resources known through the measures (1) and (2) above. The above steps (1) through (3) will be formalized as the Archaeological Resources Assessment Report.
4. **Stop Work and Evaluate Unanticipated Finds:** If buried cultural deposits are encountered during project activities, all work within 50 feet of the find should be halted and redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations for data recovery and evaluation. The results of any archaeological investigation will be submitted to the NWIC. The results of the archaeological investigation may:
  - Results in findings that does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation.
  - Results in findings that meets the definition of a historical or archaeological resource. In which case avoidance and preservation of the resources in place shall be examined. Avoidance may be accomplished through redesign, conservation easements, or site capping.
5. **Dignified and Respectful Treatment:** An important aspect of the consultation process is a dignified and respectful treatment of TCRs. As part of mitigation measure requirements, the City may request inclusion of an Archaeological Monitoring Contractor Awareness Education Program.
6. **Determine Feasible Avoidance and Alternatives:** When an archaeological site meets the CEQA definition of a historical or archaeological resource and will be impacted by the proposed project, make reasonable efforts to feasibly avoid project impacts (e.g., project redesign, conservation easements, or site capping). Review the project elements to determine ways to protect the cultural and natural context of the resources or to incorporate the resources with culturally appropriate protection and management criteria based on PRC Section 21084.3.

7. **Determine Mitigation Measures:** When avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.
8. **Authorize Data Recovery and Curation:** To mitigate potential impacts to the buried resources and as part of (6 and) above, a data recovery program or a Tribal Cultural Resources Treatment Plan should be prepared by an approved archaeologist for review by the City. The data recovery shall involve implementation of surface collection and curation/repatriation of artifacts to prevent looting. All archaeological materials recovered during the data recovery efforts shall be cleaned, sorted, catalogued, and analyzed following standard archaeological procedures, and shall be documented in a report submitted to the Director of Planning, Building and Code Enforcement and the NWIC.
9. **Stop Work/Follow Statutory Procedures when Human Remains are Encountered:** In the event of the discovery of human remains during ground disturbance activities, all activities within a 50-foot radius of the find shall be stopped. Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains.
  - The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American origin or whether an investigation into the cause of death is required.
  - If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. The NAHC shall identify the descendants of the deceased Native American, also known and designated as the most likely descendent (MLD).
  - The MLD will inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist should recover scientifically valuable information, as appropriate and in accordance with the recommendations of the Native Americans in accordance with CEQA Guidelines Section 15064.5 (e).
  - The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting data recovery, methodologies, and results shall be submitted to Director of Planning, Building and Code Enforcement and the NWIC.
  - If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner/project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
10. **Maintain Confidentiality:** As required under PRC Section 21084.3, protect the confidentiality of the resources. The Tribal Cultural Resources Treatment Plan Report and all pertinent data and results shall be subject to the confidentiality as an exception to the Public

Resources Act and will not be available for public review or distribution. The site of any reburial of Native American human remains shall be kept confidential and not be disclosed pursuant to the California Public Records Act, California Government Code §§ 6254.10, 6254(r). The County Medical Examiner shall also withhold public disclosure of information related to such reburials pursuant to the exemption set forth in California Government Code § 6254.5(e).

The policy-level and programmatic measures noted above would ensure that potential cultural resource impacts of individual development projects are less than significant. **(Less Than Significant Impact)**

### **3.5.2.11 Cumulative Impacts**

The proposed project has the potential to contribute to cumulative impacts to historic resources at the Citywide level. The 2040 General Plan EIR concluded that new development allowed under the 2040 General Plan would not result in a substantial adverse change in the significance of historic resources, with implementation of 2040 General Plan policies and existing regulations. The Downtown Strategy 2000 EIR, however, determined that redevelopment of properties within Downtown could result in a significant cumulative impact to historic resources.

Downtown San José has the highest concentration of historic era buildings in the city. Construction of SR 87 and I-280 and modern development have destroyed many of the 19<sup>th</sup> and early 20<sup>th</sup> century residences in the Downtown area, although there are numerous surviving structures.<sup>64</sup>

Build-out of the proposed Downtown Strategy 2040 area would also contribute to the on-going demolition and major alteration of historic era buildings within Downtown. As described above, future development projects would be required to evaluate buildings over or near 45 years of age prior to demolition or substantial alteration. It is assumed that future development under Downtown Strategy 2040 would not result in significant impacts to historic resources in Downtown, with implementation of 2040 General Plan policies and existing regulations that promote preservation of historic landmarks, districts, and properties of lesser significance.

Future development under the Downtown Strategy 2040, however, could affect Structures of Merit that are currently listed on the City's HRI, which are not significant resources under CEQA but contribute to the historic fabric of the City. Removal of individual Structures of Merit would be less than significant when viewed on a project-by-project basis. However, redevelopment of many of the non-significant properties currently listed on the City's HRI within the Downtown area would be considered a significant cumulative impact due to the collective loss of historical structures and destruction of the area's historic fabric.

Based on the number of historic resources that have been lost within Downtown (and the City in general) and the potential for remaining historic buildings to be replaced or otherwise adversely affected, the proposed project could make a substantial contribution to the significant impacts previously identified in the Downtown Strategy 2000 EIR.

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<sup>64</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.



**Impact C-CUL-1:** Downtown Strategy 2040 would make a cumulatively considerable contribution to previously identified significant impacts to historic resources. **(Significant Unavoidable Cumulative Impact)**

### **3.5.3            Conclusion**

With the implementation of Standard Measures, 2040 General Plan Policies, and existing regulations, future development under the Downtown Strategy 2040 would not result in a significant impact to archaeological, tribal cultural, paleontological or historic resources. **(Less than Significant Impact)**

**Impact C-CUL-1:** Downtown Strategy 2040 would make a cumulatively considerable contribution to previously identified significant impacts to historic resources. **(Significant Unavoidable Cumulative Impact)**

## **3.6 ENERGY**

### **3.6.1 Environmental Setting**

#### **3.6.1.1 *Regulatory Framework***

##### **Federal**

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

##### **State**

##### **Renewables Portfolio Standard Program**

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. Pacific Gas and Electric Company (PG&E's) is currently the electricity provider to the Downtown area. PG&E's 2016 electricity mix was 33 percent renewable; thus, they have already met the requirements of Executive Order S-14-08.<sup>65</sup> However, as of May 2018, the City of San José established the San José Clean Energy (SJCE), a Community Choice Energy (CCE) program. SJCE will allow the City to buy electricity for its businesses and residents. SJCE will provide the same electricity service but with more renewable energy options at competitive rates. SJCE will be a partnership with PG&E. SJCE will purchase cleaner power, set rates, and retain revenue. PG&E will continue to maintain the grid and deliver the energy.

##### **Building Codes**

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), were established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.<sup>66</sup> Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.<sup>67</sup>

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<sup>65</sup> PG&E. "Exploring Clean Energy Solutions". Accessed May 14, 2018. Available at: [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page).

<sup>66</sup> California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed May 14, 2018. Available at <http://www.bsc.ca.gov/>.

<sup>67</sup> California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed May 14, 2018. Available at: <http://www.energy.ca.gov/title24/2016standards/index.html>.

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. The most recent updates to CALGreen went in to effect on January 1, 2017. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

## **City of San José**

### Green Vision and Climate Smart San José

The Green Vision was a 15-year sustainability plan to steer economic growth and reduce greenhouse gas emissions. Through the Green Vision, adopted in 2007, the City made strides as a national leader in the sustainability movement. In 2017, the City began drafting the Green Vision's replacement, Climate Smart San José. Approved by the City Council in February 2018, Climate Smart San José builds upon the Green Vision with a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life.

The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Density our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

### Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

### Municipal Code

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

and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

### Envision San José 2040 General Plan

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

<b>Table 3.6-1: General Plan Policies - Energy</b>	
<b>Policy</b>	<b>Description</b>
<b>Green Building Policy Leadership</b>	
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
<b>Energy Conservation and Renewable Energy Use</b>	
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.8	Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
<b>Water Conservation and Quality</b>	
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional,

**Table 3.6-1: General Plan Policies - Energy**

<b>Policy</b>	<b>Description</b>
	industrial, and developer-installed residential development unless for recreation or other area functions.
<b>Waste Diversion</b>	
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
<b>Waste Reduction</b>	
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
<b>Reduce Consumption and Increase Efficiency</b>	
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
MS-14.2	Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.
MS-14.6	Replace 100% of the City's traffic signals and streetlights with smart, zero emission lighting by 2022.
<b>Renewable Energy</b>	
MS-15.9	Train City code enforcement and development review staff in state-of-the-art Heating, Ventilation, and Air Conditioning (HVAC) and insulation

**Table 3.6-1: General Plan Policies - Energy**

<b>Policy</b>	<b>Description</b>
	industry standards, best practices, and resources to ensure buildings are constructed in compliance with those industry standards and best practices.
<b>Responsible Management of Water Supply</b>	
MS-17.2	Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.
<b>Water Conservation</b>	
MS-18.2	Require new development outside of the City's Urban Service Area to incorporate measures to minimize water consumption.
MS-18.4	Retrofit existing development to improve water conservation.
MS-18.5	Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.
MS-18.6	Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.
MS-18.7	Use the 2008 Water Conservation Plan as the data source to determine San José's baseline water conservation savings level.
<b>Water Recycling</b>	
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit

**Table 3.6-1: General Plan Policies - Energy**

<b>Policy</b>	<b>Description</b>
	from the development of a fiscally and environmentally sustainable local water supply.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
MS-19.10	Develop incentives to encourage the use of recycled water. Enact ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.
<b>Infrastructure Management</b>	
IN-2.1	Utilize the City's Infrastructure Management System Program to identify the most efficient use of available resources to maintain its infrastructure and minimize the need to replace it.
<b>Solid Waste Materials Recovery/Landfill</b>	
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
<b>Sustainable Parks and Recreation</b>	
PR-6.4	Consistent with the Green Vision, complete San José's trail network and where feasible develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.
PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
PR-6.9	Obtain applicable Leadership in Energy and Environmental Design (LEED) Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.

<b>Table 3.6-1: General Plan Policies - Energy</b>	
<b>Policy</b>	<b>Description</b>
<b>Vibrant, Attractive, and Complete Neighborhoods</b>	
VN-1.1	Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.
<b>Neighborhood Serving Commercial</b>	
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.
<b>Transportation</b>	
TR-1.4 <sup>68</sup>	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

### 3.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,322 trillion British thermal unit (Btu) in the year 2015, the most recent year for which this data was available. The breakdown by sector was approximately 18 percent (1,357 trillion Btu) for residential uses, 19 percent (1,465 trillion Btu) for commercial uses, 24 percent (1,837 trillion Btu) for industrial uses, and 39 percent (3,017 trillion Btu) for transportation.<sup>69</sup> This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

<sup>68</sup> Policy TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.

<sup>69</sup> United States Energy Information Administration. *State Profile and Energy Estimates, 2015*. Accessed May 14, 2018. <https://www.eia.gov/state/?sid=CA#tabs-2>.



## Electricity

Electrical energy is expressed in units of kilowatts (kW) and kilowatt-hours (kWh). If run for one hour, a 1,000 watt (1 kW) hair dryer would use one kilowatt-hour of electrical energy. Other measurements of electrical energy include the megawatt (1,000 kW) and the gigawatt (1,000,000 kW).

In 2016, California produced approximately 93 percent of the electricity it consumed and the rest was imported. California's non carbon dioxide-emitting electric generation (from nuclear, large hydroelectric, solar, wind, and other renewable sources) accounted for 50 percent of total in-state generation for 2016, compared to 40 percent in 2015.<sup>70</sup> Electricity supplied from out-of-state, coal-fired power plants has continued to decrease since 2006, following the enactment of a state law requiring California utilities to limit new long-term financial investments only to power plants that meet California emissions standards.<sup>71</sup>

California's total system electric generation in 2016 was 290,567 gigawatt-hours (GWh), which was down 1.6 percent from 2015's total generation of 295,405 GWh. California's in-state electric generation was up by approximately one percent at 198,227 GWh compared to 196,195 GWh in 2015, and energy imports were down by 6,869 GWh to 92,341 GWh.<sup>72</sup> In 2016, total in-state solar generation increased 31.5 percent from 2015 levels and wind generation increased 10.8 percent.

Growth in annual electricity consumption declined between 2015 and 2016 reflecting increased energy efficiency and higher self-generation from solar photovoltaic power systems. Per capita drops in electrical consumption are predicted through 2027 as a result of energy efficiency gains and increased self-generation (particularly from photovoltaic systems).<sup>73</sup> Due to population increases, however, it is estimated that future demand in California for electricity will grow at approximately one percent each year through 2027, and that 319,256 GWh of electricity would be utilized in the state in 2027.<sup>74</sup>

Electricity usage for differing land uses varies substantially by the type of uses in a building, the type of construction materials used, and the efficiency of the electricity-consuming devices. Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2016, a total of approximately 16,800 GWh of electricity was consumed in Santa Clara County.<sup>75</sup>

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<sup>70</sup> CEC. "Total System Electric Generation". Accessed May 14, 2018.

[http://www.energy.ca.gov/almanac/electricity\\_data/total\\_system\\_power.html](http://www.energy.ca.gov/almanac/electricity_data/total_system_power.html).

<sup>71</sup> EIA. "California State Profile and Energy Estimates Profile Analysis". Accessed May 14, 2018.

<https://www.eia.gov/state/analysis.php?sid=CA#40>.

<sup>72</sup> CEC. "Total System Electric Generation". Accessed May 14, 2018.

[http://www.energy.ca.gov/almanac/electricity\\_data/total\\_system\\_power.html](http://www.energy.ca.gov/almanac/electricity_data/total_system_power.html).

<sup>73</sup> CEC. *California Energy Demand Updated Forecast, 2017-2027*. Accessed May 14, 2018.

[http://docketpublic.energy.ca.gov/PublicDocuments/16-IEPR-05/TN214635\\_20161205T142341\\_California\\_Energy\\_Demand\\_Updated\\_Forecast.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/16-IEPR-05/TN214635_20161205T142341_California_Energy_Demand_Updated_Forecast.pdf).

<sup>74</sup> Ibid.

<sup>75</sup> CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed May 14, 2018. <http://ecdms.energy.ca.gov/electricbycounty.aspx>.

PG&E is the City of San José energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2016, natural gas facilities provided 17 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 24 percent; hydroelectric operations provided 12 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and 13 percent was unspecified.<sup>76</sup> As of May 2018, the City of San José established the SJCE, a CCE program. SJCE will allow the City to buy electricity for its businesses and residents. SJCE will provide the same electricity service but with more renewable energy options at competitive rates. SJCE will be a partnership with PG&E. SJCE will purchase cleaner power, set rates, and retain revenue. PG&E will continue to maintain the grid and deliver the energy.

### **3.6.1.3      *Natural Gas***

Energy usage is typically quantified using the Btu. As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kWh of electricity are 123,000 Btu, 1,000 Btu, and 3,400 Btu, respectively. Utility providers measure natural gas usage in Btu.

PG&E provides natural gas services to the Downtown area. In 2016, approximately three percent of California's natural gas supply came from in-state production, while 97 percent was imported from other western states and Canada.<sup>77</sup> California's natural gas is supplied by interstate pipelines, including the Mojave Pipeline, Transwestern Pipeline, Questar Southern Trails Pipeline, Tuscarora Pipeline, and the Baja Norte/North Baja Pipeline.<sup>78</sup> As a result of improved access to supply basins, as well as pipeline expansion and new projects, these pipelines currently have excess capacity.

In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. Utility providers measure natural gas usage in Btu. In 2016, California consumed approximately 2,236,258,609 million btu (MMBtu)<sup>79</sup> of natural gas; a slight decrease from 2015 when 2,363,349,859 MMBtu<sup>80</sup> were consumed.<sup>81</sup> In Santa Clara County, a total of 42,106,938 MMBtu of natural gas were consumed in 2016, which is about three percent of the state's total.<sup>82</sup>

Overall natural gas demand in California is anticipated to decrease slightly through 2028. This decline is due to on-site residential, commercial, and industrial electricity generation; aggressive

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<sup>76</sup> PG&E. "Exploring Clean Energy Solutions". Accessed May 14, 2018. [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page)

<sup>77</sup> California Gas and Electric Utilities. 2016 California Gas Report. Accessed May 14, 2018. [http://docketpublic.energy.ca.gov/PublicDocuments/16-BSTD-06/TN212364\\_20160720T111050\\_2016\\_California\\_Gas\\_Report.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/16-BSTD-06/TN212364_20160720T111050_2016_California_Gas_Report.pdf).

<sup>78</sup> Ibid.

<sup>79</sup>  $2,177,467 \text{ million cubic feet} = 2,177,467,000,000 \text{ cubic feet} * 1,027 = 2,236,258,609,000,000 / 1,000,000 = 2,236,258,609 \text{ MMBtu}$

<sup>80</sup>  $2,301,217 \text{ million cubic feet} = 2,301,217,000,000 * 1,027 = 2,363,349,859,000,000 / 1,000,000 = 2,363,349,859 \text{ MMBtu}$

<sup>81</sup> EIA. "Natural Gas Delivered to Consumers in California". Accessed May 14, 2018. [http://www.eia.gov/dnav/ng/ng\\_sum\\_lsum\\_dcua\\_sca\\_a.htm](http://www.eia.gov/dnav/ng/ng_sum_lsum_dcua_sca_a.htm).

<sup>82</sup> CEC. "Natural Gas Consumption by County". Accessed May 14, 2018. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

energy efficiency programs; and a decrease in demand for electrical power generation as a result of the implementation of state-mandated RPS targets (as the state moves to power generation resources that result in less GHG emissions than natural gas).<sup>83</sup>

### **3.6.1.4      *Fuel for Motor Vehicles***

California accounts for more than one-tenth of the United States' crude oil production and petroleum refining capacity.<sup>84</sup> In 2017, 15 billion gallons of gasoline were sold in California.<sup>85</sup> The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2015.<sup>86</sup> Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.<sup>87,88</sup> In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.<sup>89</sup>

## **3.6.2      Energy Impacts**

### **3.6.2.1      *Thresholds of Significance***

For the purposes of this EIR, an energy impact is significant if implementation of the Downtown Strategy 2040 would:

- Result in a wasteful, inefficient, or unnecessary consumption of energy;
- Result in a substantial increase in demand upon energy resources in relation to projected supplies; or
- Result in longer overall distances between jobs and housing.

Implementation of the Downtown Strategy 2040 would involve energy use (in the form of electricity, natural gas, and gasoline) during construction and operation of future development and infrastructure projects.

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<sup>83</sup> California Gas and Electric Utilities. 2017 Natural Gas Market Trends and Outlook. Accessed May 14, 2018. [http://docketpublic.energy.ca.gov/PublicDocuments/17-IEPR-04/TN222400\\_20180131T074538\\_STAFF\\_FINAL\\_REPORT\\_2017\\_Natural\\_Gas\\_Market\\_Trends\\_and\\_Outlook.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/17-IEPR-04/TN222400_20180131T074538_STAFF_FINAL_REPORT_2017_Natural_Gas_Market_Trends_and_Outlook.pdf).

<sup>84</sup> United States Energy Information Administration. "State Profile and Energy Estimates, 2015." Accessed May 14, 2018. <https://www.eia.gov/state/?sid=CA#tabs-2>

<sup>85</sup> California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed May 14, 2018. [http://www.cdtfa.ca.gov/taxes-and-fees/MVF\\_10\\_Year\\_Report.pdf](http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf).

<sup>86</sup> U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed May 14, 2018. [https://www.bts.gov/archive/publications/national\\_transportation\\_statistics/table\\_04\\_23](https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23)

<sup>87</sup> U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

<sup>88</sup> Public Law 110-140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

<sup>89</sup> United States Environmental Protection Agency. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards*. August 28, 2012. Accessed February 8, 2018. <https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard>

### 3.6.2.1 Energy Use Associated with the Built Environment

As described in the 2040 General Plan EIR, planned growth could substantially increase the demand for electricity and natural gas. Under the City's Green Building program, Climate Smart San José, and Greenhouse Gas Reduction Strategy, new development will be required to design for energy efficiency and conservation. Regulations that promote water conservation and recycling would also reduce energy demand associated with the built environment. Increased energy efficiency that lowers overall demand, including peak energy demands in the built environment, is also anticipated as a result of new technologies and energy efficiency requirements and incentives at the national, state, and local level. The City ultimately intends to require all new residential and commercial construction to be designed for zero net energy use, as regulations are revised and technological advances make it feasible (Policy MS-14.3).

2040 General Plan policies and regulations promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. Under Policy MS-2.2, for example, the City encourages alternative energy generation at existing and future development sites. The use of cogeneration technology and recovery of waste heat would provide additional sources of energy generation. Therefore, the amount of energy produced within the City is anticipated to increase in the future, reducing demand for imported energy supplies.

For these reasons, the 2040 General Plan EIR concluded that development allowed under the 2040 General Plan would not result in an exceedance in energy demand projected regionally by PG&E and adopted by the California Energy Commission through approximately 2020. Implementation of 2040 General Plan policies and existing regulations would reduce energy consumption associated with the built environment such that new development would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Future development under the Downtown Strategy 2040 would contribute to the citywide increase in demand for electricity and natural gas. All new residential development in the Downtown area would be multi-family housing, which has a reduced energy demand per household compared to single-family detached housing. Additional land use development such as commercial, retail, and hotels would be subject to the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques (Action MS-2.11 and Policy MS-2.3). For example, orienting buildings to maximize the effectiveness of passive solar design would help minimize energy consumption. For these reasons, the Downtown Strategy 2040 would not result in a substantial increase in demand upon energy resources in relation to projected supplies. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### Secondary Energy Impacts

Development may require expansion of or improvements to the natural gas and electricity networks to provide adequate capacity. Upgrades could range from on-site to off-site installations of pipelines, power lines, and/or electric substations. New distribution lines would typically be installed within existing rights-of-way and should be underground. Siting of natural gas transmission lines would need to be in conformance with federal and state regulations while new development approved by the

City would need to be set back from these lines in conformance with City Council policy (refer to Section 3.9 Hazardous Materials and Hazards).

To the extent future electrical and natural gas infrastructure can be installed on previously developed sites away from residential uses, substantial environmental impacts resulting from utility system improvements would be reduced, although options for separating infrastructure from the development it serves will be more problematic in the future. Conformance with 2040 General Plan policies would further reduce and avoid environmental impacts. The City will continue to coordinate with PG&E on utility needs, including methods for minimizing land use impacts to residential and other sensitive receptors.

### **3.6.2.2 Energy Use Associated with Transportation**

According to 2040 General Plan EIR, planned growth under the 2040 General Plan would result in an increase in energy use associated with transportation. Adding more jobs than employed residents in the City could increase the lengths of regional commute trips, although the construction of housing near future jobs would counter this increase somewhat. Assuming “business-as-usual” travel patterns and an average fuel economy of 35 mpg in 2035, approximately 9.9 million gallons of gasoline would be consumed daily for San José-associated automobile travel. However, implementation of 2040 General Plan policies would increase the overall use of transportation alternatives that use no fuel or less fuel per passenger, such as transit, carpooling, bicycling, and walking. A 10 percent reduction in VMT and associated shift in travel modes would result in a savings of almost one million gallons of gasoline. Therefore, the 2040 General Plan EIR concluded that implementation of the 2040 General Plan would not result in the wasteful, inefficient or unnecessary use of energy for transportation purposes.

Future development would be subject to a Transportation Demand and Parking Management Plan and 2040 General Plan policies intended to reduce VMT per capita and support transportation alternatives. Therefore, the Downtown Strategy 2040 would not result in a new or more significant impact related to energy use associated with transportation. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.6.2.3 Energy Use Associated with Redevelopment and Construction**

Future development under the Downtown Strategy 2040 would involve the use of energy during demolition and construction, including fuels and electrical power for operation of construction equipment, construction worker travel to and from construction sites, and the fabrication and transport of construction materials. Energy will also be used to demolish, transport, and dispose of demolition materials. Implementation of 2040 General Plan policies and existing regulations and programs would reduce energy loss resulting from the disposal of construction and demolition materials through diversion and recycling. Therefore, development allowed under the Downtown Strategy 2040 would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

The proposed Downtown Strategy 2040 would not result in a significant impact related to energy use associated with redevelopment and construction. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.6.3      Cumulative Impacts**

As described in the previous discussions, the 2040 General Plan EIR concluded that planned growth in the City of San José would not result in a significant impact related to energy, since implementation of the 2040 General Plan policies, existing regulations, and future technologies is expected to reduce energy consumption over business-as-usual conditions. Development under the proposed Downtown Strategy 2040 would contribute to the increase in energy demand, but as a subset of planned growth and a key strategy for reducing VMT, the proposed project would not result in a new or more significant cumulative impact. For these reasons, the Downtown Strategy 2040 would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant impact related to energy use. **(Less than Significant Impact)**

### **3.6.4      Conclusion**

With implementation of 2040 General Plan policies and existing regulations, development allowed under the Downtown Strategy 2040 would not result in a significant impact related to energy consumption. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.7 GEOLOGY AND SOILS**

#### **3.7.1 Existing Setting**

##### **3.7.1.1 *Geology and Soils***

The project site is located in northern Santa Clara Valley, which is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Downtown area is relatively flat with an average elevation of approximately 100 feet above mean sea level.<sup>90</sup> There is no landslide hazard.

The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are alluvial sediments deposited by streams draining the adjacent mountains during recent geologic times (Holocene age). The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel.

Surface soils in the project area have been mapped as Yolo association soils, which have a slow infiltration rate and a moderate shrink-swell (expansion) potential.<sup>91</sup> Expansive soils occur where a sufficient percentage of certain clay materials are present in the soil. These soil conditions can impact the structural integrity of buildings and other structures.

#### **Artificial Fill**

The Downtown area likely contains artificial fill, often referred to as undocumented or man-made fill, which includes materials that were placed to fill in naturally low areas or to create building pads and roadways. In some cases, older, non-engineered fills have been placed without standards for fill materials or compaction. Building on non-engineered fills can result in excessive settlement of structures, pavements, and utilities. Artificial fills placed using current engineering practices, however, are likely to avoid impacts from excessive or differential settlement.

##### **3.7.1.2 *Seismic Hazards***

The San Francisco Bay Area is recognized by geologists as one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay Area are generally associated with the San Andreas Fault system, which spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. The closest active fault to the Downtown area is the Hayward fault zone, located approximately five miles to the east. Other potentially active faults within ten miles include the San Andreas, Monte Vista-Shannon, and Calaveras faults. There are no active faults in the project area.<sup>92</sup>

Seismic activity can also result in hazards from several forms of ground failure, including fault rupture, soil liquefaction, lateral spreading, and differential settlement. Much of the Santa Clara Valley, including the Downtown area, is located within a Liquefaction Hazard Zone.<sup>93</sup> Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a

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<sup>90</sup> Google Earth.

<sup>91</sup> United States Department of Agriculture Soil Conservation Service. *Soil Survey of Santa Clara County, California*. 1958.

<sup>92</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

<sup>93</sup> California Geological Survey. *Seismic Hazard Zones, San José East Quadrangle*. Map. 2002.

liquefied state as a result of seismic ground shaking. Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying material toward an open face such as a body of water. Differential settlement is associated with loose unsaturated sandy soils, which are generally present along creeks. Seismically induced ground failure can cause damage to structures and paved areas.

### **3.7.1.3      *Mineral Resources***

Mineral resources found and extracted in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill, which is located over two miles southeast of the Downtown area.<sup>94</sup>

### **3.7.2      Regulatory Framework**

Development within the City of San José is subject to various federal, state, and local regulations aimed at reducing the potential impacts of geologic and seismic hazards to people, property, and the environment. As described in Section 4.9 Hydrology and Water Quality, erosion control is regulated by the federal Clean Water Act, State of California Porter-Cologne Water Quality Act, NPDES permit program, and City policies (6-29 and 8-14).

The California Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate the construction of buildings used for human occupancy in these zones.

The California Building Code (in Title 24, California Code of Regulations) serves as the basis for the design and construction of buildings in the state. Currently, the 2017 California Building Code contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, the strength of the ground, and distance to seismic sources.

#### **3.7.2.1      *City of San José Policies***

Title 24 of the San José Municipal Code includes the 2017 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

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<sup>94</sup> 2040 General Plan EIR.



## Envision San José 2040 General Plan

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards, as listed in the following table.

<b>Table 3.7-1: General Plan Policies: Geology, Soils, and Seismic Hazards</b>	
<b>Emergency Management</b>	
Policy ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.
Policy ES-4.10	Update, as necessary, the San José Building Code, Fire Prevention Code and Municipal Code to address geologic, fire, flooding and other hazards, and to respond to changes in applicable State Codes.
<b>Seismic Hazards</b>	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
Policy EC-3.3	The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.
Policy EC-3.4	The City of San José will maintain up-to-date seismic hazard maps with assistance from the California Geological Survey (or other state agencies) under the Alquist-Priolo Earthquake Fault Zoning Act and the California Seismic Hazards Mapping Act.
Policy EC-3.5	Locate, design and construct vital public utilities, communication infrastructure, and transportation facilities in a manner that maximizes risk reduction and functionality during and after an earthquake.
Policy EC-3.6	Restrict development in close proximity to water retention levees or dams unless it is demonstrated that such facilities will be stable and remain intact during and following an earthquake.

<b>Table 3.7-1: General Plan Policies: Geology, Soils, and Seismic Hazards</b>	
Action EC-3.8	Maintain and update Citywide seismic hazard maps for planning purposes on an on-going basis.
Action EC-3.9	Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on faults, earthquake induced landsliding, liquefaction, and/or lateral spreading.
Action EC-3.10	Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
Action EC-3.11	Make information available to residents and businesses on ways to reduce seismic hazards and emergency preparedness for an earthquake in conjunction with regional, state and federal agencies such as the Association of Bay Area Governments (ABAG) and the United States Geological Survey (USGS).
<b>Geologic and Soil Hazards</b>	
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.3	Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing

<b>Table 3.7-1: General Plan Policies: Geology, Soils, and Seismic Hazards</b>	
	and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Policy EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
Action EC-4.8	Maintain and update Citywide geologic hazard maps for planning purposes.
Action EC-4.9	Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on landsliding potential and other geologic hazards.
Action EC-4.10	Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.
Action EC-4.13	Use published maps and site specific geotechnical reports to identify possible areas of naturally occurring asbestos within the City of San José's Urban Growth Boundary for use in evaluating proposed development.

### **3.7.3 Geology and Soils Impacts**

#### **3.7.3.1 *Thresholds of Significance***

For the purposes of this EIR, a geologic or seismic impact is significant if implementation of the proposed Downtown Strategy 2040 would:

- Expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides, or expansive soils;
- Cause substantial erosion or siltation;

- Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques;
- 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; or
- Result in the loss of availability of a locally-important mineral resource delineated on a local general plan, specific plan, or other land use plan.

The 2040 General Plan EIR determined that implementation of existing programs and regulations and the GP policies would reduce all impacts associated with geologic and seismic hazards to a less than significant level.

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate existing environmental hazards or risks. The proposed project would not exacerbate existing geology and soil conditions in the project area; therefore, the proposed project would not result in geology and soils impacts. Nevertheless, the City has policies and regulations that address existing geologic conditions affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

### **3.7.3.2      *Geologic and Soil Impacts***

#### **Expansive Soils and Artificial Fill**

New development and redevelopment allowed under the proposed Downtown Strategy 2040 could occur in areas with identified soil hazards, including expansive soils and artificial fill. Where expansive soils are present, building foundations and pavements can be damaged when soils go through cycles of wetting and drying.<sup>95</sup> Areas with artificial fill are subject to differential settlement of the land surface, which can also damage foundations and pavements, as well as infrastructure (such as roads, sewer lines, storm drains, and water delivery systems). In addition, differential settlement can affect site drainage patterns and result in water damage to buildings, landscaping, or infrastructure.

As described in Section 4.8.1 above, future project applicants (including the City) would be subject to various federal, state, and local regulations aimed at reducing geologic hazards, including:

- City of San José 2040 General Plan policies related to geologic hazards;
- San José Municipal Code: Title 24 (Technical Codes), Chapter 17.40 (Dangerous Buildings); and Chapter 17.10 (Geologic Hazards Regulations);

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<sup>95</sup> Shrinking of soil is particularly apparent in the vicinity of trees, which withdraw water from the soil, so buildings and pavements should be designed and constructed with sufficient distance from trees.

- City of San José Municipal Code, Chapter 17.10; and
- California Building Code.

**Measures Included in the Project to Reduce and Avoid  
Impacts related to Geologic Hazards**

Under current regulations, future development projects in San José are subject to the following measures:

- Consistent with 2040 General Plan policies, future projects will be required to complete a design-level geotechnical investigation to verify compliance with applicable regulations.<sup>96</sup> The reports shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including measures for site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Subsurface exploration, laboratory testing, and engineering analyses may be required as part of the investigations. The reports shall be submitted to the City of San José ~~Public Works Department~~ Geologist for review prior to issuance of any site-specific grading or building permit.
- Techniques that may be used to minimize hazards include: replacing problematic soils with properly conditioned/compacted fill and designing structures to withstand the forces exerted during shrink-swell cycles and settlements.
- Foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement.

Implementation of these measures, if included in future projects, would reduce and avoid impacts related to geologic conditions.

**Erosion**

Development under the proposed Downtown Strategy 2040 would expose disturbed areas to wind and stormwater during construction and post-construction periods. Grading and ground disturbance increase the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns. Implementation of erosion control measures, in accordance with 2040 General Plan policies and regulations, would prevent substantial erosion and siltation during site development activities.

**Measures Included in the Project to Reduce and Avoid  
Impacts related to Erosion**

Under current requirements, future projects under the Downtown Strategy 2040 would be required to implement the following standard measures during construction:

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<sup>96</sup> Geotechnical investigations would not necessarily be required for minor improvement projects (e.g., streetscape enhancements) that are not part of a development or transportation project, unless there is potential for a significant hazard.

- Standard erosion control and grading best management practices (BMPs) will be implemented during construction to prevent substantial erosion from occurring during site development. The BMPs shall be included on all construction documents.
- Prior to issuance of a Public Works Clearance, the applicant must obtain a grading permit before commencement of excavation and construction. In accordance with GP Policy EC-4.12, the applicant may be required to submit a Grading Plan and/or Erosion Control Plan for review and approval, prior to issuance of a grading permit.
- Future projects over one acre in size would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under the NPDES General Construction Permit and the City's Municipal Code (refer to Section 3.10 Hydrology and Water Quality for additional information).

Implementation of these standard measures, if included in future projects, would reduce and avoid construction-related erosion impacts.

### **Dewatering**

Dewatering of the subsurface could be required for construction of below-ground structures (including some foundation elements). Dewatering activities that lower the groundwater level would increase the effective stress on the underlying sediments, potentially resulting in ground settlements and damage to structures, roadways, and/or utilities.<sup>97</sup>

### **Measures Included in the Project to Reduce and Avoid Impacts related to Dewatering**

Consistent with mitigation measures identified in the Downtown Strategy 2000 EIR, individual future development projects that involve dewatering will be required to implement the following measure:

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Implementation of ~~these~~ this measures, if included in future projects that involve dewatering, would reduce and avoid impacts related to ground settlement.

With implementation of the standard measures listed above and implementation of 2040 General Plan policies and existing regulations, future development under the Downtown Strategy 2040 would not result in a significant impact related to geologic hazards. This conclusion is consistent with the analysis in the 2040 General Plan EIR, Four-Year Review, and Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

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<sup>97</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

### 3.7.3.3 *Seismic Hazards*

The City of San José and the entire Bay Area is within one of the most seismically active areas in the United States. Therefore, all structures and their occupants within the Downtown area are at risk of damage or injury from ground shaking in the event of an earthquake. Damage from ground shaking is generally dependent on the magnitude of an earthquake, distance from the epicenter, duration of shaking, local groundwater and soil conditions, structural design, and quality of construction.

Future development and infrastructure improvement projects under the proposed Downtown Strategy 2040 would also be exposed to seismic induced liquefaction. Liquefaction can cause structural distress or failure due to ground settlement or deformation and/or a loss of bearing capacity in the foundation soil. Lands adjacent to Los Gatos Creek and the Guadalupe River may also be prone to lateral spreading and differential settlement. Because there are no active faults in the project area, there is no risk for fault rupture.

#### **Measures Included in the Project to Reduce and Avoid Impacts related to Seismic Hazards**

Implementation of City policies and existing regulations would substantially reduce seismic hazards to people and structures. Under current regulations, future development projects in San José are subject to the following measures:

- The design-level geotechnical investigations (described above) shall identify site-specific ground failure hazards such as liquefaction and the appropriate techniques to minimize risks to people and structures. Over-excavation and re-compaction is a commonly used method to mitigate soil conditions susceptible to settlement.
- Future projects shall be designed and constructed in accordance with the most recent California Building Code, which contains the regulations that govern the construction of structures in California. Adherence to the California Building Code would ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse.

With implementation of the standard measures listed above and implementation of 2040 General Plan policies and existing regulations, future development under the Downtown Strategy 2040 would not result in a significant impact related to seismic hazards. This conclusion is consistent with the analysis in the 2040 General Plan EIR and General Plan Four-Year Review. **(Less than Significant Impact)**

### 3.7.3.4 *Impacts to Mineral Resources*

The Downtown area is not located within a designated area containing mineral deposits of regional or local significance. The Downtown Strategy 2040 would not result in the loss of availability of a known mineral resource. **(No Impact)**

### 3.7.3.5 *Cumulative Impacts*

Planned growth in San José would increase the number of people exposed to risks related to geology and seismicity. While seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area.

As described above, the future development under the proposed Downtown Strategy 2040 will be required to complete design-level geotechnical investigations and conform to current building codes, consistent with 2040 General Plan policies. These measures would also apply to the other projects planned for the Downtown area, including the HSR, BART, and roadway projects. Therefore, planned infrastructure and development projects and their occupants would not be exposed to a cumulative impact related to geologic and seismic hazards.

Construction of multiple projects at the same time could contribute to cumulative construction-related impacts related to erosion and dewatering. Construction of the BART tunnel and below ground structures associated with development projects could result in ground settlements and movements, particularly if dewatering is required. Implementation of measures such as pre-construction surveys, construction monitoring, and groundwater control systems would minimize damage to structures, roadways, and/or utilities. Therefore, the cumulative effects of construction on geologic conditions would not be considered significant. **(Less than Significant Cumulative Impact)**

### 3.7.4 Conclusion

With implementation of the standard measures listed above and implementation of 2040 General Plan policies and existing regulations, future development under the Downtown Strategy 2040 would not result in a significant impact related to geologic or seismic hazards. This conclusion is consistent with the analysis in the 2040 General Plan EIR, General Plan Four-Year Review, and Downtown Strategy 2000 EIR. **(Less than Significant Impact).**

The Downtown Strategy 2040 would not result in the loss of availability of a known mineral resource. **(No Impact)**

The Downtown Strategy 2040 would not result in or contribute to a cumulative geologic or seismic hazards impact. **(Less than Significant Cumulative Impact)**



## 3.8 GREENHOUSE GAS EMISSIONS

The following discussion is based on greenhouse gas emissions assessment prepared by *Illingworth & Rodkin, Inc.* in May 2018. A copy of the report is included as Appendix B of this EIR.

### 3.8.1.1 *Background Information*

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG gas emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire State of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

### 3.8.1.2 *Regulatory Framework*

#### **Federal**

##### Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act. The U.S. Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO<sub>2</sub> is an air pollutant as defined under the Clean Air Act, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

#### **State**

##### California Global Warming Solutions Act

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

On September 8, 2016, Governor Brown signed SB 32 into law, amending the California Global Warming Solutions Act. SB 32 requires CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e). CARB adopted the state's updated *Climate Change Scoping Plan* in December 2017. The updated plan provides a framework for achieving the 2030 target.

## Senate Bill 375 – Redesigning Communities to Reduce GHGs

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

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

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

### Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.

## **Regional**

### Bay Area Air Quality Management District

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

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

GHGs” that are potent climate pollutants in the near-term, and to decrease emissions of CO<sub>2</sub> by reducing fossil fuel combustion. The 2017 CAP is described in more detail in Section 3.3.1.2.

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

### Local

#### Envision San José 2040 General Plan

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed in the following table. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to Sections 3.15 Transportation, 3.6 Energy, and 3.3 Air Quality for these policies.

<b>Table 3.8-1: General Plan Policies - GHG Emissions</b>	
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City’s Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-1.4	Foster awareness of San José’s business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

<b>Table 3.8-1: General Plan Policies - GHG Emissions</b>	
<u>Policy MS-2.6</u>	<u>Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.</u>
Policy MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
<u>Policy MS-21.1</u>	<u>Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.</u>
<u>Policy TR-1.16</u>	<u>Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.</u>

### GHG Reduction Strategy

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

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the 2040 General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals

and policies in the 2040 General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted *Climate Change Scoping Plan* through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the 2040 General Plan Final Program Environmental Impact Report (FEIR), and as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO<sub>2</sub>e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO<sub>2</sub>e per year would be required for the projected service population to meet the City's target for 2035.<sup>98</sup>

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone by the City with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The 2040 General Plan EIR disclosed that it will require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2020 to 2035 timeframe.

The 2040 General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in 2040 General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

#### 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)

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<sup>98</sup> As described in 2040 General Plan EIR, the 2035 efficiency target above reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO<sub>2</sub>e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050.

- 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. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

#### **3.8.1.3 Existing Conditions**

Existing development in the Downtown area is estimated to generate approximately 130,264 MT of CO<sub>2</sub>e per year. Existing GHG emissions in Downtown are quantified in Table 3.8-2.

<b>Table 3.8-2: Existing GHG Emissions Estimates</b>	
<b>Source</b>	<b>Existing CO<sub>2</sub>e (metric tons/year)</b>
Area	291
Energy Consumption	15,083
Mobile	111,543 <sup>1</sup>
Solid Waste Generation	2,084
Water Usage	1,263
<b>Total</b>	<b>130,264</b>
<b>Efficiency Metric</b>	<b>2.82<sup>2</sup></b>
Notes:	
<sup>1</sup> Includes Downtown area specific VMT.	
<sup>2</sup> Based on a service population of 46,156 (12,548 residents and 33,608 jobs)	

### **3.8.2 Greenhouse Gas Emissions Impacts**

#### **3.8.2.1 Thresholds of Significance**

For the purposes of this EIR, a greenhouse gas emissions impact is considered significant if the project would:

- Generate a greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

BAAQMD adopted thresholds of significance to assist the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD reports GHG emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD are 1,100 MT of CO<sub>2</sub>e per year or 4.6 MT CO<sub>2</sub>e per service population per year. In addition, a project

that is in compliance with the City’s Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact. The numeric thresholds, however, were to achieve the state’s 2020 target of 1990 GHG levels. Most, if not all, of the development allowed under the Downtown Strategy 2040 would not become operational until after 2020 due to the development review process and lead times for construction. Although BAAQMD has yet to publish a threshold for 2030, for the purposes of this EIR, the efficiency metric of 2.6 MT CO<sub>2</sub>e per service population per year is utilized. The efficiency threshold of 2.6 MT CO<sub>2</sub>e per service population per year needed to meet the 2030 target is based on the GHG reduction goals of SB32/EO B-30-15, and the projected 2030 statewide population and employment levels.<sup>99</sup> An efficiency metric of 1.7 MT CO<sub>2</sub>e per service population per year for 2040 was also calculated using the same method.

### 3.8.2.2 Greenhouse Gas Emissions

The CalEEMod model that was used to predict air pollutant emissions was used to compute annual GHG emissions in 2030 and 2040.<sup>100</sup> As shown in Table 3.8-3, the amount of development anticipated to occur by 2030 from implementation of the Downtown Strategy 2040 would result in annual emissions of 2.09 MT of CO<sub>2</sub>e per service population, which would not exceed the 2030 substantial progress threshold of 2.6 MT of CO<sub>2</sub>e per service population annually. Annual emissions from full build-out in 2040, however, would be 2.21 MT of CO<sub>2</sub>e per service population in, which would exceed the 2040 substantial progress threshold of 1.7 MT of CO<sub>2</sub>e per service population annually, resulting in a significant impact.

<b>Table 3.8-3: Downtown Strategy 2040 GHG Emissions Estimates</b>		
<b>Source</b>	<b>2030 CO<sub>2</sub>e (metric tons/year)</b>	<b>2040 CO<sub>2</sub>e (metric tons/year)</b>
Area	176	247
Energy Consumption	50,729	77,801
Mobile	154,022 <sup>1</sup>	203,058 <sup>1</sup>
Solid Waste Generation	7,280	11,022
Water Usage	3,449	5,253
<b>Total</b>	<b>215,656</b>	<b>297,381</b>
<b>Efficiency Metric</b>	<b>2.09<sup>2</sup></b>	<b>2.21<sup>3</sup></b>
<i>Significance Thresholds</i>	2.6	1.7
<i>Significant Impact?</i>	No	Yes
Notes:		
<sup>1</sup> Includes Downtown area specific VMT.		
<sup>2</sup> Based on a projected service population of 103,140 (29,698 residents and 73,442 jobs)		
<sup>3</sup> Based on a projected service population of 134,812 (42,704 residents and 92,108 jobs)		

<sup>99</sup> Sources: 1) Association of Environmental Professionals. “Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California.” October 18, 2016. Available at: [https://www.califaep.org/images/climate-change/AEP-2016\\_Final\\_White\\_Paper.pdf](https://www.califaep.org/images/climate-change/AEP-2016_Final_White_Paper.pdf). 2) California Department of Finance, Demographic Research Unit. “Total Estimated and Projected Population for California and Counties: July 1, 2010 to July 1, 2060 in 5-year Increments.” February 2017. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Projections/>. 3) Caltrans. “California County-Level Economic Forecast 2017-2050.” September 2017. Available at: [http://www.dot.ca.gov/hq/tpp/offices/eab/socio\\_economic\\_files/2017/FullReport2017.pdf](http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2017/FullReport2017.pdf).

<sup>100</sup> The GHG modeling report conservatively assumed a 2030 full buildout of the Specific Plan. Emissions are well below both the 2030 and 2040 thresholds, therefore, the results would not change if emissions were based upon a 2040 buildout of the Specific Plan.

Achieving the substantial GHG emissions reductions needed to meet the 2040 threshold will require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. It also will require substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies (such as the California ARB, PUC, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 emissions reductions, the Downtown Strategy 2040's contribution to greenhouse gas emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable. This conclusion is consistent with the 2040 General Plan EIR, which found that emissions beyond 2020 would be significant and unavoidable.

**Impact GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Impact)**

### **3.8.2.3**      *Consistency with Plans*

#### **2017 Clean Air Plan**

The proposed Downtown Strategy 2040 will support the goals of the 2017 Clean Air Plan through incorporation of the following:

- Reducing motor vehicle miles traveled by facilitating development in proximity to existing/proposed/planned pedestrian, bicycle, and transit facilities;
- Including a TDM program that encourages automobile-alternative transportation;
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 and California Green Building Standards Code.

The Downtown Strategy 2040, therefore, would not disrupt or hinder the implementation of applicable control measures (refer to Section 3.3.1.2) in the 2017 CAP. **(Less than Significant Impact)**

#### **Envision San José 2040 General Plan**

The Downtown Strategy 2040 is consistent with 2040 General Plan policies to reduce GHG emissions by facilitating development near existing transit and bike facilities and requiring a TDM program for future development. **(Less Than Significant Impact)**

#### **GHG Reduction Strategy**

The Downtown Strategy 2040 would not change the amount of citywide development assumed in the 2040 General Plan, rather it will relocate additional jobs and housing from elsewhere in the City. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the 2040 General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to



GHG emissions through 2020 and would not conflict with targets in the currently adopted *Climate Change Scoping Plan* through 2020. Any development under the Downtown Strategy 2040 occurring before 2020 would be required to comply with required measures in the GHG Reduction Strategy<sup>101</sup>. **(Less Than Significant Impact)**

#### **3.8.2.4 Cumulative Impacts**

Past, present, and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. While development Downtown will be consistent with statewide GHG reduction targets set for 2020 and 2030, implementation beyond 2030 of the Downtown Strategy 2040 would result in a significant unavoidable GHG impact and, therefore, would also result in a significant unavoidable cumulative GHG impact.

**Impact C-GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Cumulative Impact)**

#### **3.8.3 Conclusion**

**Impact GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Impact)**

**Impact C-GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Cumulative Impact)**

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<sup>101</sup> The City will prepare an updated GHG Reduction Strategy to address citywide emissions in 2030 to achieve SB 32 statewide reduction targets of 40 percent below 1990 levels. As discussed above, development in Downtown through 2030 will achieve statewide 2030 service population targets. The timeframe for the City to prepare a GHG Reduction Strategy to achieve 2040 targets is unknown, but likely a decade away.

## **3.9 HAZARDS AND HAZARDOUS MATERIALS**

### **3.9.1 Existing Setting**

The Downtown area is currently developed with a range of residential, commercial, and industrial uses, including facilities that may use hazardous materials or generate hazardous wastes such as dry cleaners, gas stations, automotive repair/service facilities, machine shops, and industrial/construction supply businesses. Other industrial uses in the area include warehouses, the PG&E service and fueling center on Stockton Avenue, an electric substation just south of Diridon Station, and an asphalt reprocessing facility on Sunol Street south of the Downtown area.

There are no large scale manufacturing facilities that are likely to store or use toxic gases or significant quantities of hazardous materials within or adjacent to the Downtown area, although there may be aboveground fuel tanks, high pressure natural gas transmission lines, and/or facilities that generate small quantities of hazardous wastes in the Downtown area.<sup>102</sup>

Past uses in the Downtown area have included a range of industrial and commercial businesses such as blacksmiths, iron works, manufacturing facilities, and a medical laboratory.

### **3.9.2 Regulatory Framework**

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 and industrial processes. Due to the fact that hazardous substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs designed to minimize the chance for unintended releases and/or exposures to occur. Other programs establish remediation requirements where soils and/or groundwater contamination has occurred. The net result of regulatory control programs and institutional controls is reduced likelihood of chemical releases and reduced likelihood of off-site migration of hazardous materials in the event of a release.

The U.S. Environmental Protection Agency (US EPA) is the federal administering agency for hazardous waste regulations. State agencies include the California Environmental Protection agency (Cal EPA), Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the California Air Resources Board (CARB). Regional agencies include the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the Bay Area Air Quality Management District (BAAQMD). Local agencies including the San José Fire Department (SJFD) and the Santa Clara County Department of Environmental Health (SCCDEH) have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program. The Santa Clara Valley Water District (SCVWD) monitors groundwater quality and supports groundwater clean-up efforts.

Existing federal, state and local regulations that reduce or avoid impacts associated with hazards and hazardous materials, which are described in the 2040 General Plan EIR, include:

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<sup>102</sup> Cornerstone Earth Group. *Current Conditions Report Hazards and Hazardous Materials, Envision San José 2040 General Plan Update*. 2010.

- Federal Comprehensive Environmental Response and Liability Act (CERCLA, “Superfund”)
- Federal Resource Conservation and Recovery Act (RCRA)
- Federal Hazardous Materials Transportation Act (HMTA)
- Natural Gas Pipeline Safety Act of 1968 (CFR, Title 49)
- Federal Aviation Administration (FAA) Regulations (Title 14 of the Code of Federal Aviation Regulations, Federal Aviation Regulations Part 77)
- Federal Process Safety Management of Highly Hazardous Chemicals (CFR, Title 29)
- State Aeronautics Act (California Public Utilities Code, Sections 21658 and 21659)
- Cal/OSHA Worker Health and Safety Regulations (California Code of Regulations, Title 8)
- California Pipeline Safety Regulations (California Government Code, Section 51010-51019.1)
- California Health and Safety Code and CUPA Program
- California Accidental Release Prevention (CalARP) Program
- California Fire Code
- California’s Porter-Cologne Water Quality Control Act
- CEQA Requirements for Hazardous Materials Users within One-Fourth of a Mile of School (Section 21151.4 of the Public Resources Code)
- City of San José Hazardous Materials Release Response Plans and Inventory
- City of San José Hazardous Materials Storage Ordinance and Toxic Gas Ordinance
- City of San José Building and Fire Codes
- City of San José Municipal Code (Chapters 6.14, 17.12, 17.88, and 20.80).

### **3.9.2.1      *Government Code §65962.5 (Cortese List)***

Section 65962.5 of the Government Code requires Cal EPA to develop and update (at least annually) a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the DTSC, SWRCB, and the Department of Resources Recycling and Recovery (CalRecycle).<sup>103</sup>

### **Potential On-Site Sources of Contamination**

As a result of historic and existing industrial/commercial development, contaminants could be present in the soil and groundwater at various locations within the Downtown area. Soil contaminated with lead and arsenic or other chemicals may also occur near existing or historic railroad tracks. The Downtown area likely contains artificial fill (also referred to as undocumented or man-made fill), which may include contaminated materials.

Regulatory databases were reviewed to identify known or suspected sources of contamination. According to CalRecycle’s list, the Downtown area does not contain any solid waste facilities or disposal sites, including landfills, transfer stations, material recovery facilities, composting sites, or closed disposal sites.<sup>104</sup>

According to Geotracker, there are approximately 103 properties within the Downtown Area that are listed as closed Leaking Underground Storage Tank (LUST) cases, five properties listed as open

<sup>103</sup> CalRecycle was formally called the California Integrated Waste Management Board (CIWMB).

<sup>104</sup> CalRecycle. “Solid Waste Information System (SWIS), Facility/Site Listing.” Accessed May 15, 2018. <http://www.calrecycle.ca.gov/SWFacilities/Directory/search.aspx>

LUST cases, eight DTSC cleanup sites, one military cleanup site, 14 open cleanup program site cases, and 12 closed cleanup program site cases.<sup>105</sup>

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

There are numerous closed and open LUST cases in the surrounding area. According to Geotracker, there are approximately 47 closed LUST cases, six open LUST cases, three closed cleanup program sites, seven open cleanup program sites, and seven DTSC cleanup sites in the vicinity of the Downtown area.

#### **3.9.2.2      *Airport Regulations***

The primary hazard associated with airport facilities is the potential for accidents to occur as aircraft approach and depart the airport. The risk associated with accidents increase with the presence of tall buildings, high concentrations of people, and low-mobility uses that cannot respond quickly to emergencies. The principal means of reducing risks is to restrict land uses so as to minimize obstructions to aircraft and limit the number of people who might gather in areas most susceptible to aircraft accidents.<sup>106</sup>

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

### **Federal Aviation Regulations Part 77**

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

Under Federal Aviation Regulations Part 77, the FAA must be notified of proposed structures within an extended zone defined by imaginary surfaces that radiate out for several miles from an airport's runways. Any proposed structure (including buildings, poles, antennae, and temporary construction cranes) that would penetrate the imaginary surface or which would stand 200 feet or more in height, must be submitted to the FAA for an aeronautical study. The FAA typically makes one of three determinations based on its aeronautical study: (a) the structure as proposed would not be an airspace obstruction or hazard; (b) the structure as proposed would be an airspace obstruction but not a hazard if subject to specified conditions, such as roof-top lighting/markings and subsequent notification to the FAA of completed construction; or (c) the structure as proposed would be an airspace hazard and should not be approved.

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<sup>105</sup> California State Water Resources Control Board. "GeoTracker." Accessed May 14, 2018. <http://geotracker.waterboards.ca.gov/>

<sup>106</sup> Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport*. May 2011 (Amended November 2016).

As the FAA does not have authority to approve or disapprove a proposed off-airport land use, it is the responsibility of the City and other local land use jurisdictions to ensure that new development complies with the Part 77 notification requirements and resulting FAA-issued determinations. The FAA does have the authority to protect the airspace by modifying flight procedures if feasible and/or by restricting use of the airport. The entire Downtown area is located within the Part 77 imaginary surfaces for the Norman Y. Mineta San José International Airport. The surfaces are lowest in the Northern Zone, closest to the airport.

Part 25 of the Federal Aviation Regulations requires airlines to design emergency flight procedures in the event of a total power loss in one engine during takeoff. The One-Engine Inoperative (OEI) procedures are designed such that the aircraft would gain some altitude and follow a simple flight path over the lowest terrain that would allow a return to the airport.<sup>107</sup> OEI heights are generally not considered by the FAA in its Part 77 reviews. Accordingly, the City applies FAA Part 77 height criteria during review of proposed development projects under CEQA.

### **Comprehensive Land Use Plan**

In accordance with the California State Aeronautics Act, the Santa Clara County ALUC adopted a Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport. The CLUP establishes provisions for the regulation of land use, safety, and noise within the airport's Airport Influence Area (AIA) to minimize the public's exposure to safety hazards and excessive noise. All areas within the AIA should be regarded as potentially subject to aircraft over-flights and are subject to land use compatibility policies in the CLUP.<sup>108</sup> The CLUP also establishes a Height Restriction Area, based on the FAA Part 77 imaginary surfaces and safety zones with appropriate land use types and density limitations for each zone. The ALUC determined that the 2040 General Plan is consistent with the CLUP.

#### **3.9.2.3 ABAG Hazard Mitigation Plan**

The City of San José has joined with 60 jurisdictions in the San Francisco Bay Area and participated in the development of a multi-jurisdictional hazard plan by ABAG. The hazard mitigation plan, *Taming Natural Disasters*, includes mitigation activities and strategies for dealing with hazards that are likely to impact the Bay Area, including flooding, landslides, wildfires, drought, and earthquake-related hazards (i.e., faulting, shaking, earthquake-induced landslides, liquefaction, and tsunamis). All of the hazards, except for tsunamis, could impact San José. These hazard mitigation planning efforts are intended to reduce risks to people and property in San José.

#### **3.9.2.4 City of San José Policies**

The San José Municipal Code contains several regulations regarding hazardous materials and hazardous wastes, including requirements for automobile dismantlers, hazardous materials storage permits, and zoning regulations prohibit land uses requiring a hazardous materials storage permit on residential parcels.

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<sup>107</sup> Although aircraft are designed to fly safely with one engine inoperative, their rate of climb is substantially reduced and obstacles need to be lower than for a normal departure. Heavier planes ascend at a slower rate.

<sup>108</sup> Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport*. May 2011 (Amended November 2016).

To address potential hazards to daycare facilities, churches, schools and other sensitive developments in or near areas where hazardous materials are used or stored, the City of San José has developed the following guidance documents that are used during the development review and approval process:

- Draft Guidelines for the Placement of Daycare Facilities, Churches and Schools in or adjacent to Industrial Zones
- Draft Guideline for Preparation of Risk Assessments
- Development Guideline for Land in Proximity to High Pressure Natural Gas Pipelines

The City of San José controls land uses or types of business (such as hazardous materials storage or hazardous waste facilities) through the Conditional Use Permit process. These permits are approved by the Planning Commission and may be appealed to the City Council. As part of the Conditional Use Permit process, the San José Environmental Services Department (ESD) may be requested to review site-specific environmental documentation. When contamination is present on a site, the city requires the applicant to obtain regulatory oversight from the appropriate agencies that regulate the cleanup of toxic contamination.

### **Emergency Operations and Evacuation Plans**

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

### **Envision San José 2040 General Plan**

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials, as listed in the Table 3.9-1, below.

<b>Table 3.9-1: General Plan Policies - Hazards and Hazardous Materials</b>	
<b>Hazardous Materials</b>	
Policy EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
Policy EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Requires proper disposal of hazardous materials and wastes at licensed facilities.
Policy EC-6.4	Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate

<b>Table 3.9-1: General Plan Policies - Hazards and Hazardous Materials</b>	
	mitigation to reduce identified hazardous materials impacts to less than significant levels.
Policy EC-6.5	The City shall designate transportation routes to and from hazardous waste facilities as part of the permitting process in order to minimize adverse impacts on surrounding land uses and to minimize travel distances along residential and other non-industrial frontages.
Policy EC-6.6	Address through environmental review all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.
Action EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Action EC-6.9	Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.
Action EC-6.12	Regulate new development on or in proximity to high pressure natural gas pipelines to promote public safety and reduce risks from land use incompatibility.
<b>Environmental Contamination</b>	

**Table 3.9-1: General Plan Policies - Hazards and Hazardous Materials**

Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.3	Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.



**Table 3.9-1: General Plan Policies - Hazards and Hazardous Materials**

Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
<b>Safe Airport</b>	
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and ReidHillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
Policy TR-14.4	Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
<b>Community Health, Safety, and Wellness</b>	
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy CD-5.9	To promote safety and to minimize noise and vibration impacts in residential and working environments, design development that is proposed adjacent to railroad lines to provide the maximum separation feasible between the rail line and dwelling units, yards, or common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, devote areas of development closest to

**Table 3.9-1: General Plan Policies - Hazards and Hazardous Materials**

	an adjacent railroad line to use as parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, for new development follow the setback guidelines and other protective measures called for in the City's Industrial Design Guidelines when such facilities are to be located adjacent to or near a main railroad line.
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### **3.9.3 Hazards and Hazardous Materials Impacts**

#### **3.9.3.1 Thresholds of Significance**

For the purposes of this EIR, a hazards and hazardous materials impact is significant if implementation of the proposed Downtown Strategy 2040 would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;
- 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;
- 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;
- 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;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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.

The 2040 General Plan EIR and General Plan Four-Year Review determined that with implementation of General Plan policies and existing regulations, development allowed under the 2040 General Plan would not expose people and the environment to significant health or safety risks associated with hazards and hazardous materials.

#### **3.9.3.2 Soil and Groundwater Contamination**

As described above, there are reported hazardous materials spills and releases within the Downtown area. New development under the proposed Downtown Strategy 2040 could occur in areas with soil contamination with adequate mitigation. The soil may contain a variety of chemical compounds

associated with fuels, oils, solvents, metals, or other hazardous substances originating from historical and/or current land uses. In addition, contaminants may have migrated via shallow groundwater to properties in the Downtown area. If not appropriately managed, contamination from past releases could present health risks to construction workers and/or the public during the site preparation, dewatering, construction, and maintenance activities.

Soil and groundwater contamination can also expose future users of redevelopment sites to health risks through direct contact and/or inhalation of soil or groundwater vapors of volatile organic compounds. Vapors can pass through cracked or porous foundations and impact indoor air quality. To establish thresholds for future exposure to soil and groundwater contamination, the RWQCB developed Environmental Screening Levels (ESLs) for various land uses. Direct exposure to contamination levels above the residential ESL may pose a significant health risk to future sensitive uses in the area.

While the majority of reported releases within the Downtown area are considered closed cases by the regulatory agencies such as the RWQCB, a reevaluation of potential hazards and soil or groundwater management may be warranted when changes in land use or excavation into contaminated areas is proposed. The presence of open/active cases would not preclude redevelopment, assuming the completion of required remediation activities or implementation of mitigation to meet applicable ESLs.

### **Measures Included in the Project to Reduce and Avoid Impacts related to Contamination**

Adherence to existing regulations, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would substantially reduce hazards associated with contaminated soil and groundwater. Consistent with current regulations, future projects under the proposed Downtown Strategy 2040 may be required to complete one or more of the following measures, depending on the extent and magnitude of contamination and regulatory agency requirements:<sup>109</sup>

- **Subsequent Analysis.** Prior to development or redevelopment of any parcel as part of implementation of Downtown Strategy 2040, a Phase I site assessment shall be conducted by a qualified professional in conformance with latest standards adopted by the American Society for Testing and Materials (ASTM). The Phase I site assessments shall identify:
  - current or historical land uses that involve the storage or generation of hazardous materials,
  - the potential for past releases of hazardous materials or historically contaminated fill materials to have affected the site,
  - regulatory listed sites in the vicinity that might have impacted the site, and
  - any recognized environmental conditions and include recommendations for further investigation of the site, if necessary.
- **Phase II Environmental Site Assessment.** If a Phase I site assessment were to indicate that a release of hazardous materials could have affected the site, additional soil and/or

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<sup>109</sup> These measures are based on those described in the Downtown Strategy 2000 EIR.

groundwater investigations would be completed to assess the presence and extent of contamination at the site.

- **Remedial Action Workplan.** For sites where contamination has been identified, the City or regulatory agencies may require preparation of a remedial action workplan (RAW or RAP) or similar documents. The plan will detail the specific remediation activities to be completed and the timing of the work, based on the results of the Phase II investigation and/or Human Health Risk Assessment. Typical remedial actions include:
  - removal of contaminated soils and off-site disposal,
  - groundwater remediation,
  - institutional/engineering controls such as the use of hardscape or imported soil to serve as a cap, and/or
  - modification to site planning and building design to eliminate exposure pathways.
- **Operations and Maintenance Program.** If institutional/engineering controls are used to remediate contamination, an Operations and Maintenance Program must be prepared and implemented to ensure health and safety measures for future construction, utility trenching, and maintenance are enforced throughout the life of the project.
- **Soil Management Plan.** For any site with the potential for encountering subsurface hazardous materials and/or where soil removal is required, the City or regulatory agencies may require preparation of a site-specific Soil Management Plan (or Waste Disposal Plan) to address the handling of impacted soils during site development. The plan would include the following elements:
  - procedures for transporting and disposing the waste material generated during removal activities,
  - procedures for stockpiling soil on-site,
  - provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities,
  - confirmation soil sampling to verify achievement of remediation goals,
  - procedures to ensure that fill and cap materials are verified as clean,
  - truck routes, and/or
  - staging and loading procedures and record keeping requirements.

It is assumed that impacted soils will be appropriately characterized and transported off-site for disposal at a facility licensed to receive such waste.

- **Health and Safety Plan.** For any site where contamination has been identified, construction shall occur in accordance with a site-specific Health and Safety Plan (or “Construction Risk Management Plan”) prepared by an environmental professional. The Health and Safety Plan may be separate from or part of the Soil Management Plan or Removal Action Workplan and shall include the following elements, as applicable:
  - provisions for personal protection and monitoring exposure to construction workers,
  - procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered,
  - procedures for the safe storage, stockpiling, and disposal of contaminated soils,

- provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities, and
- emergency procedures and responsible personnel.

If construction were to take place on sites adjacent to sensitive receptors, the Downtown Strategy 2040 shall also include air monitoring at the perimeter of the construction site and performance standards to minimize the effects of airborne contaminants (i.e., stopping work in dusty conditions, limiting excavation areas, or wetting down of surfaces). Construction workers at contaminated sites will be required to use proper protective equipment and receive hazardous materials training in accordance with state and federal regulations. Untrained workers and members of the public will be excluded from the area during work that involves contamination.

- **Groundwater.** To avoid the spread of harmful levels of contamination, the discharge of any water from dewatering activities will be required to comply with NPDES permit requirements or wastewater discharge permit conditions to the sanitary sewer, which may involve installation of a treatment system(s) at the dewatering location.
- **Review for Conformance.** All investigations and plans would be completed by a qualified hazardous materials consultant, in conformance with state and local guidelines and regulations. The investigations and plans would be subject to review and approval by the appropriate regulatory oversight agencies and the City's Environmental Compliance Officer through the City's development review process.

Specific requirements for future development projects within the Downtown area will be determined during the supplemental project-level review phase in accordance with current regulations. Any required investigations and/or clean-up actions will be incorporated as conditions of approval for any grading, demolition, or building permit.

With implementation of 2040 General Plan policies, appropriate clean-up actions, and precautionary measures, future development under the proposed Downtown Strategy 2040 would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. This conclusion is consistent with the analysis in the 2040 General Plan EIR and the General Plan Four-Year Review. **(Less than Significant Impact)**

### **3.9.3.3      *Hazardous Materials Use, Transport, and Disposal***

Build-out of the proposed Downtown Strategy 2040 would generally provide an adequate buffer between users of hazardous materials and sensitive uses such as residences, minimizing potential risks. In the interim, however, redevelopment under the Downtown Strategy 2040 could locate new commercial uses in proximity to existing residential/sensitive uses and/or locate new residential/sensitive uses in proximity to existing hazardous materials users.

### **Impacts to New Sensitive Uses**

Some commercial facilities are known to use and store hazardous materials. Improper use, storage, transport, or disposal of hazardous materials could result in the accidental release of toxic gas, explosions, or leaks into the surrounding environment. The release of acutely hazardous chemicals such as concentrated ammonia could significantly affect people off-site. Populations that are especially susceptible to the effects of hazardous materials include children, the elderly, and those

with compromised immune systems. Thus, the health effects could be magnified if hazardous materials were released or emitted near residential areas, hospitals, day care facilities, nursing homes, and/or schools.

Commercial facilities may also generate hazardous emissions during routine operations, which could expose the public to health risks. This potential impact is described in Section 3.3 Air Quality, as it involves chronic exposure to routine emissions, while this section addresses acute, accidental exposure to hazardous materials.

Adherence to existing regulations, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would further reduce hazards to people and the environment. For example, the City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects (Action EC-6.9). Given that conditions change and the context for each development site is different, future projects that include residential uses will be required to prepare a Human Health Risk Assessment to address the likelihood of an accidental release, determine the risks posed to human health and sensitive populations, and identify mitigation measures to protect human health as needed (GP Policy EC-6.6).

For these reasons, the project would not expose new sensitive uses to a substantial risks associated with hazardous materials users.

### **Impacts from New Uses**

New businesses allowed under the Downtown Strategy 2040 could involve the routine transport, use, or storage of hazardous materials, while some new uses such as dry cleaners or medical facilities could generate hazardous wastes.

Redevelopment of lands within the Downtown boundaries could locate facilities that emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of existing schools. Based on the land use designations established in the 2040 General Plan, new facilities are not expected to involve the use of substantial quantities of hazardous materials or involve processes that would create a significant hazard to the public or environment under accidental release conditions. Adherence to existing regulations, programs, and 2040 General Plan policies, as described above and in the 2040 General Plan EIR, would further reduce hazards to people and the environment. In general, requirements for hazardous materials users, including mechanical controls, security measures, and monitoring by regulatory agencies, reduces the probability of an accidental release *and* the magnitude of a release, should one occur.

### **Measures Included in the Project to Reduce and Avoid Impacts related to the Use or Generation of Hazardous Materials**

Consistent with current regulations, future projects that involve the use or generation of hazardous materials would be subject to the following measures:<sup>110</sup>

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<sup>110</sup> City of San José. *San José Downtown Strategy 2000 EIR*. 2005.

- **Hazardous Materials Business Plan.** Facilities that use, store, or handle hazardous materials in quantities greater than 500 pounds, 55 gallons, or 200 cubic feet are required to prepare a Hazardous Materials Business Plan (HMBP). The HMBP would contain facility maps, up-to-date inventories of all hazardous materials for each area, emergency response procedures, equipment, and employee training.
- **Hazardous Waste Generator Requirements.** Facilities that generate more than 100 kilograms per month of hazardous waste or more than one kilogram per month of acutely hazardous waste must be registered with the U.S. EPA. DTSC administers hazardous waste generator registration in California.
- **Contingency Plan.** All facilities that generate hazardous waste must prepare a Contingency Plan that establishes the duties of the facility's Emergency Coordinator, identification and location of emergency equipment, and reporting procedures to follow after an incident.
- **California Accidental Release Prevention Program (CalARP).** Facilities that use significant quantities of acutely hazardous materials must prepare a Risk Management Program (RMP) if there may be a significant likelihood that this use could pose an accident risk. The RMP must include a description of acutely hazardous material accidents occurring at the facility within the past three years, a description of equipment, procedures, and training to reduce the risk of acutely hazardous materials accidents, and an off-site consequence analysis that models potential impacts from an accidental release to surrounding areas.
- **Injury and Illness Prevention Plan.** The California General Industry Safety Order requires that all employers in California shall prepare and implement an Injury and Illness Prevention Plan, which should contain a code of safe practice for each job category, methods for informing workers of hazards, and procedures for correcting identified hazards.
- **Emergency Action Plan.** The California General Industry Safety Order requires that all employers in California prepare and implement an Emergency Action Plan. The Emergency Action Plan designates employee responsibilities, evacuation procedures and routes, alarm systems, and training procedures.
- **Fire Prevention Plan.** The California General Industry Safety Order requires that all employers in California prepare and implement a Fire Prevention Plan. The Fire Prevention Plan specifies areas of potential hazard, persons responsible for maintenance of fire prevention equipment or systems, fire prevention housekeeping procedures, and fire hazard training procedures.
- **Hazard Communication Plan.** Facilities involved in the use, storage, and handling of hazardous materials are required to prepare a Hazard Communication program. The purpose of the Hazard Communication program is to provide methods for safe handling of hazardous materials, ensure proper labeling of hazardous materials containers, and ensure employee access to Material Safety Data Sheets (MSDSs).
- **Supplemental Review.** Prior to issuance of building permits for development or redevelopment in the project area that may involve the use, storage, or disposal of hazardous materials, the City shall determine that the proposed use has adhered to current regulations and programs concerning hazardous waste. The City may impose additional avoidance measures through the Conditional Use Permit process.

- In accordance with GP Policy EC-6.4, all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site will be required to include adequate mitigation to reduce and avoid hazardous materials impacts.
- In accordance with GP Policy EC-6.7, land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released shall not be approved without the incorporation of adequate mitigation or separation buffers between uses.

Implementation of these measures, if included in future commercial projects as applicable, would minimize potential risks to future and existing sensitive uses associated with new hazardous materials users. The specific studies, plans, and control measures required to manage risks will vary depending on the type and quantity of hazardous materials to be used.

With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions. Additionally, the project does not currently propose the development of new facilities that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. This conclusion is consistent with the analysis in the 2040 General Plan EIR and the General Plan Four-Year Review. **(Less than Significant Impact)**

#### **3.9.3.4 Demolition and Construction Activities**

Given the age of development in the Downtown area, existing structures on properties planned for redevelopment may contain asbestos-containing building materials and lead-based paint. If improperly controlled, airborne dust could migrate off-site during future demolition activities, affecting nearby land uses. Inhalation of asbestos fibers and lead particles could result in health impacts to workers and the general public.

Construction activities would involve the use and transport of hazardous materials such as fuels, chemicals, and demolition debris. Demolition of structures would generate materials that could be re-used for construction, as well as solid and hazardous waste that would require off-site disposal. Minor spills of substances could occur, which could adversely affect the public and environment. However, the potential for construction activities to result in accidental releases or spills of hazardous materials is considered to be low, given that the handling and disposal of hazardous materials is subject to construction worker health and safety regulations (i.e., Title 8 of the California Code of Regulations).

Construction activities could also uncover buried structures, wells, burn areas, debris, or contaminated soil, based on the long industrial/commercial history of the project vicinity. If encountered, these materials may require special handling and disposal to avoid impacts to construction workers, the public, and the environment.

Enforcement of existing regulations would minimize risks to the public and environment resulting from hazardous materials use, transport, and storage during construction activities. For example,



future projects that involve disposal of contaminated soils or treatment of contaminated groundwater will be required to implement safety measures to minimize the risk of exposure to workers and the public, in accordance with a Health and Safety Plan or Construction Risk Management Plan (refer to Section 4.6.3.2 above).

**Measures Included in the Project to Reduce and Avoid**  
**Impacts related to Construction-related Hazards**

Consistent with current requirements, future projects would be subject to the following measures during demolition and construction activities:

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of BAAQMD. Demolition and disposal of ACM will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2.
- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not create a significant impact associated with the handling of hazardous materials during the demolition and construction activities. This conclusion is consistent with the analysis in the 2040 General Plan EIR and the General Plan Four-Year Review. **(Less than Significant Impact)**

### **3.9.3.5 Airport Hazards**

As previously described, the Downtown area is subject to airport-related hazards due to its proximity to the Norman Y. Mineta San José International Airport. In 2017, the airport served 11.5 million passengers with over 300 flights a day (landings and take-offs) on domestic and international air carriers.<sup>111</sup> The City's Airport Master Plan anticipates activity to increase to 17.6 million passengers and approximately 500 air carrier flights per day by the Year 2027. The primary hazard related to airport operations is the potential for accidents.

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<sup>111</sup> City of San José, Department of Aviation. "About SJC". Accessed May 15, 2018.  
<http://www.flysanjose.com/fl/about.php?page=index>

The 2040 General Plan EIR concluded that development allowed under the 2040 General Plan could occur in areas subject to airport-related building height restrictions and other land use or density limitations, but would not result in significant aviation hazards to people and property, with implementation of General Plan policies and existing regulations.

### **Federal Aviation Regulations Part 77**

The maximum building heights proposed over most of the Downtown Area would comply with FAA obstruction standards to protect the airspace around the Norman Y. Mineta San José International Airport. Individual mid- or high-rise buildings, depending on specific proposed heights and locations, will be subject to required FAA regulatory review and modified if necessary prior to City approval.

### **Comprehensive Land Use Plan**

As shown on Figure 4-3, the majority of the Northern Zone, Central Zone, and Park/San Carlos subarea are within the Airport Influence Area (AIA), as defined by the Santa Clara County ALUC in the Norman Y. Mineta San José International Airport's CLUP. Of the three areas that include GP amendments, only the Park/San Carlos subarea is partially within the AIA. Future development within the AIA would be subject to land use compatibility policies in the CLUP. As further described in Section 3.13 Noise and Vibration, the Downtown Strategy 2040 does not propose any noise-sensitive residential uses within the 65 dB community noise equivalent level (CNEL) noise contour.

A portion of the Downtown area is located within the Outer Safety Zone. In this zone, the CLUP limits population density to 300 people per acre, requires 20 percent of the site area to be open, discourages residential development, prohibits certain land uses, and prohibits some assembly and aboveground fuel storage. The 2040 General Plan land use designations in this area include *Transit Employment Center*, *Combined Industrial/Commercial*, and *Downtown*. With buildout of future development allowed under these land use designations, the daily population may approach or exceed the population density limit of 300 people per acre. Based on the proposed land use intensity, it is possible that future development in the Outer Safety Zone could also approach or exceed the open area requirement of 20 percent of the gross site area. The City will review future development proposals in this area for consistency with the CLUP.

For these reasons, the Downtown Strategy 2040 is generally consistent with the CLUP. The Downtown Strategy 2040 will be submitted to the ALUC for determination of whether specific land use amendments and development actions are consistent with the CLUP. The ALUC would then have 60 days to provide a consistency determination.

### **Measures Included in the Project to Reduce and Avoid Impacts related to Airport Hazards**

Implementation of 2040 General Plan policies and existing regulations substantially reduces aviation hazards to people and property. Consistent with current regulations, future development projects within the Downtown area would be subject to the following measures:

- Prior to the issuance of a development permit for any project structures that would exceed the FAA imaginary surface applicable to the project site, the following actions shall be accomplished (2040 General Plan Policies TR-14.2 and CD-5.8):
  - The applicant shall comply with the notification requirements of Federal Aviation Regulations, Part 77, and receive a “Determination of No Hazard” from the FAA.
  - Conditions set forth in the required FAA determination of No Hazard regarding roof-top lighting or marking shall be incorporated into the final design of the structure.
  - Avigation and/or “no build” easements shall be dedicated to the City of San José as a condition of approval (GP Policy TR-14.4).<sup>112</sup>
- Comply with safety and noise policies identified in the CLUP for the Norman Y. Mineta San José International Airport (GP Policy TR-14.3).
- Design all new exterior lighting within the AIA in a manner that avoids interference with aircraft operations. Such lighting shall be constructed and located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots (CLUP Policy G-7).

The following measures apply to future development within the CLUP Outer Safety Zone:

- Limit the storage of fuel or other hazardous materials (CLUP Policy S-4).
- Prohibit schools, hospitals, nursing homes, and other uses that involve very high concentrations of people or which the majority of occupants are children, elderly, and/or disabled (CLUP Policies S-2 and S-3).
- Prohibit any use that would:
  - direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an takeoff or final approach to the airport;
  - cause sunlight to be reflected towards an aircraft engaged in an takeoff or final approach to the airport;
  - generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation, communication or navigation equipment; or
  - generate smoke or water vapor, attract large concentrations of birds, or may otherwise negatively affect safe air navigation within the area (CLUP Policy S-7).

With incorporation of applicable measures and compliance with existing regulations, future development projects would not expose people or property to significant impact risks associated with airport operations. Adherence to FAA imaginary surfaces would ensure that future structures would not be considered an airspace hazard. Future development projects that would exceed the FAA imaginary surfaces or potentially conflict with CLUP policies would be subject to supplemental environmental review.

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<sup>112</sup> Avigation easements are intended to establish maximum elevation limitations, prevent other flight hazards, and minimize noise impacts to future occupants, as well as to ensure that prospective property owners are informed about airport hazards.

Future development under the Downtown Strategy 2040 would not result in a safety hazard for people residing or working in the Plan area. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.9.3.6 Other Hazards**

The proposed Downtown Strategy 2040 would not interfere with the City's Emergency Operations Plan or other emergency response plans. Given the urban setting, the project would not expose people or structures to a significant risk involving wildland fires.

### **EMF**

The 2040 General Plan EIR included a discussion on potential hazards associated with electromagnetic fields (EMF). EMFs are invisible fields of force created by electric voltage (electric fields) and by electric current or charge (magnetic fields). EMFs occur naturally, including those caused by the earth's magnetic field, and as a result of the generation and transmission of electricity. Commonly human-made sources of EMF are electronics, telecommunications, electric motors, and other electrically powered devices. Although EMF sources are abundant, EMF levels in most urban environments are very low.

Short-term exposure to elevated levels of EMFs has been shown to cause health effects on the central nervous system and heating of the body; however, numerous studies have addressed but failed to establish any significant health effects of long-term exposure to low-level EMFs. As a result, there are no regulatory limits for EMF exposure, although several regulatory agencies have considered guidelines and the California Department of Education has developed restrictions on school uses in the vicinity of high-voltage power lines. Various industry, government, and scientific organizations, including the California Public Utilities Commission (CPUC), have created voluntary standards that represent their best judgment of what levels are considered safe.

The primary concern is the potential for health effects as exposure to EMF sources increase. There is also concern over the potential for electromagnetic interference (EMI), which occurs when the addition of new EMF sources adversely affect operation of electronic devices such as sensitive scientific instruments found in laboratories and hospitals.

Under the proposed Downtown Strategy 2040, construction of new electrical transmission lines, if required, would increase EMF sources in the Downtown area. In accordance with the CPUC's EMF Decision (D.93-11-013) and PG&E developed Transmission and Substation EMF Design Guidelines, ~~PG&E is required to prepare an EMF Field Management Plan ("FMP") that specifically delineates the~~ incorporates "no cost" and "low cost" magnetic field reduction steps in the design of new transmission and substation facilities.<sup>113</sup> The design guidelines include the following measures that would be available to reduce the magnetic field strength levels from electrical power facilities: increase the height of overhead lines to reduce EMF strength at ground level; reduce conductor spacing to increase cancellation of the magnetic field and decrease the resultant field strength; minimize current through energy efficiency measures (adequate load compensation will be provided

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<sup>113</sup> 2040 General Plan EIR.

by using capacitors); and optimize phase configuration by “cross-phasing” individual circuits to cancel magnetic fields.

The EMF Decision and PG&E’s Guidelines require PG&E to prepare an EMF Field Management Plan (“FMP”) that specifically delineates the no-cost and low-cost EMF measures that will be installed as part of the final engineering design for a project. PG&E also relies on organizations and health agencies such as the California Department of Health Services, U.S. Environmental Protection Agency and the Electric Power Research Institute to review research on EMF and provide a foundation for developing policies. Development of new electrical transmission lines in accordance with individual FMPs would not result in substantial new EMF exposures of hazards to the public.

With these cautionary measures, development of new electrical transmission lines would minimize possible hazards to the public from increased exposure to EMF.

With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not create a significant impact associated with emergency response, wildland fires, or EMF. **(Less than Significant Impact)**

### **3.9.4 Cumulative Impacts**

As described above, the 2040 General Plan EIR determined that with implementation of 2040 General Plan policies and existing regulations, development allowed under the 2040 General Plan would not expose people or the environment to significant risks associated with:

- the placement of sensitive uses in proximity to hazardous materials users,
- accidental release of hazardous materials,
- soil or groundwater contamination,
- demolition of buildings containing hazardous building materials, or
- airport-related hazards.

Construction of the planned transportation projects including HSR and BART, and approved but not yet built development projects in the area would result in similar effects as the proposed Downtown Strategy 2040 in relation to hazardous materials use, storage, and transport. The environmental reports prepared for the other projects determined that adherence to existing regulations and programs would reduce impacts related to hazardous materials to a less than significant level.

For these reasons, the Downtown Strategy 2040 would not result in a new cumulatively considerable impact related to hazardous materials use, storage, and transport.<sup>114</sup>

### **Emergency Response and Evacuation Planning**

The roadway network in the Downtown area will be designed to accommodate emergency vehicles. For these reasons, the proposed Downtown Strategy 2040 would not combine with other projects to cumulatively interfere with an adopted emergency response plan.

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<sup>114</sup> 2040 General Plan EIR.

## EMF

As described above, the 2040 General Plan EIR concluded that with implementation of cautionary measures by PG&E, development of new electrical transmission lines associated with planned development would minimize possible hazards to the public from increased exposure to EMF. The HSR and BART would result in new sources of EMF, including train power distribution systems, substations, and various electrical systems for lighting, communications, and other systems. The greatest potential for exposure would be for people onboard the trains. The environmental impact reports prepared for the BART and HSR projects determined that the EMF strengths onboard trains, as well as in the surrounding area, would be substantially below any standards examined by experts, and therefore, operation of the trains would not result in health risks from exposure to EMF. In addition, the EMFs generated by the HSR project would have an extremely low potential to interfere with biomedical devices, and there are no EMI-sensitive uses in proximity to the BART alignment. While the lead agencies concluded that EMF generation would not result in a significant impact, out of an abundance of caution, they have adopted design practices and standards to minimize potential EMF/EMI effects from both the BART and HSR projects.<sup>115</sup>

For these reasons, the Downtown Strategy 2040 would not result in or contribute to a cumulative impact related to EMF exposure. With implementation of 2040 General Plan policies and existing regulations, the Downtown Strategy 2040 would not result in a new cumulative impact related to hazards and hazardous materials. **(Less than Significant Cumulative Impact)**

### 3.9.5 Conclusion

With implementation of 2040 General Plan policies, appropriate clean-up actions, and precautionary measures, future development under the proposed Downtown Strategy 2040 would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. Future development under the Downtown Strategy 2040 would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions. Additionally, the Downtown Strategy 2040 does not propose the development of new facilities that emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school. The project would not create a significant impact associated with the handling of hazardous materials during demolition and construction activities or safety hazards for people residing or working in the Downtown area. The project would not create a significant impact associated with emergency response, wildland fires, or EMF. **(Less than Significant Impact)**

The Downtown Strategy 2040 would not result in a new cumulative impact related to hazards and hazardous materials. **(Less than Significant Cumulative Impact)**

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<sup>115</sup> The mitigation strategies for the HSR project will be refined at the project-level.

### **3.10 HYDROLOGY AND WATER QUALITY**

#### **3.10.1 Existing Setting**

Los Gatos Creek and the Guadalupe River flow through the Downtown Strategy 2040 area, converging at a confluence point just north of Santa Clara Street. From there, the Guadalupe River flows north to San Francisco Bay. The SCVWD has jurisdiction over Los Gatos Creek and the Guadalupe River. The SCVWD recently completed a flood control project on the Guadalupe River channel so that it can accommodate a 100-year storm event, and has also recently completed bank protection work on Los Gatos Creek between West San Fernando Street and West Santa Clara Street.

##### **3.10.1.1 *Stormwater Drainage***

Stormwater runoff is rainwater that flows across surfaces without being absorbed into soil. Urban runoff is a combination of stormwater, irrigation, and other sources of water. Urban runoff contains pollutants from various sources (referred to as “nonpoint source pollution”). Runoff flows overland into the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. The system functions to collect, convey, and discharge runoff to receiving water bodies in order to protect infrastructure and the public from flood waters during storm events. Storm drains are inspected and maintained by the Department of Transportation and are installed, rehabilitated, or replaced by the Department of Public Works.

#### **3.10.2 Regulatory Framework**

##### **3.10.2.1 *National Flood Insurance Program***

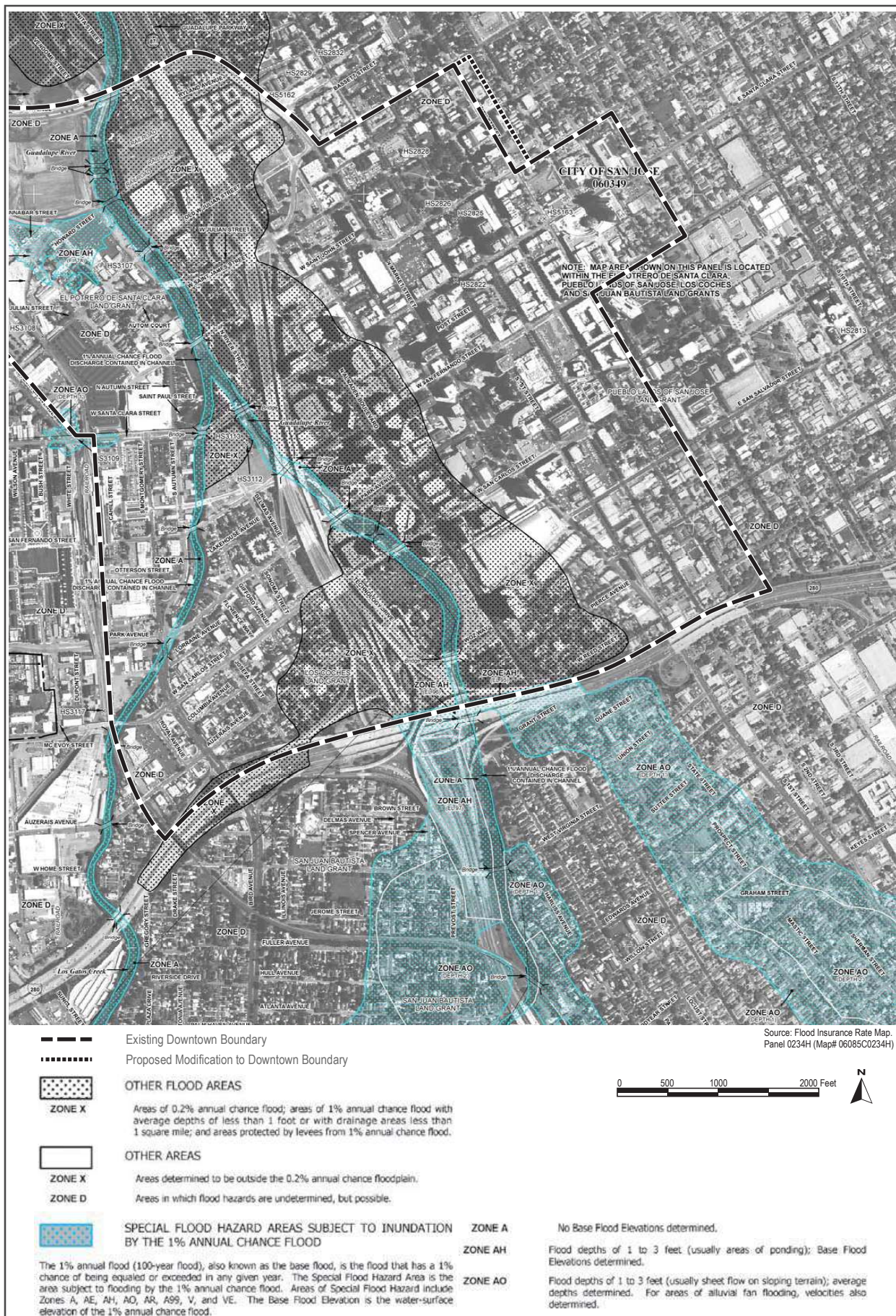
The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of this program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify flood hazard zones within a community.

The type of flooding most likely to affect the Downtown Strategy 2040 area is storm-related flooding of creeks and storm drains. According to the FEMA maps, the majority of the Downtown Strategy 2040 area is not within a 100-year flood hazard area and the floodplain is primarily confined to the Los Gatos Creek and Guadalupe River channels, as shown on Figure 3.10-1.<sup>116</sup> The only two areas within the 100-year floodplain are near the intersection of The Alameda and Stockton Avenue (Zone AO) and south of the railroad tracks near Howard and Cinnabar Streets (Zone AH). These areas could experience flood depths of one to three feet during a 100-year storm event.

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<sup>116</sup> The “100-year flood” (also referred to as the “one percent flood or “base flood”) is the flow of water that has a one percent chance of being equaled or exceeded in any given year.





FLOOD HAZARD ZONES

FIGURE 3.10-1



### **3.10.2.2      *Dam Safety***

Dam failure is the uncontrolled release of impounded water from behind a dam that can result from a variety of causes such as flooding, earthquakes, blockages, landslides, and human error. Dams are under the jurisdiction of the California Division of Safety of Dams (DSOD) and/or the Federal Energy Regulatory Commission (FERC). In accordance with the State Dam Safety Act, detailed evacuation procedures have been prepared for each dam and are contained in San José's Dam Failure Evacuation Plan. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams. The SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

#### **Dam Failure Hazard**

The Downtown Strategy 2040 area is located within a dam failure inundation zone for Lenihan Dam at Lexington Reservoir and Anderson Dam at Anderson Reservoir. Both dams were constructed in the 1950's and are owned and operated by the SCVWD. The SCVWD has received preliminary findings of a seismic study of Anderson Dam that show the material at the base of the dam could liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The SCVWD is currently studying what corrective measures are needed to ensure public safety and has imposed storage restrictions at Anderson Dam. The SCVWD is planning to complete design and construction of a seismic retrofit by the end of ~~2018~~ 2028. The operating restriction will remain in place until the project is completed.<sup>117</sup>

It should be noted that the majority of San José is within a dam failure inundation zone for one or more reservoirs. The mapping of inundation zones assumes complete failure of the dams with a full reservoir that is completely emptied. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. Since 1950, there have been nine dam failures in the state.

### **3.10.2.3      *Section 303(d) of the Federal Clean Water Act***

Section 303(d) of the federal Clean Water Act requires states to develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality. The U.S. EPA lists Guadalupe River as an impaired water body for mercury, diazinon, and trash.<sup>118</sup> Los Gatos Creek is also listed as being impaired from diazinon.

The TMDL for mercury in the Guadalupe River watershed was adopted by the RWQCB and incorporated into the Basin Plan in 2008.<sup>119</sup> The main source of mercury in the watershed is identified as the New Almaden Mining District, the largest-producing mercury mine in North

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<sup>117</sup> Santa Clara Valley Water District. "Dam Safety Program". 2018. Accessed May 16, 2018.

<https://www.valleywater.org/flooding-safety/dam-safety-program>

<sup>118</sup> State Water Resources Control Board. "Impaired Water Bodies." 2018. Accessed May 16, 2018.

[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

<sup>119</sup> State Water Resources Control Board. "Guadalupe River Watershed Mercury TMDL." 2018. Accessed May 16, 2018. [http://www.swrcb.ca.gov/rwqcb2/water\\_issues/programs/TMDLs/guadalupeivermercurytmdl.shtml](http://www.swrcb.ca.gov/rwqcb2/water_issues/programs/TMDLs/guadalupeivermercurytmdl.shtml)

America. Other sources include atmospheric deposition from global and local sources, soil erosion from areas not known to contain mines, urban stormwater runoff, seepage from landfills, and Central Valley Project water inputs to Calero Reservoir. The improper disposal of mercury-containing products is considered the most likely controllable source of mercury in urban runoff in the Bay Area.<sup>120</sup> Household products that may contain mercury include thermometers, batteries, fluorescent lamps, pharmaceuticals, sensors, thermostats, detergents, and cleaners.

Diazinon is being addressed by a US EPA-approved TMDL for pesticide-related toxicity in all urban creeks, while a TMDL for trash has not been completed. The primary source of diazinon and trash has been identified as urban runoff. As of December 2004, it became unlawful to sell non-agricultural products containing diazinon in the U.S.<sup>121</sup>

#### **3.10.2.4                      *National Pollutant Discharge Elimination System***

The U.S. EPA's regulations, as called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.).

##### **NPDES Construction General Permit**

The SWRCB has implemented a NPDES General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit) for the State of California. Projects that would disturb more than one acre of land are required to submit a Notice of Intent and a Storm Water Pollution Prevention Plan (SWPPP) to the SWRCB to apply for coverage under the Construction General Permit. Construction activities subject to this permit include grading, clearing, or any activities that cause ground disturbance such as stockpiling or excavation. The SWPPP will include the site-specific best management practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction phase, as well as BMPs to be implemented during the post-construction period.

##### **NPDES Industrial Discharge Permit**

To minimize the impact of stormwater discharges from industrial facilities, the NPDES program includes an industrial stormwater permitting component that covers 29 industrial sectors. Facilities requiring permit coverage include heavy manufacturing, landfills, metal scrap yards, wastewater treatment works, airports, food processors, public warehousing and storage, and light manufacturing such as printers. The NPDES Industrial Discharge permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The NPDES Industrial Discharge permit also requires the development of a SWPPP and a monitoring plan.

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<sup>120</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program. Mercury Pollution Prevention Plan. March 2002. Available at: [http://www.scvurppp-w2k.com/pdfs/0102/SC34.03\\_c9c\\_Merc\\_Pol\\_Prevention\\_plan.pdf](http://www.scvurppp-w2k.com/pdfs/0102/SC34.03_c9c_Merc_Pol_Prevention_plan.pdf)

<sup>121</sup> U.S. EPA. "Diazinon: Phase Out of all Residential Uses of the Insecticide." Last updated May 9, 2012. Accessed May 16, 2018. <http://www.epa.gov/opp00001/factsheets/chemicals/diazinon-factsheet.htm>.

## Municipal Regional Stormwater NPDES Permit

In 2015, the San Francisco Bay RWQCB issued a regional NPDES permit to all Bay Area municipalities and flood control agencies that discharge directly to San Francisco Bay.<sup>122</sup> The current permit, referred to as the Municipal Regional Permit ((MRP), is based in large part on an earlier joint NPDES Permit to Santa Clara County, the Santa Clara Valley Water District, and 13 of the cities within the County, including San José. This collection of municipalities and agencies formed an association called the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to meet NPDES permit regulations by sharing resources and collaborating on projects of mutual benefit.

Under Provision C.3 of the MRP, development projects that create, add, or replace 10,000 square feet or more of impervious surface area are required to control post-development stormwater runoff through source control, site design, and treatment control Best Management Practices (BMPs). For special land use categories (e.g., auto services facilities, gas stations, restaurants, parking lots), the impervious surface threshold is 5,000 square feet. Most regulated projects have to treat stormwater runoff using Low Impact Development (LID) measures such as bio-treatment, harvesting and re-use of runoff on-site, infiltration, and evapotranspiration.<sup>123</sup>

The MRP also includes a Trash Load Reduction provision (Provision C.10) that requires annual clean-up of 32 creek Trash Hot Spots and establishes phased goals to dramatically reduce trash loads from the storm sewer system. Provision C.11. establishes “Mercury Controls”, including the requirement for permittees to promote, facilitate, and/or participate in collection and recycling of mercury containing devices and equipment at the consumer level (e.g., thermometers, thermostats, switches, bulbs).

### Hydromodification

In addition to water quality controls, the MRP has controls for hydromodification, which is defined as a change in stormwater runoff characteristics of a watershed resulting from changes in land use conditions (i.e., urbanization). For example, increasing impervious surfaces on a development site could increase peak runoff flow, volume, and duration, which can cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are projects in sub-watersheds that are 65 percent or more impervious.<sup>124</sup>

Based on the Hydromodification Management Applicability Map (as amended July 2011), the Downtown Strategy 2040 area is located within a sub-watershed that is greater than 65 percent impervious. Therefore, development under the Downtown Strategy 2040 would be exempt from the

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<sup>122</sup> The current permit is effective for five years, until October 14, 2020.

<sup>123</sup> LID is a stormwater management strategy designed to manage runoff as close to its source as possible by incorporating a variety of natural and built features to reduce the rate of surface water runoff, filter pollutants out of runoff, facilitate infiltration of water into the ground surface, and reuse the water on-site.

<sup>124</sup> Impervious surfaces prevent infiltration of stormwater and generally include rooftops, roadways, and parking lots.

Hydromodification Management Projects (HMP) requirements in the Municipal Regional Stormwater NPDES Permit.

### **3.10.2.5                      *Basin Plan***

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

### **3.10.2.6                      *City of San José Policies***

#### **Post-Construction Urban Runoff Management Policy 6-29**

The City of San José’s Post-Construction Urban Runoff Management Policy 6-29 was adopted to establish an implementation framework, consistent with Provision C.3 of the MRP. This policy requires all new and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

#### **Post-Construction Hydromodification Management Policy 8-14**

The City of San José’s Post-Construction Hydromodification Management Policy 8-14 establishes an implementation framework for projects that are subject to hydromodification controls in the Municipal Regional Stormwater NPDES permit.

#### **Floodplain Ordinance – Municipal Code 17.08**

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

#### **Storm Drain Standards Improvement Process**

The City does not have a level of service measure for the storm drainage system. It is City policy, however, for stormwater mains to have a minimum pipe size of 15 inches and to convey a storm event that has a 10 percent chance of occurring each year (often referred to as the “ten-year storm”). Up until about 15 years ago, the City’s design standard for storm drains was the three-year storm event, which conformed to locally accepted standards at the time. As a result, it is estimated that only five percent of the City’s storm drain system meet the current 10-year storm event standard. Storm pump stations (or lift stations) must be designed to accommodate the 100-year storm event. The standard design life of the mechanical and electrical components of a storm pump station is 10-25 years, although the average age of the City’s pump stations is over 36 years. Due to undersized

pipes and/or inefficient pump station performance, localized flooding and ponding are fairly common occurrences throughout San José.

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

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

### **Envision San José 2040 General Plan**

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality, as listed in Table 3.10-1.

<b>Table 3.10-1: General Plan Policies - Hydrology and Water Quality</b>	
<b>Flooding and Stormwater Runoff</b>	
Policy EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
Policy EC-5.3	Preserve designated floodway areas for non-urban uses.
Policy EC-5.5	Prepare and periodically update appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam and levee failure and natural flooding. Include maps with pre-established evacuation routes in dam failure plans.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

**Table 3.10-1: General Plan Policies - Hydrology and Water Quality**

Policy EC-5.13	As a part of the City's policies for addressing the effects of climate change and projected water level rise in San Francisco Bay, it requires evaluation of projected inundation for development projects near San Francisco Bay or at flooding risk from local waterways which discharge to San Francisco Bay. For projects affected by increased water levels in San Francisco Bay, the City requires incorporation of mitigation measures prior to approval of development projects. Mitigation measures incorporated into project design or project location shall prevent exposure to substantial flooding hazards from increased water levels in San Francisco Bay during the anticipated useful lifetime of structures.
Action EC-5.14	Implement the requirements of FEMA relating to construction in Special Flood Hazards Areas as illustrated on Flood Insurance Rate Maps. Periodically update the City's Flood Hazard Regulations to implement FEMA requirements.
Action EC-5.18	Maintain City storm drainage infrastructure in a manner that reduces flood hazards. As the storm drainage system is extended or modified, provide capacity to adequately convey the 10-year storm event.
Action EC-5.19	Develop and maintain a Storm Drainage Master Plan and work with other agencies to develop broader Watershed Management Plans to model the City's hydrology.
Action EC-5.20	Monitor information from regional, state, and federal agencies on water level rises in San Francisco Bay on an on-going basis. Use this information to determine if additional adaptive management actions are needed and implement those actions to address flooding hazards from increasing sea levels for existing or new development and infrastructure.
<b>Stormwater</b>	
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Action ER-8.10	Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.
<b>Water</b>	
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.

**Table 3.10-1: General Plan Policies - Hydrology and Water Quality**

Policy ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
Policy ER-10.2	In Consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
<b>Water Conservation and Quality</b>	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
Policy MS-20.2	Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.
Policy MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
<b>General Provision of Infrastructure</b>	
Policy IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
Policy IN-1.2	Consistent with fiscal sustainability goals, provide and maintain adequate water, wastewater, and stormwater services to areas in the city that do not currently receive these City services upon funding and construction of the infrastructure necessary to provide them.
<b>Water Supply, Sanitary Sewer and Storm Drainage</b>	
Policy IN-3.4	<p>Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:</p> <ul style="list-style-type: none"><li>• Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.</li></ul>

**Table 3.10-1: General Plan Policies - Hydrology and Water Quality**

	<ul style="list-style-type: none"><li>• Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.</li><li>• Ensure adequate funding and timely completion of the most critically needed sewer capacity projects.</li><li>• Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.</li></ul>
Policy IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
Policy IN-3.8	In designing improvements to creeks and rivers, protect adjacent properties from flooding consistent with the best available information and standards from the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR). Incorporate restoration of natural habitat into improvements where feasible.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
<b>Wastewater Treatment and Water Reclamation</b>	
Action IN-4.8	Prepare, maintain and implement a Master Plan(s) for the ongoing capital improvement, maintenance, and operation of the wastewater treatment and water reclamation facilities.
<b>Development Fees, Taxes and Improvement Requirements</b>	
Policy IP-15.2	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, consider a series of taxes or fees through which new growth collectively finances those facilities and systems, as follows.</p> <ul style="list-style-type: none"><li>• Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.</li><li>• The Building and Structures Tax and Commercial/Residential/Mobilehome Park Tax provide revenue for the construction of San José's major street network.</li><li>• Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.</li><li>• Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.</li><li>• Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.</li></ul>



### **3.10.3      Hydrology and Water Quality Impacts**

#### **3.10.3.1      *Thresholds of Significance***

For the purposes of this EIR, a hydrology and water quality impact is considered significant if the project would:

- Violate any water quality standards or waste discharge requirements;
- 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 (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);
- 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;
- 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;
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- 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;
- Place within a 100-year flood hazard area structures which would impeded or redirect flood flows;
- 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; or
- Result in inundation by seiche, tsunami, or mudflow.

The 2040 General Plan EIR concluded that development under the 2040 General Plan would not result in a significant impact related to flooding, drainage, surface water quality, or groundwater, with the implementation of existing regulations, programs, and General Plan policies.

#### **3.10.3.2      *Flooding Impacts***

As described above and shown on Figure 3.10-1, there are two principal areas within the Downtown Strategy 2040 boundaries that are designated as 100-year flood hazard zones. These zones mostly are confined to the areas within the channel banks of Los Gatos Creek and the Guadalupe River. The other 100-year flood zones (between Stockton Avenue and the Guadalupe River, and around the intersection of Stockton Avenue and W. Santa Clara Street) have commercial and /or industrial land use designations on the 2040 General Plan, and would not be considered for future housing development. The Downtown Strategy 2040 does not propose placing housing in any of these flood hazard areas. However, future placement of commercial or industrial structures within these areas

may redirect and/or increase the depth of flooding. Therefore, future development in the 100-year floodplain could be inundated with flood waters during severe storm events, endangering people and property.

As described above, the City and future project applicants would be subject to the following programs, 2040 General Plan policies, and floodplain management regulations intended to minimize risks associated with flooding:

- FEMA National Flood Insurance Program (NFIP)
- City of San José Municipal Code, Chapter 17.08 (Special Flood Hazard Area Regulations)
- Post-Construction Hydromodification Management Policy 8-14
- City of San José Local Hazard Mitigation Plan

### **Measures Included in the Project to Reduce and Avoid Impacts Related to Flood Hazards**

The following measures, if included in future projects within a flood hazard area, would reduce impacts related to development within the 100-year floodplain to a less than significant level:

- In accordance with Chapter 17.08 of the San José Municipal Code, the lowest floor of all new structures within flood hazard areas must be elevated above the base flood elevation (BFE) as mapped by FEMA, or for non-residential structures, be flood-proofed one foot above the BFE.<sup>125</sup> Any below-ground parking structures shall be designed and constructed so that the base flood would not inundate these areas. Flood protection of below-ground parking could be achieved either by grade control and/or berms.

With implementation of this measure, the Downtown Strategy 2040 would not place structures that would impede or redirect flood flows or result in a significant risk to property or people due development within a 100-year flood hazard area.

### **Dam Failure**

The SCVWD is currently limiting water levels at Anderson Dam to provide additional safety until further analyses and seismic safety improvements to the dam are completed. With these precautions, the failure of Anderson Dam is considered unlikely, though the extent of inundation would remain unchanged as the storage capacity would gradually be restored. Additionally, the Downtown Strategy 2040 would still be subject to inundation from Lenihan Dam. As described in Section 3.10.2.2 above, the potential for dam failure is reduced by several regulatory inspection programs and risks to people and property in San José are reduced by local hazard mitigation planning. Therefore, future development under the Downtown Strategy 2040 would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of dam failure.

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<sup>125</sup> City of San José. *Diridon Station Area Plan, Existing Conditions Report*. 2010. Page 8-2.

## Climate Change Effects in San José

Increases in global temperatures may have multiple effects on the water resources of the City of San José, including sea level rise, increased flooding risk, and the potential for salt water intrusion into groundwater basins. At this time, the scientific community has not reached consensus on quantitative estimates for flood-related factors such as rainfall intensity. Various studies predict that sea level will rise 12-18 inches by 2050, as compared to 2000 levels. Sea level rise is not a concern for Downtown San José, given the distance to San Francisco Bay and ground surface elevations (approximately 100 feet above sea level).

With implementation of the standard measures listed above and implementation of 2040 General Plan policies and existing regulations, future development under the Downtown Strategy 2040 would not expose people or structures to a significant risk of loss, injury or death involving flooding. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### 3.10.3.3 *Post-Construction Hydrology and Water Quality Impacts*

Intensifying urban uses can affect the drainage pattern by increasing the coverage of impervious surfaces such as pavement and roofs, which decreases the amount of stormwater runoff that is filtered into the ground and increases the peak volume and rate of runoff entering the storm drainage system. In turn, increasing flows can accelerate erosion and cause flooding depending on the capacity of the receiving water body. Given that runoff picks up pollutants and sediments as it flows overland to the storm drain system, reducing filtration while augmenting the volume of untreated urban runoff would increase the pollutant and sediment load of waterways.

#### **Drainage**

The Downtown Strategy 2040 area is highly urbanized and existing surfaces are largely impervious, making future development unlikely to alter the existing drainage pattern such that substantial flooding or erosion would occur in the receiving water bodies.<sup>126</sup> Conversely, new and redevelopment projects would include higher percentages of landscaping and LID stormwater treatment measures to comply with current requirements, since nearly all properties in the Downtown area were developed prior to the adoption of stormwater quality requirements. Therefore, implementation of Downtown Strategy 2040 would likely result in decreases in peak runoff volumes within the area as a whole.

As described above, many of the storm drains in the Downtown Strategy 2040 area are 10 inches or 12 inches in diameter and are designed to accommodate a storm event that would statistically occur every two or three years. Future projects would contribute runoff to the local storm drainage systems, however as stated previously, new and redevelopment projects would include higher percentages of landscaping and LID stormwater treatment measures which would likely result in similar if not a decrease in existing peak runoff volumes.

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<sup>126</sup> This finding is consistent with the Downtown Strategy 2000 EIR.

Implementation of 2040 General Plan policies and existing regulations, as described in Section 3.10.2 above, would substantially reduce drainage impacts. In accordance with 2040 General Plan policies, future development projects within the Downtown Strategy 2040 area will be required to design and construct storm drain systems meeting the City's 10-year storm event design standard. Projects may be required to complete specific off-site upgrades to accommodate runoff from the development site. System-wide capacity upgrades could be completed under the City's CIP process, forthcoming Storm Master Plan, or a separate financing mechanism such as a construction tax or connection fee assessed for new development in the Downtown Strategy 2040 area. Consequently, the capacity of the storm drain system will be expanded as redevelopment proceeds in the area. In addition, compliance with the MRP and associated City policies would reduce the overall rate and volume of runoff entering the storm drain system from development sites, reducing the potential impact on the storm drainage system.

### **Water Quality**

Although the Downtown Strategy 2040 would not result in substantial alteration of the drainage pattern of the area, the intensification of urban uses would increase the generation of non-point source pollution typical of urban development. These pollutants would likely include trash (improperly disposed solid waste), pet waste, and vehicle-related byproducts such as oil, grease, fallout from exhaust, and heavy metals (such as zinc from tire wear and copper from brake pad wear). New landscaped areas could contribute additional sources of residual fertilizers, pesticides, and other chemical compounds. Contaminants generated in the Downtown Strategy 2040 area could degrade the water quality of Los Gatos Creek, Guadalupe River, and the San Francisco Bay.

In the absence of adequate control measures, intensifying urban uses could also conflict with implementation of the TMDLs for mercury or trash.<sup>127</sup> Trash materials of particular concern are plastics and hazardous waste (e.g., batteries, paint, and mercury-containing household products such as fluorescent light bulbs). In addition to being rinsed into the storm drain systems via runoff, trash can also enter waterways by wind or direct dumping. Potential "trash source hotspots" within the Downtown Strategy 2040 area include parks, commercial areas, and public spaces to be used for events due to the increase in pedestrian traffic and associated potential for littering.<sup>128</sup>

To minimize the amount of trash entering Los Gatos Creek and the Guadalupe River from public spaces, the City will continue to implement waste management practices, household hazardous waste collection services, and trash load reduction efforts under existing policies and programs such as Provision C.10 of the MRP. Although intensifying development may increase vehicle use and thus the pollutant load of runoff from roadways and parking lots in the short-term, the Downtown Strategy 2040 encourages the reduced reliance on motor vehicle travel over time, supporting reductions in one of the primary sources of urban runoff pollution.

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<sup>127</sup> The project would not generate diazinon because it is no longer used in insecticides for non-agricultural use.

<sup>128</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program. "Trash." [http://www.sevurppp-w2k.com/trash\\_hot\\_spots.shtml](http://www.sevurppp-w2k.com/trash_hot_spots.shtml)

### **Measures Included in the Project to Reduce and Avoid Post-Construction Hydrology and Water Quality Impacts**

Consistent with current requirements, the Downtown Strategy 2040 includes measures to reduce stormwater drainage and water quality impacts to a less than significant level. Future development projects will be subject to the following measures:

- New development will be required to design and construct on-site storm drain systems meeting the City's 10-year storm event design standard (GP Policies IN-3.1 and IN-3.7). Applicants shall prepare drainage plans that define needed improvements in accordance with City standards and MRP requirements (GP Policies IN-3.9 and IN-3.10).
- In accordance with GP Policy IN-3.3, at the time future projects are proposed, the City will evaluate the local storm drain system to determine if runoff from the site would contribute to significant downstream deficiencies and identify the need for specific upgrades (i.e., new or supplemental stormwater lines, catch basins, outfalls, or other infrastructure).<sup>129</sup> If needed, modifications to the storm drain system could be completed either independently, jointly with other developments in the area, or as part of the City's CIP process. The City may also consider financing improvements to the storm drain system in the Downtown Strategy 2040 area through the payment of special taxes or connection fees by development (GP Policy IP-15.2).
- Future projects will be required to implement and maintain BMPs that facilitate the infiltration of water into the ground surface, reduce the rate and volume of runoff to the storm drain system, and minimize pollution in runoff, in accordance with the MRP and City policies. Under current MRP requirements, new or redevelopment projects that create, add, or replace 10,000 square feet or more of impervious surface area will be required to control post-development stormwater runoff through site design, source control, and LID treatment control BMPs.

Typical site design measures include protecting existing on-site natural resources, reducing impervious surfaces, directing roof downspouts to drain to landscaped areas, and incorporating pervious paving, green roofs, and detention areas in landscaping. Source control measures are structural and operational BMPs that limit pollutant generation and prevent pollutants from entering stormwater runoff. Treatment measures are structural or landscaped facilities designed to remove pollutants from runoff and/or reduce the volume or rate of stormwater runoff prior to entering the storm drain system. Typical treatment controls include bio-treatment, infiltration, evapotranspiration, and/or harvesting and re-use of runoff on-site.<sup>130</sup>

- Consistent with the Clean Water Act and RWQCB Basin Plan, projects will be required to implement and maintain BMPs for minimizing the amount of trash and mercury-containing products entering waterways in the area. Example control measures include catch basin inserts, hydrodynamic separators, and outfall netting devices. Institutional measures that may be implemented include: enhanced street sweeping, storm drain signage/markings, education

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<sup>129</sup> Outfalls that must be replaced will require permits from the Army Corps of Engineers, the California Regional Water Quality Control Board and the California Department of Fish and Game and other public agencies.

<sup>130</sup> LID is a stormwater management strategy designed to manage runoff as close to its source as possible by incorporating a variety of natural and built features to reduce the rate of surface water runoff, filter pollutants out of runoff, facilitate infiltration of water into the ground surface, and reuse the water on-site.

and outreach, trash bin management, and anti-littering enforcement. Additional measures are identified in the SCVURPPP's *Trash BMP Toolbox* (September 2007).

- Industrial facilities requiring NPDES permit coverage will be required to implement management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT).

Implementation of these measures would ensure that sufficient storm drainage facilities are incorporated into development plans and new development would not conflict with the use, operation, or maintenance of any existing storm drain lines. With incorporation of these measures in project design or as conditions of approval, future projects would not provide substantial sources of polluted runoff or otherwise degrade water quality. Build-out of the project could result in a net benefit over existing conditions, since the majority of the Downtown Strategy 2040 area was developed prior to stormwater management requirements and the City's current design standards would provide enhanced storm drain capacity. In addition, incorporation of site design, source controls, and LID treatment controls would provide additional water quality protection than current infrastructure.

With implementation of 2040 General Plan policies, existing regulations, and the standard measures listed above, the proposed Downtown Strategy 2040 would not result in a significant impact related to post-construction drainage or water quality. This conclusion is consistent with the analysis in the 2040 General Plan EIR and Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

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

Construction activities associated with development under the proposed Downtown Strategy 2040 would include building demolition, ground disturbance, and construction of new structures and pavement. Ground-disturbing activities such as grading and excavation could result in accelerated erosion on work sites by exposing soil to runoff. Erosion could adversely affect water quality through sedimentation of runoff. Construction would also involve the use of various hazardous substances such as fuel, lubricants, paving media, paints, and solvents. If improperly controlled, stormwater runoff from construction sites could transport contaminants to the Guadalupe River, Los Gatos Creek, and ultimately San Francisco Bay, which could degrade water quality, endanger aquatic life, and/or result in violation of water quality standards.<sup>131</sup>

Additionally, consistent with current requirements, future development projects that have Development Permits approved by the City will be subject to standard provisions of the San Jose Municipal Code regulating stormwater runoff (Title 15 § 15.14.515 and Title 20 § 20.100.470-480) which are enforceable by the City of San José staff including, but not limited to, staff in the Environmental Services Department, the Department of Public Works, and the Department of Planning, Building and Code Enforcement.

Construction of projects that involve below-ground structures may require dewatering of groundwater, which is known to occur at depths of less than 50 feet within the Downtown Strategy

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<sup>131</sup> Once construction is complete and all exposed surfaces are planted, erosion from development sites and the associated potential for sedimentation would be minimal.

2040 area. Groundwater pumped from below the construction site and released into the storm drain system could contain sediment or other contaminants such as toxics and petroleum hydrocarbons.<sup>132</sup> If not properly managed, dewatering activities could pollute surface water.

### **Measures Included in the Project to Reduce and Avoid Construction-Related Impacts to Water Quality**

Implementation of 2040 General Plan policies and regulatory programs listed in Section 3.10.2 would substantially reduce construction-related water quality impacts. Consistent with current requirements, future projects will be subject to the following standard measures:

- **Construction General Permit Requirements.** Prior to initiating grading activities, the project applicant will file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to commencement of construction. The project's SWPPP shall include measures for soil stabilization, sediment and erosion control, non-stormwater management, and waste management to be implemented during all demolition, site excavation, grading, and construction activities. All measures shall be included in the project's SWPPP and printed on all construction documents, contracts, and project plans. The following construction BMPs may be included in the SWPPP:
  - Restrict grading to the dry season or meet City requirements for grading during the rainy season.
  - Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
  - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff with secure plastic sheeting or tarps.
  - Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
  - Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
  - Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

The SWPPP shall also include a Post-Construction Stormwater Management Plan that includes site design, source control, and treatment measures to be incorporated into the project and implemented following construction (refer to Section 3.10.3.3 above).

When the construction phase is complete, a Notice of Termination (NOT) will be filed with the RWQCB and the DTSC, in conformance with the Construction General Permit requirements. The NOT will document that all elements of the SWPPP have been executed,

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<sup>132</sup> High sediment content in dewatering discharges is common because of the nature of the operation in which soil and water mixes in the turbulent flow of high volume pump intakes. Chemical pollutants are most commonly found in dewatering effluent in areas with a history of groundwater contamination (e.g. leaks to the subsurface from industrial sites).

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.

- **Dewatering.** For future projects that involve dewatering activities, the SWPPP shall include provisions for the proper management of dewatering effluent. At a minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater will be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the applicant will work with the RWQCB and/or the local wastewater treatment plant to determine appropriate disposal options.<sup>133</sup>

With implementation of 2040 General Plan policies, existing regulations, and the standard measures listed above, future development under the Downtown Strategy 2040 would not result in a significant construction-related impact on drainage or water quality. This conclusion is consistent with the analysis in the 2040 General Plan EIR and Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

### **3.10.3.5** *Groundwater Impacts*

Future development within the Downtown Strategy 2040 area would not contribute to depletion of groundwater supplies or reduce the amount or quality of water available for public water supplies. Although there are no designated groundwater infiltration sites within the Downtown Strategy 2040 area, new or redevelopment under the proposed Downtown Strategy 2040 could result in the placement of new development projects within or near areas where surface water percolates to groundwater, although in most cases sites undergoing redevelopment would be predominantly covered with buildings, pavement, and other impervious surfaces and therefore not allowing for groundwater infiltration.

Groundwater contamination is most likely to occur where the groundwater basin is unconfined and the underlying soil and rock materials have higher infiltration rates. Although the Central Planning Area of the City has substantial areas of soils with moderate infiltration rates, the underlying groundwater aquifer is more protected due to the confining layer. In addition, regulations designed to control contaminants in stormwater runoff reduce the potential for contamination of groundwater with pollutants found on developed sites. The MRP and City Council Policy 6-29 limit the use of infiltration treatment measures for the purpose of groundwater protection, stating that infiltration devices must:

- be implemented at a level appropriate to protect groundwater quality;
- not cause or contribute to degradation of groundwater quality;
- be adequately maintained to maximize pollutant removal capabilities;
- maintain a vertical distance between the base of the infiltration device and seasonal high groundwater of at least 10 feet; and
- be located a minimum of 100 feet horizontally from any known water supply wells.

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<sup>133</sup> This measure is identified in the Strategy 2000 EIR.



With implementation of existing regulations and 2040 General Plan policies, future development under the Downtown Strategy 2040 would not result in a significant impact to groundwater quality. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.10.4      Cumulative Impacts**

As described above, the 2040 General Plan EIR and Downtown Strategy 2000 EIR concluded that development under the 2040 General Plan would not result in a significant impact related to flooding, drainage, surface water quality, or groundwater, with the implementation of existing regulations, programs, and 2040 General Plan policies. The proposed Downtown Strategy 2040 would not result in a new impact. In combination with the other planned and pending projects in the area and elsewhere in the watersheds of the Guadalupe River and Los Gatos Creek, future development under the Downtown Strategy 2040 would contribute runoff to existing deficiencies in the storm drain system; however, the capacity of the system will be upgraded to accommodate a 10-year storm event, as needed to avoid localized flooding hazards. New development under Downtown Strategy 2040 would include LID and stormwater treatment measures to improve runoff water quality compared to existing conditions. **(Less than Significant Cumulative Impact)**

#### **3.10.4.1      *Post-Construction Impacts***

New or redevelopment projects would incrementally contribute to the volume of polluted runoff entering Los Gatos Creek and the Guadalupe River from impervious surfaces, including building roofs, parking lots and roadways, although the projects will incorporate treatment controls to reduce impacts to surface water quality. Conversely, future operation of BART, HSR, and other transit projects is expected to reduce vehicle use in the Downtown Strategy 2040 area and the region over time, thus reducing the amount of vehicle-related pollutants in runoff.

While the degradation of Los Gatos Creek and the Guadalupe River is cumulatively considerable, implementation of the proposed Downtown Strategy 2040 would not make a substantial contribution of polluted stormwater runoff in comparison to existing runoff conditions within Downtown and to the pollutant load of all runoff entering the creeks from development in the watershed.

### **Construction-Related Impacts**

Construction-related effects of the HSR, BART, and other transportation projects planned for the Downtown Strategy 2040 area would combine with those of future development projects. The potential for significant cumulative effects would increase if multiple projects are constructed at the same time, due to possible increase in the concentration of pollutants and sediment in the runoff. These projects, however, will implement BMPs to control erosion on construction sites and prevent contaminated runoff from entering storm drains and water bodies. Therefore, the cumulative effect on hydrology and water quality resulting from construction of all planned and approved projects in the Downtown area would not be cumulatively considerable. **(Less than Significant Cumulative Impact)**

### **3.10.5            Conclusion**

With implementation of the standard measures listed above and implementation of 2040 General Plan policies and existing regulations, future development under the Downtown would not expose people or structures to a significant risk of loss, injury or death involving flooding. Impacts related to construction-related and long-term drainage or water quality and groundwater quality would also be less than significant. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

Downtown Strategy 2040 would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant impact related to hydrology or water quality. **(Less than Significant Cumulative Impact)**

### **3.11 LAND USE AND PLANNING**

#### **3.11.1 Environmental Setting**

##### **3.11.1.1 *Existing Conditions***

The Downtown area is located in the Santa Clara Valley, situated at the southern part of the San Francisco Bay within the City of San José, as shown in Figure 2.3-1. The valley was historically used for agricultural production. However, due in part to the establishment and growth of the technology industry, the Santa Clara Valley today consists largely of urban development.

The Downtown Strategy 2040 boundaries are shown on Figure 2.3-1 through 2.3-3. The boundaries are the same as those identified as the Central/Downtown Planning Area in the 2040 General Plan, with the exception of the proposed expansion to include parcels on the east side of North 4<sup>th</sup> Street between St. John and Julian Streets (refer to Figure 2.4-1).

The Downtown area east of SR 87 is currently developed with a mix of office, commercial, hotel, residential and public service uses. Notable development in this area includes the Fairmont Hotel, the De Anza Hotel, San José Convention Center, Children’s Discovery Museum, and various high-rise office and residential buildings. Development to the west of SR 87, which includes the DSAP area, is characterized by residential neighborhoods and older industrial uses. Development is of lower intensity on larger parcels than development in the Downtown core. The SAP Center (also referred to as the San José Arena) and associated parking lots are located in this portion of the project area.

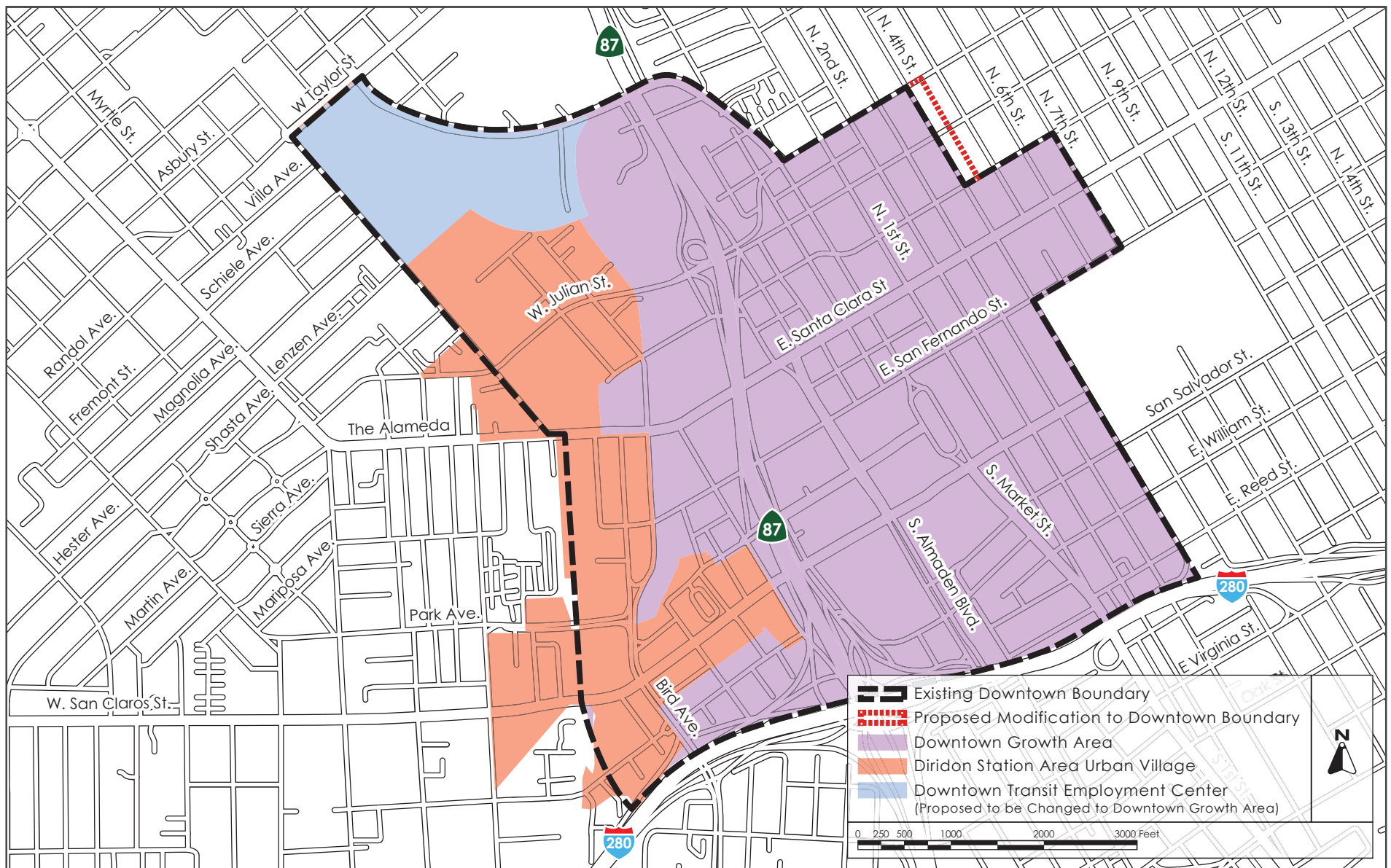
Several park/open space areas occupy the Downtown area. The most significant of these are St. James Park, Plaza of Palms (also known as Corona Plaza), Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park and McEnery Park.

#### **2040 General Plan Growth Areas within Downtown**

The 2040 General Plan focuses new housing growth within identified Growth Areas and precludes large scale residential development from occurring on sites outside of these Growth Areas. The Growth Areas were chosen to create a more interconnected city with strong linkages to transit and the Downtown, or to provide additional services in existing neighborhoods through the development of neighborhood villages with the intent of promoting transit use and reducing the need for automobile travel while achieving other 2040 General Plan goals. As shown on Figure 3.11-1, three Growth Areas are located within the Downtown boundaries: Downtown Growth Area, Downtown Transit Employment Center, and Diridon Station Area Urban Village.

#### **Land Use Areas Established in Downtown Strategy 2000**

The Downtown Strategy 2000 presented much of its vision through reference to twelve “areas,” multi-block zones of varying shapes and sizes. These areas are carried through to the Downtown Strategy 2040. The area boundaries are purposefully fluid to allow for a smooth transition between neighborhoods and link-age to adjacent areas. This fluidity creates substantial overlap among the areas. Land uses are summarized below by these areas.



GENERAL PLAN GROWTH AREAS WITHIN THE DOWNTOWN BOUNDARIES

FIGURE 3.11-1

### Plaza de Cesar Chavez Area

The Plaza de Cesar Chavez area is predominantly developed with commercial and public uses, hotels and parking. The Fairmont Hotel, Museum of Art, and Tech Museum are all found in the Plaza de Cesar Chavez area. At the center of the area, the Plaza itself is a public open space bordered by San Fernando Street, Almaden Boulevard, Market Street and San Carlos Street.

### St. James Park Area

The St. James Park area is primarily developed with residential uses (single- and multi-family), commercial and public uses. St. James Park is a historically significant public open space located in the center of the area, and is surrounded by privately-owned buildings, some of which are privately-owned and some of which are public, such as the United State Post Office and two courthouses. Many of these buildings have historic significance. The 1<sup>st</sup> and 2<sup>nd</sup> Street light rail lines serve the St. James Park area.

### 1st and 2nd Streets Area

The 1st and 2nd Streets area is developed with retail, commercial and residential uses. The area contains a large parking structure and is served by two light rail stations.

### Santa Clara Street Area

The Santa Clara Street area is a 1.5 mile long linear corridor developed with a mix of general commercial, retail, office residential, visitor accommodations, public/quasi-public and park/open space uses. Santa Clara Street is served by light rail, with stations at the corners of 1<sup>st</sup> and 2<sup>nd</sup> Streets.

### San Pedro Square Area

Uses in the San Pedro Square area are predominantly commercial and residential. The area is regarded as Downtown San José's historic dining and entertainment district.

### San Fernando Street Area

Similar to the Santa Clara Street area, the San Fernando Street area is a linear corridor of more than one mile in length, characterized by a mix of light industrial, multi-family residential and underutilized parcels. San Fernando Street is the northern boundary for San José State University.

### SoFA and Convention Center Area

The South of First Street and Convention Center Area (SoFA) is primarily developed with commercial (retail and entertainment) and multi-family residential uses. SoFA is regarded as Downtown San José's arts and entertainment district. The Convention Center, City Lights Theatre Company, and San José Institute of Contemporary Art are located there.

### ~~Civic Center Area~~

~~The Civic Center area is developed with commercial and public land use. A key point of interest in the area is the former City Hall.~~

### San Carlos Street Area

The San Carlos Street area is a 1.5 mile linear corridor developed with a mix of commercial and light industrial land uses, as well as some residential and public uses.

### Almaden Boulevard Area

Businesses and civic uses line Almaden Boulevard. Areas to the west contain a portion of the Guadalupe River Park. The Convention Center is a regional venue located on Almaden Boulevard.

### North Gateway Area

Development in the North Gateway area is comprised of a mix of commercial office and light industrial and residential uses. The Southern Pacific Railroad lines are a major piece of transportation infrastructure in this area.

### Diridon Arena Area

The Diridon Arena area is a mix of single- and multi-family residential, commercial, office and light industrial land uses. The historic Diridon Station and Water Company building, the San Fernando light rail station and the SAP Center are key land uses. Large surface parking lots are located east of Diridon Station, west of the Water Company building and west and north of the SAP Center.

#### **3.11.1.2      *Surrounding Land Uses***

The area north of Downtown consists of high and medium density residential neighborhoods, including Rose Garden, College Park, Hensley, Vendome, and Northside. The Guadalupe Gardens and Norman Y. Mineta San José International Airport area also located north of Downtown.

The area east of Downtown consists of high and medium density residential neighborhoods, including Julian/St. James, Horace Mann, Campus Community, and South University. San José State University is located immediately to the east of the Downtown Strategy 2040 boundaries.

The area south of Downtown consists predominantly of medium density residential neighborhoods, including Spartan Keyes, Market Almaden, Washington Guadalupe, Gardner, Willow Glen, and Gregory Plaza.

The area west of Downtown consists of a mixture of industrial, commercial, retail and medium density residential development. Residential neighborhoods include Rose Glen, Buena Vista, Midtown, Parkside, St. Leo's, Autumn/Montgomery, Shasta Hanchett, and Garden Alameda.

#### **3.11.1.3      *Regulatory Framework***

##### **Airport-related Plans and Regulations**

The Norman Y. Mineta San José International Airport is owned and operated by the City of San José. It is regulated by various federal, state, and local laws, including the Code of Federal Aviation Regulations. Part 77 of the Federal Aviation Regulations regulate obstructions to navigable airspace, as described in Section 3.9 Hazards and Hazardous Materials.

## County of Santa Clara Airport Land Use Commission and Comprehensive Land Use Plan

The Santa Clara County Airport Land Use Commission (ALUC), under State of California mandate<sup>134</sup>, has adopted a Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport. The CLUP contains policies applicable to new development or redevelopment of existing land uses within the Airport Influence Area (AIA). These policies address compatibility between airports and future nearby land uses by focusing on noise, over-flight safety, and airspace protection concerns for the airport over a 20-year horizon. Noise contours indicate general areas of likely community response to noise generated by aircraft activity and serve as the basis for land use compatibility determinations. Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of an airport by imposing density and use limitations within these zones. The CLUP also establishes a Height Restriction Area, based on federal regulations.

As shown on Figure 3.11-2, portions of the Downtown area are located in the AIA for the Norman Y. Mineta San José International Airport.<sup>135</sup> All areas within the AIA should be regarded as potentially subject to aircraft over-flights and are subject to CLUP policies. As described in Section 3.12 Noise, a portion of the northwest area of Downtown is within the 65 CNEL noise contour for the airport.

### **Santa Clara Valley Habitat Plan/Natural Community Conservation Plan**

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

### **City of San José Plans and Policies**

#### Envision San José 2040 General Plan

As described in Section 2.1.2, the City of San José approved the 2040 General Plan and associated Program EIR in 2011. The 2040 General Plan provides a vision of future growth, development, and the provision of municipal services for San José. It provides capacity for the development of up to 382,000 new jobs<sup>136</sup> and 120,000 new dwelling units, supporting a population of approximately 1.3 million people by 2040.

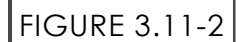
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<sup>134</sup> California State Aeronautics Act, Public Utilities Code: Division 9, Part 1, Chapter 4, Article 3.5, Section 21670 et seq.

<sup>135</sup> Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport*. May 2011 (Amended November 2016).

<sup>136</sup> The 2040 General Plan provided capacity for 470,000 new jobs when it was adopted in 2011. The jobs capacity was amended to 382,000 in 2016 as part of the General Plan Four-Year Review.







The 2040 General Plan is based on 12 major strategies:

- 1) **Community Based Planning:** Embody the community values and goals articulated through an extensive and meaningful community based planning process.
- 2) **Form Based Plan:** Use the 2040 General Plan Land Use/Transportation Diagram designations and Plan Goals and Policies to address the form and character as well as land uses and densities for the future development of San José.
- 3) **Focused Growth:** Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods.
- 4) **Innovation/Regional Employment Center:** Emphasize economic development within the City to support San José's growth as center of innovation and regional employment.
- 5) **Urban Villages:** Promote the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.
- 6) **Streetscapes for People:** Design streets for people, not just cars, and to support a diverse range of urban activities and functions, develop important roadways as Grand Boulevards to connect multiple neighborhoods and act as urban design elements at a citywide scale, and promote the development of Main Streets to foster community identity and walkability.
- 7) **Measurable Sustainability/Environmental Stewardship:** Advance the City's Green Vision through 2040 and establish Measurable Environmental Sustainability indicators consistent with Green Vision Goal #7.
- 8) **Fiscally Strong City:** Establish a land use planning framework that promotes the right fiscal balance of revenue and costs to allow the City to deliver high-quality municipal services, consistent with community expectations.
- 9) **Destination Downtown:** Support continued growth in the Downtown as the City's cultural center and as a unique and important employment and residential neighborhood to support the 2040 General Plan's economic, fiscal, environmental, and urban design/place making goals.
- 10) **Life Amidst Abundant Natural Resources:** Promote access to the natural environment and a favorable climate as important strengths for San José by building a world-class trail network, reinforcing the Greenline/Urban Growth Boundary, and adding parks and other recreational amenities to serve existing and new populations.
- 11) **Design for a Healthful Community:** Support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.
- 12) **Phasing and Periodic Review:** Ensure that the 2040 General Plan addresses the current community context and values and closely monitor the achievement of key Plan goals through a periodic major review of the 2040 General Plan and the use of Plan Horizons to phase implementation of the Plan over time.

A key component of the 2040 General Plan is the emphasis given to directing new job and housing growth to areas served by transit and other existing City services in order to minimize the fiscal and environmental impacts of that new growth. In support of that basic premise, the 2040 General Plan established Growth Areas to accommodate nearly all of the city's planned housing and job growth capacity. These Growth Areas include the existing Downtown Core, North San José, Specific Plan

areas, employment land areas, major commercial/transit corridors, and new “Villages” located at transit stations or within walking distance of existing neighborhoods. Accordingly, the 2040 General Plan EIR focused on the environmental impacts related to the newly designated Growth Areas and associated development capacities. The entire Downtown area is within one of three Growth Areas: Downtown Growth Area, Downtown Transit Employment Center, and Diridon Station Area Urban Village.

### *Land Use Diagram*

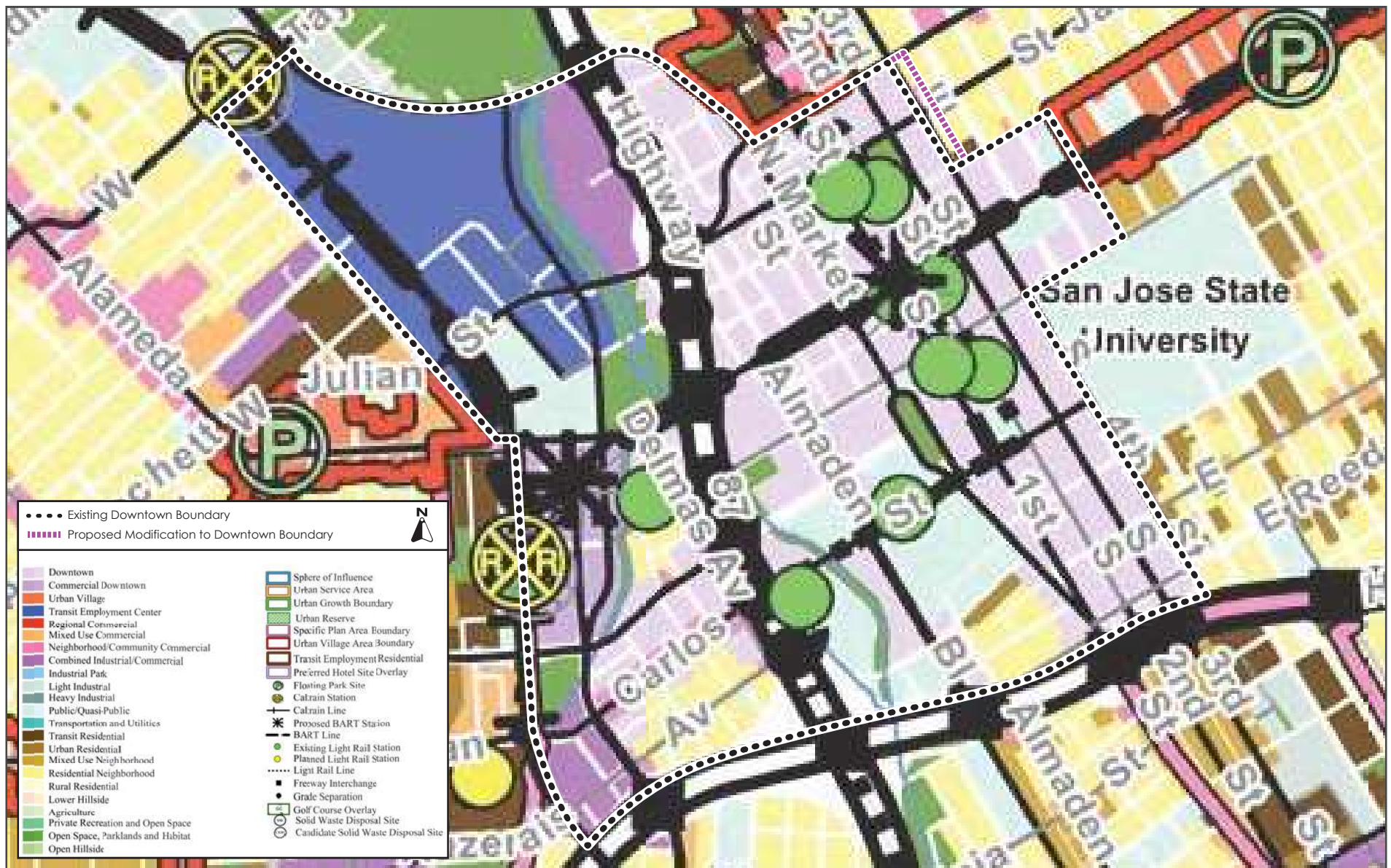
The Land Use/Transportation Diagram is intended to promote the compatibility of existing and future land uses. The land use designations currently found within Downtown area are shown on Figure 3.11-3 and summarized in Table 3.11-1, below. The allowable density is identified in dwelling units per acre (DU/AC) or floor area ratio (FAR). FAR is calculated by dividing the total area of all floors in a building(s) by the total area of the site.<sup>137</sup>

<b>Table 3.11-1: Summary of Existing Land Use Designations</b>		
<b>Designation</b>	<b>Land Use Types</b>	<b>Density</b>
<b><i>Downtown</i></b>	This designation allows for a mix of office, retail, service, residential, and entertainment uses in the Downtown.	Up to 800 DU/AC; FAR Up to 30.0 (3 to 30 stories)
<b><i>Commercial Downtown</i></b>	This designation includes office, hotel, retail, service, and entertainment uses in the City’s Downtown, consistent with those supported by the Downtown designation, but denotes areas in which residential uses are not appropriate and therefore are excluded.	FAR Up to 15.0 (3 to 30 stories)
<b><i>Urban Village</i></b>	The Urban Village designation is applied within the Urban Village areas that are planned in the current Horizon to accommodate higher density housing growth along with a significant amount of job growth.	Up to 250 DU/AC; FAR Up to 10.0
<b><i>Transit Employment Center</i></b>	This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services.	FAR Up to 12.0 (4 to 25 stories)
<b><i>Mixed Use Commercial</i></b>	This designation allows a mix of uses with an emphasis on commercial activity, with residential uses allowed in a secondary role.	Up to 50 DU/AC; Residential/Commercial Mixed-Use FAR 0.5 to 4.5 (1 to 6 stories);

<sup>137</sup> For example, an FAR of 2.0 would indicate that the floor area of a multi-story building is twice as large as the gross area of the site. A single-story building would have an FAR of less than 1.0, while tall buildings could have an FAR of 15.0 or higher.

**Table 3.11-1: Summary of Existing Land Use Designations**

<b>Designation</b>	<b>Land Use Types</b>	<b>Density</b>
		Commercial FAR 0.25 to 4.5 (1 to 6 stories)
<b><i>Neighborhood/Community Commercial</i></b>	This designation allows a very broad range of commercial uses, including neighborhood-serving retail, services, and office development.	FAR Up to 3.5 (1 to 5 stories)
<b><i>Combined Industrial/Commercial</i></b>	This category allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities.	FAR Up to 12.0 (1 to 24 stories)
<b><i>Public/Quasi-Public</i></b>	This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports.	N/A
<b><i>Urban Residential</i></b>	This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities.	30-95 DU/AC; FAR 1.0 to 4.0 (3 to 12 stories)
<b><i>Residential Neighborhood</i></b>	This designation is applied to most of the established, single-family residential neighborhoods throughout the city.	Typically 8 DU/AC; FAR up to 0.7 (1 to 2.5 stories)
<b><i>Open Space, Parklands and Habitat</i></b>	These lands can be publicly- or privately-owned areas that are intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas.	N/A



GENERAL PLAN LAND USE DESIGNATIONS

FIGURE 3.11-3

## 2040 General Plan Policies

The 2040 General Plan includes numerous policies and actions aimed at avoiding or mitigating an environmental effect, as listed in the applicable sections of this EIR. Relevant policies adopted for the purpose of avoiding or mitigating land use impacts are summarized in the following table.

<b>Table 3.11-2: General Plan Policies - Land Use</b>	
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.15	Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.
Policy CD-2.3	<p>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.</p> <ol style="list-style-type: none"> <li>1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.</li> <li>2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.</li> <li>3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.</li> <li>4. Locate retail and other active uses at the street level.</li> <li>5. Create easily identifiable and accessible building entrances located on street frontages or paseos.</li> <li>6. Accommodate the physical needs of elderly populations and persons with disabilities.</li> <li>7. Integrate existing or proposed transit stops into project designs.</li> </ol>
Policy CD-2.11	Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive

**Table 3.11-2: General Plan Policies - Land Use**

	urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
Policy CD-3.4	Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.
Policy CD-4.5	For new development in transition areas between identified growth areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
Policy CD-4.9	For development subject to design review, the design of new or remodeled structures will be consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy CD-5.9	To promote safety and to minimize noise and vibration impacts in residential and working environments, design development that is proposed adjacent to railroad lines to provide the maximum separation feasible between the rail line and dwelling units, yards, or common open space areas, offices and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, devote areas of development closest to an adjacent railroad line to use as parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth. In industrial facilities, where the primary function is the production, processing or storage of hazardous materials, for new development follow the setback guidelines and other protective measures called for in the City's Industrial Design Guidelines when such facilities are to be located adjacent to or near a main railroad line.
Policy LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize impacts of parking upon a vibrant pedestrian and transit-oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies

**Table 3.11-2: General Plan Policies - Land Use**

	identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
Policy TR-14.4	Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Policy IP-1.5	Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use/Transportation Diagram and the 2040 General Plan goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards including heights to achieve vital mixed-use complete communities and facilitate their implementation.
Policy IP-1.6	Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram and advance 2040 General Plan Vision, goals and policies and benefit community welfare.
Policy IP-1.7	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics which require special consideration due to those constraints.
Policy IP-1.8	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.
Policy IP-5.4	<p>Prepare and implement Urban Village Plans carefully, with sensitivity to concerns of the surrounding community, and property owners and developers who propose redevelopment of properties within the Urban Village areas. Proceed generally in the order of the following timeline, although some steps may be taken concurrently:</p> <ol style="list-style-type: none"><li>1. City Council approves commencement of the Plan growth Horizon which includes the Urban Village Area during a Major 2040 General Plan Review. Completing Urban Village Plans for Urban Villages within the current Horizon is of greatest priority, but it is possible to prepare an Urban Village Plan for an Urban Village in an upcoming Horizon.</li><li>2. The City completes preparation of and Council reviews an Urban Village Plan.</li><li>3. The City or private property owners initiate rezoning for specific properties within the Urban Village as needed to implement the Urban Village Plan. Because most Urban Village sites initially have commercial zoning, rezoning will be necessary to provide for redevelopment and intensification with residential or residential mixed use projects on those sites.</li></ol>

Table 3.11-2: General Plan Policies - Land Use	
	4. Private property owners or developers propose individual site designs and building architecture to be reviewed and determined through a Development Permit application and review process.

#### Strategy 2000: San José Greater Downtown Strategy for Development (2005)

As described previously, the Downtown Strategy 2000 was approved by City Council in 2005. Downtown Strategy 2000 provides a long-range conceptual program for revitalizing Downtown through higher density infill development. Downtown Strategy 2000 covers the Downtown Core, which is generally bounded by Taylor Street and Coleman Avenue to the north, Fourth Street to the east, Interstate 280 to the south, and Stockton Avenue and the railroad tracks to the west. The “Guiding Principles” of Downtown Strategy 2000 are to:

- Make the Greater Downtown a memorable urban place to live, work, shop and play;
- Promote the identity of Downtown San José as the Capital of Silicon Valley;
- Create a walkable, pedestrian-friendly Greater Downtown; and
- Promote and prioritize development that serves the needs of the entire City and Valley.

As part of the Downtown Strategy 2000 process, the City prepared and adopted several planning documents to guide redevelopment and improvements in the Downtown Core, including Downtown Design Guidelines (2004), Downtown Signage Master Plan (2002), Downtown Streetscape Master Plan (2003), Downtown Lighting Master Plan (2003), and Downtown Parking Management Plan (2001, 2007).

As described previously, the City is now proposing to update the Downtown Strategy to Year 2040, consistent with the 2040 General Plan, while allowing an increase in the amount of allowed development. The broad recommendations and guiding principles of Downtown Strategy 2000 remain generally pertinent to the overall vision for Downtown. The general descriptions of the “Strategies and Actions”, which were programmatic improvements described in Downtown Strategy 2000 and the EIR, will be carried over to the Downtown Strategy 2040 and related EIR.

#### Diridon Station Area Plan

In 2014, the City approved the Diridon Station Area Plan (DSAP), which establishes a vision for Diridon Station and the surrounding area in response to the planned extension of Bay Area Rapid Transit (BART) and High Speed Rail (HSR) service to San José. The approximately 250-acre DSAP area is generally bounded by Lenzen Avenue and the UPRR tracks to the north, Interstate 280 to the south, the Guadalupe River and Delmas Avenue to the east, and Sunol Avenue and the Diridon Station commuter rail tracks to the west. The majority of the DSAP area is within the boundaries of the Downtown Strategy 2040 (refer to Figure 2.6-1).

The purpose of the DSAP is to integrate past and present plans into one vision and guide future development in a manner that takes full advantage of the high level of connectivity. The DSAP area is divided into three Identity Zones. The Northern Zone is generally north of The Alameda, the



Central Zone is the core area centered on Diridon Station, and the Southern Zone is roughly between Park Avenue and Interstate 280.

The DSAP includes a conceptual plan for expansion of Diridon Station to accommodate BART and HSR service. The DSAP also contains a Land Use Diagram, Transportation Improvement Strategies, and Design Guidelines to encourage appropriate transit-oriented redevelopment within an approximately 0.5-mile radius around the station. Maximum development capacities for residential, commercial, retail, and hotel uses are established. The development capacity of the DSAP is included in the Downtown Strategy 2040 development capacity.

### Zoning Ordinance

The City of San José's Zoning Ordinance (Title 20 of the Municipal Code) is intended to promote the public peace, health, safety, and general welfare of residents, while supporting the goals and policies of the 2040 General Plan. The Zoning Ordinance regulates development through the designation of zoning districts for various land use types. Each zoning district has development standards for building height, density, size, yard areas, setbacks, parking, and operations. These standards are adopted for the purposes of protecting visual character, preserving open space, and preventing overcrowding of the land, traffic hazards, and unwarranted deterioration of the environment.

The predominant zoning district in the Downtown Strategy 2040 area is *DC – Downtown Core*, which allows for a variety of uses including multi-family residential, office, general retail, education and training (e.g., daycare), entertainment, food services, health and veterinary services, and transportation (e.g., parking). Properties located in the *DC – Downtown Core* zoning district are not subject to any minimum setback requirements. Height restrictions for buildings within *DC – Downtown Core* zones are subject to the height limitations necessary for the safe operation of the Norman Y. Mineta San José International Airport (Airport). In addition, the Zoning Ordinance stipulates that building heights in the DC zoning district shall not exceed the elevation restrictions prescribed under the FAR Part 77, Objects Affecting Navigable Airspace unless the proposed height is specifically reviewed in an aeronautical study prepared by the FAA and is concluded not to constitute an obstruction or hazard to air operations. A determination of “no hazard” to air navigation and the dedication of an aviation easement is required prior to the approval of proposed development. FAR Part 77 is also discussed in Section 3.9 Hazards and Hazardous Materials.

Other zoning districts within the Downtown Strategy 2040 boundaries include *CG – Commercial General*, *TEC – Transit Employment Center*, *CO – Commercial Office*, *CIC – Combined Industrial/Commercial*, *HI – Heavy Industrial*, *LI – Light Industrial*, *IP – Industrial Park*, *R-M – Residence (multiple unit/lot)*, *R-2 – Residence (2 DU/acre)*, *R-1-8 – Residence (8 DU/acre)*, and *PQP – Public/Quasi-Public*.

It should be noted that San José is a Charter City, as opposed to a General Law City. As a Charter City, the zoning of land in San José is not required to be consistent with its 2040 General Plan. However, it is City policy that zoning should be consistent with the 2040 General Plan.<sup>138</sup>

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<sup>138</sup> The existing zoning maps for all of San José and the Zoning Ordinance itself can be found on the City's website: <http://www.sanjoseca.gov/index.aspx?nid=1751>.

## Design Guidelines and Review Process

The San José City Council has adopted design guidelines for various land use types: Residential, Industrial, Commercial, Downtown/Historic, and Downtown. The guidelines generally seek to provide a common understanding of the minimum design standards to be applied to various land uses, development types, and sometimes specific locations. The design review process evaluates projects for conformance with City ordinances and the requirements of previous entitlements such as Planned Development zoning approvals, or concurrent processes such as subdivisions.

### **3.11.2      Land Use and Planning Impacts**

#### **3.11.2.1      *Thresholds of Significance***

For the purposes of this EIR, a land use and planning impact is considered significant if the project would:

- Physically divide an established community;
- 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; or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

#### **3.11.2.2      *Impacts to an Established Community***

Implementation of the project would allow for development of residential and office uses in the Downtown area at greater levels than envisioned in the Downtown Strategy 2000 and 2040 General Plan. The Downtown Strategy 2040 does not propose substantial changes to allowed land uses in Downtown, although there are two privately initiated 2040 General Plan Amendments, as shown on Figure 2.4-3, that would a) change the land use designation from *CIC Combined Industrial/Commercial* to a combination of *Downtown* and *Commercial Downtown* on an approximately 10-acre site generally located south of Coleman Avenue between SR-87 and the Guadalupe River to allow a mix of residential and commercial development, and b) change the land use designation from *Downtown* to *CIC Combined Industrial/Commercial* on approximately 2.05 acres located on the north side of Ryland Street, east of SR-87, and south and west of Coleman Avenue. Future development allowed under the project would generally continue and reinforce the patterns of land use currently in place.

The proposed project includes a slight change to the Downtown boundaries along North 4<sup>th</sup> Street between East St. John and East Julian Street, as shown on Figure 2.4-1. The boundary would run mid-block between North 4<sup>th</sup> and North 5<sup>th</sup> Streets. The existing land uses in the expansion area include high rise residential, four-story office with parking garage, multi- and single-family residential uses. Given the dense, urban nature of the existing and future land uses in this area, expanding the *Downtown* land use designation onto these properties would allow better interface with uses on the west side of the street. It is intended that future land uses in the expansion area would be compatible with the existing single- and multi-family development on the west side of

North 5<sup>th</sup> Street. This is a transition area that more in common with the Downtown than the neighborhood to the east. 2040 General Plan policies and design guidelines will be implemented during the development review process for individual projects to ensure compatibility. For these reasons, the Downtown Strategy 2040 would not physically divide an established community. **(Less than Significant Impact)**

### **3.11.2.3      *Consistency with Plans and Policies***

As described further in Section 3.4 Biological Resources, the future development allowed under the Downtown Strategy 2040 would be infill, would not occur on sensitive land cover types that provide habitat to rare or endangered plants and animals, and would pay applicable nitrogen deposition fees to offset cumulative indirect effects to serpentine habitats, and therefore would not conflict with the HCP/NCCP. **(Less than Significant Impact)**

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

According to the 2040 General Plan EIR, new development could expose people to increased noise and hazards from airport operations. Portions of the Downtown area are within height restriction areas and/or airport safety zones. Conformance with 2040 General Plan and regulatory requirements will limit adverse land use compatibility impacts near airports.

As described in Sections 3.12 Noise and 3.9 Hazardous Materials and Hazards, the land uses and building height maximums allowed in Downtown are consistent with the noise compatibility policies and height restrictions set forth in the CLUP subject to FAA review of specific building heights. Future projects within the AIA would be required to conform to CLUP policies and be subject to review by the ALUC. The Downtown Strategy 2040 would not conflict with the CLUP adopted for the Norman Y. Mineta San José International Airport. This conclusion is consistent with the analysis in the 2040 General Plan EIR.

### **Envision San José 2040 General Plan**

#### **2040 General Plan Amendments**

As described in Section 2.4, the proposed increase in office development (or jobs) in the Downtown area would be achieved by transferring 10,000 jobs (3,000,000 sf) from Coyote Valley development identified in the 2040 General Plan. The proposed 4,000 unit increase in residential capacity to 14,360 units would be achieved by transferring residential units from outlying (beyond the general vicinity of Downtown) Urban Villages and other Growth Areas identified in the 2040 General Plan. The transfer of these jobs and residential units to the Downtown area would require amendments to Appendix 5 of the 2040 General Plan, which lists development assumptions for Growth Areas. These amendments would not result in a net change in the City's housing and job growth capacity, just a relocation of that planned growth to the Downtown area from outlying areas. Therefore, the proposed project would be consistent with the assumptions regarding the magnitude of planned growth in the 2040 General Plan and associated 2040 General Plan EIR.

### Changes to the Downtown Growth Area Boundaries

As noted above, the project includes a slight change to the Downtown boundaries along North 4th Street between East St. John and East Julian Street. The Downtown Growth Area boundaries would be revised to match this boundary change. The proposed modification to Growth Area boundaries would not result in a net change in the City's housing and job growth capacity. Therefore, the proposed project would be consistent with the assumptions regarding planned growth in the 2040 General Plan and associated 2040 General Plan EIR.

### Consistency with Goals and Policies

The Downtown Strategy 2040 is consistent with the major strategies embodied in the 2040 General Plan, as listed in Section 3.11.2.3. Specifically, the Downtown Strategy 2040 is a key strategy for achieving many of the City's goals related economic growth, fiscal sustainability, and environmental stewardship. For example, the Downtown Strategy 2040 directly supports the objectives of focusing growth in Downtown near regional transit hubs and existing employment centers. All future actions in Downtown would be subject to 2040 General Plan policies. For these reasons, the Downtown Strategy 2040 is consistent with the 2040 General Plan.

### **Diridon Station Area Plan (DSAP)**

The majority of the DSAP area is within the Downtown Strategy 2040 boundaries. The Downtown Strategy 2040 does not propose changes to the DSAP. Development occurring in the DSAP area would be subject to land use regulations and policies established in the DSAP. The project, therefore, would be consistent with the DSAP.

### **Zoning Ordinance**

Implementation of the Downtown Strategy 2040 will entail subsequent Zoning Code amendments to:

- a. Better align the boundaries of the Downtown Zoning area to be consistent with the boundaries of the Downtown Strategy 2040 area and the 2040 General Plan.
- b. Facilitate implementing the VMT Policy in the Downtown Strategy area by changes such as reducing minimum parking space requirements for residential uses, expanding unbundled parking opportunities for all uses, and adding options for Transportation Demand Management (TDM).
- c. Align maximum heights allowed in the Zoning Code with the 2040 General Plan.
- d. Revise and add provisions for development standards in transitional areas adjacent to Downtown such as the area currently identified in the Zoning Code as the Downtown Frame.
- e. Clarify the City's intent for all approved Downtown developments to be constructed in a timely fashion and that upon the expiration of any approved development permits the capacity of those projects will revert to the pool of available Downtown capacity.

- f. Discourage the use of Planned Development zonings, or make their activation otherwise time-limited, so that unconstructed development capacity cannot be held in perpetuity.

For the reasons described above, the project would not 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. **(Less than Significant Impact)**

#### **3.11.2.4      *Shade and Shadow***

Shade and shadow impacts occur when a structure's height or its width (or a combination of the two) reduces the access to sunlight enjoyed by another property. It should be remembered that in a built urban environment like Downtown, nearly all structures create for others and, in turn, are subject to, shade and shadows. During the summer months in San José when mid-day temperatures rise into the mid-90 degrees and higher levels, shading may even be desirable. In fact, the design of early buildings in San José provided for shade in the front of buildings during the warmest times of the year.

The City identifies significant shade and shadow impacts as occurring when a building or other structure located in the Downtown area substantially reduces natural sunlight on six major public open spaces (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park and McEnery Park), measured on winter solstice when the sun is lowest in the sky (December 21st); the spring equinox, when day and night are approximately equal in length (March 21st); and the summer solstice when the sun is at its highest point in the sky (June 21st).

#### **Areas Subject to Shade and Shadow Impacts**

There are six major open space areas in Downtown San José that are particularly sensitive to shade and shadow impacts: St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park and McEnery Park. These areas are described in more detail below

##### St. James Park

St. James Park is an Olmstead-inspired<sup>139</sup> park with lawn areas, mature trees, young trees, landscaped areas, winding paths, benches, and fountains. It consists of two city blocks, bisected by North 2nd Street, and is bound by 1st Street, St. James Street, 3rd Street and St. John Street.

##### Plaza of Palms

The Plaza of Palms, or Corona Plaza, is a public plaza named for the tall circle of palms at the center of the plaza. It is centrally located in the project area, bordered by northbound Market Street to the west, the San José Museum of Art and an office building to the north, the Fairmont Hotel to the south, and connects to 1st Street on the east.

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<sup>139</sup> Frederick Law Olmsted (1822-1903) is often referred to as the founder of American Landscape Architecture and was the nation's foremost parkmaker. His most well know designs include Central Park and Prospect Park in New York, the Boston Park system, Chicago's South Park, and the U.S. Capital grounds in Washington, DC.

### Plaza de Cesar Chavez

Plaza de Cesar Chavez is a traditional public plaza, with lawn areas, mature trees, landscaped areas, paths, benches, fountains and an amphitheater. It is centrally located in the project area, dividing the northbound and southbound lanes of Market Street between San Fernando Street and 1st Street.

### Paseo De San Antonio

Paseo De San Antonio is pedestrian oriented walkway between San Fernando and San Carlos Streets, currently from the edge of San José State University at 4th Street to Market Street.

### Guadalupe River Park

Guadalupe River Park is a multi-use linear park corridor that extends north-south through the project area. Central to the park corridor is the Guadalupe River, and along the river there are a variety of designed and natural spaces, from plazas to pedestrian and bicycle paths to natural riparian habitat. In the vicinity of the Children's Discovery Museum, south of West San Carlos Street and west of SR-87, Guadalupe River Park is a wider, manicured park area, which provides open space for downtown employees, residents and visitors.

### McEnery Park

McEnery Park is a park south of San Fernando Street between Almaden Boulevard and Guadalupe River Park.

## **Shade and Shadow Impacts**

Implementation of the Downtown Strategy 2040 would have a significant shade and shadow impact if it would:

- Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, McEnery Park)

While the Downtown Strategy 2040 does not propose specific development projects, it is likely that development allowed under the Downtown Strategy will include tall structures adjacent to the six major open space areas in Downtown. As a result, buildout of the Downtown Strategy 2040 may result in significant shade and shadow impacts. Due to the orientation of the sun in relation to San José's location in the northern hemisphere, potential shade and shadow impacts would be limited to development projects adjacent to the south, east, and west sides of the six major open space areas in Downtown.

### **Measures Included in the Project to Reduce Shade and Shadow Impacts**

Future projects under the Downtown Strategy 2040 located adjacent to the south, east, and west sides of the six major open space areas in Downtown would be required to implement the following shade and shadow measures:

- Proposed projects on sites directly south, east, and west of the six major open space areas in Downtown shall prepare a project-specific shade and shadow analysis. The shade and shadow analysis must demonstrate that the proposed development would not result in a 10 percent or greater increase in the shadow cast onto the open space area.
- If the shade and shadow analysis shows that the project would result in a 10 percent or greater increase in the shadow cast onto the open space area, the project design shall be revised to reduce the increase in shadow to less than 10 percent.

With implementation of standard measures, future development under the Downtown Strategy 2040 would not result in significant shade and shadow impacts. **(Less than Significant Impact)**

### **3.11.2.5 Cumulative Impacts**

The proposed project has the potential to contribute to cumulative land use impacts in Downtown San José and surrounding areas. In the short-term, construction activities associated with future development could combine with other construction projects, such as the BART extension and High Speed Rail (HSR) projects, which could affect sensitive land uses. Construction-related effects are discussed in greater detail in the Noise, Air Quality, and Hazardous Materials sections of this EIR.

In the long-term, cumulative land use impacts could occur if future development allowed under the Downtown Strategy 2040, in combination with development in the areas surrounding Downtown, would physically divide an established community, conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat or natural community conservation plan. Other than impacts related to the agricultural resources, the 2040 General Plan EIR did not identify any significant cumulative impacts related to land use. The 2040 General Plan EIR concluded that, with implementation 2040 General Plan Policies and Actions, along with conformance with the relevant ordinances and policies, future development in the City, including Downtown, would not result in or substantially contribute to significant cumulative land use impacts. Development in San José, especially in the Downtown area, is planned to take place in areas that are already urbanized and would not divide an established community since new development would consist of infill and no major expansions of roadways or similar facilities that could divide neighborhoods are proposed. Additionally, projects in the City, including Downtown, are required to comply with the HCP/NCCP. **(Less than Significant Cumulative Impact)**

### **3.11.3 Conclusion**

With implementation of the 2040 General Plan policies, Zoning Ordinance, and other applicable regulations, future development under the Downtown Strategy 2040 would not result in significant land use impacts. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

## 3.12 NOISE AND VIBRATION

The following discussion is based on a noise and vibration assessment prepared by *Illingworth & Rodkin, Inc.* in July 2018. A copy of the report is included as Appendix C of this EIR.

### 3.12.1 Environmental Setting

#### 3.12.1.1 *Background Information*

##### **Noise**

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc.

There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel, or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, such as  $L_{eq}$ , DNL, or CNEL.<sup>140</sup> Using one of these descriptors is a way for a location’s overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from the Airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on I-880 or in the middle of the night).  $L_{max}$  is the maximum A-weighted noise level during a measurement period.

##### **Vibration**

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

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<sup>140</sup>  $L_{eq}$  stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule, where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour  $L_{eq}$ .



maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this report, a PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

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

Railroad and light-rail operations are potential sources of substantial ground vibration depending on distance, the type and the speed of trains, and the type of railroad track. Human responses to ground vibration has been correlated best with the velocity of the ground. The velocity of the ground is expressed on the decibel scale. The reference velocity is  $1 \times 10^{-6}$  in/sec RMS, which equals 0 VdB, and one in/sec equals 120 VdB. Although not a universally accepted notation, the abbreviation “VdB” is used in this document for vibration decibels to reduce the potential for confusion with sound decibels.

Additional information on the fundamentals of noise and vibration is included in Appendix C of this EIR.

### **3.12.1.2      *Regulatory Framework***

#### **Federal Transit Administration Vibration Limits**

The US Department of Transportation Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. FTA has vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.12-1, below. As summarized in Table 3.12-1, there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

<b>Table 3.12-1: Groundborne Vibration Impact Criteria</b>			
<b>Land Use Category</b>	<b>Groundborne Vibration Impact Levels (VdB re 1 <math>\mu</math>inch/sec, RMS)</b>		
	<b>Frequent Events<sup>1</sup></b>	<b>Occasional Events<sup>2</sup></b>	<b>Infrequent Events<sup>3</sup></b>
<b>Category 1</b> – Buildings where vibration would interfere with interior operations.	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>
<b>Category 2</b> – Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
<b>Category 3</b> – Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB
Notes: VdB re 1 $\mu$ inch/sec, RMS = Root-mean-square vibration velocity in vibration decibel relative to 1 micro-inch per second <sup>1</sup> “Frequent Events” is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category. <sup>2</sup> “Occasional Events” is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations. <sup>3</sup> “Infrequent Events” is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines. <sup>4</sup> This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.			

### California Building Code, Title 24, Part 2

The current version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room.

### Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan (CLUP)

The project site is located within the Airport Influence Area (AIA), as defined by the Norman Y. Mineta San José International Airport’s CLUP, adopted by the Santa Clara County Airport Land Use Commission (ALUC) on May 25, 2011. The CLUP includes noise policies and contains standards for projects within the vicinity of the Norman Y. Mineta San José International Airport. These policies include, but are not limited to, the following:

<b>Policies</b>	<b>Description</b>
N-1	The CNEL method of representing noise levels shall be used to determine if a specific land use is consistent with the CLUP.
N-2	In addition to the other policies herein, the Noise Compatibility Policies presented in Table 4-1 of the CLUP shall be used to determine if a specific land use is consistent with this CLUP, which shows residential uses are generally acceptable in 55-60 CNEL environments, conditionally acceptable in 60-65 CNEL environments, generally unacceptable in 65-70 CNEL environments and unacceptable in 70+ CNEL environments. Transient lodging including motels and hotels are

<b>Policies</b>	<b>Description</b>
	generally acceptable in 55-65 CNEL noise environments, conditionally acceptable in 65 to 70 CNEL noise environments, unacceptable at 70+ CNEL noise environments. Commercial uses are generally acceptable in 55-65 CNEL noise environments, conditionally acceptable in 65-70 CNEL noise environments, generally unacceptable in 70-75 noise environments, and unacceptable in 75+ CNEL noise environments.
N-3	Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 of the CLUP.
N-4	No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi-unit residential project.
N-5	All property owners within the Airport Influence Area who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL in a manner that is consistent with current state law including AB2776 (2002).
N-6	Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 4-1 presents acceptable noise levels for other land uses in the vicinity of the Airport (refer to Policy N-2 to land uses proposed by the project).
N-7	Single-event noise levels (SENL) from single aircraft overflights are also to be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. Single-event noise levels are especially important in the areas regularly overflown by aircraft, but which may not produce significant CNEL contours, such as the down-wind segment of the traffic pattern, and airport entry and departure flight corridors.

### **San José Municipal Code**

The Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.<sup>141</sup>

Pursuant to Title 20 (Zoning) of the Municipal Code, unless the City issues a use permit for a project that allows exceedance of these noise levels, or unless a project is located within one of the Downtown Zoning Districts, the Zoning Ordinance limits noise levels at any property line of residential, commercial, or industrial properties, as shown in Table 3.12-2. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7 a.m. to 7 p.m., Monday through Friday.

<sup>141</sup> The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.




**Table 3.12-2: City of San José Zoning Ordinance Noise Standards**

<b>Land Use Types</b>	<b>Maximum Noise Level in Decibels at Property Line unless issuance of a use permit by the City that allows exceedance of these noise levels</b>
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used or zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

### Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 3.12-3 below.

**Table 3.12-3: General Plan Land Use Compatibility Guidelines (GP Table EC-1)**

<b>Land Use Category</b>	<b>Exterior DNL Value in Decibels</b>					
	<b>55</b>	<b>60</b>	<b>65</b>	<b>70</b>	<b>75</b>	<b>80</b>
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
<p><b>Normally Acceptable:</b>   Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p><b>Conditionally Acceptable:</b>   Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.</p> <p><b>Unacceptable:</b>   New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.</p>						

In addition, various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise, as listed in the table below.

<b>Table 3.12-4: General Plan Policies – Noise and Vibration</b>	
<b>Noise and Vibration</b>	
<b>EC-1.1</b>	<p>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none"> <li>• The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan consistency over the life of this plan.</li> </ul> <p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none"> <li>• The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport, the Downtown Core Area, and along major roadways. For the remaining areas of the City, the following standards apply: <ul style="list-style-type: none"> <li>– For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. There will be common use areas available to all residents that meet the 60 dBA exterior standard. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas.</li> <li>– For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as back yards.</li> </ul> </li> </ul>

**Table 3.12-4: General Plan Policies – Noise and Vibration**

<b>EC-1.2</b>	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"><li>• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or</li><li>• Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.</li></ul>
<b>EC-1.3</b>	<p>New nonresidential land uses will mitigate noise generation to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.</p>
<b>EC-1.7</b>	<p>Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</p> <ul style="list-style-type: none"><li>• Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.</li></ul> <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p>
<b>EC-1.8</b>	<p>Commercial drive-through uses will be allowed only when consistency with the City’s exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated.</p>
<b>EC-1.9</b>	<p>Noise studies are required for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, mitigation will be implemented so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.</p>
<b>EC-1.11</b>	<p>Continue to require safe and compatible land uses within the Norman Y. Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.</p>

<b>Table 3.12-4: General Plan Policies – Noise and Vibration</b>	
<b>EC-1.13</b>	Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.
<b>EC-1.14</b>	Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City’s noise and land use compatibility standards to base noise attenuation techniques on expected 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan consistency.
<b>EC-2.1</b>	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
<b>EC-2.3</b> <b>(proposed to be amended as shown with underlined text)</b>	Require new development to minimize <u>continuous</u> vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, <u>including ruins and ancient monuments or buildings that are documented to be structurally weakened</u> , a <u>continuous</u> vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A <u>continuous</u> vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. <u>Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.</u>

### 3.12.1.3 *Existing Conditions*

San José’s Downtown is located in the central part of the City and encompasses approximately three square miles generally bounded by Taylor Street to the north, San José State University and City Hall to the east, Interstate 280 (I-280) to the south, and the Diridon Station Area to the west. State Route 87 (SR 87) runs in a north/south direction through Downtown. The predominant noise sources contributing to ambient noise levels are transportation-related noise sources including vehicle traffic along highways and roadways, heavy-rail and light-rail trains, and aircraft operations associated with Norman Y. Mineta San José International Airport. Figure 3.12-1 shows the project area and locations of recent noise measurements.

Vehicle traffic along I-280 and SR 87 are the primary contributors to ambient noise levels in the plan area. Major arterial roadways include Taylor Street, Julian Street, The Alameda/Santa Clara Street, San Carlos Street, Autumn Street, Almaden Boulevard, Coleman Avenue, State Route 82/West Santa Clara Street, East Santa Clara Street, St. James Street, Julian Street, 1st Street, and 4th Street also contribute to the noise environment in and around the plan area. Table 3.12-5 summarizes the results

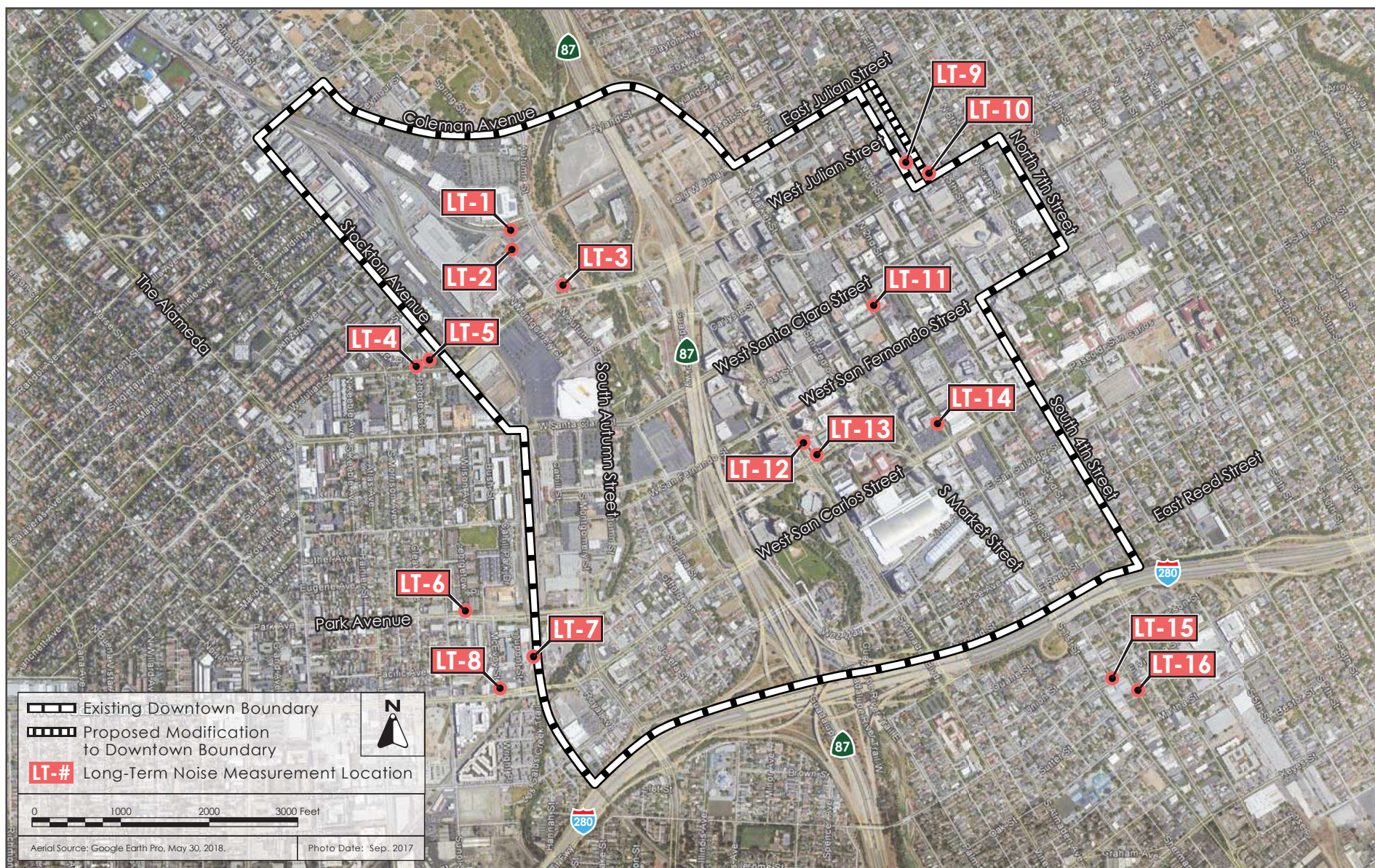
of recent ambient noise measurements. As shown on Table 3.12-5, ambient noise levels in areas adjoining arterial and collector roadways typically range from 63 to 73 dBA DNL.

Two VTA Light Rail train lines, Alum Rock to Santa Teresa and Mountain View to Winchester, converge and split just north of the Guadalupe Parkway (Route 87) and Interstate 280 interchange. Also converging at the Diridon train station are separate train lines that run northwest/southeast and are utilized by Caltrain, Altamont Commuter Express (ACE), Amtrak Capitol Corridor, and Union Pacific freight trains. Rail operations along the Valley Transportation Authority (VTA) rights-of-way and along Union Pacific Railroad rights-of-way also are substantial sources of noise in some areas of the Downtown area.

<b>Table 3.12-5: Summary of Long-Term Noise Measurement Data (dBA)</b>		
<b>Site</b>	<b>Noise Measurement Location, Date</b>	<b>DNL</b>
LT-1	~ 35 feet from the center of the UPRR and ~ 135 feet from the center of N. Autumn Street, October 24-26, 2017.	72
LT-2	~ 20 feet from the center of N. Autumn Street, October 24-26, 2017.	70
LT-3	~ 100 feet from the center of W. Julian Street, October 24-26, 2017.	69
LT-4	~ 90 feet from the center of Stockton Avenue north of W. Julian Street, February 13-15, 2017.	65
LT-5	~ 45 feet from the center of W. Julian Street at Rhodes Court, February 13-15, 2017.	64
LT-6	~ 50 feet from the center of Park Avenue, February 21-23, 2018.	66
LT-7	~ 20 feet from the center of the near UPRR track, February 21-23, 2018.	71
LT-8	~ 45 feet from the center of W. San Carlos Street, February 21-23, 2018.	73
LT-9	~ 25 feet from the center of N. 4th Street, April 25-27, 2017.	68
LT-10	~ 25 feet from the center of E. St. John Street, April 25-27, 2017.	63
LT-11	~ 30 feet from the center of S. 1 <sup>st</sup> Street, March 26-28, 2018.	72
LT-12	~ 75 feet from the center of S. Almaden Boulevard, October 24-26, 2017.	69
LT-13	~ 85 feet from the center of Park Avenue, October 24-26, 2017.	68
LT-14	~ 35 feet from the center of S. 1 <sup>st</sup> Street, December 19-21, 2016.	70
LT-15	~ 35 feet from the center of E. Virginia Street, July 12-14, 2017.	69
LT-16	~ 35 feet from the center of S. Second Street, July 12-14, 2017.	69

The number of train pass-bys varies on a daily basis. Passenger and commuter train schedules are fairly consistent on weekdays with fewer pass-by events occurring on weekends. The number of freight trains passing through San José varies on a daily basis depending on the specific rail line and local demand. Day-night average noise levels vary throughout the community depending on the number of trains operating along a given line per day, the timing and duration of train pass-by events, and if trains must sound their warning whistles. Day-night average noise levels commonly range from 65 to 75 dBA DNL at land uses adjoining a railroad right-of-way. When railroad trains approach a passenger station or “at-grade” crossing, they are required to use their warning horn by sounding a short signal with the horn. When giving a warning to people and/or animals, they are required to produce a succession of sounds with the horn. Trains are required to sound a long signal





NOISE MEASUREMENT LOCATIONS

FIGURE 3.12-1



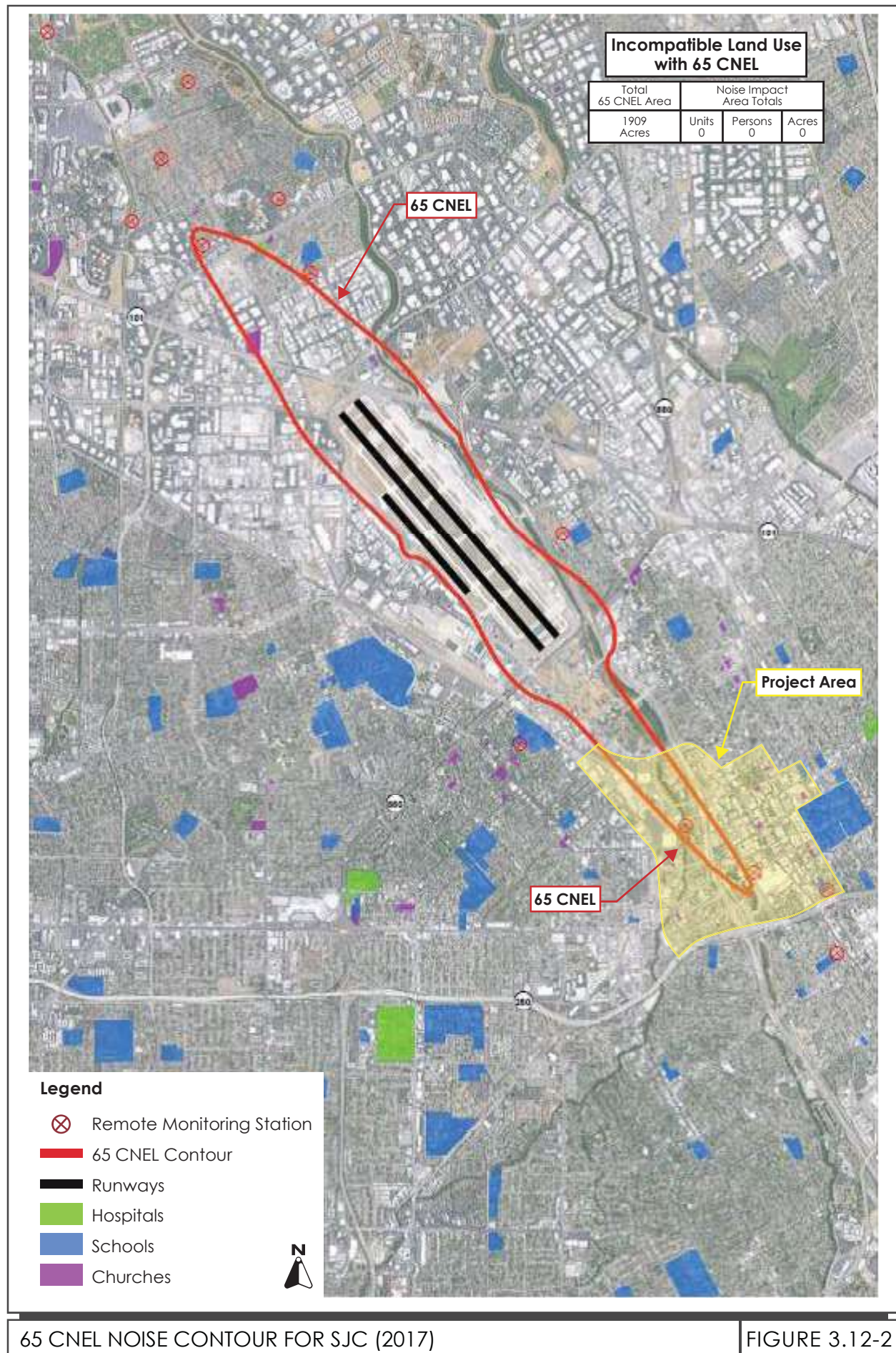


FIGURE 3.12-2

followed by a short signal when approaching stations, curves, or other points where view may be obscured, and when approaching passenger or freight trains. When passing a standing train, the moving train is required to sound two long signals followed by a short signal followed by a long signal, the same requirement when signaling for at-grade crossings. Train warning whistles can generate maximum noise levels of approximately 105 dBA at 100 feet.

The Norman Y. Mineta San José International Airport is located approximately 3,500 feet beyond the northernmost boundary of the plan area. Noise exposure from airport operations is developed and reported in the CLUP. Existing conditions are best represented by the noise exposure maps published in the quarterly reports prepared for the airport. The map, shown in Figure 3.12-2, depicts the 65 dBA CNEL noise contour that defines the noise impact boundary for new residential development. There is no private airstrip in the vicinity of the Downtown area.

### **3.12.2            Noise and Vibration Impacts**

#### **3.12.2.1        *Thresholds of Significance***

For the purposes of this EIR, a noise and vibration impact is considered significant if the project would result in:

- Exposure of persons to or generation of noise or vibration levels in excess of standards established in the local general plan or noise ordinance, or local general plan or noise ordinance, or applicable standards of other agencies;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- 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.

As previously discussed in Section 3.0, the California Supreme Court issued an opinion in “BIA 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. The ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted, including if the project is exposed to potential noise and safety impacts on the project occupants due to proximity to an airport (PRC 21096). There is no private airstrip in the vicinity of the Downtown, therefore, the last threshold bullet above is not discussed further.

The Downtown Strategy 2040 would allow future development in the Downtown area of San José. Noise generated by this future development, whether from construction activities, noise generating

land uses, or noise from vehicle trips generated by the development, would be considered impacts of the project on the environment, and are thus subject to CEQA. Additionally, because a portion of the Downtown area is within the 65 CNEL noise contour of Norman Y. Mineta International Airport, airport noise impacts to future development allowed by the project would also be subject to CEQA.

Noise impacts to future development allowed by the Downtown Strategy 2040 from the existing environment, such as existing roadway noise and existing noise generating land uses, would not be subject to CEQA. However, the City has policies and regulations (including those identified in Section 3.12.1.2) that address existing conditions affecting a proposed project. The analysis of noise impacts to future development allowed by the project, therefore, is discussed in the context of consistency with relevant policies and regulations.

## **Noise Impacts from the Project**

### Noise-Generating Land Uses

Development projects in Downtown often include residential uses located above or in proximity to commercial uses, and are located in areas served by rail and bus transit, or along major roadways. Office, commercial, retail, or other noise-generating uses developed under the Downtown Strategy 2040 could substantially increase noise levels at noise-sensitive land uses or could expose sensitive receptors to noise levels that exceed the City's 2040 General Plan policies and Municipal Code noise limits.

Future operations at existing and proposed noise-producing land uses are dependent on many variables and information which are currently unavailable to allow meaningful projections of noise. Noise conflicts may be caused by noise sources such as outdoor dining areas or bars, mechanical equipment, outdoor maintenance areas, truck loading docks and delivery activities, public address systems, and parking lots (e.g., opening and closing of vehicle doors, people talking, car alarms). Development under the Downtown Strategy would introduce new noise-generating sources adjacent to existing noise-sensitive areas.

The implementation of 2040 General Plan Policies EC-1.2, EC-1.3, and EC-1.9 would reduce potential impacts associated with new noise-producing land uses. Policy EC-1.2 limits noise generation by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible, to avoid substantial increases to ambient noise. 2040 General Plan Policy EC-1.3 requires new projects to mitigate noise generation to 55 dBA DNL at the property line. 2040 General Plan Policy EC-1.9 requires that studies be conducted to mitigate loud intermittent noise sources associated with new projects. Additionally, new noise-generating projects developed under the Downtown Strategy 2040 would be subject to the noise requirements in the City's Municipal Code, mitigating the possibility that existing or proposed residences and other noise-sensitive land uses would be exposed to excessive noise. Compliance with the City's 2040 General Plan policies and Municipal Code noise limits would ensure future development of noise-generating land uses would not result in significant impacts. **(Less than Significant Impact)**

### Project-Generated Traffic Noise

Vehicle trips generated by the development allowed by the Downtown Strategy 2040 would generate roadway noise in Downtown and surrounding areas. Increases in traffic noise gradually degrade the

environment in areas sensitive to noise. According to CEQA, “a substantial increase” is necessary to cause a significant environmental impact. An increase of three dBA DNL is considered substantial in noise sensitive areas along the roadways analyzed in the Downtown area as noise exposures at a distance of 75 feet from the roadway centerline generally exceed 60 dBA DNL. Vehicular traffic on roadways in the city would increase as development occurs and the city’s population increases. These projected increases in traffic would, over time, increase noise levels throughout the community.

Traffic noise levels were calculated for the year 2040 and compared to existing conditions to quantify the noise increase attributable to the development facilitated by the Downtown Strategy 2040. The results are shown in Table 3.12-6 which displays data for affected intersections, and the noise level increases expected on the north, south, east, and west legs of those intersections. Noise levels would increase substantially (i.e., by 3 dBA DNL or more, as indicated in bold) along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street.

The largest roadway noise increase would occur along Autumn Street as development occurs on the west side of State Route 87 and uses Autumn Street to Coleman Avenue to access Interstate 880. Roadway volumes on Autumn Street are currently relatively low in relation to forecast volumes, while roadway volumes on busy Coleman Avenue are high, and so the noise increases on Coleman Avenue are not as significant as they will be on Autumn Street, given Autumn Street does not currently carry large traffic volumes. Noise levels along Interstate 280 and State Route 87 are expected to increase 1 to 2 dBA DNL.

<b>Table 3.12-6: Traffic Noise Level Increases</b>				
<b>Intersection</b>	<b>Downtown Strategy 2040 Noise Level Increase (dBA)</b>			
	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
Montgomery Street and Santa Clara Street	-	1	<b>3</b>	<b>3</b>
Autumn Street and Santa Clara Street	<b>8</b>	<b>9</b>	<b>3</b>	<b>3</b>
Bird Avenue and San Carlos Street	1	2	<b>4</b>	<b>4</b>
Bird Avenue and I-280 (N)	<b>3</b>	1	2	2
Bird Avenue and I-280 (S)	1	-	1	<b>4</b>
SR 87 and Santa Clara Street	--	1	2	2
SR 87 and Julian Street (W)	1	1	<b>3</b>	<b>4</b>
SR 87 and Julian Street (E)	<b>3</b>	1	<b>3</b>	<b>3</b>
Almaden Boulevard and San Carlos Street	2	<b>3</b>	<b>4</b>	<b>4</b>
Market Street and San Carlos Street	2	2	<b>5</b>	<b>5</b>
Bascom Avenue and Moorpark Avenue	2	2	1	2
Bascom Avenue and Fruitdale Avenue	2	2	<b>4</b>	1
The Alameda and I-880 (N)	3	2	2	-
The Alameda and I-880 (S)	1	2	0	1
The Alameda and Hedding Street	2	2	2	2
The Alameda and Naglee Avenue	2	2	<b>3</b>	<b>4</b>
Race Street and The Alameda	<b>4</b>	<b>3</b>	<b>3</b>	3
Coleman Avenue and I-880 (N)	2	2	2	-
Coleman Avenue and I-880 (S)	2	2	2	-

Table 3.12-6: Traffic Noise Level Increases				
Intersection	Downtown Strategy 2040 Noise Level Increase (dBA)			
	North	South	East	West
First Street and Alma Avenue	2	2	<b>3</b>	<b>3</b>
First Street and Keyes Street	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
King Road and Alum Rock Avenue	<b>4</b>	<b>3</b>	2	2
US 101 and Oakland Road (N)	2	1	2	<b>3</b>
US 101 and Oakland Road (S)	1	2	-	2
I-280 and Eleventh Street (N)	2	1	1	-
I-280 and Eleventh Street (S)	1	1	-	-
I-280 and Tenth Street (N)	1	1	-	2
I-280 and Tenth Street (S)	1	1	-	-
I-880 and First Street (N)	<b>3</b>	2	2	-
I-880 and First Street (S)	2	1	<b>5</b>	<b>3</b>
Monterey Road and Curtner Avenue	2	1	1	1
Notes: <b>Bold</b> text indicates a significant increase. As described previously, a substantial increase is considered to occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.				

Options are potentially available to reduce noise from project-generated traffic. In situations where private outdoor use areas, such as rear yards, are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis, and would be appropriate only in cases where uses backed up to a roadway. However, it would not be desirable if barriers become too tall for aesthetic reasons or too costly to retrofit.

Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by two to three dBA DNL. A possible noise reduction of two dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with “quieter pavements.” To be a permanent mitigation, subsequent repaving would also have to use “quieter” pavements. Traffic calming could also be implemented to reduce noise levels expected with the project, consistent with the City’s Transportation Policy 5-1, discussed in Section 3.15 Transportation/Traffic. Each five-mph reduction in average speed provides approximately one dBA of noise reduction on an average basis ( $L_{eq}/DNL$ ). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels.

Residences could also be provided with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA DNL because of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of controlling noise by closing the windows.



Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it may not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable.

**Impact NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise. **(Significant Unavoidable Impact)**

### Construction Noise

Construction of new buildings and infrastructure throughout the Downtown area would generate noise that could affect nearby residences and businesses. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Noise levels would vary based on the stage of construction. The highest noise levels are normally generated during demolition, grading, excavation, and construction of building foundations, when heavy equipment is used. Lower noise levels occur during construction of building interiors and finishing work such as painting and landscaping. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Construction noise drops off at a rate of six dBA per doubling of distance between the noise source and receptor.

Most construction noise is temporary and generally limited to daylight hours during weekdays. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time. For temporary construction-related noise from an individual project to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA Leq or more and exceed the normally acceptable levels of 60 dBA Leq at the nearest noise-sensitive land uses or 70 dBA Leq at office or commercial land uses for a period of more than 12 months.

Future development projects would be required to implement the measures listed below to ensure noise impacts from construction are less than significant.

### **Measures Included in the Project to Reduce and Avoid Construction-related Noise Impacts**

As described above, the Municipal Code requires that reasonable noise reduction measures be incorporated into the construction plan and implemented during all phases of construction activity.

Accordingly, future projects under the Downtown Strategy 2040 would be required to implement the following standard noise control measures:

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

Adherence to the Municipal Code requirements would minimize impacts to neighboring properties from temporary increases in ambient noise levels resulting from future construction activities. Small projects allowed under the Downtown Strategy 2040 are not anticipated to generate noise levels exceeding the City’s acceptable noise standard beyond one construction season. Larger projects that last over one year in duration may result in a substantial temporary noise increase at adjacent land uses. Projects that would exceed the City’s standard would be required to prepare a “construction noise logistics plan”, in accordance with GP Policy EC-1.7.<sup>142</sup> A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- 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;

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<sup>142</sup> A construction noise logistics plan is required for large projects, while a “construction noise mitigation plan” is prepared when an applicant proposes construction hours outside of the Municipal Code limits.



- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a "disturbance coordinator" who would 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. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With implementation of GP Policy EC-1.7 and Municipal Code requirements, the future development under the Downtown Strategy 2040 would not result in a significant construction noise impact. **(Less than Significant Impact)**

#### Construction Vibration

Demolition and construction activities required for projects developed under the Downtown Strategy 2040 may generate perceptible vibration levels and levels that could affect nearby structures when heavy equipment or impact tools (e.g. jackhammers, pile drivers, hoe rams) are used in the vicinity of nearby sensitive land uses. Building damage generally falls into three categories. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects, and damage to accent features such as dentils, cornices, brackets, corbels, egg and dart, and other ornamental features. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

The Downtown Strategy 2040 would facilitate the development of various projects in a variety of settings. With regard to groundborne vibration, there are two categories of construction projects; those including impact or vibratory pile driving techniques for foundation systems, and those that rely on alternate methods (e.g., cast-in-drilled-hole piers, mat slab foundations) which produce substantially lower vibration levels. The severity of the vibration impact is determined by the proximity of the project with respect to buildings and receptors. The sensitivity of buildings is also an important factor in evaluating impacts due to groundborne vibration.

Policy EC-2.3 of the 2040 General Plan establishes a vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. Since the time the 2040 General Plan was adopted in 2011, the California Department of Transportation published a Transportation and Construction Guidance Manual in 2013. The Manual developed a synthesis of

various vibration criteria to assess the damage potential for representative categories of structures and effects upon people.

The guideline criteria, summarized in Table 3.12-7 below, refine the categories and thresholds set forth in Policy EC-2.3, establishing seven separate categories. The first two categories (Categories 1 and 2) address human perceptibility of vibration only. The five remaining categories (Categories 3-7) address human perceptibility and potential for damage to buildings described as “Extremely fragile historic buildings, ruins, ancient monuments”, “Fragile buildings”, “Historic and some old buildings”, “Older residential structures”, “New residential structures”, and “Modern industrial/commercial buildings”. Most, if not all buildings in the downtown area would fall into Categories 5-7.

The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less-than-significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses. The vibration limits contained in Policy EC-2.3 utilized criteria from literature available to the City in 2011 that are conservative, and given the broad categories, are now believed to be too general for buildings in the Downtown Strategy 2040 area. Given that the new guideline criteria best accomplish the goal to identify and mitigate construction vibration impacts, these criteria will be utilized to implement 2040 General Plan Policy EC-2.3 for projects facilitated by the Downtown Strategy 2040.

<b>Table 3.12-7: Construction Vibration Threshold Criteria</b>			
<b>Category</b>	<b>Continuous Peak Particle Velocity Level, PPV (in/sec), at affected building</b>	<b>Human Reaction</b>	<b>Effect on Buildings</b>
1	0.01	Barely perceptible	No effect
2	0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
3	0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
4	0.1	Strongly perceptible	Threshold at which there is a risk of cosmetic damage to fragile buildings with no risk of cosmetic damage to most buildings
5	0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings.

**Table 3.12-7: Construction Vibration Threshold Criteria**

<b>Category</b>	<b>Continuous Peak Particle Velocity Level, PPV (in/sec), at affected building</b>	<b>Human Reaction</b>	<b>Effect on Buildings</b>
6	0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures
7	0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures
Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.			

For projects that produce vibration levels falling under Categories 1 and 2, the primary issue related to construction vibration is human perceptibility and the potential for annoyance. Vibration levels may be perceptible, however, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

For projects that produce vibration levels exceeding the thresholds for Categories 3-7, construction vibration has the potential to cause damage, depending on the age and fragility of the affected buildings. Future development projects would be required to implement the measures listed below to ensure vibration impacts from construction are less than significant.

**Measures Included in the Project to  
Reduce and Avoid Construction-related Vibration Impacts**

For all projects that could generate vibration levels exceeding the thresholds for Categories 3, 4, and 5, which include historic and fragile buildings, implement all of the applicable controls outlined below.

For projects impacting receptors in Categories 6 and 7 that do not involve impact or vibratory pile driving, the following best available controls shall be implemented:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g. tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.

For projects impacting receptors in Categories 6 and 7 where pile driving will occur, in addition to the controls above, implement the following best available controls:

- Notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.
- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.
- Jet or partially jet piles into place to minimize the number of impacts required to seat the pile.
- A construction vibration monitoring plan shall be implemented to document conditions prior to, during, and after pile driving. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California (and a Historic Architect if the affected structures are historic resources) and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
  - Identification of sensitivity to ground-borne vibration of nearby structures. A vibration survey (generally described below) would need to be performed.
  - Performance of a pre-construction photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to any pile driving activity, in regular interval during pile driving, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
  - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after pile driving.

Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the 2040 General Plan such as Policy EC-2.3.

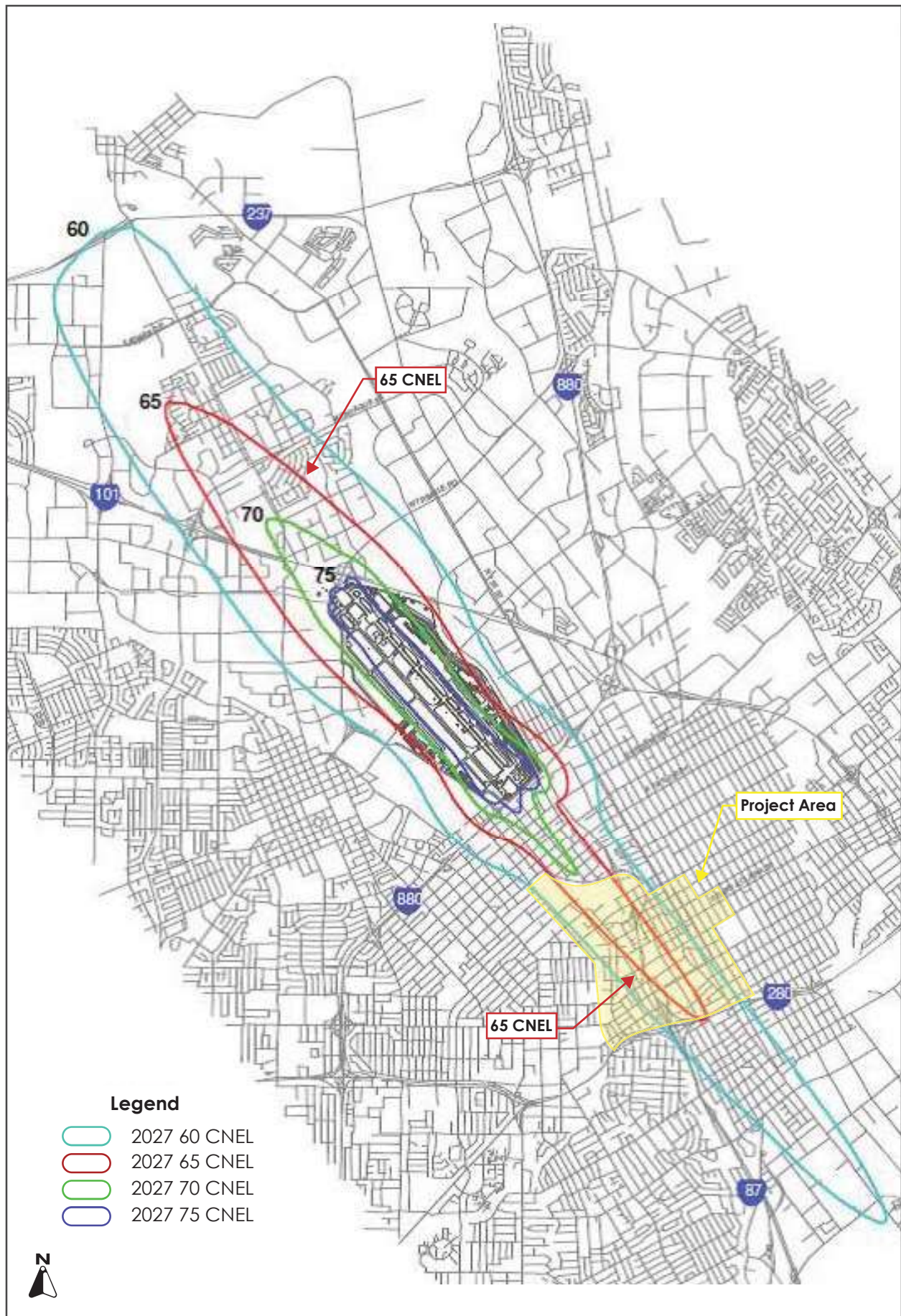
- If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- The results of all vibration monitoring shall be summarized and submitted in a report to the City's Supervising Environmental Planner assigned by the City to the project review, shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

With implementation of the required measures listed above, future development under the Downtown Strategy 2040 would not result in a significant construction vibration impact. **(Less than Significant Impact)**

#### Airport Noise

The Downtown Strategy 2040 project would facilitate new residential development where existing and future aircraft noise levels associated with operations at Norman Y. Mineta San José International Airport may exceed 65 dBA CNEL. The existing 65 dBA CNEL noise contour for the airport was described previously and shown on Figure 3.12-2. Future noise levels expected from aircraft are best represented by the 2027 CNEL Contours noise exposure map published as part of the Norman Y. Mineta San José International Airport Master Plan. Figure 3.12-3 depicts the 65 dBA CNEL noise contour that would define the airport noise impact boundary for future residential development in Downtown.

The Santa Clara County ALUC evaluates the compatibility of new land uses in the vicinity of airports, and establishes 65 dBA CNEL as the maximum allowable noise level considered compatible with residential uses. CLUP Policy N-4 would prohibit residential or transient lodging within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi unit residential project. In addition, CLUP Policy N-5 would require all property owners within the Airport Influence Area (the 65 dB CNEL contour boundary) who rent or lease their property for residential use to disclose to the



65 CNEL NOISE CONTOUR FOR SJ (2027)

FIGURE 3.12-3



tenants that they are living within a high noise area as part of their rental/lease agreement. CLUP Policy N-7 provides direction when siting highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. This policy states that single-event noise levels (SENL) from single aircraft overflights are also to be considered when evaluating the compatibility of these highly noise-sensitive land uses.

The implementation of 2040 General Plan Policies EC-1.1, EC-1.9, and EC-1.11 would guide new development proposed for areas susceptible to noise associated with Norman Y. Mineta San José International Airport. Policy EC-1.1 would require that the 2040 General Plan compatibility standards be used to determine where noise levels in the community are acceptable or unacceptable, and require noise attenuation measures to achieve the “normally acceptable” noise level standards. This policy allows for noise levels to exceed the “normally acceptable” noise level standard in the environs of the Norman Y. Mineta San José International Airport. The City will require that individual development projects undergo project-specific environmental review. 2040 General Plan Policy EC-1.9 requires that studies be conducted to mitigate loud intermittent noise sources such as aircraft. Policy EC-1.11 requires that incompatible land uses be located outside of the 65 dBA CNEL noise contour. To be consistent with the CLUP and 2040 General Plan, future development within the 65 dBA CNEL noise contour would need to prepare a detailed noise analysis and incorporate noise insulation features into project design.

With implementation of County CLUP and City General Plan policies, the proposed project would not expose people residing or working in the project area to excessive noise levels from airport operations. **(Less than Significant Impact)**

### **Planning Considerations (Noise Impacts of Environment on the Project)**

#### Exposure of Future Development to Noise from Ground Transportation

Residential development is sensitive to community noise both outdoors and indoors during the daytime and nighttime. High-density/mixed-use residential, commercial, and industrial development is less noise sensitive than single family homes because uses are primarily indoors, and noise levels are mitigated with building design and construction. However, noise exposures along many roadways, heavy rail, and rail transit corridors could exceed the 45 dBA DNL interior compatibility level and the 60 dBA DNL exterior compatibility level for multi-family housing.

Traffic noise contours were calculated for the Downtown Strategy 2040, as shown on Figure 3.12-4. The City’s noise thresholds of acceptability would likely be exceeded at development sites facilitated by the project. Where exterior noise levels exceed 60 dBA DNL in new residential development areas, interior levels may exceed 45 dBA DNL. Interior noise levels are a function of the space but should generally be limited to 45 dBA DNL or less. Interior noise levels are about 15 dBA lower than exterior levels within residential units with the windows partially open and approximately 20 to 25 decibels lower than exterior noise levels with the windows closed, assuming typical California construction methods. Where exterior day-night average noise levels are 60 to 70 dBA DNL, interior noise levels can typically be maintained below 45 dBA DNL with the incorporation of an adequate forced air mechanical ventilation system in the residential units to allow residents the option of controlling noise by keeping the windows closed.

# Amended 2040 GP Traffic Noise Contours for Major Roadways in the San Jose Downtown Strategy Area Plan



DOWNTOWN STRATEGY 2040 TRAFFIC NOISE CONTOURS

FIGURE 3.12-4



Standard office construction methods typically provide about 25 to 30 decibels of noise reduction in interior spaces. The need for noise attenuation measures in building construction and project design for non-sensitive land uses (e.g. commercial, industrial, and institutional) will be determined on a project by project basis at the time development is proposed. In all areas exceeding 70 dBA DNL, the inclusion of windows and doors with high Sound Transmission Class (STC) ratings, and the incorporation of forced-air mechanical ventilation systems, may be necessary to meet 45 dBA DNL.

The project could facilitate the location of sensitive land uses within portions of the plan area adjacent to existing active railroad corridors and the VTA light rail. As discussed previously, day-night average noise levels vary throughout the plan area depending on the number of trains operating along a given line per day, the timing and duration of train pass-by events, and whether or not trains must sound their warning whistles. Another important factor to consider in determining noise levels in areas near railroad corridors and the VTA light rail is shielding provided by buildings or other barriers. Day-night average noise levels commonly range from 65 to 75 dBA DNL at land uses adjoining a railroad right-of-way. Railroad train noise levels would generally exceed 60 dBA DNL within about 350 feet of active railroad corridors (10 to 15 trains per day). Where residential development is located adjacent to at-grade rail crossings, these sensitive uses would be subject to maximum instantaneous noise levels ( $L_{\max}$ ) from train warning whistles that range from approximately 90 to 110 dBA  $L_{\max}$ .

The implementation of 2040 General Plan Policies EC-1.1, EC-1.9, and EC-1.14, in conjunction with the Land Use Compatibility Guidelines, would require that the General Plan compatibility standards be used to determine where noise levels in the community are acceptable or unacceptable, and require noise attenuation measures to achieve the “normally acceptable” noise standards. Noise studies of new development proposals are required when existing or future noise levels from transportation or non-transportation noise sources exceed the “acceptable” levels for that use in order to determine the controls necessary to maintain consistency with the interior and exterior noise standards of the Noise Element. The interior noise limits set forth in the State Building Code are extended to residential, hotel, motel, residential care, and hospital land uses in San José.

#### Exposure of Future Development to Groundborne Vibration

The U.S. Department of Transportation, Federal Transit Administration’s (FTA) vibration impact assessment criteria<sup>143</sup> are used by the City of San José to evaluate the compatibility of proposed projects with vibration levels produced by heavy-rail and light-rail trains. The FTA vibration impact criteria are based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.12-8. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

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<sup>143</sup>U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, FTA-VA-90-1003-06.

<b>Table 3.12-8: Groundborne Vibration Criteria</b>			
<b>Land Use Category</b>	<b>Groundborne Vibration Levels (VdB re 1 μinch/sec, RMS)</b>		
	<b>Frequent Events<sup>1</sup></b>	<b>Occasional Events<sup>2</sup></b>	<b>Infrequent Events<sup>3</sup></b>
Category 1 Buildings where vibration would interfere with interior operations.	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>
Category 2 Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
Category 3 Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB
Notes: <sup>1</sup> “Frequent Events” is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category. <sup>2</sup> “Occasional Events” is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations. <sup>3</sup> “Infrequent Events” is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines. <sup>4</sup> This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.			

Ground vibration from heavy-rail trains passing through the plan area could exceed the guidelines set forth by the FTA if new buildings housing sensitive uses such as residences are constructed within approximately 100 feet of the tracks. For light-rail trains, recent data suggests that vibration levels from light-rail trains passing through the plan area would not exceed the “frequent events” category at a distance of 60 feet of the tracks. Employment uses such as offices and R&D facilities can also be sensitive to ground-borne vibration. The specific locations of proposed buildings and their sensitivities to vibration levels are not known at this time, however, such uses located in these areas could be exposed to ground vibration levels exceeding FTA guidelines.

The implementation of 2040 General Plan Policy EC-2.1 would require new development within 100 feet of rail lines to utilize setbacks and/or structural design features that reduce vibration and to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed the Federal Transit Administration’s guidelines for compatible vibration levels.

### **3.12.2.2 Consistency with Plans**

As described in the analysis above, the evaluation of noise and vibration impacts resulting from the project is based on consistency with requirements established in relevant plans and policies such as the CLUP and the City’s 2040 General Plan with General Plan Policy EC-2.3 as proposed to be

amended, and with requirements in the Municipal Code. With implementation of 2040 General Plan policies and measures included in the project, as described above, the Downtown Strategy 2040 would be consistent with relevant plans and policies.

### **3.12.2.3      *Cumulative Impacts***

The Downtown Strategy 2040 EIR evaluates the impacts of all planned development in the Downtown area through the 2040 horizon year. As such, the analysis of noise impacts from the project is also an analysis of cumulative noise impacts in Downtown, with the exception of future development projects not included in existing plans. One such potential future development project is the Google Village Project. As described in Section 2.6.3, Google has signaled its intention to develop a master planned, transit-oriented development project (commonly referred to as the Google Village Project) that would include office/R&D space, retail space, public open space, and other amenities in the Diridon Station Area. Initial disclosures indicate that the future development could include between six and eight million square feet of office/R&D space and retail/commercial amenities, supporting roughly 20,000 jobs.

As described previously, the Downtown Strategy 2040 plans for the development of 14.2 million sf of office uses distributed throughout the Downtown area by the year 2040. Of the 14.2 million sf of planned office uses, five million sf is planned for the DSAP area, the boundaries of which include almost the entire Google Village Project area. Future development of the Google Village Project would exceed the planned Downtown Strategy 2040 development capacities for the area west of SR 87 in which the potential future Google Village is anticipated to occur.

As described above, with the exception of project-generated traffic noise, future development in Downtown would be subject to 2040 General Plan policies and Municipal Code requirements that would assure noise impacts remain less than significant. Potential future development associated with the Google Village Project would be subject to the same policies and requirements. Therefore, the Downtown Strategy 2040, when taking into consideration the potential Google Village Project, would not result in or substantially contribute to significant cumulative noise impacts unrelated to project-generated traffic noise.

This EIR identifies a significant unavoidable impact associated with traffic noise generated by the Downtown Strategy 2040. As stated previously, the analysis of noise impacts from the project is also an analysis of cumulative noise impacts in Downtown. The Downtown Strategy 2040, therefore, would result in a significant unavoidable cumulative traffic noise impact. The potential Google Village Project would result in additional traffic noise in the Downtown area, but is not expected to result in significant traffic noise impacts to additional roadways not otherwise impacted by the Downtown Strategy 2040.

**Impact C-NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable cumulative noise impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, North First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. due to substantial increases in traffic noise. **(Significant Unavoidable Cumulative Impact)**

### 3.12.3 Conclusion

Implementation of 2040 General Plan policies and other applicable regulations will ensure that future development allowed under the Downtown Strategy 2040 would not be exposed to interior and exterior noise and vibration levels in excess of City standards in the long- or short-term. Future development under the Downtown Strategy 2040 would not expose people residing or working in the Plan area to excessive noise levels associated with aircraft operations, nor would it conflict with CLUP standards related to noise and land use compatibility. The proposed project would not result in a significant impact due to ground-borne vibration or noise. **(Less than Significant Impact)**

**Impact NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, North First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise. **(Significant Unavoidable Impact)**

**Impact C-NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable cumulative noise impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, North First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. due to substantial increases in traffic noise. **(Significant Unavoidable Cumulative Impact)**

### 3.13 POPULATION AND HOUSING

#### 3.13.1 Environmental Setting

##### 3.13.1.1 *Regulatory Framework*

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.

#### City of San José Policies and Programs

The City of San José implements and develops a wide range of housing policies and programs to address local, regional, and state housing needs and goals; to facilitate housing opportunities for all income levels; to work towards ending homelessness; to create strong and resilient communities; and to build great places, especially near transit, jobs, services, and other amenities. The City's Department of Housing administers affordable housing programs and develops and updates its local Housing Investment Plan, the state-required Housing Element, and the federal Consolidated Plan, which are required for local jurisdictions to implement its local land use authority and to receive regional, state, and federal funding for housing, community development, and transportation programs.

#### **Envision San José 2040 General Plan**

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to population and housing, as listed in the following table.

<b>Table 3.13-1: General Plan Policies - Population and Housing</b>	
<b>General Plan Phasing / Planning Horizons/ Major Review Policies</b>	
Policy IP-2.1	Gradually implement the development of new Urban Village areas by dividing them into three Plan Horizons and allowing a specific portion of the Urban Village areas to be developed within each Horizon. Identify the locations of current Plan Horizon Urban Villages presently available for residential development on the Land Use/Transportation Diagram.
Policy IP-2.4	Conduct a Major Review of this 2040 General Plan by the City Council every four years to evaluate the City's achievement of key economic development, fiscal and infrastructure/service goals, greenhouse gas emission reduction goals and targets, water conservation and recycling goals, availability and affordability of housing supply, Healthful Community goals, and review changes and trends in land use and development. Based on this review, determine the City's readiness to begin the next General Plan Horizon or to modify the number of

<b>Table 3.13-1: General Plan Policies - Population and Housing</b>	
	“pool” residential units available for non-specific Urban Village areas within the current Plan Horizon. Amend the Land Use/Transportation Diagram and/or 2040 General Plan goals, policies, and actions accordingly.
Policy IP-10	Open Horizons for development in planned phases to give priority for new residential growth to occur in areas proximate to Downtown, with access to existing and planned transit facilities, and adequate infrastructure to support intensification, and proximate to other Growth Areas to contribute to the City’s urban form.
<b>General Plan Annual Review and Measurable Sustainability</b>	
Policy IP-3.2	<p>As part of the 2040 General Plan Annual Review, carefully monitor the jobs-to-employed resident ratio and, as a minimum, consider the following current development trends:</p> <ul style="list-style-type: none"> <li>• Vacant land absorption;</li> <li>• Amount of residential and economic development;</li> <li>• Amount and value of non-residential construction;</li> <li>• Number and types of housing units authorized by building permit, including number of affordable units, and development activity level in zonings, development permits, annexations and building permits;</li> <li>• Status and current capacity of major infrastructure systems which are addressed in General Plan Level of Service policies (transportation, sanitary sewers and sewage treatment);</li> <li>• Transit-ridership statistics and other measures of peak-hour diversion from single occupant vehicles;</li> <li>• Status and implementation of Green Vision, General Plan policies, and other greenhouse gas reduction strategy measures, including greenhouse gas emission reductions compared to baseline and/or business-as-usual; and</li> <li>• Levels of police, fire, parks and library services being provided by the City.</li> </ul>
<b>Housing Development</b>	
Policy IP-19.1	Through a Major General Plan Review or, as needed, through the Annual General Plan review process, evaluate the Plan’s consistency with housing development goals as determined by the State and regional agencies and take actions as necessary to address their requirements.

### 3.13.1.2 *Existing Conditions*

Changes in population, housing, and employment in and of themselves are generally characterized as social and economic effects. While increased population does not necessarily cause direct effects on the physical environment, it could cause indirect environmental effects such as increased vehicle trips and air pollutant emissions. Therefore, this discussion focuses on the relationship between the locations of jobs and housing, based upon the analysis in the 2040 General Plan EIR.

Table 3.13-2 below summarizes the existing and projected population and employment data for San José as analyzed in the 2040 General Plan EIR. Over half of the city's housing stock consists of single-family detached units, although multi-family development (i.e., apartments, condominiums, and townhouses) has been the fastest growing housing type in recent years, accounting for 75 percent of all residential construction since 2000. The average household size is expected to decrease from the current rate of 3.2 people to about 3.06 people by 2040 citywide. The current average household size for the downtown area is 2.85 persons per household.<sup>144</sup>

<b>Table 3.13-2: Population and Employment in San José</b>			
	<b>General Plan Baseline Conditions (2010)</b>	<b>General Plan Buildout Conditions (2040)</b>	<b>ABAG Projections for 2040</b>
<b>Population</b>	945,942	1,313,811	1,334,100
<b>Households/ Dwelling Units</b>	314,038	429,350	432,030
<b>Employed Residents</b>	489,305	665,493	621,780
<b>Jobs</b>	369,450	751,650	524,510
<b>Source:</b> April 2010 Census Data, U.S. Census Bureau. Association of Bay Area Governments (ABAG) data is based on the <i>2013 Projections</i> report.			

In 2015, the most recent year for which corresponding data is available, the City was estimated to have a population of 1,010,085, with 12,548 located in the Downtown area.<sup>145</sup> There were an estimated 359,128 jobs in the City, with 33,608 located in the Downtown area.<sup>146</sup>

### Jobs/Housing Balance

The term “jobs/housing balance” refers to the ratio of employed residents to jobs in a given community or area. It is used to indicate the general distance between residences and employment locations. A well-balanced ratio (close to 1 to 1) can minimize commute distances and the number of vehicle miles traveled (VMT).<sup>147</sup> As described throughout this EIR, VMT is linked to a variety of environmental impacts (i.e., traffic flows, air quality, energy consumption, etc.).

Important to the analysis of the jobs/housing balance is whether housing is affordable to local employees and whether employment opportunities match the skills and educational characteristics of the local labor force. When considering these factors, sizeable levels of in-commuting and out-commuting may occur, even if a jurisdiction has a statistical balance between jobs and housing.

<sup>144</sup> City of San José. *Table DP-1: Profile of General Population and Housing Characteristics: 2010. Geographic Area: San José City Council District 3.* February 23, 2012.

<sup>145</sup> City of San José. *Envision San José 2040 General Plan.* November 2011.

<sup>146</sup> Ibid.

<sup>147</sup> Paradoxically, a balanced ratio of jobs and housing could result in increased VMT by dispersing vehicle travel in such a way as to facilitate a greater overall utilization of existing roadways, while concentrating jobs in a single location may force more commuters to divert from congested roadways to alternative modes of transportation, such as the regional transit system.

Improving the availability of housing that is suitable for those holding jobs in the community can allow employees to live in proximity to their place of work.

The City of San José has historically provided a higher than average proportion of housing in Santa Clara County. The current ratio of jobs to employed residents in San José is estimated to be 0.8 to 1, making the city “housing rich”.<sup>148</sup> The concentration of housing in San José and employment in other jurisdictions has created a well-established commute pattern (southeast to northwest). It has become apparent that the physical relationship between jobs and housing significantly contributes to several of the primary environmental impacts of concern in the Bay Area, particularly air pollution and the excessive consumption of energy resulting from an inefficient sprawling land-use pattern.

### **3.13.2            Population and Housing Impacts**

#### **3.13.2.1        *Thresholds of Significance***

For the purposes of this EIR, a population and housing impact is considered significant if the project would:

- 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);
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

#### **3.13.2.2        *Induce Substantial Population Growth***

Examples of ways in which a project can induce substantial population growth include:

- proposing new housing beyond projected or planned development levels;
- generating demand for housing as a result of new businesses;
- extending roads or other infrastructure to previously undeveloped areas; or
- removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The 2040 General Plan EIR concluded that the potential for direct growth inducing impacts from the 2040 General Plan is minimal because growth planned and proposed as part of the General Plan will consist entirely of development within the City’s existing Urban Growth Boundary and Urban Service Area. The 2040 General Plan includes policies and actions that address orderly growth within the City and are aimed at balancing housing supply with job growth. (Refer to Section 3.13.2.4 below for a discussion of the potential for indirect growth inducement to occur outside of San José under cumulative conditions.)

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<sup>148</sup> San José is unique in that all other large cities in the U.S. function as regional job centers, with a great than 1 to 1 ratio of jobs to employed residents.



The Downtown Strategy 2040 would increase planned residential development by 4,000 dwelling units in the Downtown area for a total of 14,360 planned units. Based on the current average rate of 2.85 people per household in the Downtown area, the 14,360 planned units would support a population of 40,926, of which 11,400 would be supported by the 4,000 unit increase.

The Downtown Strategy 2040 would increase planned office uses by 3,000,000 sf in the Downtown area for a total of 14,200,000 sf of planned office uses. The 14,200,000 sf of office would support 47,333 jobs, of which 10,000 would be supported by the 3,000,000 sf increase.

As described in Section 3.11 Land Use, the increase in residential capacity to 14,360 units would be achieved by transferring residential units from outlying (beyond the general vicinity of Downtown) Urban Villages and other Growth Areas identified in the 2040 General Plan to areas within Downtown. The additional 3,000,000 sf of office space would be transferred from office development (or jobs) included in the General Plan for Coyote Valley, for a total office development capacity of 14,200,000 sf of office space. Development levels proposed by the Downtown Strategy 2040 are, therefore, consistent with citywide jobs and housing capacities established in the 2040 General Plan. As a result, the proposed project would not induce population growth in San José by proposing new housing or economic development beyond levels in the 2040 General Plan.

The Downtown Strategy 2040 is consistent with the General Plan goals for focused and sustainable growth, because it supports the intensification of development in an urbanized area that is currently served by existing roads, transit, utilities, and public services. Proposed development under the Downtown Strategy 2040 however, was accounted for in the 2040 General Plan EIR. Project implementation was evaluated in the buildout of the 2040 General Plan and would therefore, not result in the unplanned population growth. Therefore, the Downtown Strategy 2040 would not directly or indirectly induce population growth by extending or expanding infrastructure beyond what is required to serve the planned growth capacity. **(Less than Significant Impact)**

### **3.13.2.3      *Displace Housing Units or People***

The 2040 General Plan EIR determined that nearly all existing housing units could be retained under the 2040 General Plan, because growth would be focused in existing commercial, industrial, and vacant areas within the City's Urban Growth Boundary. The intensification of employment lands and the construction of infrastructure and public facilities necessary to serve future growth would not displace substantial amounts of existing housing or people. Therefore, the 2040 General Plan would not result in significant impact in terms of housing or population displacement.

The Downtown area currently contains a mix of uses. Under maximum build-out, some existing residential uses would be replaced with higher intensity development, with the exception of existing developments that were constructed during the last 10-15 years and are assumed to remain. Implementation of the Downtown Strategy 2040 could displace a portion of the approximately 12,548 existing residents in the Downtown area. However, some of these residents may relocate to new housing in the Downtown area. It should be noted that while new housing may be more expensive due to higher construction costs in the future, San José has a city-wide inclusionary housing ordinance that requires a minimum of 15% of residential units built on-site to be affordable to renter households of low- and moderate-income (at or below 80 percent of area median income)

and homebuyers at moderate income (at or below 120 percent of area median income).<sup>149</sup> While the project would not result in a net increase in planned dwelling units citywide, the project would result in a net increase in dwelling units in the Downtown area, where any displacement resulting from the project would occur. The displacement of existing residential uses in the Downtown area, therefore, would not necessitate the construction of replacement housing elsewhere.

Future development under the proposed Downtown Strategy 2040 would not displace substantial amounts of existing housing or people. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.13.2.4 Cumulative Impacts**

The 2040 General Plan provides capacity for 120,000 net new dwelling units and an additional 382,000 jobs in San José by 2040. According to the 2040 General Plan EIR, development under the 2040 General Plan would meet the City's currently identified fair-share housing obligation and would not induce growth beyond that anticipated in ABAG projections in the near term. The 2040 General Plan would, however, allow for a substantial increase in jobs above ABAG's projection for 2040, in order to support the City's goals of economic sustainability.

Based on the San José General Plan 4 Year Review, San José by 2040 could have 1.1 jobs per employed resident, which is a substantial change beyond the existing 0.8 to 1 ratio. The new jobs/housing imbalance would have the secondary effect of inducing population growth outside of San José by creating demand for new housing to serve the new workers in San José.<sup>150</sup> For transportation modeling purposes, the 2040 General Plan EIR assumed more housing growth and less job growth in other jurisdictions in the Bay Area outside Santa Clara County than projected by ABAG, in order to maintain the overall total for the region. Since the City cannot predict exactly where the housing growth will occur outside of San José, the 2040 General Plan EIR evaluated a worst-case scenario in which all of the new workers in excess of the number projected by ABAG were assumed to live outside of Santa Clara County, even though some new workers will probably live in the county. As a result of increased commuting from other jurisdictions, the 2040 General Plan EIR concluded that implementation of the 2040 General Plan would substantially increase VMT per service population in the Bay area region.<sup>151</sup>

As described throughout the 2040 General Plan EIR and this EIR, the projected increase in VMT due to jobs and housing growth would result in significant environmental impacts, including traffic congestion, air pollution, noise, greenhouse gas emissions, and biological resources (nitrogen deposition). While the 2040 General Plan includes policies for reducing VMT, there is no assurance that these measures would reduce environmental impacts to a less than significant level. Therefore, the impact related to the jobs/housing balance and induced population growth outside of San José was identified in the 2040 General Plan as significant and unavoidable.

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<sup>149</sup> City of San José. *Inclusionary Housing Ordinance*. Website. Nd. Available at: <http://www.sanjoseca.gov/index.aspx?nid=3979>. Accessed on May 15, 2018.

<sup>150</sup> It is estimated that approximately 109,000 additional housing units would be needed elsewhere in the region to provide adequate housing opportunities for future workers. In the Bay Area, commute distance includes all of the nine counties in the Bay Area and the central San Joaquin Valley.

<sup>151</sup> Using a less conservative assumption would have generated a lower VMT per capita.

The Downtown Strategy 2040 is intended to reduce VMT through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting.

The main environmental issue associated with a jobs/housing imbalance is increased VMT and the Downtown Strategy 2040 is a key strategy for reducing VMT; however, because the project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR.

**Impact C-PH-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance, as identified in the 2040 General Plan EIR. **(Significant Unavoidable Cumulative Impact)**

### **3.13.3      Conclusion**

Future development under the proposed Downtown Strategy 2040 would not induce substantial population growth in San José or displace substantial amounts of existing housing or people. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

**Impact C-PH-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance, as identified in the 2040 General Plan EIR. **(Significant Unavoidable Cumulative Impact)**

### **3.14 PUBLIC SERVICES**

#### **3.14.1 Environmental Setting**

##### **3.14.1.1 *Regulatory Framework***

#### **California Government Code Section 65996**

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

#### **School Siting Criteria**

The siting and construction of schools in California is regulated by Title 5 of the California Code of Regulations (School Site Selection Criteria), Sections 17210.1 and 17213 of the California Education Code (Schools Property Evaluation and Cleanup), and Section 21151.8 of CEQA (Requirements for School Site Acquisition or Construction). To assist school districts in complying with regulations and gaining state approval for the selected school sites, the California Department of Education (CDE) developed the *School Site Selection and Approval Guide* (2000). According to the guide, the following safety factors shall be considered when evaluating a potential school site: 1) proximity to airports; 2) proximity to high-voltage power transmission lines; 3) presence of toxic and hazardous substances; 4) hazardous air emissions and facilities within a quarter mile; 5) other health hazards; 6) proximity to railroads; 7) proximity to high-pressure natural gas lines, gasoline lines, pressurized sewer lines, or high-pressure water pipelines; 8) proximity to propane tanks; 9) proximity to major roadways; 10) noise; 11) results of geological studies and soils analyses; 12) condition of traffic and school bus safety; 13) safe routes to school; and 14) safety issues for joint-use projects.

#### **Quimby Act-California Code Sections 66475-66478**

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

#### **Countywide Trails Master Plan**

The *Santa Clara County Trails Master Plan Update* (1995) establishes a vision for a contiguous trail network that connects regional open spaces and urbanized areas of the County. The Master Plan Update identifies potential trail routes that support the recreation, transportation, health and welfare, and science education goals of the County. The Master Plan Update also includes design, use, and management guidelines for the implementation of "new" trails. The guidelines address trails and

land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance.

The guidelines in the Master Plan Update generally apply to rural areas in the County. To provide a common framework for the various jurisdictions and private developers who design and manage trails in the urban areas of the County, the *Uniform Interjurisdictional Trail Design, Use, and Management Guidelines* were prepared by the Santa Clara County Interjurisdictional Trails Committee in 1999. The Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as sub-regional trail routes.

### **3.14.1.2 City of San José Policies**

#### **City of San José Greenprint 2009 Update**

In December 2009, the City Council adopted the *City of San José Greenprint 2009 Update*, which is the City's 20-year strategic plan for parks, recreational facilities, and programs. As part of the Greenprint and Green Vision, the City has identified two goals related to the trail network: 1) complete 100 miles of interconnected trails by 2022, and 2) complete 130 miles of the network by 2035.

The Greenprint identifies the Central/Downtown Planning Area as having the greatest parkland deficit, with a projected need for roughly 300 additional acres of neighborhood/community-serving parkland to meet the City's service objective by 2020.<sup>152</sup> Given its population density, the most practical strategy for increasing recreation amenities will be the development of privately owned pocket parks, plazas, and other small scale recreation facilities; however, completion of planned park facilities such as Del Monte Park and build-out of the Guadalupe River Park Master Plan will help offset the acreage needed.<sup>153</sup>

According to the Greenprint, there are no areas in the Central/Downtown Planning area that are underserved by community centers, based on a three-mile radius from residential uses. The City is working on a major update of its existing Greenprint, called Activate San José, expected to be complete in 2018.

#### **Parkland Dedication Ordinance and the Park Impact Ordinance**

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed restricted affordable housing that meets the City's affordability criteria, are subject to the PDO and PIO and receive a 50

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<sup>152</sup> Given that the 2040 General Plan allows for additional growth in Downtown compared to the 2020 General Plan, the current need exceeds the previous estimates for parkland acreage identified in the Greenprint.

<sup>153</sup> City of San José. *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. 2009.

percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

### **Envision San José 2040 General Plan**

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

<b>Table 3.14-1: General Plan Policies - Public Facilities and Services</b>	
<b>Education</b>	
Policy ES-1.9	Provide all pertinent information on 2040 General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
Policy ES-1.15	Integrate school construction and/or renovation plans into the Village planning process.
Policy ES-1.16	Continue to work with public and private schools through programs such as the Street Smarts School Safety Education Program to improve pedestrian and bicycle safety and encourage walking and biking to and from school.
<b>Libraries</b>	
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
Policy ES-2.12	Maintain City programs that encourage civic leadership in green building standards for library facilities.
Action ES-2.13	Identify preferred locations and acquire sites for library facilities in Neighborhood Business Districts, Urban Village Centers, and other commercial areas in San José.
<b>Law Enforcement and Fire Protection</b>	
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.

**Table 3.14-1: General Plan Policies - Public Facilities and Services**

	<ol style="list-style-type: none"><li>2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.</li><li>3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.</li><li>4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.</li><li>5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.</li></ol>
Policy ES-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
Policy ES-3.4	Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.
Policy ES-3.5	Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.
Policy ES-3.6	Work with local, State, and Federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.
Policy ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

<b>Table 3.14-1: General Plan Policies - Public Facilities and Services</b>	
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
Policy ES-3.14	Encourage property maintenance and pursue appropriate code enforcement to reduce blight, crime, fire hazards or other unsafe conditions associated with under-maintained and under-utilized properties.
Policy ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
Policy ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.
Policy ES-3.19	Remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish from City-owned property to prevent and minimize fire risks to surrounding properties.
Policy ES-3.20	Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.
Action ES-3.21	Create long-range funding and deployment strategies for expanding and maintaining police and fire facilities and operations to address service delivery demands from new population growth.
Action ES-3.22	Maintain the City's Fire Department Strategic Plan as a tool to achieve General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.
Action ES-3.23	Engage public safety personnel in the land use entitlement process for new development projects.
Action ES-3.26	Evaluate potential strategies for the use of police substation type facilities, including opportunities to locate police facilities within new mixed-use development projects, to support law enforcement activities from a distributed network of facilities located within Villages or other new growth areas.
<b>Parks, Trails, Open Space, and Recreation</b>	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.



**Table 3.14-1: General Plan Policies - Public Facilities and Services**

Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.
Policy PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.
Action PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Action PR-1.13	Maintain and periodically update a strategic plan (the <i>Greenprint</i> ) establishing criteria and standards for the provision of parks and recreation services.
Action PR-1.15	Develop community sports parks to serve existing and future residents, workers, and visitors in San José.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/ tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
Policy PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or include one or more of these elements in its project design.
Policy PR-3.2	Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.
Policy PR-6.2	Develop trails, parks and recreation facilities in an environmentally sensitive and fiscally sustainable manner.

<b>Table 3.14-1: General Plan Policies - Public Facilities and Services</b>	
Policy PR-6.5	Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
Action PR-6.9	Obtain applicable Leadership in Energy and Environmental Design (LEED) Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.
Policy PR-7.2	Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the trail and pathways corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor. Locate trail right-of-ways consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).
Policy PR-8.5	Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.
Policy PR-8.7	Actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields and recreation facilities.
Action PR-8.19	Pursue joint use projects with schools and colleges, Santa Clara Valley Water District, other public agencies, and private foundations. Whenever feasible, obtain permanent joint-use agreements when partnering with other organizations or agencies in providing parks or recreation facilities in order to ensure the amenities' availability in perpetuity.

### **3.14.1.3      *Existing Conditions***

#### **Fire Protection**

Fire protection services in San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents). There are currently 34 active fire stations in the city, with two located in the Downtown

area. Fire Station 1 is located in the northern portion of the Downtown area at 225 North Market Street. Fire Station 30 is near Diridon Station, located at 454 Auzerai Avenue.

The SJFD employs two standards to measure service performance: travel time and total reflex time. Travel time is the period of time from when a responding unit leaves the fire station to its arrival at the emergency scene. Total reflex time refers to the total amount of time that passes from receipt of the emergency call to the arrival of the responding unit at the scene.

### Police Protection

Police protection services in San José are provided by the City of San José Police Department (SJPD). The SJPD employs approximately 1,400 employees, including both sworn and non-sworn officers. Patrolling officers are dispatched via police headquarters, located at 201 West Mission Street. Security for VTA bus and light rail facilities is provided by the Santa Clara County Sheriff's Office who also subcontracts some security services through VTA's Protective Services, a private security contractor.

### Schools

The Downtown area is served by the San José Unified School District (SJUSD), which consists of 27 elementary, six middle, and nine high schools. The SJUSD has a total capacity of 30,520 students.<sup>154</sup> Enrollment with SJUSD has decreased from 32,004 during the 2016-17 school year to 31,703 during the 2017-18 school year.<sup>155</sup> There is only one SJUSD school, Lowell Elementary School Horace Mann Elementary School, located within the boundaries of the Downtown Strategy 2040. Lowell Elementary School is at 625 South 7<sup>th</sup> Street, southwest within the Downtown boundaries. Horace Mann Elementary School is located at 55 North 7<sup>th</sup> Street in the northeastern portion of the Downtown area. Table 3.14-2 below shows of the San José Unified School District, the SJUSD schools most likely to serve residents in the Downtown area.<sup>156</sup>

<b>Table 3.14-2: SJUSD Schools Nearest Downtown Area</b>	
<b>School</b>	<b>2016-17 Enrollment<sup>a</sup></b>
Grant Elementary	542
Horace Mann Elementary	443
Gardner Elementary	390
Lowell Elementary	320
<i>Elementary Total</i>	<i>1,695</i>
Peter Burnett Middle	754

<sup>154</sup> 2040 General Plan EIR.

<sup>155</sup> California Department of Education, Educational Demographics Unit. "DataQuest: District Enrollment by Grade." Accessed on May 15, 2018. Available at: <<http://dq.cde.ca.gov/dataquest>>

<sup>156</sup> Ed Data Education Data Partnership. Accessed on May 16, 2018. Available at: <<http://www.ed-data.org/school/Santa-Clara/San-Jose-Unified/>>

<b>Table 3.14-2: SJUSD Schools Nearest Downtown Area</b>	
<b>School</b>	<b>2016-17 Enrollment<sup>a</sup></b>
Herbert Hoover	1,063
<i>Middle Total</i>	<i>1,817</i>
San José High	1,101
<i>High Total</i>	<i>1,101</i>
<b>TOTAL</b>	<b>3,859</b>
<u>Source:</u>	
<sup>a</sup> Ed Data, Educational Data Partnership. May 2018.	

### **Parks and Recreation**

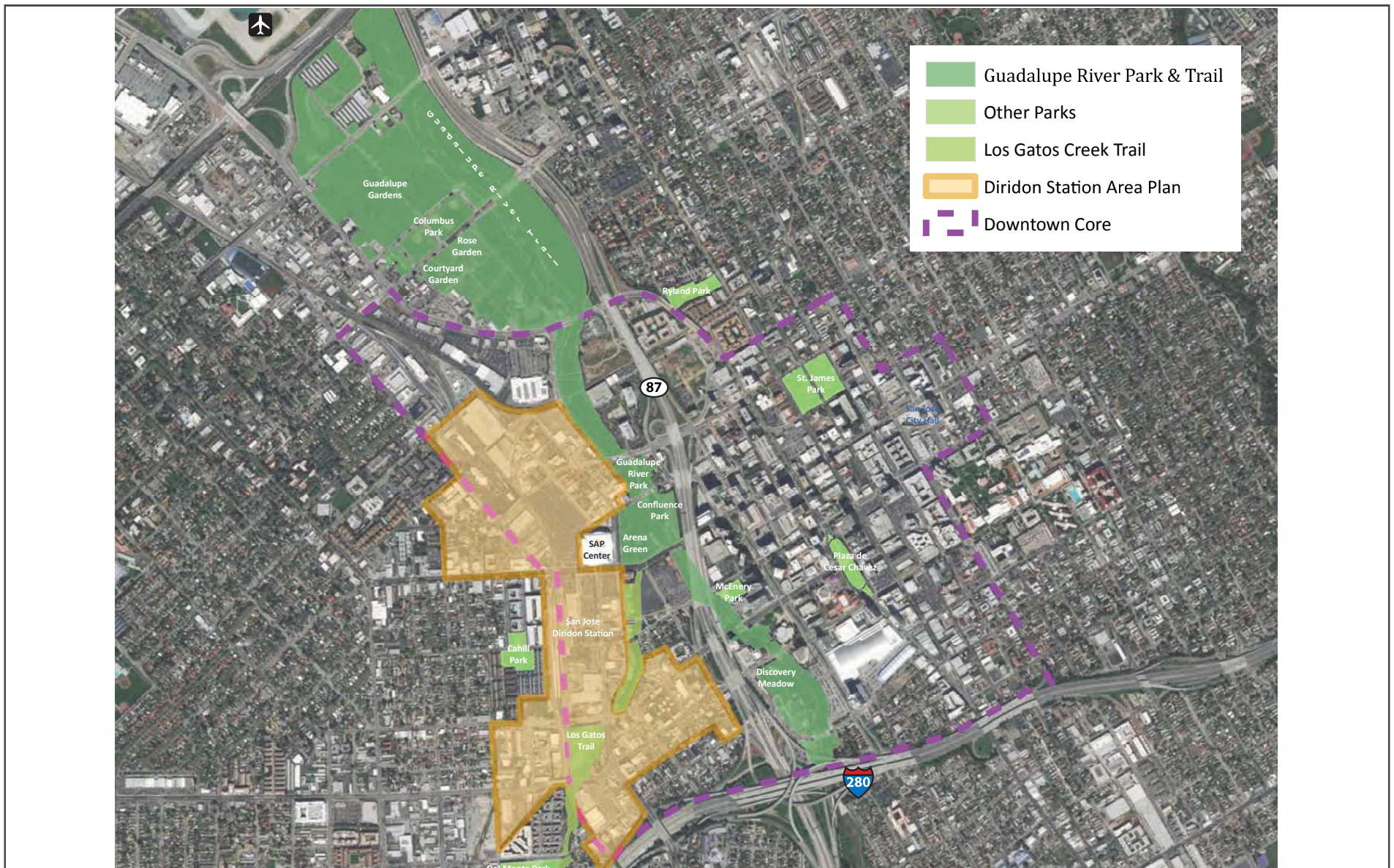
The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in San José.

#### Parkland

The City owns 191 neighborhood/community-serving parks and nine regional parks, making up approximately 3,518 acres of land. Figure 3.14-1 depicts and Table 3.14-3 displays the park and recreational facilities located within the Downtown area:

<b>Table 3.14-3: Parks within Downtown Area</b>		
<b>Park</b>	<b>Location</b>	<b>Size (acres)</b>
Arena Green West	N. Autumn Street	10.6
Arena Green East	340 W. St. John Street	
Cahill Park	W. San Fernando Street & Wilson Avenue	3.7
Columbus Park	Asbury Street & Irene Street	9.9
John P. McEnery Park	286 – 310 W. San Fernando Street	1.8
Monopoly in the Park	330 W. San Carlos Street	11.5
Plaza de Cesar Chavez	1 Paseo De San Antonio	2.4
St. James Park	N. Second Street	7.0
<b>TOTAL</b>		<b>46.9</b>





DOWNTOWN PARKS AND TRAILS SYSTEM

FIGURE 3.14-1

Cahill Park and St. James Parks are designated as neighborhood parks, while Plaza de Cesar Chavez and Guadalupe River Park are classified as citywide/regional parks.<sup>157</sup> Guadalupe River Park is an approximately three-mile linear park that runs along the river from I-880 in the north to I-280 in the south. The park includes neighborhood-serving spaces such as Arena Green, Discovery Meadow, and McEnergy Park, as well as 33 plazas and educational exhibits.<sup>158</sup> The nearest facilities to the Downtown area that have sports fields/courts are Arena Green, which contains tennis courts, and Columbus Park, which contains softball fields, basketball courts, and beach volleyball courts.

## Trails

There are currently over 58 miles of trails in San José. The 2040 General Plan guides trail development to support access within three miles of all residents.<sup>159</sup> The closest to the Plan area are the Guadalupe River Trail and Los Gatos Creek Trail. The Guadalupe River Trail extends 9.4 miles from Virginia Street north to Gold Street in Alviso. A portion of the Los Gatos Creek Trail is located within the Downtown Strategy 2040 area, that system currently extends from W. San Carlos Street (Dupont Street frontage road) to Lonus Street.

The 2040 General Plan identifies the Los Gatos Creek and Guadalupe River Trails as *Core Trail Systems*, which carry relatively high volumes of traffic, extend significant distances, or link to regional systems outside the City's boundaries. These trails also connect housing to employment and thus, support commuting. The Guadalupe River Trail carries National Recreation Trail designation and will link to the planned San Francisco Bay Trail at Gold Street. The Los Gatos Creek Trail system extends southward through the City of Campbell, Town of Los Gatos and County of Santa Clara.

## Community Centers and Other Recreational Facilities

The City currently has 50 community centers, seven public skate parks, three municipal golf courses, 18 community gardens, six swimming pools, and two lake parks.<sup>160,161,162</sup>

## Planned Parks and Recreation Improvements

In 2002, the City adopted the Guadalupe River Park Master Plan that establishes a vision for the park and outlines the various flood control, recreational, and habitat elements. The Master Plan calls for the future development of park amenities between St. John Street and the railroad tracks, within the Downtown area. Del Monte Park Phase II is under construction on the south side of Auzerais

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<sup>157</sup> Neighborhood/community parks typically include amenities that serve the immediate or nearby neighborhood such as playgrounds, dog parks, ball fields, sport courts, and exercise courses. Regional parks attract visitors from throughout the Bay Area and may include larger or unique amenities such as landscaped gardens or festival sites for large events.

<sup>158</sup> Guadalupe River Park Conservancy. Guadalupe River Park and Gardens Walking Map. Available at: <<http://www.grpg.org/Files/WalkingMap.pdf>>. Accessed on May 18, 2018.

<sup>159</sup> City of San José, Department of Parks, Recreation, and Neighborhood Services. *Residents' Proximity to Off-Street Trails*. Map. May 2010. Available at: <<http://www.sjparks.org/Trails/Reports/3-mile%20buffer%2011x17.jpg>>. Accessed on May 18, 2018.

<sup>160</sup> City of San José, Department of Parks, Recreation, and Neighborhood Services. "San José Community Gardens." Available at: <<http://www.sjcommunitygardens.org/>>. Accessed on May 15, 2018.

<sup>161</sup> City of San José, Department of Parks, Recreation, and Neighborhood Services. "Golf Course Information." Available at: <<http://www.sjparks.org/golf.asp>>. Accessed on May 15, 2018.

<sup>162</sup> City of San José. *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. 2009.

Avenue, immediately west of Los Gatos Creek and the existing trail.<sup>163</sup> The City has also designated the SJFD Training Facility as a future park site in the Midtown Specific Plan (1992), Diridon/Arena Strategic Development Plan (2002), Greenprint (2009), and 2040 General Plan.

The Coleman Avenue/Autumn Street Improvement Project, approved in 2008, includes removal of existing buildings along the west side of Los Gatos Creek and north side of Coleman Avenue. This improvement project will allow for the addition of 4.7 acres of open space and the construction of an off-street trail alignment adjacent to Los Gatos Creek between Park Avenue and Santa Clara Street (an option in the Reach 5 Master Plan).<sup>164</sup> In addition, any extra land acquired for the Coleman Avenue widening may be added to the Guadalupe Gardens.<sup>165</sup>

## **Libraries**

The San José Public Library System consists of one main library and 18 open branch libraries. The Dr. Martin Luther King Jr. Main Library is located in Downtown San José.

### **3.14.2      Public Services Impacts**

#### **3.14.2.1      *Thresholds of Significance***

Unlike utility services, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resources base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery can be provided by a city, county, service, or other special district. Usually, new development will create an incremental increase in the demand for these services. The amount of the demand will vary widely, depending on both the nature of the development (residential 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.). CEQA requires analysis of fiscal impacts to the extent that increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have physical effects on the environment.

For the purposes of this EIR, a public facilities and services impact is significant if implementation would:

- The provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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<sup>163</sup> The future “Del Monte Park” site was dedicated to the City by KB Home to satisfy their Park Impact Obligation (Chapter 14.25 of the San José Municipal Code) for the residential development located across Auzerai Avenue.

<sup>164</sup> City of San José. *Coleman Avenue/Autumn Street Improvement Project Final Integrated Focused EIR*. 2008.

<sup>165</sup> Ibid.



- Fire protection
  - Police protection
  - Schools
  - Parks
  - Other public facilities.
- An increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
  - Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

It should be noted that the 2040 General Plan EIR determined that planned growth in the city would not result in a significant impact to any public services.

### **3.14.3            Impacts Discussion**

#### **3.14.3.1        *Fire Protection***

According to the 2040 General Plan EIR, development allowed under the General Plan is not anticipated to require the construction of new fire stations, other than those currently planned. The expansion of existing facilities may be required to accommodate additional equipment and employees. In the event expanded or additional facilities are determined to be necessary, it is assumed that adherence to 2040 General Plan policies such as ES-3.4 would reduce the physical impacts from development of fire department facilities to a less than significant level, although supplemental environmental review would be required. Implementation of 2040 General Plan policies and actions would ensure adequate long-term provision of services throughout the city. Therefore, planned growth would not result in a significant impact related to fire protection.

Future development under Downtown Strategy 2040 would contribute to increased demand for fire protection services. New buildings would be constructed to current fire and building code standards, including adequate emergency vehicle access and features that would reduce potential fire hazards. According to current SJFD protocols, fires in structures that are four stories or taller in height will require responses from more than one fire station. Therefore, additional staffing and equipment may be needed to serve the proposed high-density development in the Downtown area. This will be determined at the project level.

The increases in roadway congestion resulting from Downtown development could increase response times for emergency vehicles however, it is assumed future residential buildings would be located in close proximity to transit or within walking distance to amenities, thus reducing the need for vehicle use among future residents and potential vehicle congestion on major thoroughfares. Although the SJFD is not currently meeting response time objectives, it is anticipated that the planned construction and/or relocation of stations as described in the 2040 General Plan, will improve response times. Furthermore, traffic signal preemption will continue to be implemented as necessary to provide adequate response times within and surrounding the Downtown area (GP Policy ES-3.13).



The proposed Downtown Strategy 2040 would contribute to increased demand for fire protection services in San José, but planned growth is not anticipated to result in the need for construction of fire stations in excess of those currently planned. Implementation of 2040 General Plan policies would help ensure that the SJFD meets and maintains the City's response time objectives over the long-term. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.14.3.2      *Police Protection***

The 2040 General Plan EIR concluded that population growth under the General Plan would increase demand for police protection services, including additional officers and equipment. Police services would continue to be dispatched from police headquarters and no additional stand-alone police facilities are anticipated; however, expansion of existing facilities on developed sites may be required. The SJPD may increase the number of community policing centers located in existing commercial buildings or incorporated into new private development within Growth Areas.

In the event additional or expanded facilities are determined to be necessary, it is assumed that implementation of 2040 General Plan policies would reduce the physical impacts from development of police facilities to a less than significant level, although supplemental environmental review would be required. Implementation of 2040 General Plan policies and actions would also help the SJPD to meet and maintain the City's response time objectives over the long-term. Therefore, planned growth would not result in a significant impact to police protection. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.14.3.3      *Schools***

As described in the 2040 General Plan EIR, new development allowed under the General Plan would increase the number of students attending local schools. Implementation of the proposed 2040 General Plan policies and programs would ensure that additional school facilities are sited to serve new residential development. For example, the City will provide all pertinent information on development proposals to affected school districts and integrate plans for school construction and/or renovation into the planning process for Growth Areas such as the Downtown area (Policies ES-1.9 and ES-1.15).

Planned growth under the 2040 General Plan is estimated to generate an additional 11,079 students in the SJUSD, which would require 11 new schools (seven elementary, two middle, and two high schools).<sup>166</sup> The 2040 General Plan EIR accounted for 14,360 persons in the Downtown area, which would generate 1,909 elementary schools students (K-5), 1,020 middle school students (grades 6-8), and 890 high school students (grades 9-12), based on the SJUSD's student generation rate for multi-family households (condominium). Using the same generation rate, the Downtown Strategy 2040 would generate 532 elementary schools students (K-5), 284 middle school students (grades 6-8), and 248 high school students (grades 9-12).<sup>167</sup> Based on the Diridon Station Area Plan EIR, enrollment

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<sup>166</sup> Although the addition of this many students would exceed available capacity at operating schools, the SJUSD has school facilities that are currently leased or closed that may be reopened to serve a portion of the projected increase in enrollment.

<sup>167</sup> This estimate is based on the SJUSD's student generation rates for multi-family (condominium) uses: 0.133 students in grades K-5 per dwelling unit, 0.071 (grades 6-8), and 0.062 (grades 9-12). **Source:** 2040 General Plan EIR.

of the schools closest to the Downtown area may not have capacity to accommodate the projected increase in students. Other schools in the SJUSD may be able to absorb some of the new student population, although this would increase travel distances from residential uses to schools and could require increased busing. However, since the projected growth in the Diridon Station area and the Downtown area were considered as part of the 2040 General Plan, the increase in students would not increase the number of students in the SJUSD beyond what has been anticipated in the General Plan EIR and Diridon Station Master Plan EIR. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

#### **3.14.3.4      *Parks and Recreation***

Based on the City's service level objectives for parkland and the goal to provide public parkland or recreational open space within 1/3 mile of all residents, the need for new or expanded facilities to serve new residential development in order to maintain performance standards and avoid deterioration of existing facilities would depend on the size of existing facilities, their proximity to the residential development, and their current usage.

According to the 2040 General Plan EIR, planned growth allowed under the General Plan would result in the need for an additional 1,327 acres of neighborhood/community-serving parkland and an additional 72,000 square feet of community center space to meet service level objectives.<sup>168, 169</sup>

When including non-City owned regional parklands and open space areas, there will continue to be sufficient citywide/regional parkland to meet service level objectives. Build-out of the planned trail network in San José in accordance with 2040 General Plan policies would meet the City's goals for trails. Implementation of the PDO/PIO and 2040 General Plan policies would ensure that adequate parkland and recreational facilities are provided to meet increased demand and avoid exacerbation of existing deficiencies.

Based on the 2040 General Plan EIR, 14,360 new residential units in Downtown under the 2040 General Plan buildout would result in approximately 40,926 new persons in the Downtown area, with approximately 11,400 attributed from the additional 4,000 residential units proposed under Downtown Strategy 2040. The approximately 40,926 persons would generate a demand for approximately 122.78 acres of neighborhood-serving parkland. The approximately 40,926 persons would generate a demand for 20,463 sf of community center space, based on the City's service level objectives to provide 500 square feet of community center space per 1,000 residents. New residents would have sufficient access to St. James Park, based on the City's three-mile radius objective. However, additional space may be needed in the long-term to serve projected growth and maintain the level of service standard in the Planning area.

As listed in Table 3.14-3, the Downtown Strategy 2040 area contains approximately 47 acres of parkland. Without construction of additional facilities, downtown residents would continue to be underserved by neighborhood/community-serving parkland. Additional population growth has the potential to exacerbate this deficiency. Construction of the planned parks and trails would help offset the current and future demand for recreational facilities in the Downtown area and surrounding neighborhoods.

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<sup>168</sup> The additional parkland could include up to 1,293 acres of recreational school grounds.

<sup>169</sup> Based on the size of the Roosevelt Community Center (30,000 square feet), this would equate to two or three new community centers in the city.

New residential development will be required to incorporate outdoor spaces and recreational amenities, in accordance with GP Policy PR-1.9, the City's Residential Design Guidelines, and the Downtown Strategy Design Guidelines. Outdoor spaces incorporated into new housing development would supplement the public open space network and add to neighborhood-serving amenities in the Downtown area.

To further offset demand for parkland, community centers, and other recreational facilities, future residential developers will be subject to the City's PDO/PIO. Consistent with the Downtown Strategy 2000 EIR, development under Downtown Strategy 2040 could satisfy their parkland obligation through a combination of several means, including: 1) dedication of land; 2) payment of PDO/PIO fees, to be based on the number of dwelling units; 3) credit for qualifying private recreational amenities; and 4) improvement of parkland or recreational facilities. The PDO/PIO fees generated by new residential development would be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (GP Policies PR-2.4 and PR-2.5).

The combination of existing, planned, and proposed recreational facilities within and adjacent to the Downtown area would meet community needs. Planned development under Downtown Strategy 2040 would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse.

### **Construction-related Effects of New Facilities**

Planned community parks and recreational facilities would be subject to supplemental project-level review at the time a final design or Master Plan is developed. In accordance with GP Policies PR-6.2, PR-6.5, and PR-6.9, future parkland development would be designed, constructed, and maintained in an environmentally sensitive and fiscally sustainable manner, through minimizing use of water, energy, and chemicals, incorporating native and/or drought-resistant vegetation where appropriate, and obtaining LEED certification (or an equivalent).

Specific locations of new parkland, community centers, and other recreational facilities that will be required to serve residential development are not yet known. The siting, design, and construction of new facilities would require supplemental environmental review on a case-by-case basis, either independently or as part of a larger development or transportation project. Construction of new facilities and/or expansion of existing facilities in a manner that is fully consistent with 2040 General Plan policies and existing regulations would be expected to reduce any environmental impacts to a less than significant level.

Although development allowed under Downtown Strategy 2040 would contribute to demand for parkland and recreational facilities in the Central/Downtown Planning area, the proposed project would not result in a new or more significant impact than previously identified in the 2040 General Plan EIR or Downtown Strategy 2000 EIR. It is anticipated that construction or expansion of parkland and recreational facilities to accommodate increased demand would not result in significant environmental effects with implementation of 2040 General Plan policies and existing regulations. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### 3.14.3.5 *Libraries*

Based on the City's 2010 population of 1,023,083, the City currently has approximately 0.8 square feet of library space per capita. For the anticipated population under the 2040 General Plan, existing and planned facilities would provide approximately 0.68 square feet of library space, which would meet the service level objective of providing at least 0.59 square feet of library space per capita. Therefore, the 2040 General Plan EIR concluded that planned growth would not result in the need for new or expanded library facilities in order to maintain acceptable service level objectives. In the event additional facilities are determined to be necessary, it is assumed that implementation of 2040 General Plan policies would reduce the physical impacts from development of library facilities to a less than significant level, although supplemental environmental review would be required.

Future residential development under Downtown Strategy 2040 would contribute to citywide demand for library services. Given that the existing and planned library facilities would adequately serve planned growth in the city, the proposed project would not result in a new or more significant impact. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### 3.14.3.6 *Cumulative Impacts*

As indicated in the discussions above, impacts to public services resulting from an individual project such as Downtown Strategy 2040 are cumulative by nature in that they depend on the capacity of the service provider to provide adequate service to the existing *and* future population. Public services in the project area are provided by the City of San José, with the exception of schools, which are operated by the SJUSD.

Performance objectives for police protection are generally citywide, given the flexibility of the SJPd to redistribute patrolling officers to maintain response times instead of constructing building new facilities. However, performance objectives for fire protection and library services are generally defined for subareas. The service area for neighborhood/community-serving recreational facilities (including parkland, community centers, and trails) generally includes a radius of 1/3 to three miles surrounding new residential uses, while regional facilities serve the entire city. The cumulative condition for school impacts includes residential uses within the SJUSD boundaries, particularly the attendance areas of the nearest schools. Therefore, the proposed project has the most potential to contribute to public services impacts immediately within the boundaries of the Downtown Strategy 2040 area.

Planned residential and employment development in the Downtown and Central area was previously evaluated in the 2040 General Plan EIR. As described above, the 2040 General Plan EIR determined that planned growth in the city would not result in a significant impact to any public service, including schools. Although new development would increase the need for public services, implementation of 2040 General Plan policies would ensure services and facilities are provided at adequate levels. Construction of new facilities or expansion of existing facilities, if required, would be subject to supplemental environmental review, although this work is not expected to result in significant environmental effects with implementation of existing regulations described in Section 3.15.1.2 above and construction best management practices (BMPs), as described in Section 3.3 Air Quality.

The Downtown Strategy 2000 EIR also concluded that planned growth in the Downtown Core area would not result in a significant impact to any public service, with implementation of 2040 General Plan policies. Although future development under Downtown Strategy 2040, particularly new housing, would contribute to demand for public services, the project would not increase the need for new facilities beyond that anticipated in the 2040 General Plan EIR or Downtown Strategy 2000. Therefore, when combined with planned growth in Downtown and the city as a whole, Downtown Strategy 2040 would not result in a new cumulative impact. **(Less Than Significant Cumulative Impact)**

#### **3.14.4            Conclusion**

Downtown Strategy 2040 would contribute to increased demand for fire and police protection services, libraries, school, parkland, and recreational facilities in San José, but planned growth is not anticipated to result in the need for construction of facilities in excess of those currently planned. Implementation of 2040 General Plan policies would help ensure that the project meets City response time goals and acceptable service level objectives. General Plan policies and existing regulations would provide program-level mitigation for new development in the Downtown area. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

The proposed project would not contribute to any previously-identified significant unavoidable impact or result in a new cumulative impact to public services and facilities. **(Less than Significant Cumulative Impact)**

### 3.15 TRANSPORTATION/TRAFFIC

The following discussion is based on a Transportation Analysis prepared by *Hexagon Transportation Consultants* in July 2018. This report is included as Appendix D to this EIR.

#### 3.15.1 Environmental Setting

##### 3.15.1.1 *Regulatory Framework*

The City of San José has jurisdiction over all City streets and City-operated traffic signals.<sup>170</sup> The California Department of Transportation (Caltrans) manages state facilities including I-280, I-880, and SR 87, as well as on- and off-ramp intersections with local streets. Caltrain is owned by the Peninsula Corridor Joint Powers Board (PCJPB), which is a government entity consisting of three member agencies, including the VTA, San Mateo County Transit District (SamTrans), and City and County of San Francisco.<sup>171</sup>

The Federal Highway Administration (FHWA) administers and oversees highway programs and the distribution of federal funds for transportation projects. The California Transportation Commission (CTC) administers transportation programming at the state level. The San Francisco Bay Area Metropolitan Transportation Commission (MTC) is the transportation planning agency and the metropolitan planning organization (MPO) for the Bay area region.<sup>172</sup> The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The VTA also operates light rail and bus transit service in Santa Clara County.

Applicable programs, policies, and regulations related to transportation are described below. Additional federal, state, and regional regulations are described in the 2040 General Plan EIR.

#### **Federal Aviation Administration (FAA) Regulations**

Title 14 of the Code of Federal Aviation Regulations (FAR) sets standards for obstructions to airspace. In general, the Federal Aviation Administration (FAA) is responsible for administering these regulations. As owner/operator of the Norman Y. Mineta San José International Airport, the City is required to comply with FAA regulations and policies intended to protect the airport and aircraft in flight from incompatible land uses that potentially create hazards or constraints to airport operations.

#### Part 77

Part 77 of the FAR establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation, including buildings. The imaginary surfaces radiate out several miles from the airport and are defined as a certain altitude above mean sea level (msl).

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<sup>170</sup> For the purposes of this discussion, a jurisdiction is a level of government (city, county, state, or federal) or regulatory authority (local, regional, state, or federal) responsible for some or all aspects of the planning, implementation, operations, and maintenance of transportation facilities and services in a defined area.

<sup>171</sup> Each member agency sends three representatives to make up the nine-member Board of Directors.

<sup>172</sup> Additional information on MTC is available at: [http://www.mtc.ca.gov/about\\_mtc/about.htm](http://www.mtc.ca.gov/about_mtc/about.htm).

As shown on Figure 3.11-2, the Plan area is within the Part 77 height restriction zone for the Norman Y. Mineta San José International Airport.

### **California Senate Bill 743**

Historically, transportation analysis has utilized delay and congestion on the roadway system as the primary metric for the identification of traffic impacts and potential roadway improvements to relieve traffic congestion that may result due to proposed/planned growth. On September 27, 2013, Senate Bill (SB) 743 was signed into law, starting a process that changes transportation impact analysis as part of CEQA compliance. SB 743 directs the California Office of Planning and Research (OPR) to establish new CEQA guidance for jurisdictions that removes automobile vehicle delay and other similar measures of vehicular capacity or traffic congestion from CEQA transportation analysis. Rather, vehicle-miles traveled (VMT), or other measures that “promote[s] the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses,” shall be used as a basis for determining significant transportation impacts in California. The intent of the change is to appropriately balance the needs of congestion management with statewide goals related to infill development, the promotion of public health through active transportation, and the reduction of greenhouse gas emissions.

### **Regional Transportation Planning**

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region’s Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

### **Congestion Management Program**

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county’s share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

### **City of San José Plans and Policies**

#### Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project’s

transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment (e.g., office, R&D) project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

### Climate Smart San José

Climate Smart San José, which was adopted in 2018, is a comprehensive plan to reduce greenhouse gas emissions while creating jobs, preserving the environment, and improving the quality of life for our community. The plan includes several strategies to reduce GHG emissions related to transportation, including creating local jobs to reduce VMT, developing integrated, accessible public transport infrastructure, and creating clean and personalized mobility choices.

### Bike Plan 2020

The City of San José *Bike Plan 2020* (adopted in 2009) contains policies for guiding the development and maintenance of bicycle and trail facilities within San José, as well as the following goals for improving bicycle access and connectivity:

- Complete 500 miles of bikeways;
- Achieve a five percent bike mode share;
- Reduce bike collision rates by 50 percent;
- Add 5,000 bicycle parking spaces; and
- Achieve Gold-Level Bicycle Friendly Community status.

San José has begun the process of updating *Bike Plan 2020*, with completion anticipated in 2019.

### Envision San José 2040 General Plan

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

- provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- create a city where people are less reliant on driving to meet their daily needs; and
- increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.



## *Street Typologies*

To ensure a balanced, multimodal transportation network of “complete streets”, the 2040 General Plan organizes streets and other transportation facilities according to “typologies”.<sup>173</sup> The designated typology for a given street considers the surrounding land uses, appropriate vehicular travel speeds, and the need to accommodate or prioritize multiple travel modes. The typologies found in the Downtown area under the 2040 General Plan are summarized here for reference:

***Grand Boulevards:*** These streets serve as major transportation corridors that connect neighborhoods and contribute to the city’s overall identity through cohesive design. All travel modes are accommodated in the roadway, but transit has priority. The public right-of-way includes ample sidewalks on both sides and special features such as enhanced landscaping, banners, and distinctive and attractive lighting.

***On-Street Primary Bicycle Facility:*** These streets include Class II bike lanes or are designated as Class III bike routes, providing continuous access and connections to the local and regional bicycle network. Local automobile, truck, and transit traffic are accommodated in the roadway, but if there are conflicts, bicycles have priority. Neighborhood traffic management strategies may be implemented to slow and discourage through automobile and truck traffic.

***Main Street:*** These streets play an important commercial and social role for the local neighborhood area, supporting retail and service activities and an urban street space for social community gathering and recreational activities through careful attention to the design of streetscape and adjacent land uses. Main Streets should be designed and operated to enable safe, attractive, and comfortable access and travel for all users, with significant emphasis given to pedestrian activity through wide sidewalks with ample amenities.

***City Connector Street:*** These streets typically have four or six travel lanes and would accommodate moderate to high volumes of through traffic within and beyond the city. Automobiles, bicycles, pedestrians, and trucks are prioritized equally. Transit use is accommodated.

***Local Connector Street:*** These streets have two travel lanes and would accommodate low to moderate volumes of through traffic within the city. Automobiles, bicycles, pedestrians, and trucks are prioritized equally. Transit use is accommodated.

## *2040 General Plan Policies*

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation, as listed in the following table.

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<sup>173</sup> The term “complete streets” describes a comprehensive approach to the practice of mobility planning, recognizing that transportation corridors have multiple users with different abilities and mode preferences (e.g., driving, biking, walking, and taking transit).

**Table 3.15-1: General Plan Policies - Transportation**

Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).																											
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.																											
Policy TR-1.3	<p>Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:</p> <table><tr><th colspan="3">Commute Mode Split Targets for 2040</th></tr><tr><th></th><th colspan="2">Commute Trips to and From San José</th></tr><tr><th>Mode</th><th>2008</th><th>2040 Goal</th></tr><tr><td>Drive alone</td><td>77.8%</td><td>No more than 40%</td></tr><tr><td>Carpool</td><td>9.2%</td><td>At least 10%</td></tr><tr><td>Transit</td><td>4.1%</td><td>At least 20%</td></tr><tr><td>Bicycle</td><td>1.2%</td><td>At least 15%</td></tr><tr><td>Walk</td><td>1.8%</td><td>At least 15%</td></tr><tr><td>Other means (including work at home)</td><td>5.8%</td><td>See Note 1</td></tr></table> <p>Source: 2008 data from American Community Survey (2008). Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.</p>	Commute Mode Split Targets for 2040				Commute Trips to and From San José		Mode	2008	2040 Goal	Drive alone	77.8%	No more than 40%	Carpool	9.2%	At least 10%	Transit	4.1%	At least 20%	Bicycle	1.2%	At least 15%	Walk	1.8%	At least 15%	Other means (including work at home)	5.8%	See Note 1
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Walk	1.8%	At least 15%																										
Other means (including work at home)	5.8%	See Note 1																										
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.																											
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.																											
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.																											
Policy TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement, on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all																											

<b>Table 3.15-1: General Plan Policies - Transportation</b>	
	facilities regularly accessed by the public, including the Mineta San José International Airport.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	<p>Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.</p> <ul style="list-style-type: none"> <li>• Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.</li> </ul>
Policy TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
Action TR-7.3	Work together with large employers to develop a system for tracking Transportation Demand Management (TDM) programs implemented by employers to allow on-going assessment of results.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

<b>Table 3.15-1: General Plan Policies - Transportation</b>	
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Action TR-8.10	Update existing parking standards to reduce parking requirements for transit-oriented developments, mixed-use projects and projects within the Urban Villages and Corridors to take advantage of shared parking opportunities generated by mixed-use development. Update existing parking standards to address TDM actions and to require amenities and programs that support reduced parking requirements.
Action TR-8.12	As part of the entitlement process, consider opportunities to reduce the number of parking spaces through shared parking, TDM actions, and parking pricing or other measures which can reduce parking demand. Consider the use of reserve landscaped open space or recreational areas that can be used on a short-term basis to provide parking or converted to formal parking in the future if necessary.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

### **3.15.1.2 Existing Conditions**

#### **Existing Roadway Network**

##### Regional Access

**State Route 87 (SR 87)** connects from SR 85 in south San José to US 101 near the Norman Y. Mineta San José International Airport. It is generally a six-lane freeway (two mixed-flow lanes plus one HOV lane in each direction) with auxiliary lanes near the I-280 interchange. Connections from SR 87 to Downtown San José are provided via a full interchange at West Julian Street and partial interchanges at Park Avenue (ramps to/from north only), at Auzerais Avenue (ramps to/from south only), and at West Santa Clara Street (northbound off-ramp only).

**Interstate 280 (I-280)** is generally an eight-lane freeway in the vicinity of Downtown San José with auxiliary lanes between some interchanges. It extends from US 101 in San José to I-80 in San Francisco. The section of I-280 just north of the Bascom Avenue overcrossing has six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes. Connections from I-280 to Downtown San José are provided via a full interchange at Bird Avenue, and partial interchanges at Seventh Street (no north on-ramp), at Almaden Boulevard/Vine Street (ramps to/from north), First Street (ramp to south), and Fourth Street (ramp to north). Connections are also available indirectly via an interchange with SR 87 and an interchange with US 101.

**Interstate 880 (I-880)** extends in a north-south direction from its junction with I-280 near Downtown San José to I-80 in Oakland. Within the Downtown area, I-880 has six mixed-flow lanes. I-880 lies just north of downtown San José, but has connections via interchanges at The Alameda, Coleman Avenue, and First Street.

**U.S. Highway 101 (US 101)** is a north-south freeway that extends northward through San Francisco and southward through Gilroy. Within the project area, US 101 is an eight-lane facility that includes two high-occupancy vehicle (HOV) lanes. US 101 connects to downtown via interchanges with Santa Clara Street and Julian Street and its connection with I-280.

**Interstate 680 (I-680)** is an eight-lane freeway providing regional access to San José. It extends in a north-south direction from its junction with I-280 and US 101 near downtown San José through the East Bay to its junction with I-80 in Fairfield. I-680 connects to downtown San José via its transition to I-280 through Downtown.

#### Local Access

**Market Street** is a north-south four-lane roadway that runs from Julian Street to Reed Street. North of Julian Street, Market Street becomes Coleman Avenue. South of Reed Street, Market Street becomes South First Street.

**Coleman Avenue** is a four-lane arterial that provides access to I-880 and the Norman Y. Mineta San José International Airport from the Downtown area. It runs in a north-south direction from Julian Street at the northern boundary of Downtown San José to De La Cruz Boulevard in Santa Clara. Coleman Avenue provides three lanes in each direction between I-880 and De La Cruz Boulevard.

**North First Street** is a one-lane and one-way northbound street between San Carlos Street and Julian Street. The Guadalupe LRT line runs along the right side of First Street from San Carlos to Julian Street. North of Julian Street, First Street transitions to a two-way roadway that is divided by the Guadalupe LRT line. South of San Carlos Street, First Street transitions to a two-way roadway and becomes Monterey Road.

**Almaden Boulevard** is a six-lane north-south roadway that runs from Julian Street to I-280. South of I-280, Almaden Boulevard provides access to and from the south via its connections to Vine Street and Almaden Avenue. Access to SR 87 is provided via its intersection with Notre Dame Street and Santa Clara Street.

**Bird Avenue** is a four-lane north-south arterial that provides access to I-280 and the downtown area. Bird Avenue runs from the Willow Glen Area to Park Avenue.

**Julian Street** is primarily a one-way westbound two-lane roadway within the downtown core. West and east of the downtown core at SR 87 and 17th Street, respectively, Julian Street is generally a two-way two-lane facility. Julian Street provides regional access to the Downtown area through its full interchange with SR 87.

**The Alameda (State Route 82)** is generally a four-lane north-south arterial that runs from Santa Clara University to the downtown area (Diridon Train Station) where it becomes Santa Clara Street.

Santa Clara Street is a four-lane east-west roadway that provides access from the east and west of the downtown area. East of US 101, Santa Clara Street becomes Alum Rock Avenue and west of the Caltrain bridge it becomes The Alameda.

**San Fernando Street** is a two-lane east-west arterial that runs from 17th Street to Montgomery Street. Outside of the downtown area, specifically west of Almaden Boulevard and east of 10th Street, San Fernando Street is a two-lane roadway that serves as the major east-west bikeway connecting Diridon Station, the Downtown, and San José State University.

**San Carlos Street** is a four-lane east-west arterial that runs from 4th Street to I-880 at which point it becomes Stevens Creek Boulevard.

**Park Avenue** is an east-west roadway that extends from Market Street to Meridian Avenue. West of Meridian Avenue, Park Avenue proceeds in a northwest direction into Santa Clara. Park Avenue transitions from two to four lanes at various points.

**Fourth Street** is a north-south arterial that runs from I-280 to US 101. Limited freeway access is provided via a northbound ramp to I-280 and southbound ramp to US 101. Fourth Street is a three-lane one-way southbound roadway between Taylor Street and I-280. Two lanes in each direction are provided north of Taylor Street.

**Seventh Street** is a two-lane north-south roadway providing access from northbound and southbound I-280. Seventh Street runs from Hedding Street to SJSU, where it terminates. It continues on the south side of SJSU to I-280.

**Tenth Street** is a one-way two-lane southbound arterial that runs from I-880 to Tully Road.

**Eleventh Street** is a one-way two-lane northbound arterial that runs from Keyes Street to Hedding Street.

**Montgomery Street** is a two-lane, one-way arterial street (southbound) that provides a connection from Santa Clara Street to Bird Avenue.

**Autumn Street** completes a one-way couplet with Montgomery Street. It is a three-lane, one-way arterial street running northbound from Bird Avenue to Santa Clara Street. North of Santa Clara Street, Autumn Street is a two-way street (one lane in each direction). Autumn Street currently ends just past Julian Street, but is planned to extend to Coleman Avenue in the 2040 General Plan.

**Cahill Street** is a short local street that connects the Diridon Caltrain station to The Alameda.

**Auzerais Avenue** is a two-lane collector street. It provides a connection between the Diridon Caltrain station area and the SR87 interchange at Woz Way.

### Existing Transit Facilities

Connections between bus lines, light rail, and the Caltrain are provided throughout the Downtown area. Existing transit service within the greater Downtown area is provided by the VTA, ACE,

Amtrak, and Caltrain. A map of the transit service available within the Downtown area is provided as Figure 3.15-1.

### VTA Bus Service

The Downtown area is served by several local buses. The VTA also provides a shuttle service within the downtown area. The downtown area shuttle (DASH) provides shuttle service from the San José Diridon Caltrain station to San José State University, and the Paseo De San Antonio and Convention Center LRT stations via E. San Fernando and E. San Carlos Streets.

Limited, Express, and Rapid bus lines operated by VTA and regional bus services operated by other transit agencies are accessible from bus stops within downtown. The Rapid 522 Bus Line runs along

Santa Clara Street and provides limited-stop rapid transit service between Palo Alto and King Road in San José. The Highway 17 Express is a weekday commuter service that runs between San José and Santa Cruz via SR-17 and is accessible from bus stops on S. First Street and S. Second Street.

### Light Rail Transit (LRT) Service

The VTA currently operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24-hours a day with 15-minute headways during much of the day. The Mountain View–Winchester and Alum Rock–Santa Teresa LRT lines operate through downtown along First and Second Streets, north of San Carlos Street. The San José Diridon Caltrain station is located along the Mountain View–Winchester LRT line and serves as a transfer point to Caltrain, ACE, and Amtrak services. There are 10 LRT stations within the downtown area that provide connections to virtually every bus line described above s the San José Diridon Transit Center.

### Caltrain

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains that carry approximately 47,000 riders on an average weekday. There is an existing Caltrain station located at Diridon Station. The Diridon Station provides 581 parking spaces, as well as 16 bike racks, 48 bike lockers, and 27 Bay Area Bike Share bike docks. Trains stop frequently at the Diridon station between 4:28 AM and 10:30 PM in the northbound direction, and between 6:31 AM and 1:38 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours. The Diridon station provides service to the downtown area via connections with bus lines 63, 64, 65, and 68 described above, express bus routes 168, 180, 181, and Highway 17, in addition to the DASH, LRT, and ACE/Amtrak connections.

### Altamont Commuter Express (ACE)

The Altamont Corridor Express (ACE) provides commuter rail service between Stockton, Lathrop/Manteca, Tracy, Livermore, Pleasanton, Fremont, Santa Clara, and San José during commute hours, Monday through Friday. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes. ACE





trains stop at the Diridon Station between 6:32 AM and 9:17 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

### Amtrak Capitol Corridor Inner-City Rail

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station eight times during the weekdays between approximately 7:38 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during the weekdays between 6:40 AM and 7:15 PM.

### **Existing Bicycle and Pedestrian Facilities**

Pedestrian facilities in the Downtown area consist primarily of sidewalks, pedestrian push buttons, and signal heads at intersections. With a few exceptions, sidewalks are found along virtually all local roadways described above in the Downtown area and along the local residential streets and collectors surrounding the Downtown area. Most of the Downtown area has wider than normal sidewalks to accommodate pedestrians. There are also paseos, pedestrian thoroughfares absent of vehicles that provide for walking, gathering, and shopping, located within the Downtown area.

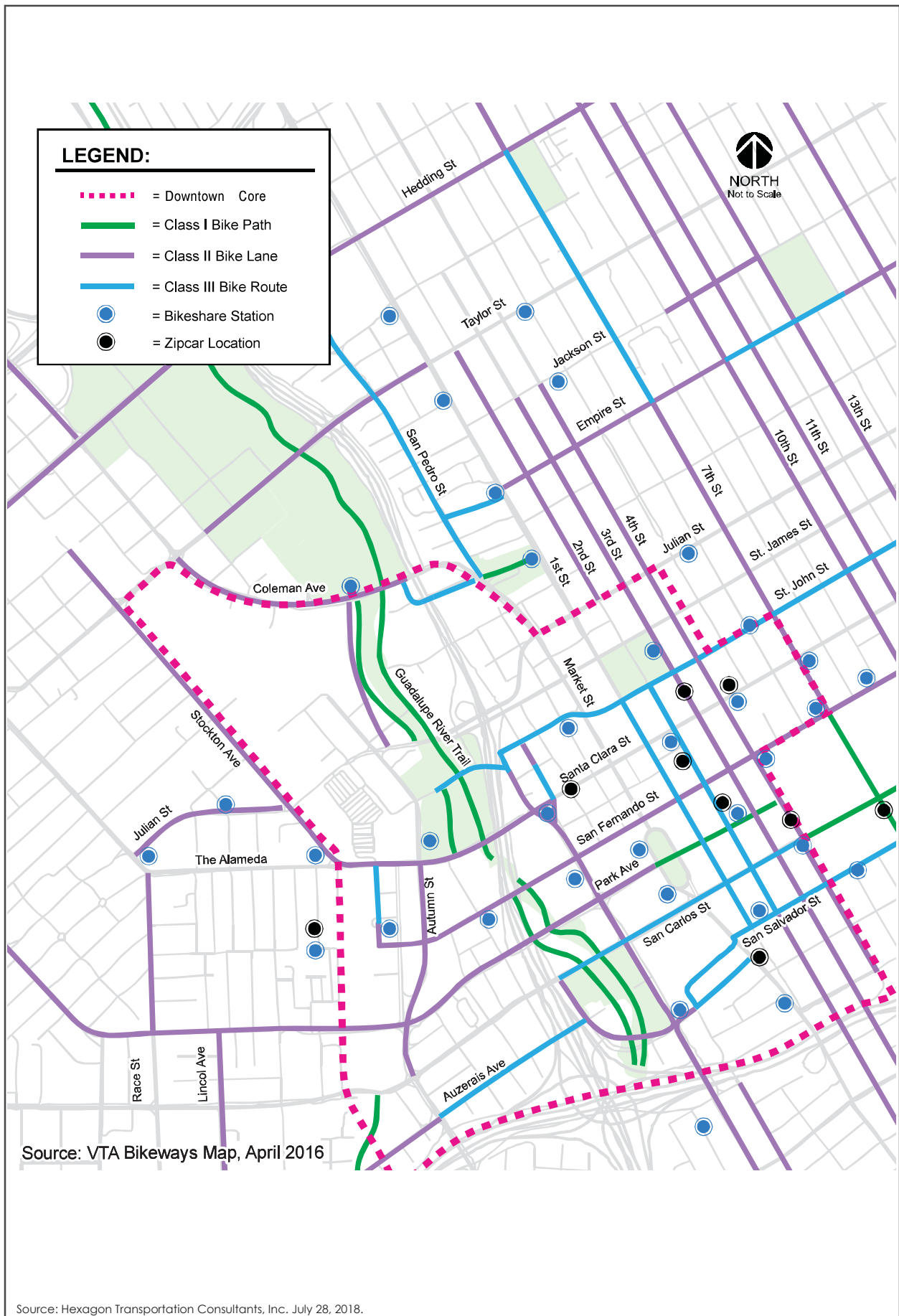
There are several bicycle facilities in the Downtown area. As defined by the California Department of Transportation (Caltrans), bicycle facilities include Class I bikeways (defined as bike paths off street, which is shared with pedestrians and excludes general motor vehicle traffic), Class II bikeways (defined as striped bike lanes on street), Class III bike routes (defined as roads with bike route signage where bicyclists share the road with motor vehicles), and Class IV cycle tracks (bike lanes physically separated from vehicle traffic by a vertical element). With the exception of limited access highways, bicyclists are allowed to ride on any roadway, even if there is no bicycle facility present. Figure 3.15-2 displays the bikeway facilities the Downtown area.

The *Santa Clara Countywide Bicycle Plan*, adopted by VTA in 2018, identifies various existing and/or planned cross county bicycle corridors in the Downtown area. The purpose of the cross-county Bicycle Corridors, as described in the above document, is to provide continuous connections between Santa Clara County jurisdictions and to adjacent counties, and to serve the major regional trip-attractors in the County. There are currently two designated cross-county bicycle corridors in the downtown area:

- SR 87/Guadalupe LRT cross-county bicycle corridor runs along the extent of SR 87
- I-880/I-680/SR 17/Vasona Rail/Los Gatos Creek cross-county bicycle corridor runs along San Carlos Street and Santa Clara Street.

### Guadalupe River Trail

The Guadalupe River multi-use trail system runs through the downtown area along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River trail is an 11-mile continuous Class I bikeway from Curtner Avenue in the south to Alviso in the north. This trail system can be accessed via nearly every intersecting east-west street in



EXISTING DOWNTOWN BICYCLE FACILITIES

FIGURE 3.15-2

the downtown area including Julian Street, Santa Clara Street, San Fernando Street, Park Avenue, and San Carlos Street.

### Bike Share

The City of San José participates in the Bay Area Bike Share program (Ford GoBike) that allows users to rent and return bicycles at various locations. Bike share bikes can only be rented and returned at designated stations throughout the downtown Downtown area. There are currently 18 Bikeshare Stations in the Downtown area, among 43 stations citywide. There are currently 18 bike docks located in the Downtown Growth Boundary area. In addition, LimeBike has recently begun to provide dockless bike rental throughout the Downtown area. This service provides electric bicycles and scooters with GPS self-locking systems that allow for rental and drop-off anywhere. Electric scooters are also provided within the Downtown.

### Zipcar

Zipcar provides vehicles to individuals for hourly or daily use. This program places vehicles at designated Zipcar locations throughout the downtown Downtown area for use by individuals who have Zipcar accounts. This car sharing service allows drivers' access to an automobile without the need to own their own. There are 11 Zipcar stations located throughout Downtown.

### Other Car Share and Bike Share services

In the future, it is expected that other transportation services would be available in the Downtown area as the market evolves.

## **3.15.1.3      2040 General Plan Transportation Network**

### **Planned 2040 Roadway Network**

The City's 2040 General Plan *Land Use/Transportation Diagram* and the *Valley Transportation Plan 2040*, adopted by the VTA in October 2013, identify infrastructure improvements throughout the City. Such improvements include several new roadways that will provide for enhanced connectivity and circulation to and within the Downtown area and throughout the City.

Figure 3.15-3 displays the locations of the proposed 2040 Roadway Network Improvements, as described in Table 3.15-2 below. The list does not include minor intersection level improvements that were assumed complete by 2040. A number of the improvements are complete or underway, such as the realignment of Julian Street, and the conversion of portions of St. James, St. John, and Virginia Streets to two-way streets as described below. Additionally, the narrowing of Park Avenue, Bird Avenue, and Hedding Street has occurred, and the widening of Montague Expressway and Berryessa Road are largely complete as described below.

**Table 3.15-2: 2040 Roadway Network Improvements**

<b>Improvement Number</b>	<b>Description of Improvement</b>
<b>1</b>	Conversion of one-way couplets to two-way streets along 10 <sup>th</sup> and 11 <sup>th</sup> Streets (north of Santa Clara Street) and 2 <sup>nd</sup> and 3 <sup>rd</sup> Streets (in I-280 vicinity)
<b>2</b>	Narrow 4 <sup>th</sup> Street between Jackson Street and Skyport Drive to reduce travel lanes in each direction from two lanes to one lane.
<b>3</b>	Realignment of Julian Street between SR 87 and North 1 <sup>st</sup> Street to extend the downtown urban grid system, decouple St. James and Julian Streets between Market and 4 <sup>th</sup> Streets, and convert St. James Street from one-way to two-way street from Notre Dame/SR 87 to Market Street.
<b>4</b>	Decouple St. James and Julian Streets between Market and 4 <sup>th</sup> Streets.
<b>5</b>	Conversion of St. James Street from one-way to two-way street from Notre Dame/SR 87 to Market Street (part of Julian Realignment project).
<b>6</b>	Widen Coleman Avenue from four to six lanes between I-880 and Taylor Street.
<b>7</b>	Complete the Autumn Street realignment and extension between St. John Street and Coleman Avenue.
<b>8</b>	Convert Autumn Street between Santa Clara Street and Park Avenue from a one-way (northbound) street to a two-way street. Autumn Street will become a 4-lane street.
<b>9</b>	Convert Montgomery Street between Santa Clara Street and San Fernando Street from a one-way (southbound) street to a two-way street. Montgomery Street will remain a two-lane street.
<b>10</b>	Create cul-de-sac at southerly end of Montgomery Street, just north of Park Avenue.
<b>11</b>	Convert St. John Street between Almaden Avenue and Notre Dame Avenue from a one-way street to a two-way street.
<b>12</b>	Convert Virginia Street between 6 <sup>th</sup> and 7 <sup>th</sup> Streets from one- to two-way operations.
<b>13</b>	Facilitate access to Downtown by extending the I-280 ramps at 3 <sup>rd</sup> and 7 <sup>th</sup> Streets.
<b>14</b>	Narrow Park Avenue between McEvoy and Joséfa Streets from 4 to 2 lanes.
<b>15</b>	Narrow Bird Avenue between San Carlos Street and Park Avenue from 6 to 4 lanes.
<b>16</b>	Narrow Hedding Street between Winchester Boulevard and Ruff Drive from 4 to 2 lanes.
<b>17</b>	Skyport Drive connection to 4 <sup>th</sup> Street.
<b>18</b>	Montague Expressway Improvements – Widen Montague Expressway from 6 to 8 lanes.
<b>19</b>	Charcot Avenue overcrossing at I-880.
<b>20</b>	I-280/Senter Road interchange – extend Senter Road and construct new on-/off-ramps and modify existing on-/off-ramps into a collector/distributor ramp system.
<b>21</b>	US 101/Oakland Road/Mabury Road – new interchange.
<b>22</b>	US 101/Zanker Road – new interchange.

<b>Table 3.15-2: 2040 Roadway Network Improvements</b>	
<b>Improvement Number</b>	<b>Description of Improvement</b>
<b>23</b>	I-280/Winchester Boulevard interchange – new off-ramp connecting I-280 to Winchester Boulevard.
<b>24</b>	Widen Commercial Street from 2 to 3 lanes NW direction between Berryessa Road and Oakland Road.
<b>25</b>	Widen Berryessa Road from 4 to 6 lanes between Commercial Street and Lundy Avenue
<b>26</b>	Chynoweth Avenue extension to Thornwood Drive via Sanchez Drive and between Almaden Expressway and Winfield Boulevard
<p><u>Note:</u> Improvements #3, 5, 11, 12, 44, 13, 15, 16, 18, and 25 are completed or in process. However, the improvements are included as future improvements since the CSJ model base year represents 2015 conditions and each of the improvements were completed after 2015.</p> <p><u>Source:</u> City of San José staff, 2008 County's Expressway Plan, and Valley Transportation Plan (VTP) 2040.</p>	

### **Planned 2040 Transit Facilities**

Transit improvements for the year 2040 primarily consist of enhancement of regional bus lines and commuter trains that serve downtown San José. Some of these improvements include bus rapid transit (BRT) projects, Light Rail Transit (LRT) extensions and service improvements, and rail service upgrades. Table 3.15-3 presents the numerous new transit services and capital projects that would affect travel in the downtown area.

<b>Table 3.15-3: 2040 Transit Network Improvements</b>	
<b>Project</b>	<b>Description</b>
BART Silicon Valley: The Berryessa Extension	Project connects the existing BART system from the Warm Springs Station in Southern Fremont through Milpitas to the Berryessa District of San José. Service is expected to start in 2019.
BART Silicon Valley: The Santa Clara Extension	Project continues the BART extension in a tunnel under downtown San José ending near the Santa Clara Caltrain Station and builds four new stations.
Stevens Creek Bus Rapid Transit (BRT)	Project implements BRT on Stevens Creek Boulevard and West San Carlos Street, crossing I-880 and Winchester Boulevard with other segments of dedicated lane operations. Corridor improvements include segments of dedicate bus lane, special branded shelters, off-board fare collection, and other streetscape and urban design amenities.
Santa Clara/Alum Rock Transit Improvement (SCAR) (BRT)	Project constructs enhancement in the County's highest ridership corridor, including two miles of dedicated lanes on the eastern half of the corridor and mixed flow operations in the western segments. Project is complete.

**Table 3.15-3: 2040 Transit Network Improvements**

<b>Project</b>	<b>Description</b>
Vasona Corridor Light Rail Extensions	Project would build the Vasona Corridor Light Rail Transit Extension to the Mountain View-Winchester LRT line, consisting of extending VTA's light rail system 1.6 miles from the current terminus at the Winchester Station in Campbell to a new Vasona Junction Station in Los Gatos.
Guadalupe Express Light Rail Improvement Project	Project reconfigures the southern half of the Light Rail System's operations to provide express trains between Chynoweth and Civic Center. Project is complete.
Caltrain Electrification Tamien to San Francisco	Project provides improvements to support a blended HSR/Electrified Caltrain rail system from the operation of high-speed rail with Caltrain passenger service on the existing two-track Caltrain service, reduce noise and air pollution, minimize impacts on surrounding communities, reduce project costs, and expedite the implementation of high-speed rail. Project under construction.
Caltrain: South County	Double track segments on the Caltrain line between San José and Gilroy.
Caltrain/HSR Station Improvements: San José Diridon and Gilroy Stations	Provide station improvements needed to accommodate and support the high-speed rail service.
Norman Y. Mineta San José International Airport Automated People Mover (APM) Connector	Project would provide transit link to Norman Y. Mineta San José International Airport from VTA's Guadalupe Light Mover (APM) technology. The environmental phase is included in VTP 2040.
Capitol Corridor Commuter and Intercity Rail	Includes increased track capacity, rolling stock and frequency improvements.
<b>Source:</b> VTP 2040 and Transportation 2035 Plan for the San Francisco Bay Area.	

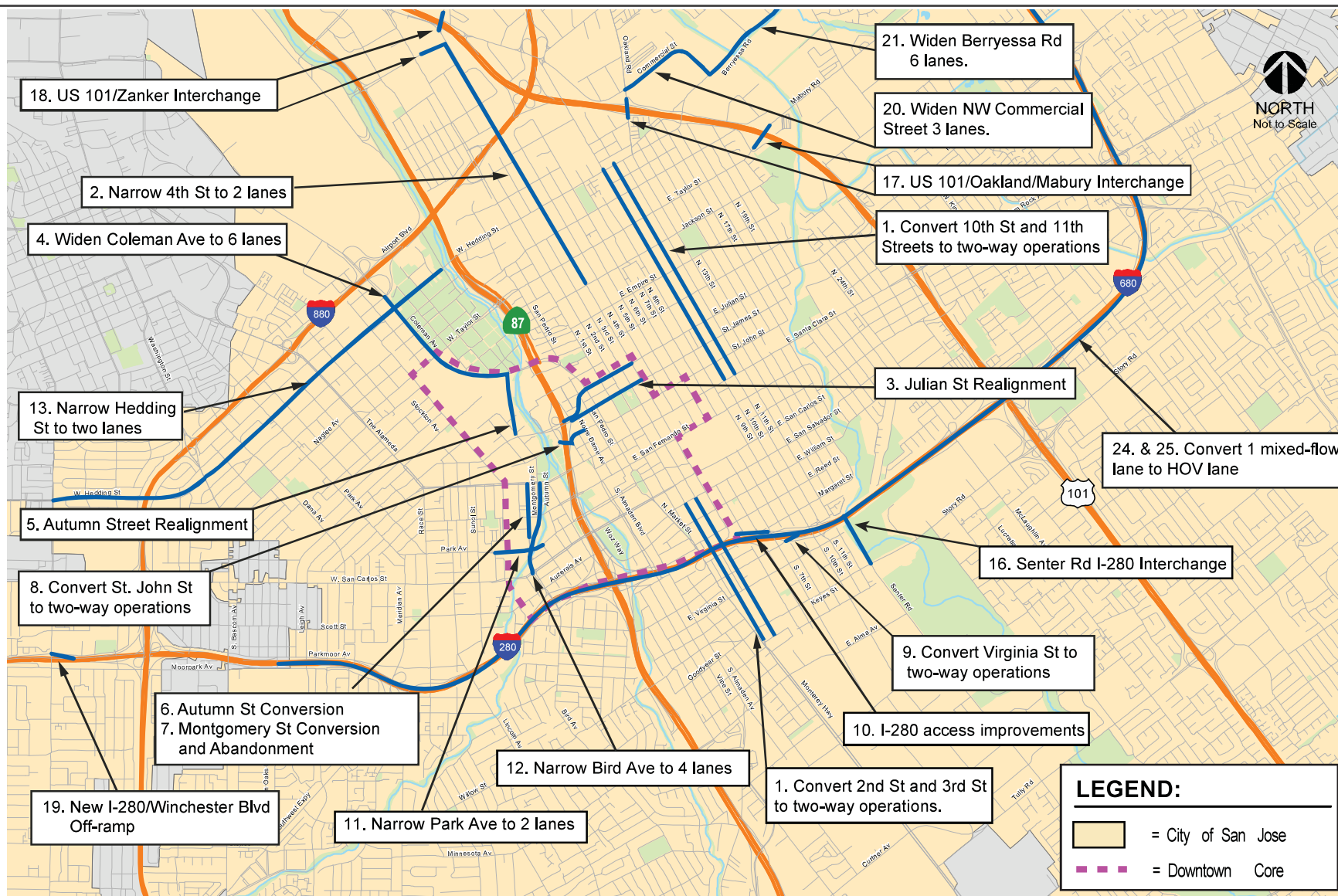
### **Planned 2040 Bicycle and Pedestrian Facilities**

The *San José Bike Plan 2020* indicates that a variety of bicycle facilities are planned in the downtown area.<sup>174</sup> The planned improvements to the bicycle network will provide improved connections to surrounding pedestrian/bike and transit facilities and a balanced transportation system as outlined in the 2040 General Plan goals and policies. In addition, the Santa Clara Countywide Bicycle Plan, adopted by VTA in August 2008, identifies various existing and/or planned cross county bicycle corridors in the downtown area. The planned facilities that are relevant to the Downtown area and assumed to be in place by the year 2040 are listed in Table 3.15-4 and shown on Figure 3.15-4.

<sup>174</sup> At the time of preparation of this EIR, the *San José Bike Plan 2025* is being prepared by the City.

<b>Table 3.15-4: Planned 2040 Bicycle Network and Pedestrian Improvements</b>		
<b>VTP ID No.</b>	<b>Project</b>	<b>Description</b>
<i>2040 Improvements</i>		
B14	Bird Avenue Bicycle and Pedestrian Corridor: Montgomery at Santa Clara Street to Bird Avenue at West Virginia Street	Construct Class II and III bikeways, enhanced crossing/detection, and sidewalk improvements.
B27	Los Gatos Creek Trail Reach 5d: Park Avenue/Montgomery Street to Santa Clara Street	Completion of the last reach of the Los Gatos Creek Trail including design, land acquisition and environmental review.
B28	Los Gatos Creek Trail Reach 5b and 5c: Auzerai Avenue South of West San Carlos Street	Completion of the last reach of Los Gatos Creek Trail including design, land acquisition and environmental review.
B33	Three Creeks Trail: West from Los Gatos Creek Trail/Lonus Street to Guadalupe River	Construct landscaped trail system with paved alignment along a former railway right-of-way. Signage, striping, mileage markets, seating, fitness stations, and decorative gateway elements at all at-grade roadway crossings. To open in Fall of 2018.
<i>Local Improvements</i>		
Add Class II Bike Lanes		On Empire Street, between 10 <sup>th</sup> and 15 <sup>th</sup> Streets On Auzerai Avenue, between Woz Way and Bird Avenue On San Salvador Street, east of Market Street On 3 <sup>rd</sup> Street, north of Jackson Street On 4 <sup>th</sup> Street, north of Jackson Street (to be complete 2018) On Taylor Street, between Walnut Street and The Alameda On Taylor Street, between 1 <sup>st</sup> and 21 <sup>st</sup> Streets On Coleman Avenue, between Taylor and Hedding Streets
Add Class III Bike Routes		On Autumn Street between Santa Clara Street and Julian Street
<u>Source:</u> VTP 2040, San José Capital Improvement Program.		

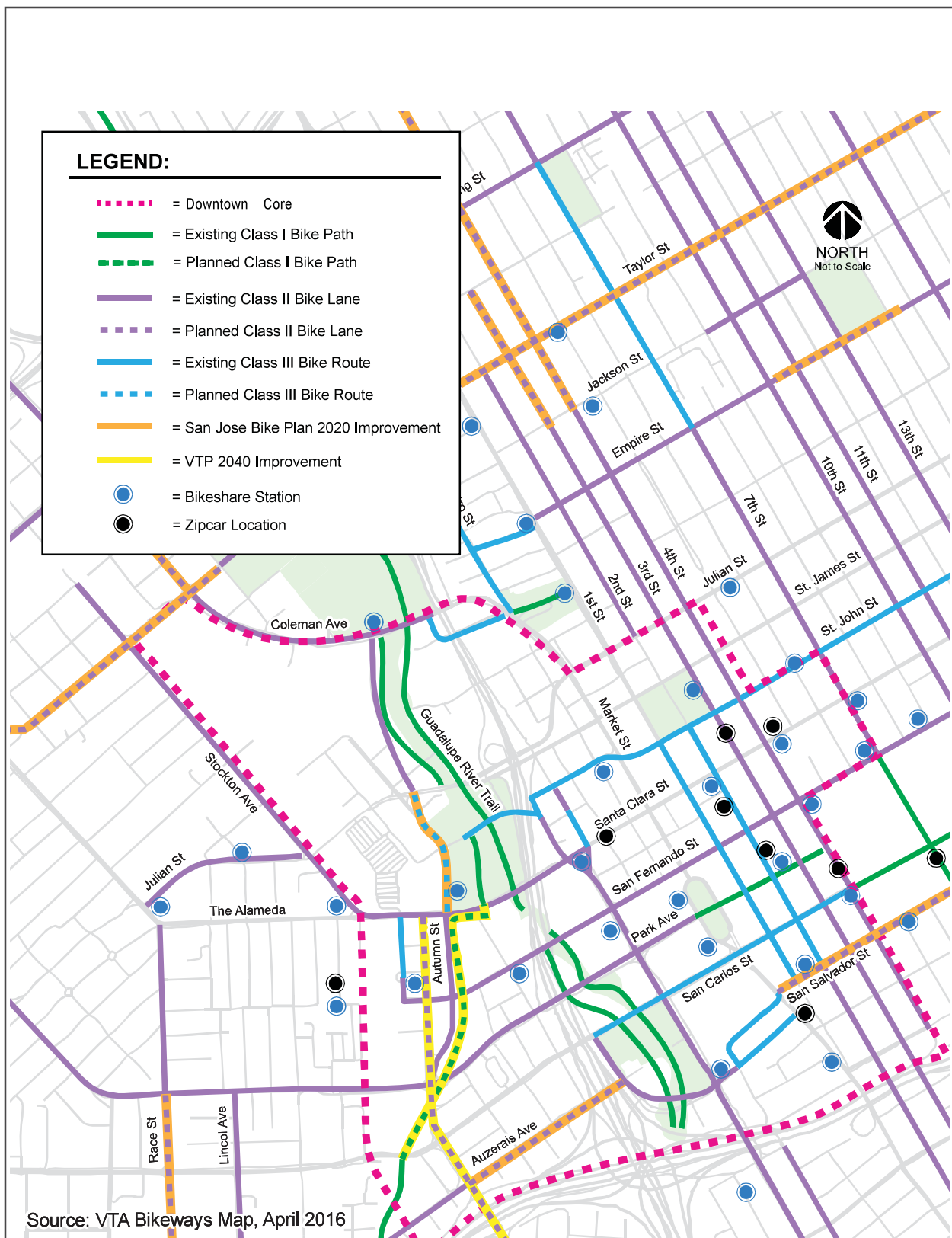
The Downtown Streetscape Master Plan (DSMP) provides design guidelines for existing and future development for the purpose of enhancing the pedestrian experience in the Greater Downtown Area. The guidelines identify Downtown Pedestrian Network Streets (DPNS), which are intended to support a high level of pedestrian activity as well as retail and transit connections. The DPNS streets provide a seamless network throughout the downtown that is safe and comfortable for pedestrians and connects all major downtown destinations. Design features of a DPNS create an attractive and safe pedestrian environment to promote walking as the primary travel mode. The DSMP map is shown in Figure 3.15-5.



2040 ROADWAY NETWORK IMPROVEMENTS










FIGURE 3.15-3

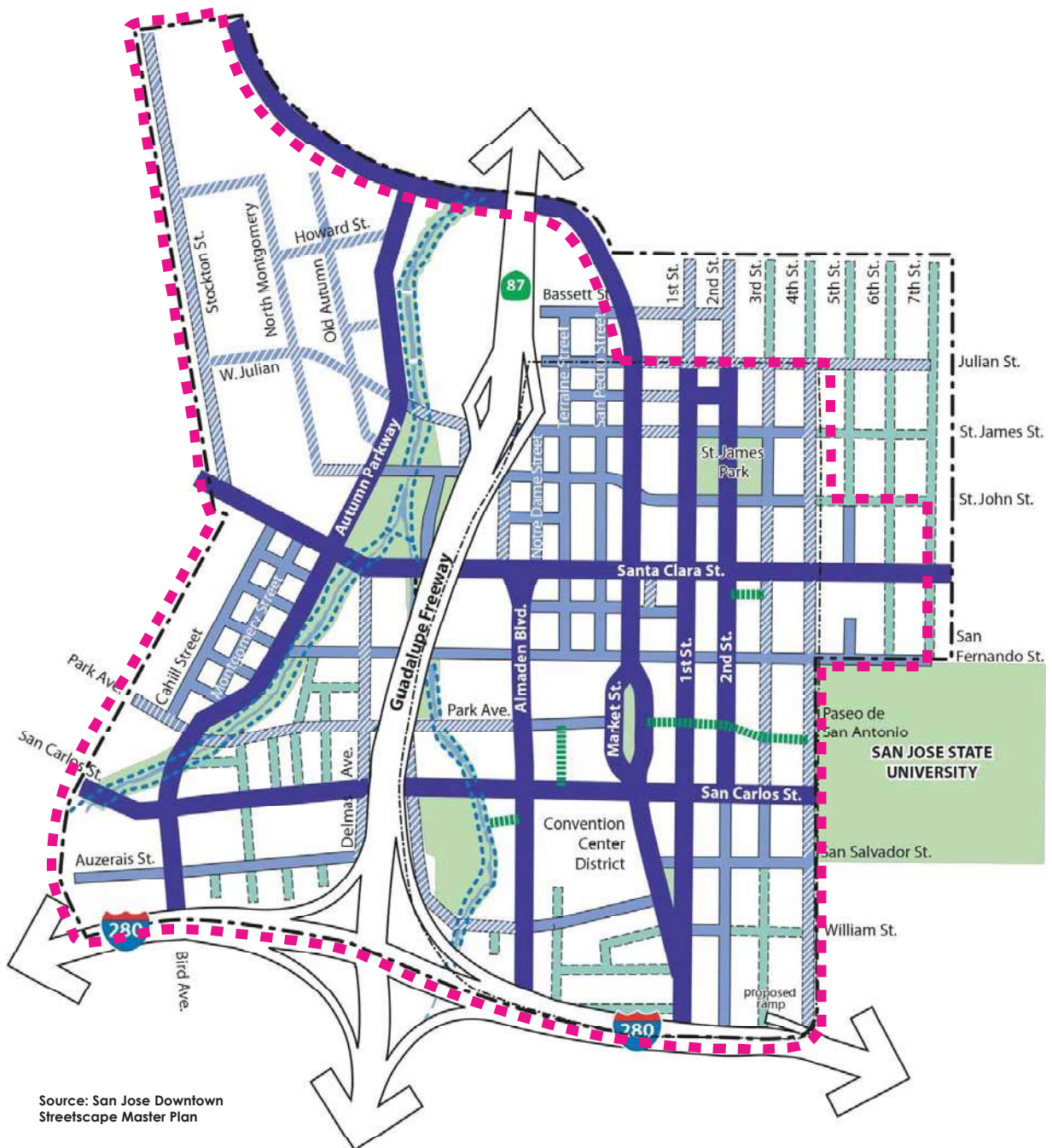




Source: Hexagon Transportation Consultants, Inc. July 28, 2018.

## Legend

- |   |  |   |                                  |
|---|--|---|----------------------------------|
|  | Urban Structure Streets  |  | Paseos                           |
|  | Downtown Pedestrian Network Streets/High Pedestrian Volume     |  | Guadalupe River Pedestrian Paths |
|  | Downtown Pedestrian Network Streets/Moderate Pedestrian Volume |  | Lighting Study Boundary          |
|  | Downtown Residential Streets                                   |  | 1989 Streetscape Study Boundary  |
|   |  |  | Downtown Core                    |



Source: San Jose Downtown Streetscape Master Plan

Source: Hexagon Transportation Consultants, Inc.

### **3.15.2      Transportation/Traffic Impacts**

#### **3.15.2.1      *Thresholds of Significance***

For the purposes of this EIR, a transportation/traffic impact is considered significant if the project would:

- 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;
- 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;
- Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Result in inadequate emergency access; or
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance of safety of such facilities.

#### **3.15.2.2      *Vehicle Miles Traveled Impacts (City Council Policy 5-1)***

As described previously, transportation analysis historically utilized vehicle delay and congestion on the roadway system as the primary metric for the identification of traffic impacts and potential roadway improvements to relieve traffic congestion that may result due to proposed/planned growth. However, the State has recognized the limitations of measuring and mitigating only vehicle delay at intersections and in 2013 passed Senate Bill (SB) 743, which requires jurisdictions to stop using a Level of Service (LOS) measurement for CEQA transportation analysis (i.e., increased vehicle delay will no longer be considered an impact on the environment). With the adoption of SB 743 legislation, public agencies will soon be required to base transportation impacts on Vehicle Miles Traveled (VMT) rather than level of service that typically uses vehicle delay (or congestion) as its metric. The change in measurement is intended to better evaluate the effects of development growth on the state's goals for climate change and multi-modal transportation.

Pursuant to Senate Bill 743, the Governor's Office of Planning and Research (OPR) released the final *CEQA VMT Final Guidelines* in November 2017, which proposes VMT as the replacement metric for LOS in the context of CEQA. While OPR emphasizes that a lead agency has the discretionary authority to establish thresholds of significance, the *Final Guidelines* suggests criteria that indicate when a project may have a significant, or less than significant, transportation impact on the environment. For instance, a project that results in VMTs greater than the regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact. Alternatively, a project may have a less than significant impact if it is located within half a mile of an existing major transit stop, or results in a net decrease in VMT when compared to existing conditions.

Therefore, to adhere to the state's legislation, the City of San José adopted a new Transportation Analysis Policy, Council Policy 5-1, on February 27, 2018. The new policy is based on the implementation of VMT as the primary measure of transportation impacts. The new policy replaces the City's Transportation Impact Policy (Council Policy 5-3) which was based on the use of intersection LOS as the primary measure of development impacts. The new transportation policies align with the 2040 General Plan which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and service land uses to internalize trips and reduce VMT. VMT-based policies support dense, mixed-use, infill projects as established in the 2040 General Plan's Planned Growth Areas and the proposed Downtown Strategy 2040 plan. The evaluation of the impacts on the transportation system per Council Policy 5-1, due to the proposed Downtown Strategy 2040 plan were evaluated based on the City's *Transportation Analysis Handbook*.

### **VTM Analysis Methodology and Criteria**

Per Council Policy 5-1, the effects of the proposed Downtown Strategy 2040 plan on VMT were evaluated using the methodology outlined in the City's *Transportation Analysis Handbook*. VMT measures the amount and distance people drive by personal vehicle to a destination. VMT is measured by multiplying the total vehicle trips by the average distance of those trips, adjusted for the number of people in the vehicles. For residential and employment land uses, VMT is measured for each person who will occupy or use a project. For large retail and transportation projects, the net amount of VMT is measured. Average per-capita VMT for all the existing developments within 0.5 mile buffer of each parcel in the City serves as the baseline from which a project is evaluated. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options.

#### City of San José Travel Demand Forecasting Model

The analysis in this EIR utilizes the City's Travel Demand Forecasting (TDF) Model to project long-term traffic growth and VMT data. The TDF Model has the ability to project the diversion of traffic and change in traffic patterns due to roadway/transit system changes as well as large land use changes similar to those proposed by the Downtown Strategy 2040. The City's TDF Model is a refinement of the VTA Bi-County transportation model (VTA Model). The TDF Model provides more analytical detail and a higher level of accuracy of simulated travel in the City of San José than the VTA Model.

The TDF Model represents all motorized modes of travel used within the Bay Area, including the major transit modes such as Caltrain, BART, ACE and all VTA's bus routes and LRT lines. The TDF Model focuses on travel making in the larger San José area including estimates of the number of people traveling by car (drive alone, two-person carpool, three+ person carpool), transit (Caltrain, BART, LRT, and bus) and non-motorized means (walk and bike).

## Significance Criteria

An analysis was conducted to compare the project's VMT levels against the appropriate thresholds of significance. The thresholds of significance, by project type used by the City of San José to measure VMT are described in Table 3.15-5.

<b>Table 3.15-5: CEQA VMT Analysis Significant Impact Criteria for Development Projects</b>			
<b>Type</b>	<b>Significance Criteria</b>	<b>Current Level</b>	<b>Threshold</b>
Residential Uses	Project VMT per capita exceeds existing citywide average VMT per capita minus 15 percent OR existing regional average VMT per capita minus 15 percent, whichever is lower.	11.91 VMT per capita (Citywide Average)	10.12 VMT per capita
General Employment Uses	Project VMT per employee exceeds existing regional average VMT per employee minus 15 percent	14.37 VMT per employee (Regional Average)	12.21 VMT per employee
Industrial Employment Uses (e.g., warehouse, manufacturing, distribution)	Project VMT per employee exceeds existing regional average VMT per employee	14.37 VMT per employee (Regional Average)	14.37 VMT per employee
Retail Uses	Net increase in existing regional total VMT	Regional Total VMT	Net Increase
Public/Quasi-Public Uses	In accordance with the most appropriate type(s) as determined by Public Works Director	In accordance with the most appropriate type(s) as determined by Public Works Director	In accordance with the most appropriate type(s) as determined by Public Works Director
Mixed Uses	Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above
Change of Use or Additions to Existing Development	Evaluate the full site with the change of use or additions to existing development, and	Appropriate levels listed above	Appropriate thresholds listed above

**Table 3.15-5: CEQA VMT Analysis Significant Impact Criteria for Development Projects**

Type	Significance Criteria	Current Level	Threshold
	apply the threshold of significance for each project type included		
Area Plans	Evaluate each land use component of the area plan independently, and apply the threshold of significance for each land use type included	Appropriate levels listed above	Appropriate thresholds listed above

Source:

*City of San José Transportation Analysis Handbook*, March 2018.

### Downtown Strategy 2040 VMT Analysis

The VMT data for the project was calculated using the City's Travel Demand Forecasting (TDF) model. The VMT data represents daily trips in the Downtown area multiplied by estimated trip distances. The residential VMT per capita and employment VMT per employee in the Downtown area are presented in Table 3.15-6. As shown in Table 3.15-6, VMT per capita and employee taken as a whole for the Downtown Strategy 2040 would be below the relevant thresholds of significance.

**Table 3.15-6: Downtown VMT Analysis**

	Residential VMT per Capita <sup>1</sup>	Residential VMT Threshold	Employment VMT per Employee <sup>2</sup>	Employment VMT Threshold
<b>Existing Conditions (2015)</b>	8.25	10.12	10.12	12.21
<b>Downtown Strategy 2040 Conditions</b>	7.54		8.49	

<sup>1</sup> Residential VMT per capita = residential VMT/population

<sup>2</sup> Employment VMT per employee = employment VMT/employees

As the City continues to transition to a multimodal transportation system, the City anticipates that the Downtown Strategy 2040 Area will continue to have the lowest VMT of any plan area in the City. The City is employing strategies that rely on current City policies, planned transportation projects, land use changes, and upcoming policy actions. Current policies stipulate transportation demand management (TDM) measures for reductions in parking within the Downtown. Investment in transit improvements, including new BART and High Speed Rail connections, and upgrades to CalTrain services, along with the Better Bikeways project will provide significant, attractive new transportation options for Downtown. Implementing the land use density and diversity as envisioned by Downtown Strategy 2040 facilitates VMT reduction as well.

The City will also continue to develop VMT reducing policies that include removing or reducing parking minimums for future developments within Downtown, a City-wide TDM ordinance, and a City-wide mode shift and VMT reduction strategy, as well as the San José Access and Mobility Implementation Plan. These policies will continue the trend of VMT reduction in the Downtown.

As demonstrated by the VMT results in Table 3.15-6 for the Downtown Strategy as a whole, future development in the Downtown is expected to result in low VMT. Figures 3.15-6 and 3.15-7 VMT expected by location in Downtown by residential use and office job, respectively. These figures demonstrate that parcels in and around the Downtown are expected to result in low VMT, i.e., areas mapped in green. However, there are limited instances where new development proposed within the Downtown occurs in areas mapped as yellow, indicating the potential for that individual development project to result in VMT above the levels set by Policy 5-1. Therefore, as future individual development projects covered by the Downtown Strategy 2040 are reviewed by the City for conformance with Policy 5-1, projects located in certain areas (i.e., anything other than green) of the Downtown mapped as having the potential to have VMT in excess of the City's thresholds will be subject to the standard process for evaluating a project's VMT, as outlined in Policy 5-1. Where, according to the City's mapping, a given project's location indicates the potential for that project's VMT to exceed the City's threshold, a project-specific analysis will be conducted, and if the analysis demonstrates that VMT will exceed the City's threshold for that use, feasible measures, e.g. TDM, will be applied to sufficiently reduce the project's VMT. **(Less Than Significant Impact)**

#### Downtown Strategy 2040 General Plan Analysis

An analysis was completed to assess the long-range impacts of the proposed land use amendment associated with the addition of 4,000 residential units and 10,000 jobs to the Downtown on the citywide transportation system. The potential traffic impacts of the project were evaluated in accordance with the guidelines and thresholds set forth by the 2040 General Plan. The DTS 2040 plan would result in changes to the number of households and jobs within Downtown when compared to the 2040 General Plan. However, the total number of jobs and households citywide would not change as a result of the DTS 2040 plan, as housing units and jobs that are currently planned elsewhere in the City are proposed to be instead developed within the Downtown.

#### General Plan Amendment (GPA) Analysis Methodology

The General Plan Amendment (GPA) analysis includes the evaluation of the potential for the proposed land use amendments to result in increased vehicle miles traveled citywide, increased traffic volume on specified roadway segments, impacts to travel speeds on transit priority corridors, impacts to roadways in adjacent jurisdictions, and impacts to pedestrian, bicycle, and transit facilities. Impacts are evaluated based on the same measures of effectiveness (MOEs) and significance criteria utilized in the Envision San José 2040. The long-range analysis includes analysis of the following MOEs:

- **Vehicle Miles Traveled (VMT) per Service Population.** VMT per service population is a measure of the daily vehicle miles traveled divided by the number of residents and employees within the City of San José. VMT per service population (residents + employees) is used for the analysis as opposed to VMT per capita (residents only), since per service population more accurately captures the effects of land use on VMT. The City not only has residents that travel to

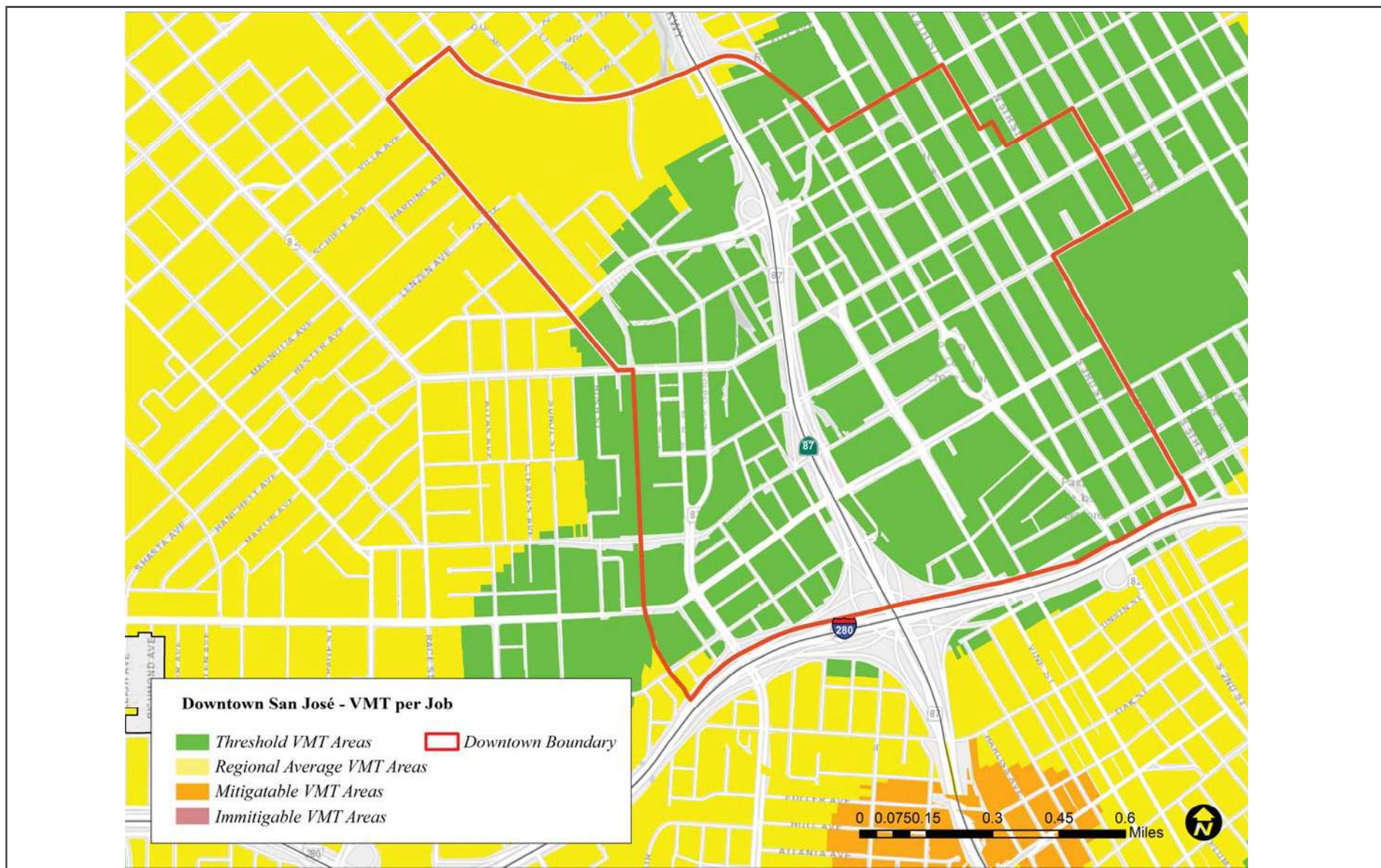




RESIDENTIAL VMT PER CAPITA

FIGURE 3.15-6





VMT PER JOB

FIGURE 3.15-7

- and from jobs, but also attracts regional employees. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle in miles.
- **Journey-to-Work Mode Share (Drive Alone Percent).** Mode share is the distribution of all daily work trips by travel mode, including the following categories: drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.
- **Average Travel Speeds within the City's Transit Priority Corridors.** Average travel speed for all vehicles (transit and non-transit vehicles) in the City's 14 transit corridors is calculated for the AM peak hour based on the segment distance dividing the vehicle travel time. A transit corridor is a segment of roadway identified as a Grand Boulevard in the Envision San José 2040 GP Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for Valley Transportation Authority (VTA) light-rail transit (LRT), bus rapid transit (BRT), local buses, and other public transit vehicles. Although transit services are found on other street types throughout the City, transit has the utmost priority on Grand Boulevards.
- **Adjacent Jurisdictions.** Roadway conditions on major streets within adjacent jurisdictions are evaluated for the AM 4-hour peak period based on the volume-to-capacity (V/C) ratios of the street segments and the City of San José's contributions to the total traffic of the street segments. V/C is a performance measure and represents the level of saturation (proportion of roadway capacity that is being used). A lower ratio indicates a roadway's capacity is not fully utilized while a larger ratio, or ratio greater than 1.00, represents a roadway's capacity is fully utilized or over saturated. Freeway facilities operated by Caltrans and expressways operated by the Santa Clara County are also considered as adjacent jurisdictions.

In 2011, the City adopted the Envision San José 2040 General Plan (General Plan), which identified programmatic long-range transportation impacts based on planned land uses and the planned transportation system within the City projected to the Year 2035. The *Envision San José 2040: Transportation Impact Analysis (TIA) for the Draft Environmental Impact Report (DEIR)* provided a comprehensive evaluation of the effects of planned land use as identified in the General Plan on the citywide transportation system. The study commenced in 2008 with the data collection of the existing traffic volumes used to establish the existing transportation conditions for the analysis. The Envision San José 2040 General Plan EIR included a robust discussion of how existing conditions were determined.<sup>175</sup>

The TIA for the Envision San José 2040 General Plan EIR analyzed the impacts of the future planned growth and future conditions on the existing transportation system. The future conditions were modeled for build-out in horizon year 2035 and included planned land uses and land use intensities, as well as planned improvements to the transportation system within the City's boundaries and within the region.

In 2016, a subsequent TIA was prepared for the General Plan Four-Year Review that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of

<sup>175</sup> City of San José. *Envision San José 2040 General Plan Draft Program Environmental Impact Report*. 2011. <http://www.sanjoseca.gov/DocumentCenter/View/2190>. Discussion starts on page 131 of the document.

regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The General Plan Four-Year Review TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of General Plan Amendments (GPA) considered for approval during and after the Four-Year Review.

In 2017, the BART Phase II EIR was published and included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the Downtown Strategy 2040 EIR and once again, the model was validated with current traffic data to update the existing transportation conditions.

This EIR provides an evaluation of the changed circumstances of future conditions in the General Plan due to the proposed General Plan amendments using the updated model. The results of the analysis for the proposed land use adjustments are compared to the results of the General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed General Plan amendments would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as amended by the City Council in December 2017.

After General Plan amendments to the Land Use/Transportation Diagram become effective, which is generally 30 days after Council approval, these General Plan amendments are incorporated into the updated General Plan Land Use/Transportation Diagram. This process may occur up to four times a year under State law. Therefore, the current General Plan includes all amendments that are currently effective.

The Envision San José 2040 General Plan Land Use / Transportation Diagram designates the type, intensity, and general distribution of planned land uses within San José. Because the 2018 General Plan amendments propose changes to sites' land use designations, this EIR evaluates the incremental changes from uses and intensities allowed under the sites' current land use designations to the uses and intensities allowed under the proposed General Plan land use designations for each site. The reason the baseline of the current land use designation is used (as opposed to the existing physical condition) is because the 2040 General Plan EIR and subsequent reviews have already evaluated the potential transportation CEQA impacts of building out the General Plan using existing physical condition baseline in 2008, as explained in detail above. The existing physical condition baseline was reviewed, analyzed, and updated again in 2016, 2017, and as part of this EIR, and it was determined based on substantial evidence that the proposed General Plan amendments would not result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as updated.

Further, the build-out of the General Plan and related environmental analysis under CEQA assumes development overall in the City will occur at the middle range of the General Plan land use designations or consistent with surrounding development intensities. The reason why the middle or typical range is used as opposed to the maximum intensities potentially allowed under various General Plan land use designations is because building out under the maximum intensities for all General Plan land designation would exceed the total planned growth capacity allocated in the General Plan, and this maximum amount of build-out does not represent typical development

patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, Federal Aviation Administration regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code in Title 20 (Zoning), market conditions, and other factors.

For example, several General Plan land use designations include a maximum intensity for each use allowed under a land use designation, and also allow a mix of land uses. On a site where development is mixed-use, or there is a height limit, or there is a minimum required setback, achieving the maximum allowable intensities for each land use in the development is often physically infeasible. To evaluate the incremental changes of the proposed General Plan land use amendments, average residential and commercial densities for development under these land use designations and in the planning areas of the proposed General Plan amendments for San José are assumed for the current and proposed land use designations on each site. Individual development projects would be required to complete a near term traffic analysis in conjunction with any future development permit applications.

#### Significance Impact Criteria

The City of San José adopted policies and goals in Envision San José 2040 to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from then-existing (year 2008) conditions. To meet these goals by the 2040 horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments. Table 3.15-7 summarizes the significance thresholds associated with vehicular modes of transportation that were adopted as part of Envision San José 2040 for the evaluation of long-range traffic impacts resulting from proposed land use adjustments and used in this analysis.

In addition to the MOEs described above, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. The Downtown Strategy 2040 would cause a significant long-range transportation impact if the following would occur:

- Disrupt existing, or interfere with planned transit services or facilities;
- Disrupt existing, or interfere with planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;
- Disrupt existing, or interfere with planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.

The results of the Downtown Strategy 2040 GPA long-range analysis are described below.

Table 3.15-7: MOE Significance Thresholds	
MOE	Citywide Thresholds
VMT/ Service Population	Any increase over 2015 baseline conditions
Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over 2015 baseline conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below 2015 baseline conditions in the AM peak one-hour period when: <ol style="list-style-type: none"> <li>1. The average speed drops below 15 mph or decreases by 25% or more, or</li> <li>2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under 2015 baseline conditions</li> </ol>
Adjacent Jurisdiction	When 25% or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San Jose during the AM peak-4 hour period. <ol style="list-style-type: none"> <li>1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater</li> <li>2. A deficient roadway segment is attributed to San Jose when trips from the City are 10 % or more on the deficient segment</li> </ol>
Source: Envision San Jose 2040 General Plan TIA, October 2010.	

### Vehicle Miles Traveled Per Service Population

The San José forecast model was used to calculate daily vehicle miles traveled (VMT) per service population, where service population is defined as the number of residents plus the number of employees citywide. This approach focuses on the VMT generated by new population and employment growth. VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles. Any increase in VMT per service population over the current General Plan due to the proposed land use amendment is considered a significant impact.

As shown in Table 3.15-8, the daily VMT would decrease slightly and the VMT per service population would decrease slightly with the proposed DTS 2040 land use amendment when compared to the current General Plan. Therefore, the proposed land use amendment would result in a *less than significant impact* on the citywide VMT.

### Journey-to-Work Mode Share

Mode share is the distribution of all daily work trips by travel mode. The modes of travel include drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, a majority of work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM). Any increase in the journey-to-work drive alone mode share percentage over the current General Plan due to the proposed land use amendment is considered a significant impact.



<b>Table 3.15-8: Daily Vehicle Miles Traveled Per Service Population</b>			
	<b>Base Year (2015)</b>	<b>Existing General Plan</b>	<b>Existing General Plan Plus GPA</b>
Citywide Daily VMT	17,505,088	28,046,059	27,827,014
Citywide Service Population	1,392,946	2,054,758	2,054,758
• Total Households	319,870	429,350	429,350
• Total Residents	1,016,043	1,303,108	1,303,108
• Total Jobs	376,903	751,650	751,650
Daily VMT Per Service Population	12.6	13.6	13.5
<b>Note:</b> Service Population = Residents + Jobs			

Table 3.15-9 summarizes the citywide journey-to-work mode share analysis results. When compared to the current General Plan, the percentage of journey-to-work drive alone trips would decrease slightly as a result of the proposed land use amendment. Approximately 72 percent of the commuters would drive single occupancy vehicles to travel to and from work under the current General Plan and the current General Plan with the proposed land use amendment. Therefore, the proposed land use amendment would result in a *less than significant impact* on citywide journey-to-work drive alone mode share.

<b>Table 3.15-9: Journey-to-Work Mode Share</b>						
<b>Mode</b>	<b>Base Year (2015)</b>		<b>Existing General Plan</b>		<b>Existing General Plan Plus GPA</b>	
	<b>Trips</b>	<b>%</b>	<b>Trips</b>	<b>%</b>	<b>Trips</b>	<b>%</b>
Drive Alone	753,264	79.7%	1,098,198	72.0%	1,089,242	71.5%
Carpool 2	85,496	9.0%	138,716	9.1%	137,570	9.0%
Carpool 3+	28,526	3.0%	55,275	3.6%	54,729	3.6%
Transit	48,181	5.1%	177,546	11.6%	185,222	12.2%
Bicycle	14,120	1.5%	26,119	1.7%	26,379	1.7%
Walk	15,666	1.7%	28,839	1.9%	29,762	2.0%

### **Average Vehicle Speeds in Transit Priority Corridors**

The San José model was used to calculate the average vehicle travel speeds during the AM peak hour for the City's 14 transit corridors (i.e., Grand Boulevard segments) that were evaluated in the 2040 General Plan traffic analysis. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA's LRT, BRT, local buses, and other public transit vehicles. A land use amendment is considered to result in a significant impact when there is a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 mph or decreases by 25 percent or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current General Plan.

Table 3.15-10 presents the average vehicle speeds on the City's 14 transit priority corridors (i.e., Grand Boulevard segments) during the AM peak hour of traffic. When compared to the travel speeds

under current General Plan conditions, the change in traffic resulting from the Downtown Strategy 2040 would have a minimal effect on the travel speeds in the transit corridors. The model estimates decrease in travel speeds of 0.5 mph or less on eight corridors. Travel speeds on the remaining corridors would improve slightly or remain unchanged when compared to the current General Plan. Therefore, the Downtown Strategy 2040 would result in a less than significant impact on the vehicle speeds in the transit priority corridors.

<b>Table 3.15-10: AM Peak Hour Vehicle Speeds for San José Transit Priority Corridors</b>					
<b>Transit Priority Corridor</b>	<b>Base Year (2015)</b>	<b>Existing General Plan</b>	<b>Existing General Plan Plus GPA</b>	<b>% Change (Existing General Plan + GPA – Existing GP)</b>	<b>Absolute Change (Existing General Plan + GPA – Existing GP)</b>
2nd St from San Carlos St to St. James St	16.6	15.7	15.5	-1.3%	-0.2
Alum Rock Av from Capitol Av to US 101	21.3	16.6	16.8	1.2%	0.2
Camden Av from SR 17 to Meridian Av	23.1	18.1	17.8	-1.7%	-0.3
Capitol Av from S. Milpitas Bl to Capitol Expwy	27.1	22.8	22.9	0.5%	0.1
Capitol Expwy from Capitol Av to Meridian Av	33.0	26.9	27.1	0.4%	0.1
E. Santa Clara St from US 101 to Delmas Av	20.4	16.2	15.9	-2.0%	-0.3
Meridian Av from Park Av to Blossom Hill Rd	24.9	20.9	20.6	-1.4%	-0.3
Monterey Rd from Keyes St to Metcalf Rd	27.4	19.2	19.9	3.4%	0.6
N. 1st St from SR 237 to Keyes St	21.3	13.9	13.7	-1.0%	-0.1
San Carlos St from Bascom Av to SR 87	24.8	20.8	20.5	-1.6%	-0.3
Stevens Creek Bl from Bascom Av to Tantau Av	24.3	18.8	18.7	-0.1%	0.0
Tasman Dr from Lick Mill Bl to McCarthy Bl	22.7	13.8	13.8	-0.3%	0.0

<b>Table 3.15-10: AM Peak Hour Vehicle Speeds for San José Transit Priority Corridors</b>					
<b>Transit Priority Corridor</b>	<b>Base Year (2015)</b>	<b>Existing General Plan</b>	<b>Existing General Plan Plus GPA</b>	<b>% Change (Existing General Plan + GPA – Existing GP)</b>	<b>Absolute Change (Existing General Plan + GPA – Existing GP)</b>
The Alameda from Alameda Wy to Delmas Av	20.5	14.3	14.2	-1.0%	-0.1
W. San Carlos St from SR 87 to 2nd St	20.0	19.3	18.9	-2.2%	-0.4

### **Adjacent Jurisdictions**

The San José forecast model was used to calculate the number of lane miles of street segments with V/C ratios of 1.0 or greater during the peak 4-hour AM period within adjacent jurisdictions. The effect of the proposed Downtown Strategy 2040 is evaluated based on the percentage of traffic that would be added to the deficient roadways. A deficient roadway segment in an adjacent jurisdiction is attributed to San José when trips originating from residents and jobs within San José equal 10 percent or more on the deficient segment. An impact to an adjacent jurisdiction is considered significant when 25 percent or more of total deficient lane miles are attributable to the City of San José. The 25 percent threshold represents what would be a noticeable change in traffic.

Table 3.15-11 summarizes the City of San José’s traffic impacts on the roadway segments within adjacent jurisdictions. City of San José traffic would significantly impact roadway segments in the same 13 adjacent jurisdictions under both the current General Plan and the amended Downtown Strategy 2040 conditions. With the proposed Downtown Strategy 2040, the percentage of deficient lane miles attributable to the City would be the same at 13 roadway segments when compared to the current General Plan. The proposed land use amendment would not result in further impacts on roadways in adjacent jurisdictions than that those identified for the current General Plan. Therefore, the proposed land use amendment would result in a less than significant impact on the roadway segments in adjacent jurisdictions.



**Table 3.15.11: AM 4-Hour Traffic Impacts in Adjacent Jurisdictions**

	Base Year (2015)			Existing General Plan			Existing General Plan Plus GPA		
City	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San Jose <sup>2</sup>	% of Deficient Lane Miles Attributable to San Jose	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San Jose <sup>2</sup>	% of Deficient Lane Miles Attributable to San Jose	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San Jose <sup>2</sup>	% of Deficient Lane Miles Attributable to San Jose
Campbell	0.12	0.12	100%	1.15	1.15	<b>100%</b>	1.15	1.15	<b>100%</b>
Cupertino	1.67	1.19	72%	2.60	2.23	<b>86%</b>	2.60	2.23	<b>86%</b>
Gilroy	0.34	0.34	100%	0.00	0.00	<b>0%</b>	0.00	0.00	<b>0%</b>
Los Altos	0.50	0.00	0%	1.49	0.25	17%	1.14	0.25	22%
Los Altos Hills	0.38	0.13	35%	2.51	1.95	<b>78%</b>	2.51	1.95	<b>78%</b>
Los Gatos	0.22	0.22	100%	1.34	1.34	<b>100%</b>	1.34	1.34	<b>100%</b>
Milpitas	0.39	0.39	100%	5.54	5.54	<b>100%</b>	5.54	5.54	<b>100%</b>
Monte Sereno	0.00	0.00	0%	0.00	0.00	0%	0.00	0.00	0%
Morgan Hill	0.00	0.00	0%	0.24	0.24	<b>100%</b>	0.24	0.24	<b>100%</b>
Mountain View	0.39	0.28	71%	1.60	1.48	<b>93%</b>	1.60	1.48	<b>93%</b>
Palo Alto	0.88	0.31	35%	2.42	0.76	<b>31%</b>	2.42	0.76	<b>31%</b>
Santa Clara	0.00	0.00	0%	0.60	0.60	<b>100%</b>	0.34	0.34	<b>100%</b>
Saratoga	0.00	0.00	0%	0.63	0.63	<b>100%</b>	0.63	0.63	<b>100%</b>
Sunnyvale	0.81	0.81	100%	0.53	0.48	<b>90%</b>	0.53	0.48	<b>90%</b>
Caltrans Facilities	5,743.69	4,433.43	77%	5,856.67	4,783.14	<b>82%</b>	5,795.79	4,775.33	<b>82%</b>
Santa Clara County Expressways	0.62	0.51	81%	5.97	5.95	<b>100%</b>	5.61	5.59	<b>100%</b>
<b>Notes:</b> 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater 2. A deficient roadway segment is attributed to San Jose when trips from the City are 10% or more on the deficient segment									

### 3.15.2.3 *Impacts to Pedestrian, Bicycle, and Transit Facilities*

The City of San José and VTA have adopted several plans and programs intended to encourage the use of alternative transportation modes and increase the safety and performance of transit, bicycle, and pedestrian facilities. The Circulation Element of the 2040 General Plan includes a set of balanced, long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts). In combination with land use goals and policies that focus growth into areas served by transit, these transportation goals and policies are intended to improve multi-model accessibility to employment, housing, shopping, entertainment, schools, and parks and create a city where people are less reliant on driving to meet their daily needs. San José's Transportation Goals, Policies, and Actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities. For example, the City's 2040 General Plan and Bike Plan 2020 (adopted in 2009) contain policies for guiding the development and maintenance of pedestrian, bicycle, and trail facilities within San José.

Increased vehicle traffic could affect the safety of pedestrian and bicycle travel in the Downtown area by increasing potential conflict points. The increase in vehicle traffic resulting from future development could also adversely affect travel times for local and express bus service. Conversely, the increase in traffic congestion may encourage residents, employees, and visitors in the Downtown area to use transit, bike, or walk rather than drive.

As described in Section 3.15.1.1, the 2040 General Plan includes a range of transportation policies intended to maximize the efficiency, safety, and connectivity of the circulation system. The policies emphasize increasing access and mobility for alternative modes of transportation (i.e., pedestrian, bicycle, and transit).

The design of future development and transportation projects in the Downtown area will be required to facilitate pedestrian and bicycle access and safety, in accordance with 2040 General Plan policies. As the Downtown Strategy 2040 is implemented and specific development projects are reviewed, the City will ensure that it is consistent with the 2040 General Plan to provide safe, accessible and interconnected pedestrian and bicycle facilities, and accommodate transit services (i.e., bus dugout). The City would continue to coordinate with transit providers to provide amenities at bus stops, enhancing the safety and comfort of transit users.

For these reasons, the proposed project supports goals, policies, and programs adopted by the City and VTA for encouraging alternative transportation modes and increasing the safety and performance of transit, bicycle, and pedestrian facilities. Implementation of the Downtown Strategy 2040 would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. **(Less than Significant Impact)**

### **3.15.2.4      *Impacts to Air Traffic Patterns***

Implementation of the Downtown Strategy 2040 would result in the intensification of land uses in the vicinity of the Norman Y. Mineta San José International Airport. Consistent with 2040 General Plan policies, future development of buildings exceeding the Part 77 imaginary surfaces would be subject to the FAA review process, as described in Section 3.9 Hazards and Hazardous Materials. Therefore, the construction of tall buildings in the Downtown area would not cause a change in normal air traffic patterns. As described previously, the City of San José applies FAA Part 77 height criteria to identify potential safety hazards under CEQA.

Future development under the Downtown Strategy 2040 would not increase air traffic in excess of the projections in the adopted Norman Y. Mineta San José International Airport Master Plan.<sup>176</sup> Implementation of the proposed Downtown Strategy, with individual structures that exceed FAA Part 77 heights subject to FAA review prior to discretionary approvals by the City, will not change air traffic patterns associated with the Norman Y. Mineta San José International Airport. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.15.2.5      *Transportation Hazards and Emergency Access***

The Downtown Strategy 2040 would not result in any incompatible uses of City streets, as the proposed residential, commercial, retail, and hotel development is consistent with urban areas. Consistent with City policies and practices, any future modifications to public and private street designs will be developed under the direction of the City's Directors of Transportation and Public Works and subject to professional engineering analysis.<sup>177</sup> The roadway network and future development projects will be designed to accommodate emergency vehicles. Traffic laws would continue to be enforced in the Downtown area.

Please refer to Section 3.9 Hazards and Hazardous Materials and 3.14 Public Facilities and Services for additional discussions on emergency access. With implementation of 2040 General Plan policies, the proposed project would not result in inadequate emergency access, nor substantially increase hazards due to design features or incompatible uses. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.15.2.6      *Consistency with Plans***

#### **Congestion Management Program**

As described previously, the new City of San José Transportation Impact Policy (Council Policy 5-1) replaces the former Council Policy 5-3 which utilized intersection level of service, or vehicle delay or congestion, as the primary measure of development traffic impacts. Thus, the evaluation of a project's impact on level of service at intersections under the jurisdiction of the City of San José is no longer required under CEQA. However, apart from CEQA, the City is still required to conform to the requirements of the Valley Transit Authority (VTA) which establishes a uniform program for evaluating the transportation impacts of land use decisions on the designated CMP Roadway System

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<sup>176</sup> 2040 General Plan EIR.

<sup>177</sup> 2040 General Plan EIR.

under the California Government Code. The VTA's Congestion Management Program (CMP) has yet to adopt and implement guidelines and standards for the evaluation of the CMP roadway system using VMT under SB 743. Therefore, this EIR includes an analysis of the effects of the Downtown Strategy 2040 and its growth on CMP-designated intersections and freeway segments in the vicinity of the project area following the current peak-hour LOS standards and methodologies as outlined in the *VTA Transportation Impact Analysis Guidelines* for informational purposes only. This analysis is included for the purposes of determining consistency of the project with the CMP, and not for the purposes of identifying project traffic impacts on the transportation system under CEQA, which are based on VMT metrics as discussed above. The following discussion summarizes the results of the detailed CMP analysis included in Appendix D.

### CMP Intersection Levels of Service

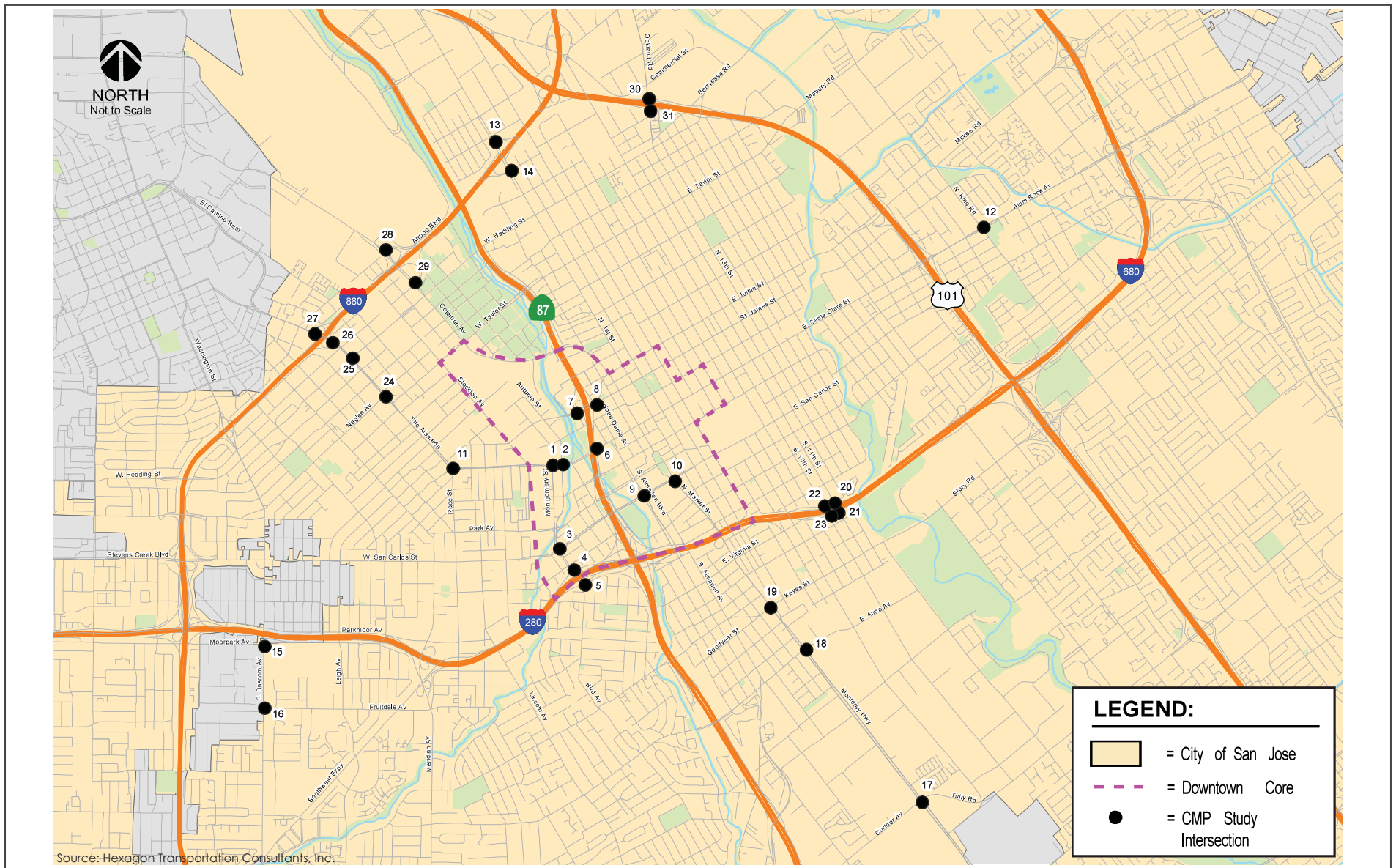
The results of the level of service analysis completed for the project show that the following five CMP-designated study intersections are projected to operate at LOS F during at least one peak hour under 2040 General Plan conditions, according to the CMP level of service standards:

- (15) Bascom Avenue and Moorpark Avenue (PM peak hour)
- (16) Bascom Avenue and Fruitdale Avenue (PM peak hour)
- (18) First Street and Alma Avenue (AM & PM peak hours)
- (24) The Alameda and Naglee Avenue (AM & PM peak hours)
- (25) The Alameda and Hedding Street (PM peak hour)

The results also show that the five intersections projected to operate at LOS F under 2040 General Plan conditions are also projected to operate at LOS F conditions under the amended General Plan 2040 conditions that would occur with implementation of the Downtown Strategy 2040 (referred to as Downtown Strategy 2040 conditions, which includes the relocation of 3,000,000 sf of office space and 4,000 dwelling units from elsewhere in the City compared to current growth assumptions in the General Plan).

Improvements were investigated for each of the intersections projected to operate at LOS F conditions under Downtown Strategy 2040 conditions. Two of the intersections identified, Bascom Avenue and Moorpark Avenue, and Bascom Avenue and Fruitdale Avenue, are part of the VTA Bascom Complete Streets study corridor. Improvements that increase auto capacity are counter to that plan. Two intersections, The Alameda and Naglee Avenue, and The Alameda and Hedding Street, have no feasible improvements due to right-of-way constraints. The right-of-way constraints were already recognized by the City of San José when these intersections were designated as Protected Intersections under the former transportation analysis policy (Council Policy 5-3). The final intersection was found to have feasible improvements, but those improvements, such as adding turning lanes to increase vehicular volumes through the intersections, would be detrimental to the City's goals of reducing VMT and increasing the use of alternative modes of transportation and contrary to the most current State law addressing traffic impacts (SB 743).

Downtown Strategy 2040 will be in substantial conformance with CMP requirements through a combination of trip reduction from the Downtown area and implementation of VTA specified deficiency plan listed items, found in Appendix C of the VTA Deficiency Plan Requirements, where feasible in individual developments LTA's. Instead of increasing the capacity at affected



CMP STUDY INTERSECTIONS

FIGURE 3.15-8

intersections, the City will reduce congestion to meet CMP standards through a reduction in the volume of trips traveling through those intersections. As described in Section 2.4.5.1, a Downtown Transportation Plan will be developed as part of the Downtown Strategy 2040. The Downtown Transportation Plan will include strategies to increase public transit and active transportation infrastructure as well as encourage adoption of alternative modes of transportation and support efficient use of valuable parking resources using Transportation Demand Management (TDM) measures. TDM measures include design-based and program-based strategies to manage travel demand. At a minimum, the TDM measures would include: transit information kiosks, preferential parking for carpools/vanpools, ride-matching program, guaranteed ride home program, on-site TDM coordinator, discounted transit and/or bikeshare passes, car-sharing programs, biking facilities (e.g., parking, lockers, showers, bike sharing, bike valet), employee shuttles to Diridon Station, the future BART station, and other transit locations, and annual monitoring reports. In addition, the City's continued participation in the Bay Area Bike Share program, which allows users to rent and return bicycles at various popular locations around the Downtown area can also be considered a TDM measure.

Although the Downtown Transportation Plan would reduce congestion at affected intersections, the congestion may not be reduced to levels considered acceptable under the CMP. As a result, the Downtown Strategy 2040 would not be fully consistent with CMP requirements for signalized intersections. The City of San José and VTA will continue to monitor these intersections for impacts. VTA is also moving towards a VMT based CMA wide change in policy that will better align the CMP requirements with VMT based impacts analysis.

However, as described previously, SB 743 and City Council Policy 5-1 established VMT as the metric by which transportation impacts are measured in the City under CEQA, and the project would have a less than significant VMT impact under CEQA. The project's inconsistency with CMP requirements, therefore, would not be considered a significant environmental impact, as the CMP is focused on managing congestion, and a project's contribution to increased congestion is no longer considered an impact on the environment according to recent CEQA Guidelines amendments implementing SB 743 and the City's local transportation policy 5-1. **(Less Than Significant Impact)**

#### Freeway Segment Levels of Service

The results of the freeway segment analysis completed for the project show that of the 76 freeway segments that were analyzed, 66 directional mixed-flow freeway segments and 27 directional high occupancy vehicle (HOV) freeway segments are projected to operate at an unacceptable level of service based on the CMP's level of service standards. Alleviating the project's contribution to congestion on freeway segments would require roadway freeway widening to construct additional through lanes, thereby increasing freeway capacity. The VTA's Valley Transportation Plan (VTP) 2040 identifies numerous freeway improvement projects including express lane projects along several freeways within Santa Clara County. However, no comprehensive project to add through lanes has been developed by Caltrans or VTA towards which projects can contribute.

As described previously, the City's preferred approach to reducing traffic congestion to meet CMP standards would be through a reduction in the volume of trips, not through improvements that expand capacity. In fact, increasing freeway capacity would likely lead to increased VMT as more vehicles

could be accommodated by freeway infrastructure. Similar to the discussion of intersection congestion above, freeway segment congestion cannot be reduced to levels considered acceptable under the CMP. As a result, the Downtown Strategy 2040 would not be consistent with CMP requirements for freeway segments. However, as described previously, SB 743 and City Council Policy 5-1 established VMT as the metric by which transportation impacts are measured in the City, and the project would have a less than significant VMT impact. The project's inconsistency with CMP requirements, therefore, would not be considered a significant environmental impact, as the CMP is focused on managing congestion, and a project's contribution to increased congestion is no longer considered an impact on the environment according to recent CEQA Guidelines amendments implementing SB 743 and the City's transportation Policy 5-1. **(Less Than Significant Impact)**

### **3.15.2.7 Cumulative Impacts**

#### **Cumulative Downtown VMT**

As described in Section 2.6.3, development of a master planned, transit-oriented development project (commonly referred to as the Google Village Project) is being explored which could include office/R&D space, retail space, public open space, and other amenities in the Diridon Station Area. Initial disclosures indicate that the future development could include between six and eight million square feet of office/R&D space and retail/commercial amenities, supporting roughly 20,000 jobs. As described previously, the Downtown Strategy 2040 plans for the development of 14.2 million sf of office uses distributed throughout the Downtown area by the year 2040. Of the 14.2 million sf of planned office uses, five million sf is planned for the DSAP area, the boundaries of which include almost the entire Google Village Project area. This future master-planned development project would exceed the planned development capacities for the area in which is anticipated to occur.

For the purposes of analyzing cumulative transportation impacts, the cumulative scenario considered in this EIR includes an additional 1.2 million sf of office uses in the Google Village Project area on top of the office development capacities assumed in both the DSAP and Downtown Strategy 2040. All other development assumptions remain unchanged.

For the purposes of analyzing cumulative transportation impacts, the cumulative scenario considered in this EIR includes an additional 1.2 million sf of office uses in the Google Village area on top of the office development capacities assumed in both the DSAP and Downtown Strategy 2040. All other development assumptions remain unchanged.

The VMT data for the cumulative scenario was calculated using the City's TDF model. The cumulative residential VMT per capita and employment VMT per employee in the Downtown area are presented in Table 3.15-12. As shown in Table 3.15-12, cumulative VMT per capita and employee within the Downtown would be below the relevant thresholds of significance. **(Less Than Significant Cumulative Impact)**

Table 3.15-12: Cumulative Downtown VMT Analysis				
	Residential VMT per Capita <sup>1</sup>	Residential VMT Threshold	Employment VMT per Employee <sup>2</sup>	Employment VMT Threshold
Existing Conditions (2015)	8.25	10.12	10.12	12.21
Cumulative Conditions	7.46		8.50	
<sup>1</sup> Residential VMT per capita = residential VMT/population				
<sup>2</sup> Employment VMT per employee = employment VMT/employees				

### **General Plan Amendment Cumulative Long-Range Analysis**

In addition to General Plan Amendments (GPAs) proposed by the City related to the Downtown Strategy 2040, there are nine privately-initiated GPAs that collectively represent cumulative conditions (refer to Figure 3.15-9 for locations). Table 3.15-13 presents the nine sites and summarizes the current 2040 General Plan and applicant proposed land uses and density for each site. Each of the proposed GPAs would result in changes to the number of households and jobs on each site when compared to the Envision San José 2040 General Plan assumptions for each site. However, the total number of jobs and households citywide would not change as a result of these GPAs, as the City's forecasting model is used to rebalance the number of jobs and households citywide in order to maintain the 2040 General Plan Goal of 751,650 jobs and 429,350 households.

The changes in households and jobs for each site and the resulting increases in peak-hour trips are summarized in Table 3.15-14.

### ***Vehicle Miles Traveled Per Service Population***

The San José forecasting model was used to calculate daily vehicle miles traveled (VMT) per service population, where service population is defined as the number of residents plus the number of employees citywide. Any increase in VMT per service population over the current General Plan due to the proposed land use amendments is considered a significant impact.

As shown in Table 3.15-15, the citywide daily VMT and the VMT per service population would decrease when compared to the current General Plan. This is because (1) the total number of jobs and households would not change citywide as a result of the GPAs (only shifting of households and jobs would occur) and (2) the reallocation of 4,000 households and 10,000 jobs to the downtown area, where there are more jobs and transit options. Vehicle trips citywide would be reduced due to an increase in trips made via transit and non-motorized travel modes (bicycle and walk) within the Downtown area. Therefore, cumulatively, the 2018 GPAs would result in a *less than significant* impact on citywide daily VMT per service population.





**Table 3.15-13: List of Cumulative Proposed General Plan Amendments**

					Existing General Plan		Proposed Staff General Plan Amendment	
Site #	Project Name	Location	APN	Size (ac.)	Land Use	Density	Land Use	Density
1	GP17-015 (West San Carlos St.)	699 W. San Carlos Street; 254, 258 McEvoy Street; 277 Dupont Street	261-38-004; 005; 030; 047; 048; 049	1.12	Mixed Use Commercial	up to 50 DU/AC FAR 0.5 to 4.5	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
2	GP17-016 (Berryessa Rd.)	1655 Berryessa Road	241-03-023; 024; 025	13.02	Industrial Park	FAR up to 10.0	Urban Village	up to 250 DU/AC; FAR up 10.0
3	GP17-017 (Dupont St.)	205, 214 Dupont Street; 275 McEvoy Street	261-38-057; 064; 065; 067; 261-39-035	3.86	Mixed Use Commercial	up to 50 DU/AC FAR 0.5 to 4.5	Transit Residential	50-250 DU/AC; FAR 2.0 to 12.0
4	GP18-001 (San Felipe Rd.)	4349 San Felipe Road	676-36-007	0.99	Rural Residential	2 DU/AC; FAR up to 0.35	Neighborhood/Community Commercial (0.19 acres), Rural Residential (0.37 acres)	"FAR up to 3.5, 2 DU/AC; FAR up to 0.35"
5	GP18-002 (Meridian Ave.)	550, 570 Meridian Avenue; 1401 Parkmoor Avenue; 529, 581, 691 Race Street	264-08-060; 061; 063; 066; 067; 071; 072; 077; 078	11.56	Industrial Park	FAR up to 10.0	Combined Industrial/Commercial	FAR up to 12.0
	GP18-002 (Meridian Ave.) Staff Alternative	456, 460, 550, 570 Meridian Avenue; 1401 Parkmoor Avenue; 529, 581, 691 Race Street	264-08-017; 060; 061; 063; 066; 067; 071; 072; 077; 078; 085	12.54	same	same	same	same

**Table 3.15-13: List of Cumulative Proposed General Plan Amendments**

					Existing General Plan		Proposed Staff General Plan Amendment	
Site #	Project Name	Location	APN	Size (ac.)	Land Use	Density	Land Use	Density
6	GP18-004 (Union Avenue)	3235 Union Avenue; 2223 Camden Avenue	414-25-001; 020	12.12	Public/Quasi-Public	FAR N/A	Residential Neighborhood (6 acres), Neighborhood/Community Commercial (3.28 acres)	"8 DU/AC; FAR up to 0.7, FAR up to 3.5"
	GP18-004 (Union Avenue) Staff Alternative	same	same	same	same	same	Neighborhood/Community Commercial (12.12 acres)	FAR up to 3.5
7	GP18-005 (Lelong Street)	Northwest quadrant of Lelong St/Alma Ave intersection	434-13-038	4.30	Public/Quasi-Public	FAR N/A	Urban Residential	30-95 DU/AC; FAR 1.0 to 4.0
8	GP18-006 (Piercy Rd.)	459, 469 Piercy Road	678-93-039; 040	5.62	Industrial Park	FAR up to 10.0	Combined Industrial/Commercial	FAR up to 12.0
9	GP18-008 (Park Ave.)	1131 Park Avenue; 15 Tillman Avenue	261-27-074; 261-12-071	0.24	Residential Neighborhood (0.13 acres), Neighborhood/Community Commercial (0.11 acres)	8 DU/AC; FAR up to 0.7, FAR up to 3.5	Residential Neighborhood (0.11 acres), Neighborhood/Community Commercial (0.13 acres)	"8 DU/AC; FAR up to 0.7, FAR up to 3.5"
Notes: FAR = floor-to-area ratio; DU = dwelling units; AC = acre; APN = assessor's parcel number; N/A = not applicable Source: City of San Jose Planning Department (June 2018)								

<b>Table 3.15-14: Changes in Households, Jobs, and Peak Hour Trips Due to Applicant Proposed GPAs and DTS 2040 Plan Amendment</b>									
		<b>Existing General Plan</b>		<b>General Plan Amendment</b>		<b>Net Land Use Change</b>		<b>Net Peak-Hour Trip Change</b>	
<b>Site #</b>	<b>Site Name</b>	<b>TOTHH</b>	<b>TEMP</b>	<b>TOTHH</b>	<b>TEMP</b>	<b>TOTHH</b>	<b>TEMP</b>	<b>AM</b>	<b>PM</b>
1	GP-17-015 [West San Carlos Street]	18	337	150	337	132	0	0	0
2	GP-17-016 [Berryessa Road]	1,578	6,749	3,205	7,128	1,627	379	<b>1,059</b>	<b>1,301</b>
3	GP-17-017 [Dupont Street]	768	2,385	1,251	2,385	483	0	214	241
4	GP-18-001 [San Felipe Road]	423	235	423	244	0	9	6	9
5	GP-18-002 [Meridian Avenue]	1,656	2,811	1,656	2,414	0	-397	128	<b>260</b>
6	GP-18-004 [Union Avenue]	390	1,446	426	1,492	36	46	55	73
7	GP-18-005 [Lelong Street]	447	424	713	586	266	162	237	<b>300</b>
8	GP-18-006 [Piercy Road]	17	3,843	17	3,650	0	-193	25	112
9	GP-18-008 [Park Avenue]	517	420	517	421	0	1	-2	-3
	<b>Downtown Strategy 2040 Plan</b>	<b>15,784</b>	<b>80,509</b>	<b>19,784</b>	<b>90,456</b>	<b>4,000</b>	<b>10,000</b>	<b>3,287</b>	<b>4,568</b>
Notes: TOTHH = total number of households; TEMP = total number of jobs									
Bold indicates GPA that results in an increase in peak hour trips greater than 250 trips and requires site-specific GPA traffic analysis									
Source: City of San Jose Planning Department, June 2018 & City of San Jose TDF model runs July 2018									

<b>Table 3.15-15: Cumulative Daily Vehicle Miles Traveled Per Service Population</b>				
	<b>Base Year (2015)</b>	<b>Existing General Plan</b>	<b>Existing General Plan Plus GPA's</b>	<b>Existing General Plan Plus Staff GPA's</b>
Citywide Daily VMT	17,505,088	28,046,059	27,873,371	27,889,424
Citywide Service Population	1,392,946	2,054,758	2,054,758	2,054,758
• Total Households	319,870	429,350	429,350	429,350
• Total Residents	1,016,043	1,303,108	1,303,108	1,303,108
• Total Jobs	376,903	751,650	751,650	751,650
Daily VMT Per Service Population	12.6	13.6	13.6	13.6
<b>Note:</b> Service Population = Residents + Jobs				

## Journey-to-Work Mode Share

Mode share is the distribution of all daily work trips by travel mode, including drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, a majority of work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM). Any increase in the journey-to-work drive alone mode share percentage over the current General Plan due to the proposed land use amendments is considered a significant impact.

Table 3.15-16 summarizes the citywide journey-to-work mode share analysis results. Compared to the current 2040 General Plan, the percentage of journey-to-work drive alone trips would decrease slightly and the percentage of transit and walk trips would increase slightly. Therefore, cumulatively, the 2018 GPAs would result in a less than significant impact on citywide journey-to-work drive alone mode share.

<b>Table 3.15-16: Cumulative Journey-to-Work Mode Share</b>								
	<b>Base Year (2015)</b>		<b>Existing General Plan</b>		<b>Existing General Plan Plus GPA's</b>		<b>Existing General Plan Plus Staff GPA's</b>	
<b>Mode</b>	<b>Trips</b>	<b>%</b>	<b>Trips</b>	<b>%</b>	<b>Trips</b>	<b>%</b>	<b>Trips</b>	<b>%</b>
Drive Alone	753,264	79.7%	1,098,198	72.0%	1,089,340	71.5%	1,089,390	71.5%
Carpool 2	85,496	9.0%	138,716	9.1%	137,450	9.0%	137,635	9.0%
Carpool 3+	28,526	3.0%	55,275	3.6%	54,544	3.6%	54,595	3.6%
Transit	48,181	5.1%	177,546	11.6%	185,532	12.2%	185,018	12.1%
Bicycle	14,120	1.5%	26,119	1.7%	26,357	1.7%	26,468	1.7%
Walk	15,666	1.7%	28,839	1.9%	29,744	2.0%	29,791	2.0%

## Average Vehicle Speeds in Transit Priority Corridors

Average vehicle travel speeds during the AM peak hour for the City's 14 transit corridors that were evaluated in the 2040 General Plan traffic analysis. A transit corridor is a segment of roadway identified as a Grand Boulevard in the Envision San José 2040 GP Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA's LRT, BRT, local buses, and other public transit vehicles. The travel speeds are calculated by dividing the segment distance by the vehicle travel time. Land use amendments that result in a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 miles per hour (mph) or decreases by 25 percent (%) or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current General Plan is considered a significant impact.

Table 3.15-17 presents the average vehicle speeds on the City's 14 transit priority corridors (i.e., Grand Boulevard segments) during the AM peak-hour of traffic. When compared to travel speeds under current General Plan conditions, the change in traffic resulting from the proposed land use amendments would have minimal effect on the travel speeds in the transit corridors. The model estimates decrease in travel speeds of 0.6 mph or less (or a change of 3.5 percent or less) on ten corridors due to the applicant proposed GPAs. Travel speeds on the remaining corridors would improve slightly or remain unchanged when compared to the current GP. Therefore, cumulatively,

**Table 3.15-17: Cumulative AM Peak-Hour Vehicle Speeds (mph) for San José Transit Priority Corridors**

Transit Priority Corridor	Base Year (2015)	Existing General Plan	Existing General Plan Plus GPAs			Existing General Plan Plus Staff Alternative GPAs		
	Speed (mph)	Speed (mph)	Speed (mph)	% Change (Existing General Plan + GPA's - Existing GP)	Absolute Change (Existing General Plan + GPA's - Existing GP)	Speed (mph)	% Change (Existing General Plan + Staff GPA's - Existing GP)	Absolute Change (Existing General Plan + Staff GPA's - Existing GP)
"2nd St from San Carlos St to St. James St"	16.6	15.7	15.2	-3.2%	-0.5	15.3	-2.5%	-0.4
"Alum Rock Av from Capitol Av to US 101"	21.3	16.6	16.8	1.4%	0.2	16.9	1.5%	0.3
"Camden Av from SR 17 to Meridian Av"	23.1	18.1	17.8	-1.8%	-0.3	17.9	-1.6%	-0.3
"Capitol Av from S. Milpitas Bl to Capitol Expwy"	27.1	22.8	22.8	0.3%	0.1	22.9	0.3%	0.1
"Capitol Expwy from Capitol Av to Meridian Av"	33.0	26.9	27.0	0.2%	0.1	27.1	0.5%	0.1
"E. Santa Clara St from US 101 to Delmas Av"	20.4	16.2	15.6	-3.5%	-0.6	15.9	-2.1%	-0.3
"Meridian Av from Park Av to Blossom Hill Rd"	24.9	20.9	20.6	-1.4%	-0.3	20.6	-1.3%	-0.3
"Monterey Rd from Keyes St to Metcalf Rd"	27.4	19.2	20.3	5.4%	1.0	20.1	4.5%	0.9
"N. 1st St from SR 237 to Keyes St"	21.3	13.9	13.7	-1.4%	-0.2	13.8	-0.4%	-0.1
"San Carlos St from Bascom Av to SR 87"	24.8	20.8	20.5	-1.5%	-0.3	20.5	-1.5%	-0.3
"Stevens Creek Bl from Bascom Av to Tantau Av"	24.3	18.8	18.6	-0.6%	-0.1	18.7	-0.1%	0.0
"Tasman Dr from Lick Mill Bl to McCarthy Bl"	22.7	13.8	13.7	-0.7%	-0.1	14.1	1.9%	0.3
"The Alameda from Alameda Wy to Delmas Av"	20.5	14.3	14.1	-1.5%	-0.2	14.2	-0.8%	-0.1
"W. San Carlos St from SR 87 to 2nd St"	20.0	19.3	18.9	-1.9%	-0.4	19.0	-1.4%	-0.3
<b>Note:</b> <b>Bold indicates significant impacts</b>								

the 2018 GPAs would result in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

### **Adjacent Jurisdictions**

The San José forecasting model was used to calculate the number of lane miles of street segments with volume-to-capacity ratios of 1.0 or greater during the peak 4-hour AM period within adjacent jurisdictions. The effect of the proposed land use adjustments is evaluated based on the percentage of traffic that would be added to the deficient roadways. A deficient roadway segment in an adjacent jurisdiction is attributed to San José when trips originating from residents and jobs within San José equal 10 percent or more on the deficient segment. An impact to an adjacent jurisdiction is considered significant when 25 percent or more of total deficient lane miles are attributable to the City of San José. The 25 percent threshold represents what would be a noticeable change in traffic.

Table 3.15-18 summarizes the City of San José's traffic impacts on the roadway segments within adjacent jurisdictions. City of San José traffic would significantly impact roadway segments within 13 adjacent jurisdictions. With the proposed land use amendments under the applicant proposed GPA, the percent of deficient lane miles attributable to the City would decrease by 2 percent at one of the 13 impacted jurisdictions and would remain unchanged at the remaining 12 impacted jurisdictions, compared to the current GP. Additionally, San José traffic contribution to Los Altos roadway segments would increase from 17 percent under the current GP to 20 percent. However, the Los Altos roadway segments would not be significantly impacted under the current General Plan conditions or the proposed GPAs conditions. The proposed land use amendments would not result in further impacts on roadways in adjacent jurisdictions than those identified for the current General Plan. Therefore, cumulatively, the 2018 GPAs would result in a less than significant impact on the roadway segments in adjacent jurisdictions.

### **Cumulative Impacts on Transit, Bicycle, and Pedestrian Circulation**

#### **Transit Services or Facilities**

Planned transit services and facilities include additional rail service via the future Bay Area Rapid Transit (BART) extension, light rail transit (LRT) extensions, new bus rapid transit (BRT) services, and the proposed California High Speed Rail (HSR) project. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit facilities. Therefore, the proposed 2018 GPAs land use adjustments would not substantially disrupt existing, or interfere with planned transit services or facilities.

#### **Bicycle Facilities**

The adopted 2040 General Plan supports the goals outlined in the City's Bike Plan 2020 and contains policies to encourage bicycle trips (Policies TR-1.1, TR-1.2, TR-1.4 through TR-1.9, TR 2.1 through TR 2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 through TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12). The proposed GPA land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned bicycle facilities. Therefore, the proposed 2018 GPA land use

**Table 3.15-18: Cumulative AM 4-Hour Traffic Impacts in Adjacent Jurisdictions**

	Base Year (2015)			Existing General Plan			Existing General Plan Plus GPA's			Existing General Plan Plus Staff GPA's		
City	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San José <sup>2</sup>	% of Deficient Lane Miles Attributable to San José	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San José <sup>2</sup>	% of Deficient Lane Miles Attributable to San José	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San José <sup>2</sup>	% of Deficient Lane Miles Attributable to San José	Total Deficient Lane Miles <sup>1</sup>	Total Deficient Lane Miles Attributable to San José <sup>2</sup>	% of Deficient Lane Miles Attributable to San José
Campbell	0.12	0.12	100%	1.15	1.15	<b>100%</b>	1.15	1.15	<b>100%</b>	1.11	1.11	<b>100%</b>
Cupertino	1.67	1.19	72%	2.60	2.23	<b>86%</b>	2.60	2.23	<b>86%</b>	2.60	2.23	<b>86%</b>
Gilroy	0.34	0.34	100%	0.00	0.00	0%	0.00	0.00	0%	0.00	0.00	0%
Los Altos	0.50	0.00	0%	1.49	0.25	17%	1.28	0.25	20%	1.28	0.30	23%
Los Altos Hills	0.38	0.13	35%	2.51	1.95	<b>78%</b>	2.51	1.95	<b>78%</b>	2.51	1.95	<b>78%</b>
Los Gatos	0.22	0.22	100%	1.34	1.34	<b>100%</b>	1.34	1.34	<b>100%</b>	1.34	1.34	<b>100%</b>
Milpitas	0.39	0.39	100%	5.54	5.54	<b>100%</b>	5.76	5.76	<b>100%</b>	5.54	5.54	<b>100%</b>
Monte Sereno	0.00	0.00	0%	0.00	0.00	0%	0.00	0.00	0%	0.00	0.00	0%
Morgan Hill	0.00	0.00	0%	0.24	0.24	<b>100%</b>	0.24	0.24	<b>100%</b>	0.24	0.24	<b>100%</b>
Mountain View	0.39	0.28	71%	1.60	1.48	<b>93%</b>	1.60	1.48	<b>93%</b>	1.40	1.31	<b>93%</b>
Palo Alto	0.88	0.31	35%	2.42	0.76	<b>31%</b>	2.42	0.76	<b>31%</b>	2.42	0.76	<b>31%</b>
Santa Clara	0.00	0.00	0%	0.60	0.60	<b>100%</b>	0.34	0.34	<b>100%</b>	0.34	0.34	<b>100%</b>
Saratoga	0.00	0.00	0%	0.63	0.63	<b>100%</b>	0.63	0.63	<b>100%</b>	0.63	0.63	<b>100%</b>
Sunnyvale	0.81	0.81	100%	0.53	0.48	<b>90%</b>	0.53	0.48	<b>90%</b>	0.53	0.48	<b>90%</b>
Caltrans Facilities	5,743.69	4,433.43	77%	5,856.67	4,783.14	<b>82%</b>	5,796.73	4,778.16	<b>82%</b>	5,796.54	4,774.44	<b>82%</b>
Santa Clara County Expressways	0.62	0.51	81%	5.97	5.95	<b>100%</b>	4.84	4.73	<b>98%</b>	4.75	4.73	<b>100%</b>

Notes:

1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater
2. A deficient roadway segment is attributed to San Jose when trips from the City are 10% or more on the deficient segment
3. Bold indicates significant impacts



adjustments would not substantially disrupt existing, or interfere with planned bicycle facilities; conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards; and provide insecure and unsafe bicycle parking in adequate proportion to anticipated demand.

### Pedestrian Facilities

The adopted 2040 General Plan contains goals and policies (Policies TR-1.1, TR-1.2, TR-1.4 through TR-1.9, TR-2.1 through TR-2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 through TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12) to improve pedestrian walking environment, increase pedestrian safety, and create a land use context to support non-motorized travel. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned pedestrian facilities. Therefore, the proposed 2018 GPAs land use adjustments would not substantially disrupt existing, or interfere with planned pedestrian facilities; create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards; and provide accessible pedestrian facilities that would not meet current ADA best practice. **(Less than Significant Impact)**

### **3.15.3**      **Conclusion**

With implementation of the 2040 General Plan policies, Zoning Ordinance, and other applicable regulations, future development under the Downtown Strategy 2040 would not result in significant transportation impacts. **(Less than Significant Impact)**

### **3.16 UTILITIES AND SERVICE SYSTEMS**

The following discussion is based on a Water Supply Assessment prepared by the San José Water Company in July 2018. This report is included as Appendix E to this EIR.

#### **3.16.1 Environmental Setting**

##### **3.16.1.1 *Regulatory Framework***

#### **State and Regional**

##### **Urban Water Management Plan**

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in 2015. Water service to the downtown area is provided by the San José Water Company, which gets its water from a variety of sources including groundwater (approximately 40 percent), imported surface water (approximately 50 percent), and local mountain surface water (approximately 10 percent).<sup>178</sup>

##### **Wastewater**

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

##### **Assembly Bills 939**

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

##### **Assembly Bill 341**

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

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<sup>178</sup> San José Water. *Water Supply FAQs*. Accessed on: May 31, 2018. Available at: <<https://www.sjwater.com/customer-care/help-information/water-supply-faqs>>.

### Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

### Senate Bill 610

SB 610, codified as Water Code Section 10910 et seq., requires that certain water supply and demand information be prepared for “projects” which are the subject of an EIR. Water Code Section 10912 defines a “project” as, among other things, a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

### California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code (CALGreen) that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines for new construction projects to achieve specific green building performance levels, as well as more rigorous voluntary measures. Mandatory measures include:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Develop a construction waste management plan;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

### NPDES Permit Program

As described in Section 3.10 Hydrology and Water Quality, the federal Clean Water Act establishes the National Pollutant Discharge Elimination System (NPDES) permit program. Under the NPDES program, the San Francisco Bay Regional Water Quality Control Board (RWQCB) administers a wastewater permit to the Water Pollution Control Plant (WPCP) and a Municipal Regional Stormwater NPDES Permit to all Bay Area municipalities and flood control agencies that discharge directly to San Francisco Bay, including the City of San José. The wastewater permit sets limits for two types of pollutants (conventional and toxic) and limits the amount of treated water (effluent) discharged to the San Francisco Bay to 120 mgd.<sup>179</sup>

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<sup>179</sup> The influent and effluent capacities are based on average dry weather flows, which is the highest average daily flow over any five-weekday period between the months of June and October.

## Mandatory Commercial Recycling Measures

The California Air Resources Board (CARB) Scoping Plan for the AB 32 included a Mandatory Commercial Recycling measure designed to reduce greenhouse gas emissions by five million metric tons of carbon dioxide equivalents. According to Statewide Waste Characterization data from 2008, the commercial sector currently generates approximately 68 percent of the solid waste in California. To achieve the measure's objective, the commercial sector will need to recycle an additional two to 3,000,000 tons of material by the year 2020 and beyond.<sup>180</sup> All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units are required to recycle.

## **City of San José**

### Urban Environmental Accords

On November 1, 2005, San José's City Council signed on to the Urban Environmental Accords (Accords), a declaration of participating city governments to build ecologically sustainable, economically dynamic, and socially equitable futures for their urban citizens. The Urban Environmental Accords includes 21 actions in seven different areas such as energy, waste, and urban nature. The actions that relate to utilities and service systems are:

#### *Waste Reduction*

- Establish a policy to achieve zero waste to landfills and incinerators by 2040.
- Adopt a citywide law that reduces the use of a disposable, toxic, or non-renewable product category by at least fifty percent in seven years.
- Implement "user-friendly" recycling and composting programs, with the goal of reducing by 20 percent per capita solid waste disposal to landfill and incineration in seven years.

#### *Water*

- Develop policies to increase adequate access to safe drinking water, aiming at access for all by 2015. For cities with potable water consumption greater than 100 liters per capita per day, adopt and implement policies to reduce consumption by ten percent by 2015.
- Protect the ecological integrity of the city's primary drinking water sources (i.e., aquifers, rivers, lakes, wetlands and associated ecosystems).
- Adopt municipal wastewater management guidelines and reduce the volume of untreated wastewater discharges by 10 percent in seven years through the expanded use of recycled water and the implementation of a sustainable urban watershed planning process that includes participants of all affected communities and is based on sound economic, social, and environmental principles.

### Climate Smart San José

Climate Smart San José, which was adopted in 2018, is a comprehensive plan to reduce greenhouse gas emissions while creating jobs, preserving the environment, and improving the quality of life for our community. The plan includes several strategies to reduce GHG emissions related to transportation, including creating local jobs to reduce VMT, developing integrated, accessible public transport infrastructure, creating clean, personalized mobility choices.

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<sup>180</sup> City of San José. Envision San José EIR. September 2011.

## Water Conservation Programs

The City's water conservation programs are intended to meet future water needs and minimize flows to the sanitary sewer and sewage treatment systems. The program includes: limited landscape watering hours; restrictions on the use of potable water for construction purposes; ultra-low flow toilet incentives; a showerhead retrofit program; landscape ordinances for non-residential new construction; commercial/industrial water audits; financial incentives for commercial/industrial conservation; water use prohibitions; and a ban on cleaning vehicles without an automatic shut-off valve.

## Sanitary Sewer Level of Service Policy

The City of San José has adopted a level of service (LOS) policy for design of wastewater mains. The levels of service range from "A" to "F", with LOS A defined as unrestricted flow, and LOS F defined as being inadequate to convey existing wastewater flow. To meet the City's guidelines, new developments must meet LOS D or better. At LOS D, the sewer main runs full during peak conditions.<sup>181</sup> The City is currently revising the LOS to address State and Federal regulations and best management practices for sanitary sewer systems. Under current City policy, new development is required to avoid or minimize impacts upon existing or anticipated sewer line deficiencies by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer system improvements.

## Zero Waste Goals and Strategic Plan

In 2007, the San José City Council adopted the *San José's Green Vision* and a Zero Waste Resolution (No. 74077). The Green Vision is a 15-year plan for implementing environmental sustainability along with economic growth in the City. The resolution set a goal of 75 percent waste diversion by 2013 and a goal of zero waste by 2022 for the City, in support of the Green Vision goal to divert 100 percent of waste from landfills. The resolution is based on the principles of pursuing "upstream" strategies to reduce the volume of discarded materials and improving "downstream" reuse/recycling to ensure their highest and best use while stimulating local economic development.

To help reach the waste reduction goals, the City developed a Zero Waste Strategic Plan that identifies policies, programs, and facilities to be implemented in a phased approach over the short- and long-term. Phase I includes voluntary actions, education, and incentives; Phase 2 includes new programs and advocacy; and Phase 3 includes bans, mandates, and legislation. The Plan considers strategies such as food waste composting, reducing packaging, extended producer responsibility, redesigning the commercial solid waste system, improved services for multi-family dwellings, and other programs.<sup>182</sup>

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<sup>181</sup> Peak wet weather flow assumes rainfall-derived and infiltration flow from a 10-year storm in addition to normal wastewater flows. Sewage flow increases during storm events due to inflow from surface water that enters the system through improper sewer connections and manhole covers and from infiltration of groundwater through leaky sewer pipes and connections.

<sup>182</sup> City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

To support the City’s Green Vision and comply with AB 2176, the City developed a Zero Waste Event Program to encourage waste prevention and reduction, recycling, and composting at large events held in the City of San José.

### Municipal Code – Water Supply

The City has implemented a list of conservation actions in the San José Municipal Code Chapter 15.10 that are in force at all times to prohibit water waste. These conservation actions include, but are not limited to:

- No irrigating landscapes between 10 am and 8 pm, unless using a bucket, hand-carried container, or a hose with a shut-off nozzle (15.10.290A)
- Sprinklers cannot run more than 15 minutes per station per day (15.10.290B)
- No excessive water runoff is allowed (15.10.220A & B)
- Leaking or broken water pipes, irrigation systems, and faucets must have repairs initiated within five working days and repaired as soon as practical (15.10.210 A & B)
- No cleaning of structures or paved surfaces with a hose without a positive shut-off nozzle (15.10.240)
- No cleaning of vehicles with a hose without a positive shut-off nozzle (15.10.250)
- Commercial car washes must use water recycling equipment, a bucket and handwashing, or a hose with positive shut-off nozzle (15.10.255A,B,C)
- No serving water in food service establishments unless requested by the customer (15.10.230A)

### Envision San José 2040 General Plan

The 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts associated with utilities and service systems.

<b>Table 3.16-1: General Plan Policies - Utilities &amp; Service Systems</b>	
<b>Policy</b>	<b>Description</b>
<b>Water Conservation and Quality Policies and Actions</b>	
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

**Table 3.16-1: General Plan Policies - Utilities & Service Systems**

MS-3.7	Update the Green Building Ordinance to require installation of water efficient fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent during construction or renovation of bathrooms, kitchens, laundry areas, and/or other areas with water fixtures/appliances that are proposed to be replaced.
<b>Responsible Management of Water Supply Policies and Actions</b>	
MS-17.1	Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled water programs to support the expanded use of recycled water within San José and neighboring jurisdictions.
MS-17.8	Review and provide input to Urban Water Management Plans prepared by water suppliers to ensure that they maximize water conservation and reuse in order to fulfill San José's water supply needs. Consider projected water supplies in updated Urban Water Management Plans as a part of each Major Review of this General Plan.
<b>Water Conservation Policies and Actions</b>	
MS-18.4	Retrofit existing development to improve water conservation.
MS-18.5	Reduce per capita water consumption by 25 percent by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.
MS-18.6	Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.
<b>Water Recycling Policies and Actions</b>	
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
MS-19.3	Expand the use of recycled water to benefit the community and the environment.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
MS-19.6	Develop and enact ordinance(s) that require new development to contribute to the improvement and expansion of the South Bay Water Recycling system.

<b>Table 3.16-1: General Plan Policies - Utilities &amp; Service Systems</b>	
<b>Water Resources</b>	
ER-9.3	Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
<b>General Provision of Infrastructure Policies</b>	
IN-1.5	Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.
IN-1.6	Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the 2040 General Plan.
IN-1.7	Implement financing strategies, including assessment of fees and establishment of financing mechanisms, to construct and maintain needed infrastructure that maintains established service levels and mitigates development impacts to these systems (e.g., pay capital costs associated with existing infrastructure that has inadequate capacity to serve new development and contribute toward operations and maintenance costs for upgraded infrastructure facilities).
<b>Water Supply, Sanitary Sewer, and Storm Drainage Policies and Actions</b>	
IN-3.1	<p>Achieve minimum level of services:</p> <ul style="list-style-type: none"> <li>For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.</li> <li>For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.</li> </ul>
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.4	Maintain and implement the City’s Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:



**Table 3.16-1: General Plan Policies - Utilities & Service Systems**

	<ul style="list-style-type: none"><li>• Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.</li><li>• Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.</li><li>• Ensure adequate funding and timely completion of the most critically needed sewer capacity projects.</li><li>• Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.</li></ul>
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.14	Maintain and implement the Sanitary Sewer Master Plan Program to determine sewer system capacity needs using a computerized hydraulic model of San José's sewer system, supported by sewer flow monitoring at strategic locations within the system.
IN-3.15	Develop a sewer capacity improvement program to prioritize and construct improvement projects to address the capacity needs identified in the Sewer Master Plan Program.
IN-3.16	<p>Develop a Storm Drainage Infrastructure Master Plan to</p> <ul style="list-style-type: none"><li>• Identify facilities needed to prevent 10-year event street flooding and 100-year event structure flooding.</li><li>• Ensure that public facilities and infrastructure are designed pursuant to approved State, regional and local regulatory requirements.</li><li>• Ensure that adequate land area and any other elements are provided for facilities subject to incremental sizing (e.g., detention basins and pump stations).</li></ul>

**Table 3.16-1: General Plan Policies - Utilities & Service Systems**

	<ul style="list-style-type: none"> <li>Identify opportunities to meet water quality protection needs in a cost-effective manner.</li> </ul>
<b>Wastewater Treatment and Water Reclamation Policies</b>	
IN-4.1	Monitor and regulate growth so that the cumulative wastewater treatment demand of all development can be accommodated by San José's share of the treatment capacity at the San José/Santa Clara Regional Wastewater Facility.
IN-4.2	Maintain adequate operational capacity for wastewater treatment and water reclamation facilities to accommodate the City's economic and population growth.
IN-4.3	Adopt and implement new technologies for the operation of wastewater treatment and water reclamation facilities to achieve greater safety, energy efficiency and environmental benefit.
IN-4.4	Maintain and operate wastewater treatment and water reclamation facilities in compliance with all applicable local, State and federal clean water, clean air, and health and safety regulatory requirements.
IN-4.6	Encourage water conservation and other programs which result in reduced demand for wastewater treatment capacity.
<b>Solid Waste – Materials Recovery/Landfill Policies</b>	
IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private Material Recovery Facilities (MRF) and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
IN-5.4	Support the expansion of infrastructure to provide increased capacity for Materials Recovery Facilities (MRF)/transfer, composting, and Construction and Demolition materials processing (C&D) at privately operated facilities and on lands under City control to provide increased long-term flexibility and certainty.
IN-5.13	Designate no new candidate landfill sites until the need for additional landfill capacity has been established. Source reduction, recycling/composting alternatives, and waste conversion should be taken into account when evaluating the need for a landfill.

**Table 3.16-1: General Plan Policies - Utilities & Service Systems**

IN-5.15	Expand the capacity of existing landfill sites as the preferred method for increasing the City’s landfill capacity and monitor the continued availability of recycling, resource recovery and composting capacity to ensure adequate long term capacity.
<b>Development Fees, Taxes, and Improvement Requirements Policies</b>	
IP-15.2	<p>To finance the construction and improvement of facilities and infrastructure systems for which the demand for capacity cannot be attributed to a particular development, consider a series of taxes or fees through which new growth collectively finances those facilities and systems, as follows:</p> <ol style="list-style-type: none"><li>1. Construction Tax and the Conveyance Tax (the latter paid in connection with any transfer of real property, not just new development) provide revenue for parks, libraries, library book stock, fire stations, maintenance yards and communications equipment.</li><li>2. The Building and Structures Tax and Commercial/Residential/Mobilehome Park Tax provide revenue for the construction of San José’s major street network.</li><li>3. Connection Fees provide revenue for the construction of storm sewers, sanitary sewers and expansions of sewage treatment capacity at the Water Pollution Control Plant.</li><li>4. Fees and taxes may need to be adjusted from time to time to reflect changing costs and new requirements. Additionally, new fees or taxes may need to be imposed to finance other capital and facility needs generated by growth.</li><li>5. Where possible, if a developer constructs facilities or infrastructure for which these taxes are imposed, the developer may be provided with corresponding credits against the applicable taxes or fees.</li></ol>
<b>Environmental Leadership/Stewardship Policies</b>	
IP-17.1 <sup>183</sup>	<p>Use San José’s adopted Green Vision as a tool to advance the 2040 General Plan Vision for Environmental Leadership. San José’s Green Vision is a comprehensive fifteen-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked. Adopted in 2007, San José’s Green Vision, adopted in 2007, establishes the following Environmental Leadership goals for the City through 2022:</p> <ol style="list-style-type: none"><li>5. Divert 100 percent of the waste from our landfill and convert waste to energy; Although the City has one of the highest waste diversion rates of</li></ol>

<sup>183</sup> Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

**Table 3.16-1: General Plan Policies - Utilities & Service Systems**

	any large city in the nation, many waste reduction opportunities remain. If San José and other local cities achieve no further waste reduction efforts over the next 15 years, solid waste landfill space in the region could reach capacity.
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### **3.16.1.2 Existing Conditions**

#### **Water Service and Supply**

Water service in Downtown San José is provided by the San José Water Company (SJWC), which is the largest private water retailer in the city. SJWC obtains its potable water supply through groundwater, imported treated water, and local surface water (collected and stored in reservoirs), with an average of 55 percent purchased from the SCVWD.<sup>184</sup> Approximately 53 percent of the SCVWD's water supply is imported water from the Sacramento-San Joaquin Delta.<sup>185</sup> During droughts, the SJWC has a Water Shortage Contingency Plan that entails specific actions for prohibiting certain uses of water and provides enforcement mechanisms.

According to the Water Supply Assessment completed for the Downtown Strategy 20240 by the San José Water Company, the annual demand for water in Downtown is approximately 2,855 acre-feet per year (AFY), with a projected demand of 7,533 AFY for year 2040.<sup>186</sup> The water distribution system in the Downtown area consists of lines of various sizes (from three to 12 inches in diameter) located within the public right-of-way.<sup>187</sup>

#### **Wastewater**

Wastewater is water containing wastes from residential, commercial, and industrial processes. Municipal wastewater contains sewage, gray water (e.g., water from sinks and showers), and sometimes industrial wastewater.

#### **Wastewater Treatment**

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day.<sup>188</sup> The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.<sup>189</sup> The City's share of the Facility's treatment capacity is approximately 108.6 mgd. Based on the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8

<sup>184</sup> San José Water Company. *City of San José 2040 General Plan Water Supply Assessment*. 2010.

<sup>185</sup> City of San José. *Envision San José PEIR*. September 2011.

<sup>186</sup> San José Water Company. *Downtown Strategy 2040 Water Supply Assessment*. 2018.

<sup>187</sup> Ibid.

<sup>188</sup> City of San José. *Water Pollution Control Capital Program 2018-2022*. Accessed May 14, 2018. <http://www.sanjoseca.gov/DocumentCenter/View/71793>.

<sup>189</sup> City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: May 14, 2018. Available at: <http://www.sanjoseca.gov/?nid=1663>.

mgd of excess treatment capacity.<sup>190</sup> The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations. The City's share of the Facilities' treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.<sup>191</sup>

### Sanitary Sewer System

The existing sanitary sewer collection system which serves the Downtown area consists of a system of pipelines, consisting of lateral lines and interconnected main lines in the public right-of-way, draining to treatment at the Plant. In 2013, the City prepared a Sanitary Sewer Master Plan that established a sewer capacity improvement program to prioritize and construct capital projects needed to improve sewer capacity. The Sanitary Sewer Master Plan identified priority capacity improvement projects that would need to be implemented to address capacity deficiencies. Within the Downtown area, the Forest-Rosa 18 line is proposed for expansion and/or improvement at the intersection of Cinnabar Street and Stockton Avenue.<sup>192</sup>

### **Stormwater**

As described in Section 3.10 Hydrology and Water Quality, the City's stormwater drainage system is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations that function to collect, convey, and discharge runoff to receiving water bodies, protecting infrastructure and the public from flood waters during storm events.

### **Solid Waste**

The City of San José currently generates approximately 1.7 million tons of solid waste annually.<sup>193</sup> Currently, approximately 73 percent of the waste generated was diverted from landfill disposal through a variety of programs including residential curbside recycling and yard trimmings collection programs, civic recycling, and the Construction & Demolition Diversion Deposit (CDDD) program.<sup>194</sup>

The City is primarily served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.<sup>195</sup> The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road. The five landfills have a total permitted capacity (volume of waste that can be

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<sup>190</sup> City of San José. *Envision San José PEIR*. September 2011.

<sup>191</sup> Ibid.

<sup>192</sup> City of San José. *Sanitary Sewer Master Plan Capacity Assessment Phase II and Update of Phase I*. April 2013.

<sup>193</sup> City of San José. *Envision San José PEIR*. September 2011.

<sup>194</sup> City of San José. Green Vision Goals, Zero Waste. Accessed May 14, 2018. Available at: <https://www.sanjoseca.gov/DocumentCenter/View/2145>.

<sup>195</sup> City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

received) of 5.3 million tons per year.<sup>196</sup> According to Santa Clara County's 2016 five-year countywide integrated waste management plan review report, the County has adequate disposal capacity (i.e., greater than 15 years).<sup>197</sup> The development, implementation and adoption of diversion programs (including many jurisdictions adopting zero waste plans) established by all jurisdictions help extend landfill capacity and will continue to do so as these programs and outreach help the community understand and buy into the zero waste concept and alternatives to landfilling waste.

### **3.16.2            Utilities and Service Systems Impacts**

#### **3.16.2.1        *Thresholds of Significance***

For the purposes of this EIR, a utilities and service systems impact is considered significant if implementation of the Downtown Strategy 2040 would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new waste or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- 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;
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;
- 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;
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- Comply with federal, state, and local statutes and regulations related to solid waste.

The 2040 General Plan EIR and Downtown Strategy 2000 EIR both concluded that planned growth would not result in a significant impact associated with the capacity of the water supply, sanitary sewer, wastewater treatment, storm drainage, or solid waste systems, with implementation of existing programs, regulations, and 2040 General Plan policies.

#### **3.16.2.2        *Water Service Impacts***

According to the 2040 General Plan EIR, population growth would increase demand for water, possibly resulting in shortages after 2025. The Downtown Strategy 2000 EIR also determined that development in Downtown could result in the need for new or expanded water entitlements. The SJWC estimates that total water demand for their service area could reach approximately 160,877

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<sup>196</sup> Ibid.

<sup>197</sup> Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 22, 2016. Accessed May 14, 2018. Available at: <https://www.sccgov.org/sites/rwr/rwrc/Documents/Revised%20June%2022%20RWC%20Packet.pdf>.

acre-feet per year (AFY) by 2040.<sup>198</sup> However, with utilization of conservation measures and recycled water supplies, SJWC is expected to meet projected system wide demand.

Development under the proposed Downtown Strategy 2040 would contribute to total demand for SJWC and SCVWD water supplies. Total future water demand in the Downtown area in 2040 would be roughly 7,533 AFY. The annual net demand increase in water usage associated with this Project is 4,684.8 acre-feet, which represents a 3.19 percent increase over the system wide 2013 water production of 146,776 acre-feet. Although the projected water demand for this Project is large, SJWC concluded this increase was accounted for in SJWC's 2015 Urban Water Management Plan, which projected a 12.3 percent increase between actual 2013 usage and estimated 2040 usage. Therefore, the Project demand is within normal growth projections for water demand in SJWC's system.

Implementation of 2040 General Plan policies and the existing regulations described above would substantially reduce demand for water generated by current and future development. In conformance with the current CALGreen code and the City's goals for reducing per capita water consumption and increasing water use efficiency (GP Policies MS-18.5 and MS-18.6), the City will continue to require new development to incorporate water conservation measures into project design or as conditions of approval. This would include the development of a landscape irrigation budget and use of water-efficient landscaping (i.e., drought tolerant and native species), in conformance with the State's Model Water Efficient Landscape Ordinance (GP Policy MS-3.1). Additional techniques that may be used include but are not limited to:

- Use high-efficiency indoor fixtures (e.g., low-flow toilets that use less than 1.6 gallons per flush, urinals that require less than one gallon per flush, showerheads that require less than 2.5 gallons per minute, aerators to reduce flow in lavatory faucets to as low as one gallon per minute, automatic shut-off sensors on lavatory faucets, etc.).
- Use high-efficiency devices for outdoor water uses (e.g., self-adjusting weather-based irrigation controllers and sensors, soaker hoses and drip irrigation technology to minimize evaporative water loss, timers on watering systems, etc.).
- Provide separate meters for indoor and outdoor potable water use.
- Prevent irrigation spray on buildings.

Future development under the Downtown Strategy 2040 would be subject to City requirements for the use of recycled water wherever feasible and cost-effective (GP Policy MS-19.4). Additionally, new development may be required to contribute to the expansion of the recycled water system to serve the Downtown area (GP Policies MS-19.1 and MS-19.6). Implementation of these policies would likely involve the use of recycled water for irrigation, particularly of large landscaped areas, and/or the installation of dual plumbing for both interior and exterior recycled water use.

Implementation of water conservation/efficiency measures and use of recycled water would minimize the long-term potable water demand generated by future development, as well as reduce the vulnerability of development in the case of future water shortages due to global climate change. Additional measures may be required to further minimize water use to the extent feasible and to comply with current regulations. In addition, the City will ensure that the water supply would

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<sup>198</sup> San José Water Company. *Downtown Strategy 2040 Water Supply Assessment*. July 2018.

adequately serve the new development at the time specific projects are proposed.<sup>199</sup> Therefore, it is anticipated that new or expanded entitlements for water supplies would not be required to serve future development under the proposed Downtown Strategy 2040. This conclusion is consistent with the discussion in the 2040 General Plan EIR and Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

### **3.16.2.3      *Wastewater Service Impacts***

The majority of water used in San José ends up as wastewater and enters the sanitary sewer system. Therefore, as water demand increases, the need for sanitary sewer and wastewater treatment services also increases.

#### **Wastewater Treatment**

According to the 2040 General Plan EIR, development under the 2040 General Plan is estimated to generate approximately 30.8 mgd of average dry weather *influent* flow. Given that the City has approximately 38.8 mgd of excess treatment capacity, planned growth in San José is not expected to exceed the City's allotted capacity. The Downtown Strategy 2000 EIR, however, determined that the increase in wastewater from development in Downtown could cause *effluent* from the Facility to exceed the RWQCB limit of 120 mgd. According to the 2040 General Plan EIR, however, it is anticipated that the future average dry weather effluent flow would not exceed 120 mgd under long-term cumulative conditions.<sup>200</sup>

Implementation of the 2040 General Plan policies, existing regulations, and local programs described above would ensure that the Facility has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. For example, the City has committed to maintaining adequate operational capacity for wastewater treatment to accommodate planned growth, which includes development in the Downtown area (Policy IN-4.2). This would involve adoption of new technologies and expansion of water reclamation facilities over time (Policy IN-4.3).

Future development would be required to incorporate water conservation measures and to use recycled water whenever feasible. The increased use of recycled water would decrease the amount of effluent discharged to the bay, reducing the potential for exceeding the RWQCB limit, while minimizing water use would decrease the amount of both influent and effluent. In addition, the City will ensure that there is adequate treatment capacity (both in terms of influent and effluent) at the time specific development projects are proposed, in accordance with GP Policy IN-4.1 and the Downtown Strategy 2000 EIR. For these reasons, future development under the proposed Downtown Strategy 2040 would not require new or expanded wastewater treatment capacity or cause the Facility to exceed the RWQCB limit. This conclusion is consistent with the analysis in the 2040 General Plan EIR.

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<sup>199</sup> This measure was previously identified as a mitigation measure in the Strategy 2000 EIR.

<sup>200</sup> City of San José. *Envision San José PEIR*. September 2011.



## Sanitary Sewer System

According to the 2040 General Plan EIR, the additional wastewater generated by planned growth could adversely affect operations of the sanitary sewer system, which conveys wastewater to the Facility for treatment. Inadequate capacity may result in sewer overflows, which may violate regulations on wastewater, pollute surface or ground waters, threaten public health, and adversely affect aquatic life.

As part of the 2040 General Plan process and Sanitary Sewer Master Plan update, a hydraulic analysis was completed to identify specific deficiencies in the sanitary sewer system, based on the City's revised LOS Policy. Within the Downtown area, the Forest-Rosa 18 line is proposed for expansion and/or improvement at the intersection of Cinnabar Street and Stockton Avenue.<sup>201</sup> Replacement of these mains and possibly other sewer lines serving the Downtown area and/or the construction of new lines would be required to serve planned growth. Impacts related to the construction of the Forest-Rosa line were evaluated in the *City of San José Sanitary Sewer Master Plan CEQA Addendum to the General Plan EIR*. The Addendum found that implementation of the Sanitary Sewer System Master Plan would not result in new impacts that were not already addressed in the certified 2040 General Plan EIR.

The 2040 General Plan EIR concluded that implementation of 2040 General Plan policies requiring future development to provide adequate sewer system capacity would reduce impacts to a less than significant level. Downtown Strategy 2000 determined that upgrades to the sewer system, completed under existing City programs at the time specific projects are proposed, would not result in a significant impact. Consistent with these conclusions, future development under the Downtown Strategy 2040 would be subject to the following measures:

### **Measures Included in the Project to Reduce and Avoid Impacts to the Sanitary Sewer System**

- At the time future projects are proposed, the City will evaluate the sewer system to determine if there is adequate capacity to serve the development, based on the City's level of service objectives (GP Policies IN-3.1 and IN-3.3).
- New development that could cause downstream level of service to drop below LOS D or would be served by downstream lines already operating at an unacceptable LOS will be required to improve the level of service to "D" or better, either independently, jointly with other developments in the area, or in coordination with the City's Sanitary Sewer CIP (GP Policy IN-3.5).
- The City may consider financing improvements to the sewer system in the Downtown area through the payment of special taxes or connection fees by development under Downtown Strategy 2040 (Policy IP-15.2).

Implementation of these measures would ensure that the system would have capacity to meet the needs of new development. Enforcing the City's Sanitary Sewer Level of Service Policy would prevent sanitary sewer overflows due to inadequate capacity, ensuring compliance with the

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<sup>201</sup> City of San José. *Sanitary Sewer Master Plan Capacity Assessment Phase II and Update of Phase I*. April 2013.

applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and NPDES permit. With implementation of 2040 General Plan policies, future development under the Downtown Strategy 2040 would not result in the need for additional wastewater treatment facilities. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

#### **3.16.2.4      *Stormwater Impacts***

As described in Section 3.10 Hydrology and Water Quality, development allowed under the Downtown Strategy 2040 could contribute runoff that adversely affects operations of the existing stormwater drainage system. The existing storm drain lines within the Downtown area convey storm runoff adequately, although minor flooding can occur.<sup>202</sup> Development within the Downtown area would occur in predominately developed and paved areas. Implementation of the Downtown Strategy 2040 would not require or result in the construction of a new storm water facilities or expansion of existing facilities. Additionally, as specific projects are proposed, implementation of 2040 General Plan policies (see Section 3.10.2) would ensure that sufficient storm drainage facilities are incorporated into development plans and new development or redevelopment projects would not conflict with the use, operation, or maintenance of any existing storm drain lines. These conclusions are consistent with the analysis in the 2040 General Plan EIR and Downtown Strategy 2000 EIR regarding the construction of new storm water drainage facilities or expansion of existing facilities. **(Less than Significant Impact)**

#### **3.16.2.5      *Solid Waste Impacts***

##### **Landfill Capacity**

According to the 2040 General Plan EIR, planned growth under the 2040 General Plan could increase the amount solid waste sent to landfills by approximately 571,500 tons per year through 2035, using current generation rates. This estimate represents the upper limit of potential landfilling needs given that disposal rates will likely continue to decrease overtime. Based on the upper limit, the existing landfills in San José would have sufficient *permitted* capacity of 5.3 million tons per year to receive the additional waste generated by new development in the City. According to Santa Clara County's 2016 five-year countywide integrated waste management plan review report, the County has adequate disposal capacity (i.e., greater than 15 years).<sup>203</sup>

The development, implementation and adoption of diversion programs (including many jurisdictions adopting zero waste plans) established by all jurisdictions help extend landfill capacity and will continue to do so as these programs and outreach help the community understand and buy into the zero waste concept and alternatives to landfilling waste. In addition, compliance with the CALGreen Code and CARB's Mandatory Commercial Recycling Measure would complement local efforts and further reduce demand for landfill facilities. As redevelopment proceeds and diversion rates increase overtime, the City will ensure adequate landfill capacity through monitoring the availability of collection, transfer, recycling, disposal, and waste processing services; periodically assessing infrastructure needs; and working with MRF and landfill operators to expand capacity as needed (GP

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<sup>202</sup> City of San José. *Downtown Strategy 2000 Final EIR*. November 2005.

<sup>203</sup> Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 22, 2016. Accessed May 14, 2018. Available at: <https://www.sccgov.org/sites/rwr/rwrc/Documents/Revised%20June%2022%20RWC%20Packet.pdf>.

Policies IN-5.1, IN-5.4, and IN-5.15). With implementation of 2040 General Plan policies and the Zero Waste Strategic Plan, the 2040 General Plan EIR concluded that solid waste generated by future development under the 2040 General Plan would not exceed the permitted or actual capacity of existing landfills.

Using similar assumptions as the 2040 General Plan EIR, it is estimated that development under the Downtown Strategy 2040 could generate approximately 102,572 tons of solid waste per year, as shown in Table 3.16-4.<sup>204</sup> The 2040 General Plan EIR evaluated the impacts associated with an increase in solid waste generation of approximately 571,500 tons per year through 2035 from residential and non-residential development. In addition to the operation of new businesses and residences, demolition, land clearing, and construction activities associated with redevelopment would also generate a substantial amount of solid waste. Because planned growth in the Downtown area was generally evaluated in the 2040 General Plan EIR, the Downtown Strategy 2040 would not generate new waste above projected levels and existing landfills would have capacity to serve the proposed project.

<b>Table 3.16-4: Estimated Annual Solid Waste Generation</b>			
<b>Type</b>	<b>Generation Rate</b>	<b>Units</b>	<b>Waste Generated</b>
Residential	31.1 pounds per household per week <sup>205</sup>	14,360 households	11,611 tons/year
Employment	10.53 pounds per employee per day <sup>206</sup>	47,333 employees	90,961 tons/year
<b>Total</b>			<b>102,572 tons/year</b>

### **Solid Waste Regulations**

Future development under the Downtown Strategy 2040 would be required to comply with existing local and state programs and regulations. For example, in accordance with the current CALGreen Code, future projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. Future projects may be required to incorporate additional measures and programs as part of the City's Zero Waste Strategic Plan. For these reasons, future development under the Downtown Strategy 2040 is not expected to conflict with any state and local regulations related to solid waste, including AB 939 and the City's zero waste goal.

<sup>204</sup> This estimate does not subtract out current waste generation from existing land uses that would be replaced by new development under the Downtown Strategy 2040.

<sup>205</sup> This is the same rate used in the 2040 General Plan EIR.

<sup>206</sup> Although the 2040 General Plan EIR used various rates for industrial, office, retail, and institutional uses to estimate the total waste generated by non-residential uses, this EIR uses the highest rate (commercial) to provide a conservative estimate for the undetermined mix of commercial, light industrial, and office uses proposed by the Downtown Strategy 2040, as well as retail and hotel uses. **Source:** City of Los Angeles. *City of Los Angeles CEQA Thresholds Guide*. 2006.

With implementation of the existing programs, state regulations, 2040 General Plan policies, and the City's Zero Waste Strategic Plan, the Downtown Strategy 2040 would not result in a significant impact related to the provision of solid waste services. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

### **3.16.2.6      *Expansion or Replacement of Existing Facilities***

As described previously in Section 3.16.2.3, development under the Downtown Strategy 2040 would not require or result in the construction of a new storm water facilities or expansion of existing facilities. Additionally, as specific projects are proposed, implementation of 2040 General Plan policies would ensure that sufficient storm drainage facilities are incorporated into development plans and new development or redevelopment projects would not conflict with the use, operation, or maintenance of any existing storm drain lines.

The Downtown Strategy 2000 determined that because of recent improvement projects, development of the Downtown area would not require substantial reconstruction or extension of major water or lines to serve new development. In specific circumstances, some infrastructure upgrades may be required for specific projects within the Downtown area. New development would be required to provide water connections meeting the City's design standards.

Modifications to below ground utilities could include the construction of new lines or the expansion or replacement of existing facilities to serve future development. Proposed roadway improvements could require the relocation of various utility lines within or adjacent to rights-of-way. Utility improvements would likely be completed as a small component of a future development or transportation project and would involve ground disturbance to currently developed land (generally within public roadways and on redevelopment sites). Implementation of construction BMPs, as required by 2040 General Plan policies and current regulations, would reduce and avoid impacts related to water quality, erosion, air emissions, and hazardous materials resulting from ground-disturbing activities.<sup>207</sup> Disruptions to existing service during utility relocations are typically very limited or nonexistent. Utility providers would be contacted to identify potential conflicts, minimize disruptions, and develop strategies to address potential problems. Affected properties would be notified of any temporary interruption of service.

The City completed a citywide master plan for the trunk (10-inch and larger) sanitary sewer system in 2014, and also developed a preliminary list of capacity deficiencies and improvement projects of the trunk (24-inch and larger) storm drain system in December 2017, however, the this list may change in the future depending on where new development projects are located (i.e. which pipes or manholes these future developments are discharging to), including the location of new development allowed under the Downtown Strategy 2040. A Utility Master Plan or Capital Improvement Program may be prepared, consistent with the City policies listed in Table 3.16-1 above, for the Downtown area to provide a comprehensive solution to meeting the utilities needs of the project. This would allow future individual projects to contribute to the Plan or Program rather than attempting to provide utilities on a project-by-project basis. Therefore, impacts associated with facility expansions or

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<sup>207</sup> Refer to Sections 3.3 *Air Quality*, 3.7 *Geology and Soils*, 3.9 *Hazards and Hazardous Materials*, and 3.10 *Hydrology and Water Quality*.

extensions are not considered a significant impact. This conclusion is consistent with the discussion in the 2040 General Plan EIR and Downtown Strategy 2000 EIR. **(Less than Significant Impact)**

#### **3.16.2.7        *Cumulative Impacts***

The 2040 General Plan EIR concluded that planned growth would not result in a significant impact associated with the capacity of the water supply, sanitary sewer, wastewater treatment, storm drainage, or solid waste systems, with implementation of existing programs, regulations, and 2040 General Plan policies. Because the maximum development levels proposed by the Downtown Strategy 2040 were generally accounted for, the proposed project would not result in a significant cumulative impact related to the any utility or service systems.

#### **3.16.3        Conclusion**

With implementation of 2040 General Plan policies and existing regulations, development allowed under the Downtown Strategy 2040 would not result in a significant impact related to utilities or service systems. This conclusion is consistent with the analysis in the 2040 General Plan EIR. **(Less than Significant Impact)**

## SECTION 4.0      GROWTH-INDUCING IMPACTS

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A project is considered growth-inducing if it would: directly or indirectly foster economic or population growth or the construction of additional housing; if it would remove obstacles to population growth or tax community service facilities to the extent that the construction of new facilities would be necessary; or if it would encourage or facilitate other activities that cause significant environmental effects.

The project site is located within the City and would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence. This long-range strategy program for development focuses on revitalizing the traditional Downtown center by allowing higher density infill development in areas with significant unbuilt and underutilized parcels of land and replacement of underutilized uses.

It would not open additional undeveloped land to future growth or provide expanded utility capacity that would be available to serve future development. Instead, it would facilitate the reuse of underutilized land in an existing urban setting that is conveniently served by transit facilities and services. The scale of population and employment growth would not constitute significant or adverse growth inducement. As discussed in Section 3.11 Land Use and Planning, the proposed project is generally consistent with the 2040 General Plan, although it would relocate residential and employment growth planned in other areas of the City into the Downtown; as a result, it would not cause further growth beyond what is anticipated in the General Plan and would locate that growth in an area of the City well served by existing infrastructure. In addition, the diligent and consistent implementation of the mitigation measures identified in this report are designed to mitigate the direct effects of that growth on the physical environment. No specific project proposals are identified in Downtown Strategy 2040. When necessary, the City will review individual development projects as they are proposed to ensure environmental effects are considered.

Although the project would not directly induce growth within the City, the project has the potential to indirectly induce growth outside of the City. As described in 2040 General Plan EIR, should the growth proposed by the 2040 General Plan occur as planned, including substantial new employment uses beyond the needs of the local workforce, an indirect effect of that job growth would be inducing population growth elsewhere. As a result, the 2040 General Plan EIR identified a significant unavoidable growth-inducing impact. Because the project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, and due to the large scale of development proposed by the project, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR.

**Impact GI-1:** The project would contribute to the significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR. **(Significant Unavoidable Impact)**

## **SECTION 5.0      SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES**

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An EIR must identify any significant irreversible environmental changes that would be caused by the proposed project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. In addition, irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified. The CEQA Guidelines describe three categories of significant irreversible changes that should be considered, as further detailed below.

### **A. CHANGES IN LAND USE WHICH WOULD COMMIT FUTURE GENERATIONS**

As described throughout this EIR, this long-range strategy program for redevelopment focuses on revitalizing the traditional Downtown center by allowing higher density infill development in areas with significant unbuilt and underutilized parcels of land and replacement of underutilized uses. Growth under Downtown Strategy 2040 would occur as infill development of similar types, though at occasionally higher densities than at present. Such growth and revitalization would not commit future generations to changes in land use which would be substantial.

### **B. IRREVERSIBLE CHANGES FROM ENVIRONMENTAL ACTIONS**

Irreversible changes to the physical environment could occur from accidental release of hazardous materials associated with development. However, compliance with hazardous materials regulations and policies, and the remediation of existing conditions within the project site, as outlined in Section 3.9 Hazards and Hazardous Materials, are expected to reduce this potential impact to a less-than-significant level.

Other than the accidental release of hazardous materials, the activities occurring in the study area under Downtown Strategy 2040 would be similar to those urban activities occurring in any large metropolitan area.

### **C. CONSUMPTION OF NONRENEWABLE RESOURCES**

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands to urban uses, and lost access to mineral reserves. The project would redevelop underutilized parcels in Downtown San José. No agricultural lands would be converted and no access to mining reserves would be lost with implementation of Downtown Strategy 2040. While implementation of Downtown Strategy 2040 would require additional energy of several types for construction and for on-going use, it would not require the construction of major new lines to deliver energy. Furthermore, to the extent that growth throughout San José is partly an expression of regional demand, development within the Downtown would represent a more efficient allocation of non-renewable resources than many other types or patterns of growth.

## SECTION 6.0      SIGNIFICANT AND UNAVOIDABLE IMPACTS

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As discussed in Sections 3.0 and 4.0 of this EIR, implementation of Downtown Strategy 2040 would result in the following significant unavoidable adverse impacts:

**Impact AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay area, contributing to existing violations of ozone standards. **(Significant Unavoidable Impact)**

**Impact C-AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. **(Significant Unavoidable Cumulative Impact)**

**Impact C-CUL-1:** Downtown Strategy 2040 would make a cumulatively considerable contribution to previously identified significant impacts to historic resources. **(Significant Unavoidable Cumulative Impact)**

**Impact GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Impact)**

**Impact C-GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions. **(Significant Unavoidable Cumulative Impact)**

**Impact NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise. **(Significant Unavoidable Impact)**

**Impact C-NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable cumulative noise impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, North First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. due to substantial increases in traffic noise. **(Significant Unavoidable Cumulative Impact)**

**Impact C-PH-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance, as identified in the 2040 General Plan EIR. **(Significant Unavoidable Cumulative Impact)**

**Impact GI-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR. **(Significant Unavoidable Impact)**



## **SECTION 7.0      ALTERNATIVES**

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### **7.1                      INTRODUCTION**

CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives that “will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project.” The purpose of this section is to determine whether there are alternatives of design, scope, or location that will substantially lessen the significant impacts, even if those alternatives “impede to some degree the attainment of project objectives,” or are more costly. [CEQA Guidelines Section 15126.6(b)]

In order to comply with CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project’s objectives as possible. The Guidelines emphasize a common sense approach. The alternatives should be reasonable, “foster informed decision-making and public participation,” and must focus on alternatives that avoid or substantially lessen the significant impacts.

The discussion of alternatives shall include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project. The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative; (2) consistency with the project’s objectives; and (3) the feasibility of the alternatives available. Each of these factors is discussed further below.

### **7.2                      SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT**

As mentioned above, the CEQA Guidelines advise that an alternatives discussion in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. As discussed in Section 6.0, Significant Unavoidable Impacts of this EIR, the proposed project would result in significant unavoidable impacts related to air quality, historic resources, GHG emissions, noise, and jobs/housing balance. These impacts are primarily due to the substantial scale of the project and not due to the loss of irreplaceable environmental resources on specific sites, as it is not feasible for this program-level EIR to evaluate site-specific conditions across the whole of the Downtown. As discussed in the respective sections of this EIR, with implementation of 2040 General Plan policies and other applicable regulations and standard measures, the proposed project would not result in any other significant impacts.

### **7.3                      PROJECT OBJECTIVES**

Pursuant to CEQA Guidelines Section 15124, the EIR must include a statement of objectives, including the underlying purpose of the project. The specific objectives for the proposed project are listed in Section 2.5 of this EIR and are provided below for reference:

- Continue to encourage ambitious job and housing growth capacity in Downtown. This growth capacity is important to achieve multiple City goals, including support for regional transit systems, correcting the City's jobs to housing imbalance, and for the development of Downtown as a regional job center, consistent with the 2040 General Plan, Downtown Strategy 2000.
- Continue to implement the Downtown Strategy 2000 strategies and actions for the six main urban systems within Downtown: Public Realm, Urban Form and Buildings, Transportation and Access, Historic Resources, Economic Projections, and Human Services.
- Extend the horizon year of the Downtown Strategy to 2040 to match that of the Envision San José 2040.
- Update and re-analyze Downtown traffic based on 2040 General Plan Transportation Goals that promote multi-modal mobility and the reduction of Vehicle Miles Traveled (VMT).
- Seek creative and expansive ways by which the City can seek funding to address mobility needs.
- Facilitate a more streamlined development approval process Downtown, thereby taking advantage of current economic conditions.
- Expand the Downtown boundaries to include parcels on the east side of North 4<sup>th</sup> Street between St. John and Julian Streets.
- Allow additional residential development, consistent with the 2040 General Plan, to capitalize on the walkable, livable, and business supportive environments within the Downtown.
- Preserve the jobs sites (commercial, office, and hotel development) envisioned in the Downtown Strategy 2000 and 2040 General Plan.
- Continue to create a highly active and lively pedestrian and bicycle friendly environment with excellent connectivity to downtown destinations and regional transit.
- Ensure the continued vitality of the San José Arena, recognizing that the Arena is a major anchor for both Downtown San José and the Diridon Station area, and that access for Arena customers is critical for the Arena's on-going success.

## 7.4 FEASIBILITY OF ALTERNATIVES

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. CEQA's general definition of feasibility is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Among the factors that may be taken into account in considering the feasibility of an alternative are "...site suitability, economic viability, availability of infrastructure, 2040 General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site..." [Section 15126.6 (f)(1)].

The ultimate feasibility of the alternatives discussed in this EIR will be determined by the City of San José City Council as it makes a decision concerning the proposed project, taking into account all information in the administrative record.

## **7.5 SELECTION OF CEQA ALTERNATIVES**

As described above, the significant unavoidable impacts resulting from the project are related to air quality, historic resources, GHG emissions, noise, and jobs/housing balance. Typically, the analysis of alternatives in an EIR focuses on alternatives that would reduce or eliminate significant unavoidable impacts. As described below, the potentially feasible alternatives to the Downtown Strategy 2040 would not substantially reduce the impacts resulting from the project as proposed given the level of project reduction necessary results in a reduced amount of development incapable of achieving basic project objectives. As a result, the alternatives analyzed below were selected based primarily on their potential feasibility, and not their ability to result in substantially reduced impacts. Additionally, the analysis includes a “No Project” alternative, which is mandatory under CEQA.

### **7.5.1 Alternatives Considered but Rejected from Further Consideration**

#### **7.5.1.1 *Location Alternative***

Given that the main objective of the project is to establish a long-term strategy to guide future development in a specific area of the City (i.e., Downtown), it would not be feasible to evaluate an alternative location (i.e., in another city or location in San José). The Downtown Strategy 2040 must, by its nature, guide future development located in Downtown San José. CEQA Guidelines Section 15126.6(a) allows for consideration of alternatives to a project, *or its location* (emphasis added), but does not mandate inclusion of a location alternative in an EIR. Accordingly, to evaluate another location for Downtown development would not be meaningful for the purposes of informing a decision about the proposed project, and a Location Alternative is not discussed further.

#### **7.5.1.2 *Reduced Scale Alternative***

As described in Section 2.4 and shown in Table 7.5-1 below, the Downtown Strategy 2000 established development assumptions for Downtown by envisioning 8,500 residential units, 11.2 million sf of office, 1.4 million sf of office, and 3,600 hotel rooms. The 2040 General Plan increased the number of planned residential units to 10,360 while maintaining the amounts for office, retail, and hotel rooms. The proposed Downtown Strategy 2040 would further increase the planned number of residential units to 14,360, while also increasing office space to 14.2 million sf.

In effect, the existing Downtown Strategy 2000 and 2040 General Plan represent reduced scale alternatives to the proposed project, and both are approved projects that have undergone environmental review. As a result, evaluating the impacts of reducing the scale of the project to the development levels assumed in the Downtown Strategy 2000 and 2040 General Plan is reflected in the discussion of the No Project General Plan Buildout Alternative (refer to Section 7.5.2.1 below).

<b>Table 7.5-1: Downtown Strategy 2000, 2040 General Plan, and Downtown Strategy 2040 Development Capacities</b>			
<b>Land Use</b>	<b>Current Downtown Strategy 2000 (2010 Horizon)</b>	<b>Current 2040 General Plan</b>	<b>Proposed Downtown Strategy 2040</b>
<b>Residential</b> (in units)	8,500	10,360	14,360
<b>Office</b> (in sf)	11.2 million	11.2 million	14.2 million
<b>Retail</b> (in sf)	1.4 million	1.4 million	1.4 million
<b>Hotel</b> (in rooms)	3,600	3,600	3,600

Both the Downtown Strategy 2000 and 2040 General Plan would result in many of the same significant unavoidable impacts identified for the proposed Downtown Strategy 2040. The scale of the proposed project would have to be substantially reduced below the development levels established in these previous planning documents to avoid these significant unavoidable impacts. For example, to avoid a significant impact associated with criteria pollutants (specifically ROG), the proposed development levels would need to be reduced by 96 percent, assuming emission levels are roughly proportional to development levels. Given GHG emissions are expressed in terms of service population, i.e. the amount of carbon dioxide-equivalent per resident or job to express the carbon-efficiency of growth in the Downtown, reduction in the scale of the Downtown Strategy would not be meaningful to reduce the impact. To the contrary, for both air quality and GHG impacts associated with the project, simply reducing the scale of the project would not actually reduce emissions citywide, since the project is shifting to Downtown growth currently assumed to occur in outlying areas of the City. In fact, without a change to the overall planned development levels of the entire City, reducing the amount of development in Downtown would increase the amount of development in outlying areas, likely resulting in greater emissions of air pollutants and GHGs since development in those outlying areas would be more dependent on automobile travel.

In sum, no reduced scale alternative was identified that would reduce the project's significant unavoidable impacts to a less than significant level while still meeting the project's objectives, or that has not already been analyzed in CEQA documents completed for the Downtown Strategy 2000 and 2040 General Plan.

#### **7.5.1.3      *No Project (No Downtown Growth) Alternative***

Under this alternative, the City would essentially decide to halt any growth in Downtown and instead maintain Downtown development at current levels, including implementation of current 'pipeline' development projects already entitled under the Downtown Strategy 2000. This alternative would require the City to stop implementing its 2040 General Plan beyond current approved 'pipeline' projects, which calls for intensification and growth in the Downtown area. While this alternative would be feasible and would avoid the environmental impacts associated with the project, it would not meet the project objectives, nor would it adhere to the goals and policies in the City's 2040

General Plan related to locating new growth in the Downtown. As a result, this alternative is not considered further in this EIR.

## 7.5.2 Analysis of Project Alternatives

### 7.5.2.1 *No Project (General Plan Buildout) Alternative*

The Downtown Strategy 2000 was incorporated into the 2040 General Plan, which was adopted in November 2011. The 2040 General Plan increased the growth capacity for housing development by 1,860 units within Downtown above the development capacities in the Downtown Strategy 2000, while maintaining the Downtown Strategy 2000 development capacities for office, retail and hotel uses.

The purpose of this alternative is to identify what development and associated environmental impacts would occur if the City does not adopt the proposed Downtown Strategy 2040; in other words, how the Downtown area would continue to grow and evolve under the current 2040 General Plan's goals, policies, and Land Use Transportation Diagram. Under the No Project General Plan Buildout Alternative, the project area would be developed consistent with the 2040 General Plan, as shown on Figure 3.11-3, resulting in 4,000 fewer residential units and 3,000,000 less sf of office space compared to the proposed project, although that development is assumed to be implemented elsewhere in the City as currently envisioned by the 2040 General Plan.

### Comparison of Environmental Impacts

**Air Quality:** Implementation of the No Project General Plan Buildout Alternative would result in a decrease in criteria pollutant emissions generated by development in the Downtown area, as shown in Table 7.5-2. However, emissions under the No Project General Plan Buildout Alternative would still exceed thresholds and would be considered significant and unavoidable.

<b>Table 7.5-2: Operational Emissions of Criteria Pollutants – Comparison to No Project Alternative</b>				
	<b>ROG</b>	<b>NOx</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<i>Annual Emissions (tons per year)</i>				
BAAQMD Thresholds	10	10	15	10
Downtown Strategy 2040 Emissions	<b>247</b>	<b>137</b>	<b>40</b>	<b>18</b>
No Project Alternative Emissions	<b>209</b>	<b>121</b>	<b>36</b>	<b>16</b>
Change	-38	-16	-4	-2
<b>Bold</b> indicates a significant impact.				

Additionally, though emissions generated within the Downtown area would be reduced under the No Project General Plan Buildout Alternative, emissions citywide would likely increase. This is because, as described previously, the increased development proposed for Downtown by the Downtown Strategy 2040 is currently planned to occur in outlying areas of the City in the 2040

General Plan. As a result, citywide VMT under the No Project Alternative (i.e., General Plan buildout) would be greater than under the proposed project (refer to Table 3.15-15 in Section 3.15 Transportation/Traffic). Since emissions of criteria pollutants are primarily generated by automobile travel, it is likely that the No Project General Plan Buildout Alternative would result in greater citywide emissions of criteria pollutants than the proposed project.

**Cultural Resources:** The Downtown Strategy does not propose new development in any areas in Downtown not already planned for development in the 2040 General Plan. As a result, the cultural resources impacts of the No Project General Plan Buildout Alternative would be similar to the proposed project.

**Greenhouse Gas Emissions:** As described in Section 3.8, the GHG impacts of the project were measured by determining the metric tons of CO<sub>2</sub>e per service population (residents plus employees) and comparing the outcome to relevant efficiency thresholds. At full buildout in 2040, the project would result in emissions of 2.21 metric tons of CO<sub>2</sub>e per service population in the Downtown area, which is above the 2040 efficiency threshold of 1.7 (refer to Table 3.8-3). As shown in Appendix B, the No Project General Plan Buildout Alternative would result in emissions of 2.24 metric tons of CO<sub>2</sub>e per service population in the Downtown area, which is also above the 2040 efficiency threshold. The No Project General Plan Buildout Alternative, therefore, would result in a greater GHG impact than the proposed project.

Additionally, similar to the discussion of criteria pollutant emissions above, GHG emissions citywide would also likely increase under the No Project General Plan Buildout Alternative due to the increased citywide VMT resulting from the planned development occurring in outlying areas instead of Downtown.

**Noise:** As described in Section 3.12, buildout of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Julian Street, Almaden Boulevard, Market Street, Fruitdale Avenue, The Alameda, Naglee Avenue, Race Street, Alma Avenue, First Street, Keyes Street, and King Road due to substantial increases in traffic noise.

The noise analysis completed for the project compared projected traffic noise from the proposed project to projected traffic noise from buildout of the 2040 General Plan (refer to Table 9 in Appendix C). The results show that the No Project General Plan Buildout Alternative would reduce traffic-generated noise by one dBA DNL on two impacted roadway segments: The Alameda east of Race Street and First Street south of Keyes Street. However, the reductions are not large enough to reduce traffic-generated noise to less than significant levels on these roadway segments. As a result, the No Project General Plan Buildout Alternative would result in the same significant noise impact identified for the proposed project.

**Population and Housing:** The proposed project would not change the total number of jobs or dwelling units planned for the City in the 2040 General Plan. As a result, the No Project Alternative would not reduce or avoid the significant unavoidable cumulative population and housing impact identified in this EIR and the 2040 General Plan EIR.

## **Feasibility of the No Project Alternative**

The No Project Alternative is feasible because it would consist of buildout of City's adopted 2040 General Plan.

### **Relationship to Project Objectives**

The objectives of the proposed project center on encouraging and facilitating growth in Downtown consistent with the goals and policies of the 2040 General Plan. In this area, the No Project (General Plan Buildout) Alternative would be consistent with the project objectives. Where the project and the No Project Alternative differ is the extent to which growth would occur in Downtown. The project would allow additional growth in Downtown beyond what was assumed in the 2040 General Plan, and therefore would achieve the project objectives to a greater extent than the No Project (General Plan Buildout) Alternative.

### **Conclusion**

Because very similar environmental impacts (albeit slightly reduced within the boundaries of the Downtown, but somewhat increased Citywide) would occur under both the No Project General Plan Buildout Alternative and the proposed project, this alternative is not considered to be environmentally superior.

#### **7.5.2.2      *Intensification West of SR 87 Alternative***

As described previously, the Downtown Strategy 2040 project would allow for increased development within the Downtown boundaries. Other than those required by 2040 General Plan and zoning district regulations on individual properties, no restrictions would be placed on where in Downtown the future development could occur. For the purposes of analyzing traffic impacts from the project, assumptions were made for where the future development would occur in Downtown. The density of existing development in Downtown varies, with the densest areas (i.e., office and residential towers) occurring in the central area of Downtown, east of SR 87. The traffic analysis for the project assumed that historic land use pattern would continue, and placed much of the future development east of SR 87, especially future office development.

There is currently significant interest in the development or redevelopment of properties in the area west of SR 87, specifically the DSAP area. For example, as described in Section 2.6.3, Google is considering proposing a transit-oriented development project (commonly referred to as the Google Village Project) in the DSAP area. Should heightened interest in development in the DSAP area continue, it could result in a shift of density of future office development compared to what was assumed for the Downtown Strategy 2040, with more future office space being located west of SR 87 instead of east of SR 87 as the traffic analysis currently evaluates. The Intensification West of SR 87 Alternative is intended to analyze the effects of such a scenario. This alternative assumes that an additional 4,000 jobs (equivalent to roughly 1.2 million sf feet of office space) would occur on the west side of SR 87 instead of the east side.

## Comparison of Environmental Impacts

**Air Quality:** Because the Intensification West of SR 87 Alternative would not change the overall amount of development proposed by the project, the criteria pollutant emissions would not measurably change (refer to Table 3 in Appendix B). Emissions under the Intensification West of SR 87 Alternative would still exceed thresholds due to the project's substantial scale and would be considered significant and unavoidable.

**Cultural Resources:** The Intensification West of SR 87 Alternative does not propose new development in any areas in Downtown not already planned for development in the Downtown Strategy 2040 and 2040 General Plan. Since cultural and historic resources are more heavily concentrated in the central Downtown area east of SR 87 (refer to Section 3.5), it is possible that shifting a portion of the future development away from this area could avoid some impacts. However, the Intensification West of 87 Alternative would not preclude future development from occurring anywhere in Downtown, and buildout of the project under this alternative would still have the potential to significantly impact cultural and historic resources. As a result, the cultural resources impacts of the Intensification West of SR 87 Alternative would be similar to the proposed project.

**Greenhouse Gas Emissions:** As described in Section 3.8, the GHG impacts of the project were measured by determining the metric tons of CO<sub>2</sub>e per service population (residents plus employees) and comparing the outcome to relevant efficiency thresholds. At full buildout in 2040, the project would result in emissions of 2.21 metric tons of CO<sub>2</sub>e per service population in the Downtown area, which is above the 2040 efficiency threshold of 1.7 (refer to Table 3.8-3).

Because the Intensification West of SR 87 Alternative would not change the overall amount of development proposed by the project, the 2040 GHG emissions would not measurably change (refer to Table 6 Appendix B). Emissions under the Intensification West of SR 87 Alternative would still exceed the efficiency threshold and would be considered significant and unavoidable. This conclusion is more about the difficulty in 2018 of any project achieving the state's 2040 GHG target, even in the Downtown, as a number of programmatic actions are needed at the state level over the coming decades for the 2040 target to be met, i.e. measures beyond the control of an individual city that address fuel economy, carbon intensity of fuel sources, and decreased CO<sub>2</sub> emissions from electricity and natural gas, and water usage and solid waste disposal.

**Noise:** As described in Section 3.12, buildout of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Julian Street, Almaden Boulevard, Market Street, Fruitdale Avenue, The Alameda, Naglee Avenue, Race Street, Alma Avenue, First Street, Keyes Street, and King Road due to substantial increases in traffic noise.

The noise analysis completed for the project compared projected traffic noise from the proposed project to projected traffic noise from development that would occur under the Intensification West of SR 87 Alternative (refer to Table 9 in Appendix C). The results show that the Intensification West of SR 87 Alternative would reduce traffic-generated noise on three impacted roadway segments: Autumn Street north of Santa Clara Street, Naglee Avenue west of The Alameda, and the east side of the Bird Avenue and I-280 (South) intersection. However, the reductions are not large enough to



reduce traffic-generated noise to less than significant levels (i.e. less than 3 dBA increase) on these roadway segments.

Additionally, the Intensification West of SR 87 Alternative would increase traffic-generated noise on seven roadway segments by one dBA DNL: Bird Avenue north of San Carlos Street, Bird Avenue south of I-280 (North), Bird Avenue south of I-280 (South), the west side of the Bird Avenue and I-280 (South) intersection, the south side of the Julian Street and SR-87 intersection, the Alameda south of Hedding Street, and the Alameda east of Race Street. However, the noise increases would not result in any new significant impacts compared to the proposed project.

For the reasons described above, the Intensification West of SR 87 Alternative would result in the same significant noise impact identified for the proposed project.

**Population and Housing:** The Intensification West of SR 87 Alternative would not change the overall amount of development proposed by the project and, therefore, would not reduce the significant unavoidable cumulative population and housing impact identified in this EIR and the 2040 General Plan EIR.

### **Feasibility of the Intensification West of SR 87 Alternative**

The Intensification West of SR 87 Alternative would shift future office development to the west side of SR 87 that is currently assumed to occur on the east side of SR 87. Because land currently designated for commercial uses on the west side of SR 87 could provide adequate development capacity for the increased office development proposed under this alternative, this alternative is feasible.

### **Relationship to Project Objectives**

The Intensification West of SR 87 would not change the overall amount of development allowed under the Downtown Strategy 2040, nor would it change any components of the project description. Instead, this alternative merely changes the assumption of where the development allowed by the project would occur within the Downtown boundaries. This alternative, therefore, would meet the project objectives.

### **Conclusion**

Because very similar environmental impacts would occur under both the Intensification West of SR 87 Alternative and the proposed project, this alternative is not considered to be environmentally superior.

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those discussed. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project (No Downtown Growth) Alternative is the environmentally superior alternative in that it avoids all project impacts. However, it achieves none of the City’s objectives.

The No Project (General Plan Buildout) Alternative would result in very similar environmental impacts (albeit slightly reduced within the boundaries of the Downtown, but somewhat increased Citywide) as the proposed project, and is not considered to be environmentally superior.

Because the Intensification West of SR 87 Alternative is the only alternative considered other than the two “No Project” alternatives, it is by default the environmentally superior alternative among alternatives that are not “No Project” alternatives. This alternative, however, would result in the same significant unavoidable impacts as the proposed project.

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## **SECTION 9.0      LEAD AGENCY AND CONSULTANTS**

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