Addendum

Stevens Creek Promenade Chick-fil-A Project

File No. PDC20-021, PD24-022, & ER24-306



Pepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2025

ADDENDUM TO THE 4300 STEVENS CREEK BOULEVARD MIXED-USE PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2017022058); AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the 4300 Stevens Creek Boulevard Mixed-Use Project's Final Environmental Impact Report (FEIR) and addenda thereto because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

PD24-022, & ER24-306 – Stevens Creek Promenade Chik-fil-A Project. The project consists of a Planned Development Permit to allow the construction of an approximately 5,245-square-foot restaurant (proposed Chick-fil-A), with an outdoor dining area, trash enclosure, and surface parking lot, the removal of 12 trees (eight ordinance-size, four non-ordinance-size, and 22 replacement trees) and the demolition of an approximately 10,400-square-foot commercial building on an approximately 0.76-gross-acre site.

Location: 4400 Stevens Creek Boulevard, San José, CA 95129

Assessor's Parcel Number: 296-38-013 **Council District:** 1

The environmental impacts of this project were addressed by the following Final Environmental Impact Report: "4300 Stevens Creek Boulevard Mixed-Use Project's Final Environmental Impact Report," adopted by City Council Resolution No. 78994 on February 26, 2019; and addenda thereto.

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

The following impacts were reviewed and found to be adequately considered by the EIR cited above:

☒Aesthetics	☒Agriculture Resources	☒Air Quality
☒Biological Resources	☒Cultural Resources	☒Geology and Soils
☒Greenhouse Gas Emissions	☒ Hazardous Materials	☒Hydrology & Water Quality
☒Land Use	☒Mineral Resources	☒Noise
☒Population and Housing	☒Public Services	☒Recreation
☒Transportation/Traffic	☒Utilities & Service Systems	☒Energy
☒Growth Inducing	☒Cumulative Impacts	☒Mandatory Findings of Sig.

BACKGROUND

Certified 4300 Stevens Creek Boulevard Mixed-Use (Stevens Creek Promenade) Project Final Environmental Impact Report (FEIR) and Addenda thereto

In February 2019, the City of San José certified the 4300 Stevens Creek Boulevard Mixed-Use Project's Final Environmental Impact Report (FEIR), which analyzed the environmental impacts of the approved 4300

Stevens Creek Boulevard Mixed-Use Project (also known as the Stevens Creek Promenade Project) (Planning File Nos. PDC16-036 and PD17-014) on a 10.0-gross-acre project site. The FEIR analyzed the demolition of five existing buildings totaling approximately 105,980 square feet on-site (comprising a group of three two-story and one one-story office buildings, and a one-story commercial building), existing surface parking lots, and ancillary structures. The relocation of utilities and a public street (Lopina Way), as well as the removal of all trees and other landscaping were included. The FEIR also analyzed the development of up to 300,000 square feet of office/ commercial space within a six-story building (Building A), a six-level parking garage (Building B), up to 289 residential units with 15,000 square feet of retail space in an eight-story mixed-use building (Building C), and up to 293 residential units in an eight-story residential building (Building D).

In August 2022, the 4300 Stevens Creek Boulevard Mixed-Use Project was modified to include the demolition of only three two-story office buildings on-site for the development of three new five-story residential buildings, a five-story hotel, and an open space park area. One of the existing one-story office buildings and the one-story commercial building would remain on-site. The new residential buildings would provide a total of 580 units with a mixture of affordable and market-rate housing, and the hotel would provide 250 guest rooms. The parking would be provided in podium levels under each of the structures. In January 2024, the 4300 Stevens Creek Boulevard Mixed-Use Project was amended again to allow for the construction of the project to occur over two phases. All site developments were to remain the same.

ANALYSIS

As proposed, the project would demolish an existing 10,400 square foot commercial building located at 4400 Stevens Creek Boulevard and construct a new 24.5-foot tall, 5,245-square-foot commercial/restaurant building with an outdoor seating area located on the northeast corner of the larger Stevens Creek Promenade site. The project would also reconfigure the existing parking area into a 32-space parking lot and would add four bicycle parking spaces. The project will maintain the existing access points and driveway aisles. No other changes to the currently approved 4300 Stevens Creek Boulevard Mixed-Use Project are proposed. All demolition and construction assumed under the 4300 Stevens Creek Boulevard Mixed-Use Project would be completed as described in previous environmental documents. Since the approval of the 4300 Stevens Creek Boulevard Mixed-Use Project, demolition, grading, and construction of some structures on the project site has already begun.

No new or more significant environmental impacts beyond those identified in the certified 4300 Stevens Creek Boulevard Mixed-Use Project FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FEIR has been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the FEIR. For these reasons, a supplemental or subsequent EIR is not required, and an Addendum thereto has been prepared for the proposed project. The attached Addendum provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the newly proposed project. This Addendum will not be circulated for public review but will be attached to the certified FEIR for the 4300 Stevens Creek Boulevard Mixed-Use Project pursuant of CEQA Guidelines §15164(c).

Nhu Nguyen
Environmental Project Manager

Christopher Burton, Director
Planning, Building and Code Enforcement

9/26/27

Date

Deputy

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Appendix A: Update to the Air Quality Impact Analysis
Appendix B: 2030 Greenhouse Gas Reduction Strategy Checklist
Appendix C: Update to the Noise and Vibration Assessment

All appendices are incorporated herein by reference.

Section 1.0 Introduction and Purpose

1.1 Purpose of the Addendum

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

The City of San José, as the Lead Agency, has prepared this Addendum to the certified 4300 Stevens Creek Boulevard Mixed-Use Project's Final Environmental Impact Report (FEIR) to address proposed changes to the existing entitlement in compliance with the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations/policies of the City of San José, California.

1.2 Background

1.2.1 Original Approved Project

In February 2019, the City of San José certified the 4300 Stevens Creek Boulevard Mixed-Use Project's Final Environmental Impact Report (FEIR), which analyzed the environmental impacts of the approved 4300 Stevens Creek Boulevard Mixed-Use Project (also known as the Stevens Creek Promenade Project) (Planning File Nos. PDC16-036 and PD17-014) on a 10.0-gross-acre project site. The FEIR analyzed the demolition of five existing buildings totaling approximately 105,980 square feet on-site (comprising a group of three two-story and one one-story office buildings, and a one-story commercial building), existing surface parking lots, and ancillary structures. The relocation of utilities and a public street (Lopina Way), as well as the removal of all trees and other landscaping were included. The FEIR also analyzed the development of up to 300,000 square feet of office/ commercial space within a six-story building (Building A), a six-level parking garage (Building B), up to 289 residential units with 15,000 square feet of retail space in an eight-story mixed-use building (Building C), and up to 293 residential units in an eight-story residential building (Building D).

1.2.2 Modifications to the Original Approved Project (Current Approved Project)

In August 2022, the 4300 Stevens Creek Boulevard Mixed-Use Project was modified to include the demolition of only three two-story office buildings on-site for the development of three new five-story residential buildings, a five-story hotel, and an open space park area. One of the existing one-story office buildings and the one-story commercial building would remain on-site. The new residential buildings would provide a total of 580 units with a mixture of affordable and market-rate

housing, and the hotel would provide 250 guest rooms. The parking would be provided in podium levels under each of the structures.

In January 2024, the 4300 Stevens Creek Boulevard Mixed-Use Project was amended again to allow for the construction of the project to occur over two phases. All site developments would remain the same.

1.3 Preparation of this Addendum

This is an addendum to the 2019 certified FEIR, as amended, and provides analysis for the new proposed changes on the project site (2025 Modified Project), including the demolition of one additional commercial building and the construction of a smaller commercial building in the same location, and assesses the differences of the 2025 Modified Project with the Current Approved Project.

CEQA Guidelines Section 15162 states that when an Environmental Impact Report has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Lead Agency shall prepare an addendum tiering from a previously certified FEIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent FEIR have occurred.

This Addendum analyzes the proposed changes to the 4300 Stevens Creek Boulevard Mixed-Use Project under Section 15162 and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the Approved Project.

This addendum, along with a copy of the FEIR and addenda thereto, are available at the City of San José City Hall at 200 East Santa Clara Street, San José, CA 95113, during normal business hours, or on the City's website at this link.

Section 2.0 Project Information

2.1 Project Title

Stevens Creek Promenade Project (File No. PDC20-021, PD20-012, ER21-006)

2.2 Lead Agency Contact

City of San José Planning, Building & Code Enforcement Department
Nhu Nguyen, Planner II
200 East Santa Clara Street, San José, CA 95113
nhu.nguyen@sanjoseca.gov
408.535.6894

2.3 Project Applicant

MPG Stevens Creek Owner, LLC

2.4 Project Location

4400 Stevens Creek Boulevard, San José California 95129; See Figures 2-1, 2-2, and 2-3 for the Regional Map, Vicinity Map, and Aerial, respectively.

2.5 Assessor's Parcel Number

The total site is comprised of parcels 296-38-013, 296-38-014, and 296-40-009. The commercial property which is the subject of this Addendum is parcel 296-38-013.

2.6 General Plan Designation and Zoning District

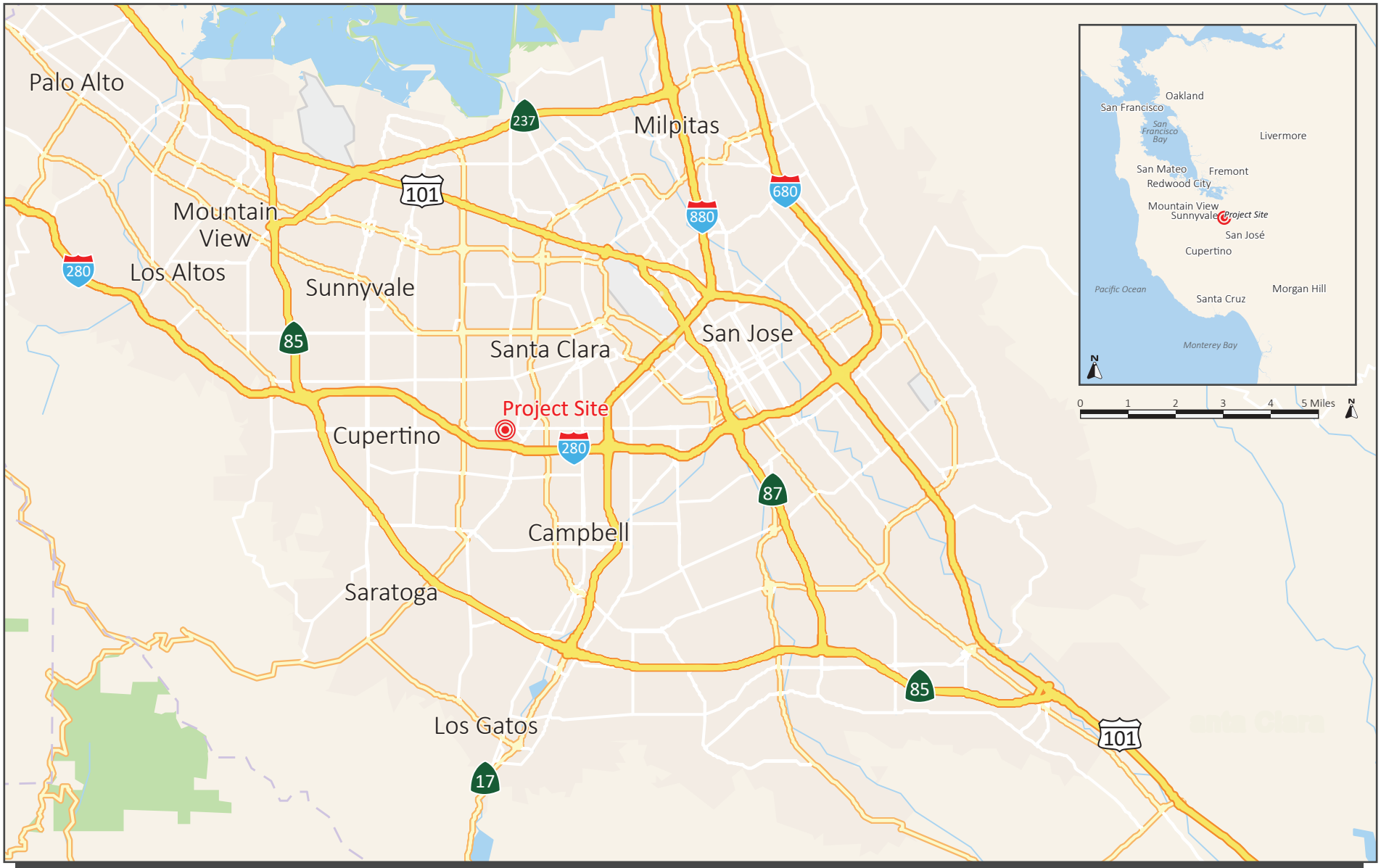
General Plan Designation: Urban Village
Zoning District: CG – Commercial General

2.7 Habitat Plan Designation

Urban Development

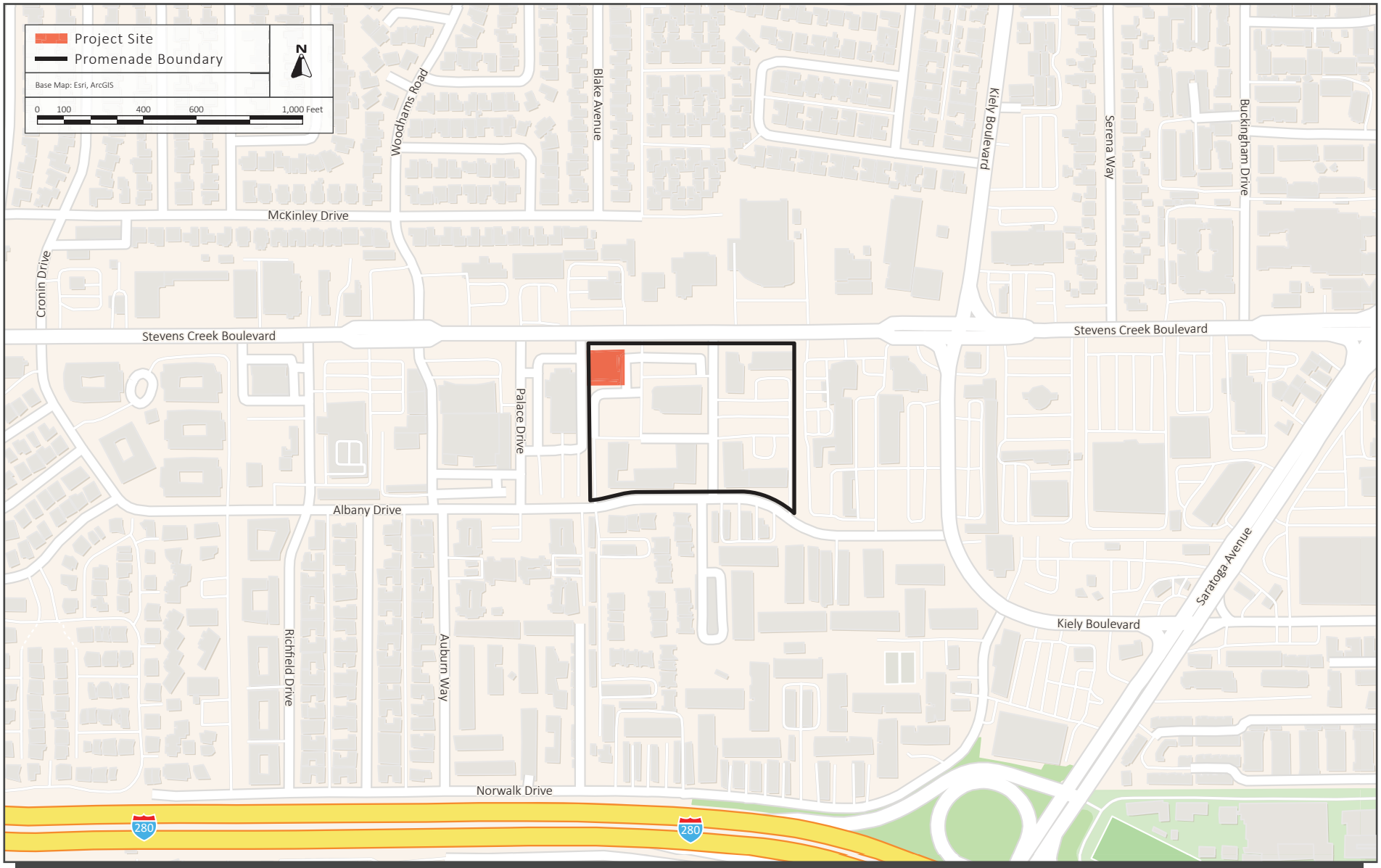
2.8 Project-Related Approvals, Agreements, and Permits

Planned Development Permit



REGIONAL MAP

FIGURE 2-1



VICINITY MAP

FIGURE 2-2



AERIAL IMAGERY

FIGURE 2-3

Section 3.0 Project Description

3.1 Current Approved Project

The Current Approved Project included the proposal to demolish the three two-story office buildings, retain the one-story office building and one-story commercial building (4360 and 4400 Stevens Creek Boulevard), and develop three residential buildings with a total of 580 residential units and a 250-room hotel with 8,530 square feet of retail space. Two of the residential buildings would provide 407 market rate units, and the third residential building would provide 173 below market rate (BMR) units. Vehicle parking would be provided in a parking garage within each new building (described below). In addition, 101 of the existing surface parking spaces would remain adjacent to the buildings being retained. The project provides a public open space area of approximately 1.4-acres.

The Current Approved Project would also remove the "pork-chop" islands, eliminate the uncontrolled slip right-turn lanes, and tighten the corner radii at the southwest and northeast corners of the Kiely Boulevard and Stevens Creek Boulevard intersection. The traffic signal at the intersection would be updated in conjunction with these improvements. Lopina way would be relocated to the east side of the project site.

3.2 2025 Modified Project

The 2025 Modified Project would affect one parcel (APN 296-38-013) located on the northwest corner of a larger site at 4400 Stevens Creek Boulevard in the City of San José (Figure 3-1). The parcel proposed to be developed is currently occupied by a 10,400 square foot commercial building and a 25-space parking lot. The current approved development on the larger site would not change as a result of the proposed 2025 Modified Project. The project site is in the Urban Village Zoning District and falls under the provisions of the Stevens Creek Boulevard Urban Village Plan. The site is accessed from Stevens Creek Boulevard through one driveway on the north side of the site, and the interior parking area connects to the surrounding parcels with an interior roadway which ends at Lopina Way.

As proposed, the 2025 Modified Project would demolish the 10,400 square foot commercial building located at 4400 Stevens Creek Boulevard and construct a new 24.5 foot-tall, 5,245-square-foot commercial/restaurant building with an outdoor seating area located on the northeast corner. The new building would be approximately the same height as the existing building to be demolished. The project would also reconfigure the existing parking area into a 32-space parking lot and would add four bicycle parking spaces. The 2025 Modified Project will maintain the existing access points and driveway aisles.

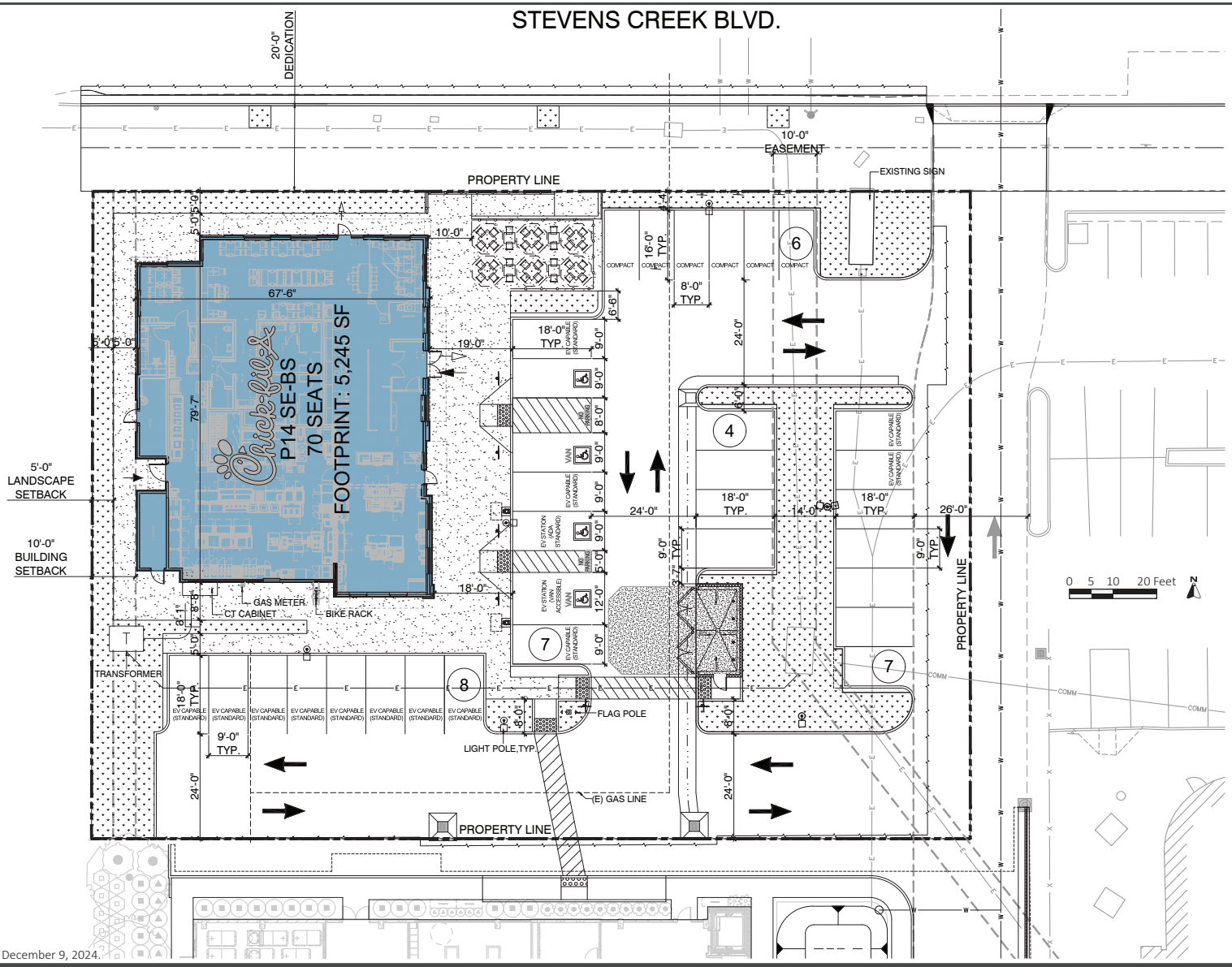
No other changes to the currently approved 4300 Stevens Creek Boulevard Mixed-Use Project are proposed as part of the 2025 Modified Project. Additionally, all demolition and construction assumed under the Current Approved Project would be completed as described in previous

environmental documents. Since the approval of the Current Approved Project, demolition, grading, and construction of some structures on the project site has already begun.

The 2025 proposed project would be constructed in approximately six months and would require the removal of 160 cubic yards of soil and import of 80 cubic yards of fill soil. The proposed project would remove 12 trees (eight of which are ordinance sized) from the project site and would plant nine, 24-inch box trees as part of the landscaping around the site. The existing trees are summarized below in Table 2-1. Landscaping would include low and moderate water consumption vegetation.

Table 2-1 Tree Inventory

Common Name	**Scientific Name**	**Circumference**
American sweetgum	*Liquidambar styraciflua*	66
American sweetgum	*Liquidambar styraciflua*	72
London plane	*Platanus hispanica*	50
Crape myrtle	*Lagerstroemia indica*	16
Crape myrtle	*Lagerstroemia indica*	16
Crape myrtle	*Lagerstroemia indica*	16
Crape myrtle	*Lagerstroemia indica*	13
Crape myrtle	*Lagerstroemia indica*	47
London plane	*Platanus hispanica*	38
London plane	*Platanus hispanica*	66
Canary Island pine	*Pinus canariensis*	41
Canary Island pine	*Pinus canariensis*	44
Source: Arbor Resources. Arborist Report. October 30, 2024		



Source: MCG Architecture, December 9, 2024.

SITE PLAN

FIGURE 3-1

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

The discussion below describes the environmental impacts of the proposed 2025 Modified Project compared to the impacts of the approved 4300 Stevens Creek Boulevard Mixed-Use Project, as amended. Also noted are any changes that have occurred in the environmental setting that could result in new impacts or impacts of greater severity than those identified in the previously certified FEIR. This Addendum only addresses those resource areas which could potentially have new impacts or impacts of greater severity (specific to the project parcel) than were addressed in the FEIR. Based on the project's consistency with the development assumptions and General Plan and zoning designations, the proposed 2025 Modified Project would have the same impacts as the Approved Project with regard to the following environmental issues as they relate to site conditions that would not vary depending on the ultimate use of the site:

- Aesthetics
- Agriculture and Forestry Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources
- Wildfire

Compared to the Current Approved Project, the proposed 2025 Modified Project would remove one additional structure and replace it with a smaller commercial building. This Addendum analyzes the impacts of the proposed 2025 Modified Project regarding the following environmental issues:

- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Noise
- Transportation
- Utilities and Service Systems

All relevant best management practices, Standard Permit Conditions, Conditions of Approval, and Mitigation Measures identified in the approved 4300 Stevens Creek Boulevard Mixed-Use Project FEIR (as amended) for all resource areas are incorporated by reference and would be required of the 2025 Modified Project.

4.1 Air Quality

This section is based in part on the Update to the Air Quality Impact Analysis completed by Illingworth & Rodkin Inc. in May 2025. This report is included as Appendix A of this document.

The changes to the Approved Project relevant to air quality are the changes to the construction schedule, the number of construction days, and trip generation compared to the Current Approved Project.

4.1.1 Findings of the Previously Certified FEIR

4.1.1.1 *Consistency with Plans and Policies*

2017 Clean Air Plan

The Current Approved Project was not found to conflict with the 2017 Clean Air Plan (CAP) because it is consistent with the adopted General Plan, is considered urban infill, and would be located near employment centers and near regional transit. The Current Approved Project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the Air District thresholds. Furthermore, implementation of the project would not inhibit the Air District or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, the Approved Project would comply with the 2017 Clean Air Plan.

4.1.1.2 *Construction Impacts – Criteria Pollutants*

Analysis of the Approved Project concluded that construction period criteria pollutant emissions associated with the project would not exceed the Air District's significance thresholds for any criteria pollutants during any construction year.

Construction activities on-site were also determined to generate dust and other particulate matter that could temporarily impact nearby sensitive receptors. The Current Approved Project includes Standard Permit Conditions (listed below) consistent with Air District dust control measures as a Condition of Approval. With implementation of these measures, the Current Approved Project would not emit significant levels of criteria air pollutants or dust that would affect local and regional air quality or nearby off-site sensitive receptors.

<u>Standard Permit Conditions</u>

- Water active construction areas at least twice daily or as often as needed to control dust and emissions.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweepers is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeing or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and a person to contact at the lead agency regarding dust complaints.

4.1.1.3 *Community Risk Impacts – Construction*

Construction of the Current Approved Project was determined to result in a temporary community risk impact from toxic air contaminants (TACs) in exceedance of the Air District's thresholds for cancer risk under project and cumulative conditions. The Current Approved Project includes mitigation measures (listed below) to reduce exhaust and emissions by 86 percent which would reduce the impacts from TACs to a less than significant impact.

MM AIR-1.1: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total, use equipment that meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for NO_x and PM (PM_{10} and $PM_{2.5}$).
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet United States Environmental Protection Agency (U.S. EPA) emission standards for Tier 2 or 3 engines and include

particulate matter emissions control equivalent to California Air Resources Board (CARB) verifiable diesel emission control devices that altogether achieve a 50 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment.

- Use of alternatively fueled or electric equipment may be used in combination with or in place of diesel- powered equipment to achieve the same percentage reduction in particulate matter exhaust.
- Use of electrical or non-diesel equipment with lower NO_x emissions that meet the NO_x and PM reduction requirements above.

Alternatively, the project applicant could develop a plan that reduces on- and near-site construction diesel particulate matter emissions by a minimum of 86 percent or greater. The plan shall be reviewed and approved by the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit the construction operations plan and confirmation letter from the qualified air quality specialist to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval.

4.1.1.4 *Operational Impacts on Regional and Local Air Quality*

The average operational emissions of reactive organic gases (ROG), nitrogen oxides (NO_X), 10-micron particulate matter (PM_{10}) exhaust, and 2.5-micron particulate matter ($PM_{2.5}$) exhaust associated with the proposed project would not result in criteria pollutant emissions above the Air District's established thresholds.

4.1.1.5 *Odors*

The Current Approved Project would not result in short-term construction odors or long-term operational odors after construction.

4.1.2 Impacts of the Modified Project

Consistent with the previously adopted FEIR and subsequent Addenda, this analysis is based upon the methodologies in the most recent Air District CEQA Air Quality Guidelines and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2017 Air District CEQA Air Quality Guidelines, as shown in Table 4-1.

Table 4-1: Project-Level Significance Thresholds

Pollutant	Average Daily Construction Emissions (pounds/day)	Average Daily Operational Emissions (pounds/day)	Maximum Annual Operational Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	Five confirmed complaints per year averaged over three years	

Note: μ/m^3 = micrograms per cubic meter.

ppm= parts per million

4.1.2.1 *Consistency with Plans and Policies*

2017 Clean Air Plan

The 2025 Modified Project would not conflict with the 2017 Clean Air Plan (CAP) because it is consistent with the adopted General Plan, considered urban infill, and would be located near regional transit. Based on the construction and operational emissions calculated for the 2025 Modified Project (see Tables 4-5 and 4-6 below), the 2025 Modified Project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4-3. As a result, the project is not required to incorporate the project-specific control measures listed in the 2017 CAP. Furthermore, implementation of the project would not inhibit Air District or partner agencies from continuing progress toward attaining state and

federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, the proposed 2025 Modified Project would comply with the 2017 Clean Air Plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.1.2.2 *Construction Impacts – Criteria Pollutants*

Construction of the 2025 Modified Project would change the construction activity associated with the Current Approved Project. The demolition of the existing commercial building and the construction of the new restaurant building would result in approximately six months of overlapping construction with the Current Approved Project on the larger site. This would increase the emissions of criteria pollutants during the construction period, as seen in Table 4-2 below. The emissions in this table were calculated assuming the implementation of the Mitigation Measures in the Current Approved Project which will also be required for the 2025 Modified Project.

Table 4-2 Construction Period Emissions

Year	ROG	Nox	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Approved Project – 3 years (tons/year)	6.11	6.92	0.37	0.27
Proposed Restaurant – < 1 year (tons/year)	0.05	0.20	0.01	0.01
Total (Approved Project + Restaurant) in tons/year	6.16	7.12	0.38	0.28
Approved Project Maximum Year (pounds/day)	40.76	19.99	1.34	1.03
Proposed Project (135 workdays) (pounds/day)	0.74	2.96	0.15	0.15
Total (Approved Project + Restaurant) (pounds/day)	41.50	22.95	1.49	1.18
Bay Area Air District Thresholds (pounds per day)	54	54	82	54
Exceed Threshold?	No	No	No	No

Source: Illingworth & Rodkin, Inc. Stevens Creek Promenade Update, San José, CA – May 2025 Update to the Air Quality Impact Analysis. May 27, 2025.

Based on the information in Table 4-2, the 2025 Modified Project would not increase the total construction emissions above the Air District thresholds. Therefore, the 2025 Modified Project would not result in a new or more significant construction period criteria pollutant impact and would have a less than significant impact with mitigation from the Current Approved Project implemented. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

4.1.2.3 *Operational Impacts on Regional and Local Air Quality*

Operation of the proposed restaurant was estimated to result in 392 weekday trips, 513 Saturday trips, and 394 Sunday trips (per 1000 square feet). Based on this data, the operational impacts of the 2025 Modified Project were calculated. The results of this analysis are summarized below in Table 4-3.

Table 4-3 Operational Period Emissions

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Net increase with Approved Project (tons/year)	4.37	0.87	1.82	0.48
Proposed Restaurant (tons/year)	1.04	0.60	1.02	0.27
Total (Approved Project + Restaurant) in tons/year	5.41	1.47	2.84	0.75
Bay Area Air District Thresholds (tons /year)	10	10	15	10
Total (Approved Project + Restaurant) (pounds/day)	29.64	8.05	15.56	4.11
Bay Area Air District Thresholds (pounds per day)	54	54	82	54
Exceed Thresholds?	No	No	No	No

Source: Illingworth & Rodkin, Inc. Stevens Creek Promenade Update, San José, CA – May 2025 Update to the Air Quality Impact Analysis. May 27, 2025.

The 2025 Modified Project would not result in operational emissions exceeding the criteria pollutant thresholds defined by the Air District. Therefore, the 2025 Modified Project would not result in new or more significant impacts associated with operational criteria pollutants. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.1.2.4 *Community Risk Impacts – Construction*

As documented in the previously approved FEIR and addenda, TAC emissions from construction of the Current Approved Project on the larger project site would result in significant health risk impacts at the maximally exposed individual (MEI) in the housing development to the south of the project site. As mentioned above in section 4.1.1.4, mitigation measures were identified to reduce the significant health risk impact to a less than significant level. New emissions calculations estimated that construction of the proposed restaurant would result in a three percent increase in TAC emissions resulting from diesel vehicle operations compared to the Current Approved Project. The construction activity associated with the proposed restaurant building would, however, occur further away from sensitive receptors south of the project site than the already approved construction. The 2025 Modified Project would also be required to implement the approved mitigation measures (MM AIR-1.1). Therefore, the 2025 Modified Project, by itself and when combined with the overlapping Current Approved Project construction would not result in new or more significant impacts associated with health risk impacts on sensitive receptors. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

4.1.2.5 *Odors*

The 2025 Modified Project would replace the existing vacant commercial building with a smaller restaurant building. This use would result in some odors associated with waste disposal and restaurant operations which are not outside of the expected range for urban sites. Therefore, the proposed project would not result in new or more significant odor impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.2 Biological Resources

The change to the Current Approved Project associated with biological resources is the increase in the number of trees that would be removed from the project site. Other than trees, no other biological resources were identified on-site, though it was concluded that birds may nest and/or forage on-site. Therefore, the following analysis only addresses tree removal and the associated loss of active bird nests.

4.2.1 Findings of the Previously Certified FEIR

The Current Approved Project would result in the removal of up to 240 trees from the project site and the planting of 629 new trees on-site. The Current Approved Project would be compliant with the tree replacement ratios set forth in the General Plan and was determined to have a less than significant impact

The loss of trees and/or disturbance from construction activities on the project site was determined to have an impact on nesting birds on and adjacent to the project site. The following mitigation was included in the Current Approved Project.

MM BIO-1.1: Prior to issuance of any tree removal, grading, demolition, and/or building permit or activities (whichever occurs first, the project applicant shall schedule demolition and construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

MM BIO-1.2: If demolition and construction activities cannot be scheduled to occur outside of the breeding season (September 1st to January 31st, inclusive), pre-construction surveys for nesting birds following the California Department of Fish & Wildlife (CDFW) bird survey protocols shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

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

Implementation of the above mitigation measure(s) will avoid or reduce the potential environmental impact stated above to a less than significant level.

4.2.2 Impacts of the Modified Project

The 2025 Modified Project would result in the removal of 12 trees (eight ordinance sized) from the project site and would plant nine 24-inch replacement trees. The 2025 Modified Project would also be required to comply with the tree replacement ordinance for the City of San José as established in Table 4-4 below.

Table 4-4 Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Replacement Tree**
	Native	Non-Native	Orchard	
38 inches or more	5:1*	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

*x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch 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 permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.

**A 24-inch box tree = two 15-gallon trees.

Twelve trees on-site would be removed. Eight trees would be replaced at a 4:1 ratio, and four trees would be replaced at a 1:1 ratio. The total number and size of replacement trees required to be planted on-site is 36 15-gallon trees or 18 24-inch box trees.

If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of

payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

The 2025 Modified Project would plant the equivalent of nine 24-inch trees and would pay fees for the remaining trees removed. Therefore, the 2025 Modified Project would not result in impacts to biological resources through conflict with ordinances or policy protecting these resources. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

The loss of 12 additional trees and an increase in construction area of disturbance on the project site has the potential to further impact nesting birds on and adjacent to the project site. Consistent with the Current Approved Project, the 2025 Modified Project would be required to implement mitigation measures MM BIO-1.1 and MM BIO-1.2. As a result, the 2025 Modified Project would not result in new or more significant impact to nesting birds. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

4.3 Energy

The changes to the Current Approved Project relevant to energy are the changes in development proposed for the site compared to the Current Approved Project, i.e. replacement of an existing commercial building with a smaller restaurant building. The 2025 Modified Project would not change the energy consumption calculated for the Current Approved Project.

4.3.1 Findings of the Previously Certified EIR

4.3.1.1 *Estimated Energy Use of the Approved Project*

Table 4-5 below summarizes the estimated yearly energy consumption from project operations in kilowatt hours (kWh).

Table 4-5 Estimated Annual Energy Use of the Current Approved Project

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
250 Room Hotel	1,133,010	0
580 Mid-Rise Apartments	2,243,940	0
8,260 Square Foot Strip Mall (Retail Stand-in)	85,811	0
Parking Stalls in Enclosed Structure	1,807,550	0
Total	**5,270,311**	**0**

Source: Illingworth & Rodkin, Inc. 4300 Stevens Creek Boulevard Mixed-Use Project Draft Air Quality Assessment. May 2022.
Note: CalEEMod does not have "commercial/retail" land use, so the energy demand factors for "strip mall" was used.

The Current Approved Project would result in approximately 6,988,352 vehicle miles traveled (VMT) per year. At the established gas efficiency of 22 miles per gallon, the Current Approved Project would result in the consumption of approximately 317,652 gallons of gasoline per year for transportation. The Current Approved Project was determined to be consistent with the General Plan land use designation for the project site and would have a less than significant impact from energy consumption.

4.3.1.2 *Energy Efficiency*

The project would be served by San José Clean Energy (SJCE) and would be built in accordance with CALGreen requirements, Title 24 of the City's Municipal Code, City of San José Council Policy 6-32, and the City's Green Building Ordinance. Implementation of the Current Approved Project would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency.

4.3.2 Impacts of the Modified Project

The 2025 Modified Project would replace the existing 10,400 square foot commercial building (which was planned to be retained under the Current Approved Project) with a 5,245 square foot commercial building that would serve as a restaurant. Because the existing commercial building is approximately 50 percent larger than the proposed restaurant building, it is reasonable to conclude that the existing building would have a higher energy demand than the proposed building. In addition, new construction is generally more energy efficient than older structures due to more stringent Building Code and CALGreen requirements for energy efficient windows, appliances, HVAC systems, lighting, and building materials. The City of San José has also adopted a Reach Code which results in new construction being more energy efficient than older structures. Therefore, the 2025 Modified Project would maintain or reduce the energy consumption of the Current Approved Project and would not conflict with or obstruct plans for renewable energy or energy efficiency. The 2025 Modified Project would not result in new or more significant energy impacts than the Current Approved Project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.4 Greenhouse Gas Emissions

The information in this section is based in part on the 2030 Greenhouse Gas (GHG) Reduction Strategy (GHGRS) Checklist included in Appendix B of this report. Changes to the Current Approved Project related to GHG emissions would be the change in the number of vehicle trips.

4.4.1 Findings of the Previously Certified EIR

4.4.1.1 *Construction Emissions*

Construction activities for the Current Approved Project would result in temporary GHG emissions. Neither the City of San José nor the Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would not result in a permanent increase in emissions and would not interfere with the implementation of Senate Bill (SB) 32. The Current Approved Project would result in less than significant construction GHG emissions impact.

4.4.1.2 *Operational Emissions*

The 2019 FEIR analyzed the original project's GHG impacts based on the City of San José's 2020 GHGRS. The 2019 FEIR concluded that the original project would have a significant unavoidable impact to GHGs because project construction and operation were estimated to extend beyond January 1, 2021 (beyond the scope of the City's 2020 GHGRS). Since the certification of the 2019 original project and FEIR, the City of San José adopted a new 2030 GHGRS which addresses emissions reductions through 2030. The previous 2022 Addendum prepared for the project analyzed that the Current Approved Project is consistent with the General Plan land use designation for the site and planned growth from build out of the Urban Village, would comply with the City's 2030 GHGRS (see discussion below), and would result in a less than significant GHG emissions impact (no longer a significant unavoidable impact as compared to the analysis in the 2019 FEIR).

4.4.1.3 *2030 Greenhouse Gas Reduction Strategy*

The Current Approved Project is consistent with the Land Use/Transportation Diagram designation of the project site and incorporates all applicable measures of the GHGRS, including installing clean energy power generation sources, excluding natural gas infrastructure, exceeding the City's construction & demolition waste diversion requirement, installing high-efficiency appliances/fixtures and water-sensitive landscaping.

More specifically, the Current Approved Project would comply with the City's Reach Code by excluding natural gas infrastructure and accommodating solar energy systems which support GHGR strategies #1-3 and would provide organic waste containers to comply with GHGR strategy #5. Additionally, the use of water efficient plumbing fixtures and drought tolerant landscaping supports GHGR strategy #7. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

The project would also be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The Current Approved Project is in a Planned Growth Area of the City which is well-served by transit. For these reasons, the Current Approved Project was determined to be consistent with the City's climate action goals as set forth in Climate Smart San José.

The Current Approved Project would be consistent with the 2030 GHGRS and Climate Smart San José and, therefore, would have a less than significant impact.

4.4.2 Impacts of the Modified Project

4.4.2.1 *Construction Emissions*

As stated above, neither the City of San José nor the Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. The 2025 Modified Project would not significantly increase construction air quality emissions and would not result in a permanent increase in emissions or interfere with the implementation of SB 32. Therefore, the 2025 Modified Project would not result in new or more significant impacts from construction GHGs. [**Same Impact as Approved Project (Less than Significant Impact)]**

4.4.2.2 *Operational Emissions*

The 2025 Modified Project is consistent with the General Plan land use designation for the site and planned growth from build out of the Urban Village and would comply with the City's 2030 GHGRS (see discussion below). For these reasons, the 2025 Modified Project would not result in new or more significant impacts from operational GHG impacts. [**Same Impact as Approved Project (Less than Significant Impact)]**

4.4.2.3 *2030 Greenhouse Gas Reduction Strategy*

The new building included in the 2025 Modified Project would only change a portion of the larger project site that was not previously planned for redevelopment. The GHGRS checklist prepared for the new structure (included in Appendix B) identifies that the new building would include proper solar orientation to minimize energy consumption, provide bicycle parking, and plant shade trees. The 2025 Modified Project would also provide organic waste containers to comply with GHGR strategy #5, and the use of water efficient plumbing fixtures and drought tolerant landscaping supports GHGR strategy #7. All measures are consistent with the measures included in the Current Approved Project. The 2025 Modified Project would comply with the GHGRS and would result in a less than significant impact resulting from GHGs. Therefore, the 2025 Modified Project would not create new or more significant conflicts with the 2030 GHGRS.

The 2025 Modified Project would also be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, the new restaurant building would be constructed to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The project site is also in a Planned Growth Area of the City which is well-served by transit. For these reasons, the 2025 Modified Project would be consistent with the City's climate action goals as set forth in Climate Smart San José and would not result in new or more significant impacts. [**Same Impact as Approved Project (Less than Significant Impact)]**

4.5 Hydrology and Water Quality

The changes to the Current Approved Project relevant to hydrology and water quality are related to the amount of pervious and impervious surfaces on the project site. No impacts were identified from flood hazards, erosion of streams, groundwater, or compliance with clean water plans. Therefore, the following analysis only addresses water quality impacts from construction and changes in impervious surfaces of the 2025 Modified Project.

4.5.1 Findings of the Previously Certified EIR

4.5.1.1 *Water Quality Impacts*

Construction Impacts

Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the Current Approved Project would disturb more than the one acre of land, it would be required to comply with the general stormwater permit and prepare a Stormwater Pollution Protection Plan (SWPPP) for construction activities. Pursuant to the City's requirements, the Current Approved Project included Standard Permit Conditions to reduce potential construction-related water quality impacts.

Standard Permit Conditions:

Consistent with the General Plan, measures shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction including, but not limited to, the following:

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

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

With implementation of the identified construction measures and compliance with the NPDES General Construction Permit, construction of the Current Approved Project would have a less than significant impact on water quality.

Operational Impacts

Currently, approximately 85 percent (379,392 square feet) of the project site consists of impervious surfaces. Implementation of the Current Approved Project would reduce impervious surfaces on-site by approximately two percent (8,773 square feet). Because the project would replace more than 10,000 square feet of impervious surfaces, the project is required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit. Therefore, the Current Approved Project would result in less than significant impacts from operations on water quality.

4.5.2 Impacts of the Modified Project

Construction of the 2025 Modified Project would disturb approximately 0.68 acres of the project site that was not previously slated for redevelopment under the Current Approved Project. The 2025 Modified Project would be required to implement the Standard Permit Conditions described above to control dust and sediment created during construction and to prevent impacts to water quality as a result of site runoff. Therefore, the 2025 Modified Project would not result in new or more significant impacts on water quality during construction.

Similar to the Current Approved Project, the 2025 Modified Project would reduce impervious surfaces on-site. Specifically, the 2025 Modified Project would further reduce impervious surfaces by approximately 1,471 square feet due to reconfiguration of the parking lot and inclusion of additional landscaping. Additionally, the 2025 Modified Project would include a non-Low Impact Development (LID) media filter system consistent with the stormwater treatment system for the Current Approved Project to provide water treatment for impervious surface areas on the project site. This water treatment feature is an existing filtration system approved for use under Public Works Project #3-02236 as a Special Project Category C, which allows for LID treatment reduction credits for projects with affordable housing on-site. Therefore, the 2025 Modified Project would reduce impervious surfaces on the project site, would provide treatment for stormwater, and would not result in new or more significant water quality impacts. [**Same Impact as Approved Project (Less than Significant Impact)]**

4.6 Noise

The information in this section is based in part on the Stevens Creek Promenade Project, San José, CA – May 2025 Update to the Noise and Vibration Assessment completed by Illingworth & Rodkin Inc. in May 2025. This report is included as Appendix C.

The change to the Current Approved Project relevant to noise and vibration is that the 2025 Modified Project would result in additional construction activity on-site. All other aspects of the Current Approved Project, including operational noise[1], would remain the same and are not addressed.

4.6.1 Findings of Previously Certified EIR

4.6.1.1 *Noise Impacts from the Project*

Construction Noise

Construction of the Current Approved Project was determined to temporarily increase noise levels in the immediate vicinity of the project site, would be audible at the nearby residential buildings, and could result in a significant impact.

Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the Current Approved Project is required to implement the following Standard Permit Conditions for all phases of construction. With implementation of these measures, as well as the General Plan and Municipal Code limits on allowable construction hours, the impact was determined to be less than significant.

Standard Permit Condition

Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Pile Driving is prohibited.
- Limit construction 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 use.
- Construct solid plywood fences around ground level construction sites adjacent to operational business, residences, or other noise-sensitive land uses.

[1] While the 2025 Modified Project would result in demolition and replacement of a commercial building intended for retention under the Current Approved Project, operation of the existing building as a restaurant and operation of the proposed new building as a restaurant would result in comparable operational noise levels on-site.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" are compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Construction Vibration

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the commercial and medical buildings adjoining the project site to the west. Due to the proximity of the buildings to the west of the project site (about 25 feet) and the on-site medical buildings (about 20 feet), the City's threshold could be exceeded when heavy objects are dropped near the boundary of the construction site or when vibratory rollers are used near the boundary of the construction site. The implementation of mitigation measure MM NOI-1.1 and MM NOI-1.2, included in the Current Approved Project, were determined to reduce the impact from construction vibration to a less than significant level.

Mitigation Measures

MM NOI-1.1 A Construction Vibration Monitoring Plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The plan shall be submitted to the Supervising Environmental Planner of City of San José Department of Planning, Building, and Code Enforcement for review and approval. The Plan shall address vibration impacts to adjacent structures. The plan shall include, but is not limited to:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.)
- Avoidance methodology to avoid and/or reduce impact to the adjacent property.

MM NOI-1.2 Consistent with the approved project, the following measures are included in the proposed modified project to reduce vibration impacts from construction activities:

- Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building.
- 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.
- The above vibration plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee prior to issuance of a grading plan.

Operational Noise

Based on the operational aspects of the Current Approved Project, including mechanical equipment and traffic noise, hourly average noise levels and day-night average noise levels for all approved buildings would not exceed the 55 A-weighted decibel (dBA DNL) at the property lines of the nearest residences or 60 dBA at the property lines of the nearest off-site commercial or at the building façade of the nearest on-site medical building. Additionally, the City of San José daytime and nighttime thresholds would not be exceeded at the property lines of the nearest commercial land uses located north of Stevens Creek Boulevard. For all receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable and would have a less than significant impact.

4.6.2 Impacts of the Modified Project

4.6.2.1 *Noise Impacts from the Project*

Construction Noise

Construction activities associated with the proposed restaurant building would occur over approximately six months, estimated to begin in April 2026. This construction schedule would overlap with the construction schedule on the remainder of the larger project site. Construction hours for the proposed restaurant building would be Monday through Friday from 7 AM to 5 PM,

consistent with the Current Approved Project's Standard Permit Condition. Based on the construction equipment planned for use for the proposed restaurant building, there would not be a significant difference in noise generation compared to the Current Approved Project's construction activity.

Construction of the Current Approved Project is already underway, with Residential Buildings A, B, and C under construction. Construction of the restaurant building resulting from the 2025 Modified Project would occur north of these residential buildings, at least 450 feet from the nearest residences on the south side of Albany Drive.

Due to the distance separating the proposed restaurant from the off-site residential uses, and the acoustical shielding provided by the residential buildings currently under construction, the noise resulting from construction of the proposed restaurant would be reduced. Additionally, this noise would not be distinguishable from the residential building construction activities occurring nearer to the noise-sensitive residences to the south. Vibration impacts would be unchanged because the distance of the sensitive receptors from the construction activity and type of equipment used would not change substantially as a result of the 2025 Modified Project.

Residential receptors to the north of the project site are located approximately 400 feet away from the project site along McKinley Drive are also shielded from project construction noise by rows of commercial buildings. Due to the distance between the site and these receptors and acoustical shielding provided by the intervening commercial buildings, construction activities associated with the proposed restaurant would not be distinguishable from the construction activities that were previously evaluated.

The proposed development in addition to the Current Approved Project would not result in higher construction noise levels at nearby receptors than were estimated in the prior environmental analysis. Furthermore, the Standard Permit Conditions addressing temporary construction noise would be required during construction of the restaurant to further reduce the construction noise impact. Additionally, inclusion of MM NOI-1.1 and MM NOI-1.2 would further reduce any vibratory impacts. No additional conditions or mitigation measures would be required, and the 2025 Modified Project would not result in new or more significant impacts from construction noise or vibratory conditions. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 Transportation

The changes to the Current Approved Project relevant to transportation are the changes to on-site circulation on the proposed restaurant parcel and in the number of traffic trips associated with the proposed restaurant building. The 2025 Modified Project would not result in changes to the Current Approved Project related to site access or traffic trips generated by the approved residential and hotel buildings.

4.7.1 Findings of the Previously Certified FEIR

Roadway Circulation

The Current Approved Project was found to contribute trips to Interstate 280 and Winchester Boulevard, which are included in the Interstate 280/Winchester Boulevard Transportation Development Policy. The Current Approved Project complied with the Transportation Development Policy which reduced impacts associated with the increase in trips on these roadways. Therefore, the Current Approved Project was not determined to result in significant operational deficiencies.

Transit Impacts

The Current Approved Project was found to preserve existing routes and access to existing and planned transit facilities in the project area. The residential component of the Current Approved Project would increase transit demand, but the existing services would be satisfactory to serve the Current Approved Project. Therefore, the Current Approved Project would result in a less than significant impact.

Pedestrian and Bicycle Facilities

The Current Approved Project would not prevent the City of San José from carrying out programs or plans associated with circulation, transit, pedestrian, or bicycle facilities. Additionally, the Current Approved Project would comply with the Urban Village and Grand Boulevard design features and policies regulating pedestrian and bicycle transportation facilities. Therefore, the Current Approved Project would result in less than significant impacts resulting from conflicts with programs or policies addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities.

Vehicle Miles Traveled Impacts

The Current Approved Project reserved 10 percent of the residential units as low-income units (five percent low income and five percent very low income). Additionally, the Current Approved Project included the removal of the two concrete “porkchops” located in the intersection of Kiely Boulevard and Stevens Creek Boulevard, and the elimination of the uncontrolled right turn slip lanes which would improve the safety of pedestrians and encourage multimodal transportation options.

With the proposed roadway improvements noted above, the inclusion of affordable housing, and the mix of land uses on-site, the Current Approved Project's residential VMT was calculated to be 9.92 per capita which is under the City's VMT threshold of 11.91 per capita for this area. Therefore, the VMT impact would be less than significant and would result in a less than significant impact.

Emergency Access

The Current Approved Project was required to comply with the requirements of emergency service providers and Municipal Code ordinances related to emergency access and setbacks. Therefore, the Current Approved Project would result in a less than significant impacts to emergency access for the project site.

4.7.2 Impacts of the Modified Project

4.7.2.1 *Roadway Circulation*

The 2025 Modified Project would slightly alter on-site circulation through reconfiguration of the parking lot serving the proposed restaurant; however, the function of existing roadways or surrounding intersections would not be altered. The restaurant building proposed under the 2025 Modified Project would result in fewer traffic trips than the existing commercial building on site due to the reduction in size of the structure and would not result in new or more significant impacts on roadway circulation. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.2.2 *Transit Impacts*

The 2025 Modified Project would not result in a modification of the transit facilities serving the project site and would not result in a significant increase in transit ridership. Therefore, the 2025 Modified Project would not result in new or more significant transit impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.2.3 *Pedestrian and Bicycle Impacts*

The 2025 Modified Project would not change the interface of the Current Approved Project with existing pedestrian and bicycle facilities. Additionally, the new building constructed as part of the 2025 Modified Project would include bicycle parking and provide walkable services to residents and workers in the nearby area. Therefore, the 2025 Modified Project would be consistent with plans and policies related to bicycle and pedestrian infrastructure and would not result in new or more significant impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.2.4 *Vehicle Miles Traveled Impacts*

The 2025 Modified Project would add a 5,245 square-foot restaurant building to the project site. The transportation analysis prepared for the project site determined that the new building would be exempt from a VMT analysis because it would be local serving retail of less than 100,000 square

feet.[2] Therefore, the 2025 Modified Project would not result in new or more significant impacts with the inclusion of the project features in the Current Approved Project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.2.5 *Emergency Access*

The 2025 Modified Project would not alter the access points to the project site and would be required to comply with the requirements of emergency service providers and Municipal Code ordinances related to emergency access and setbacks. Therefore, the 2025 Modified Project would not result in new or more significant impacts related to emergency access. **[Same Impact as Approved Project (Less than Significant Impact)]**

[2] Personal Communication. Kai-ling Kuo (Hexagon Transportation Consultants). Wed May 21, 2025

4.8 Utilities and Service Systems

The change to the Current Approved Project relevant to utilities and service systems is the reduction in the size of the commercial building previously planned to be retained on site.

4.8.1 Findings of Previously Certified EIR

4.8.1.1 *Water Supply Impacts*

The Current Approved Project would result in a net increase in water use on-site of 192,677 gallons per day (gpd). This increase in overall citywide demand was consistent with the growth projections and future water demand assumed in the preparation and analysis of the SJWC's Urban Water Management Plan (UWMP). Therefore, the Current Approved Project would have a less than significant impact.

4.8.1.2 *Wastewater Capacity/Exceedance of Treatment Requirements*

The Current Approved Project would generate approximately 183,043 gpd of wastewater, a net increase of 156,493 gpd over preconstruction conditions. Full build out of the development predicted in the General Plan was determined to result in less than significant impacts on wastewater flow; therefore, it was determined that the Current Approved Project result in a less than significant impact on wastewater capacity.

4.8.1.3 *Drainage Facility Expansion*

Under existing conditions, approximately 379,392 square feet (85 percent) of the project site is covered with impervious surfaces. With implementation of the Current Approved Project, the amount of impervious surfaces on-site would decrease by approximately 8,773 square feet (two percent).

The existing storm drainage system has sufficient capacity to convey runoff from the site under existing conditions. With the decrease in impervious surfaces, the overall volume of runoff entering the storm drainage system would also decrease. In addition, the required stormwater treatment facilities would regulate the volume of water entering the system. As a result, the Current Approved Project would not cause stormwater runoff to exceed the available capacity of the system.

4.8.1.4 *Storm Drainage Impacts*

The Current Approved Project is required to comply with the City of San José's Post-Construction Urban Runoff Management Policy 6-29 and the RWQCB Municipal Regional NPDES permit. With implementation of a Stormwater Control Plan that would be consistent with RWQCB requirements and in compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the Current Approved Project was determined to have a less than significant water quality impact.

4.8.1.5 *Landfill Capacity and Waste Regulation*

The Current Approved Project was determined to generate approximately 2,215 pounds of solid waste per day, a net increase of 1,400 pounds compared to the existing conditions on-site at the time the FEIR was prepared. The project was found consistent with the General Plan and, therefore, would be consistent with the General Plan finding that solid waste disposal from build out of the General Plan would have a less than significant impact on solid waste disposal capacity.

4.8.2 Impacts of the Modified Project

The 2025 Modified Project would replace the existing 10,400 square foot commercial building with a 5,245 square foot commercial building serving as a restaurant. Based on the CalEEMod output prepared for the project, the proposed restaurant building would result in approximately 4,361 gallons of water per day and 330 pounds per day of solid waste. This would be comparable or less to the water consumption and solid waste generation of the existing building. Wastewater generation[3] from the proposed restaurant building would also be comparable or less than the existing building.

The demolition of the existing commercial building and construction of a smaller commercial building would utilize existing utilities connections and would not result in greater utilities demand and would not require the construction of new or expanded facilities to serve the project area. Additionally, the 2025 Modified Project would not impede solid waste plans or exceed the City's ability to treat wastewater at the wastewater treatment plant because the proposed restaurant would be consistent with the land uses defined for the project site. Therefore, the proposed project would not result in new or more significant utilities impacts than the Current Approved Project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[3] Wastewater generation for commercial structures is typically 85-95 percent of the total water demand.

Section 5.0 References

The analysis in this Addendum is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

City of San José. 4300 Stevens Creek Boulevard Mixed Use Project EIR. August 2018.

City of San José. Addendum to the 4300 Stevens Creek Boulevard Final Environmental Impact Report for the 4300 Stevens Creek Mixed-Use Project. January 2024.

Illingworth & Rodkin Inc. Stevens Creek Promenade Update, San José, CA – May 2025 Update to the Air Quality Impact Analysis. May 27, 2025.

Illingworth & Rodkin Inc. Stevens Creek Promenade Project, San José, CA – May 2025 Update to the Noise and Vibration Assessment. May 27, 2025.

Personal Communication. Kai-ling Kuo (Hexagon Transportation Consultants). May 21, 2025

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San Jose Planning, Building & Code Enforcement Department
Nhu Nguyen, Planner II
David Keyon, Principal Planner

6.2 Consultants

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Shannon George, Principal Project Manager
Patrick Kallas, Project Manager
Ryan Osako, Graphic Artist

Illingworth & Rodkin Inc.
Air Quality and Noise Technical Assessment
James Reyff, Air Quality Principal
Michael Thill, Noise and Vibration Principal