Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study/Addendum

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

The City of San José, as the Lead Agency, has prepared this Addendum for the Gateway Tower Mixed Use Development Project in compliance with the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations/policies of the City of San José, California. The addendum would tier from the Downtown Strategy 2040 Final Program Environmental Impact Report (FPEIR) and the Gateway Towers Mixed Use Project Supplemental EIR (SEIR)

1.2 Background

1.2.1 Downtown Strategy 2000

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

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

While the certified 2005 Downtown Strategy 2000 FPEIR (SCH#2003042127) was primarily a broad range, program-level environmental document, it developed project-level information whenever possible, such as when a specific site was identified for a specific size and type of development. All subsequent development that occurred as part of the Downtown Strategy 2000 had project specific supplemental environmental review. The South First Area Strategic Development Plan was incorporated by reference into the Downtown Strategy 2000, and provided guidance for specific development projects proposed within the South of First Area (SoFA) of downtown.

The project site was included in the Downtown land use designation (created in place of the Core Area designation as part of the General Plan) which was analyzed for up to 350 dwelling units per

acre (DU/AC) and a floor area ratio (FAR) up to 15.0 (3 to 30 stories). This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities, unless incompatibility with other major policies within the General Plan (such as Historic Preservation Policies) indicates otherwise.

1.2.2 Gateway Towers Mixed Use Project SEIR

In December 2016, the City of San José approved the SEIR to the Downtown Strategy 2000 FPEIR, and addenda thereto, File No. H15-047, HP15-003, T15-052, and V16-005 (Gateway Tower Mixed-Use Development) in accordance with CEQA. The SEIR analyzed the construction of a 25-story building, with 308 residential apartment units and up to 8,000 square feet of ground floor commercial space.

1.2.3 Downtown Strategy 2040

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the downtown area. The Downtown Strategy 2040 is an update and replacement of the Downtown Strategy 2000. The Downtown Strategy 2040 was necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. The purpose of the Downtown Strategy 2040 was to increase the development capacity within the downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to the downtown capacity. The Downtown Strategy 2040 approved in 2018 had a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with downtown development. All other environmental impacts were evaluated at a program level.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. Since approval of the Gateway Tower Mixed-Use Development in 2016, changes to the project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified Gateway Tower Mixed-Use project (see Section 2.0 for a summary of the Gateway Tower Mixed-Use Development project). While the Gateway Towers Mixed Use Project SEIR tiered from the Downtown Strategy 2000 FPEIR, where applicable, this analysis utilizes the methodologies of the Downtown Strategy 2040 FEIR and the 2018 updated CEQA Guidelines.

1.3 Preparation of this Addendum

The CEQA Guidelines Section 15162 states that when an EIR 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 as complete of the Negative Declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

This Addendum analyzes proposed modifications (the “Modified Project”) to the Gateway Tower Mixed-Use Development approved in the 2016 t and the Downtown Strategy 2040 FEIR (collectively defined as “Approved Project”) 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.

Section 2.0 Summary of the Approved Gateway Tower Mixed-Use Development Project

The 0.5-acre project site is comprised of three buildings and a surface parking lot located between South Market Street and South First Street. The building addresses are:

- 455 South First Street/460 South Market Street,
- 465-467 South First Street/470-480 South Market Street
- 493 South First Street

The Approved Project included the demolition of the existing commercial building and parking lot, located at 493 South First Street. Additionally, the Approved Project included the retention of the existing facades of the two buildings at 465-467 South First Street/470-480 South Market Street and 455 South First Street/460 South Market Street for incorporation into the new construction. The Approved Project would construct a 25-story building, with 308 residential apartment units and up to 8,000 square feet of ground floor commercial space. The proposed building would be approximately 262 feet in height including architectural elements, mechanical equipment screens, and elevator shafts. The project would include three levels of below-grade parking (to a depth of approximately 33 feet) and parking in the northern half of the building on the first through fifth floors.

Market-rate apartments would occupy the 3rd to 25th floors of the building. Amenity spaces for residents would be provided on the sixth and 24th floors of the building. A "bike kitchen" totaling 640 square feet also would be provided on South Market Street as an amenity space for bicycle maintenance, with nine spaces also provided for bicycle storage.

Visible street facing building facades from the 455 South First Street/460 South market Street and 465-467 South First Street/470-480 South Market Street buildings would be retained and rehabilitated as part of the new building structure. Within the commercial space on South First Street, a permanent historical display would be provided, and would occupy up to 175 square feet of the ground floor.

The Approved Project was estimated to have a 22-month construction schedule. Grading and subterranean work would take approximately five months to complete. Construction of the proposed building would take approximately 17 months to complete.

The Approved Project would comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project as GreenPoint Rated (minimum 50 points) or LEED certified.

Section 3.0 Proposed Changes to the Approved Gateway Tower Mixed-Use Development Project (Modified Project)

3.1 Proposed Modified Project

As proposed, the Modified Project would demolish the existing commercial building and parking lot at 493 South First Street, consistent with the Approved Project. The street facing commercial building facades at 455 South First Street/460 South Market Street and 465-467 South First Street/470-480 South Market Street would also be incorporated into the proposed building consistent with the Approved Project.

As proposed, the Modified Project would construct a 15-story building with up to 220 affordable residential units and 3,760 square feet of ground floor commercial space. Parking would be provided in an attached above ground structure with up to 124 parking spaces, and bicycle parking. No below grade parking is proposed. The building would include 1,450 square feet of amenity space on the fifth floor for the residents. The footprint of the building would remain the same as the Approved Project and would incorporate the same stormwater treatment measures. Project design and features can be seen in Figure 3.1-1 below. The changes proposed to the Approved Project are summarized below in Table 3.1-1.

Table 3.1-1 Project Changes Summary

Approved Project	Modified Project
25 stories	15 stories
Three levels of below grade parking Five levels of above grade parking	No Below grade Parking Five levels of above grade parking
285 parking spaces	124 parking spaces
8,000 square feet of commercial space	3,760 square feet of commercial space
308 residential units	220 residential units
100 percent Market-Rate apartments	100 percent Affordable apartments
22 month construction schedule	13 month construction schedule

Consistent with the Approved Project, the Modified Project would retain and rehabilitate the 465-467 South First Street and 470-480 South Market Street commercial building facades. The overall aesthetic elements of the proposed structure and retained facades would be consistent with the design of the Approved Project, and the historic preservation mitigation from the Approved Project would be incorporated into the Modified Project design.

Source: DLR Group, May 28, 2024.

MODIFIED PROJECT PLANS

FIGURE 3.1-1

3.1.1 Construction

The Modified Project would reduce the size of the building from 25 floors to 15 floors and would not include subterranean parking. As a result, the amount and duration of heavy equipment required and length of construction operations would be reduced. It is estimated that the construction of the Modified Project would take approximately 13 months.

3.1.2 Green Building Measures

The Modified Project would comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project as GreenPoint Rated (minimum 50 points) or LEED certified, consistent with the Approved Project. The Modified Project would also include a solar powered water heating system and would provide bicycle parking. Further, the Modified Project would include low water landscaping and would provide low impact design measures for stormwater treatment including planter areas for stormwater capture.

Additionally, consistent with the Approved Project, the Modified Project would improve the pedestrian network around the project site and would provide connection to existing bicycle infrastructure around the site. This would be accomplished by providing widened sidewalks and a slight bulb out on First Street, and by providing bicycle storage areas with close access to existing bicycle lanes. Further the crosswalks and corner blub outs would be realigned for more direct pedestrian access.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

The Gateway Towers Mixed Use project was approved in November 2016. The change between the Approved Project and the Modified Project would be the decrease in residential units and parking spaces, and a change in the affordability of the units. The following table lists the new construction which has occurred in the project area since Approved Project.

Project Name	Location	Original Land Use	Current Land Use
Taft Apartments	477 S Market St	1-story commercial	6-story mixed use
Pierce Apartments	2 Pierce Ave	1- to 2-story commercial	7-story mixed use
Sparq Apartments	5 E Reed St	1-story commercial	7-story mixed use
The Fay Apartments	10 E Reed St	1-story commercial	22-story mixed use
The Grad Apartments	88 E San Carlos St	1-story commercial	19-story mixed use
The Ryden Apartments	138 Balbach St	Used car lot	4-story residential

While other developments have been approved in the project area, the remaining properties around the project site remain unchanged since 2016.

This addendum only addresses those resource areas which would be potentially affected by the proposed changes to the Gateway Towers Mixed-Use Project. The Modified Project would have the same impacts with regards to the following environmental issues:

- Agriculture and Forestry Resources
- Biological Resources
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Wildfire

The resource areas within which the Modified Project may result in changes to the level of impact were identified as:

4.2 Aesthetics
4.3 Air Quality
4.4 Cultural Resources
4.5 Greenhouse Gas Emissions
4.6 Noise and Vibration
4.7 Population and Housing
4.8 Public Services
4.9 Recreation
4.10 Transportation
4.11 Tribal Cultural Resources
4.12 Utilities and Service Systems

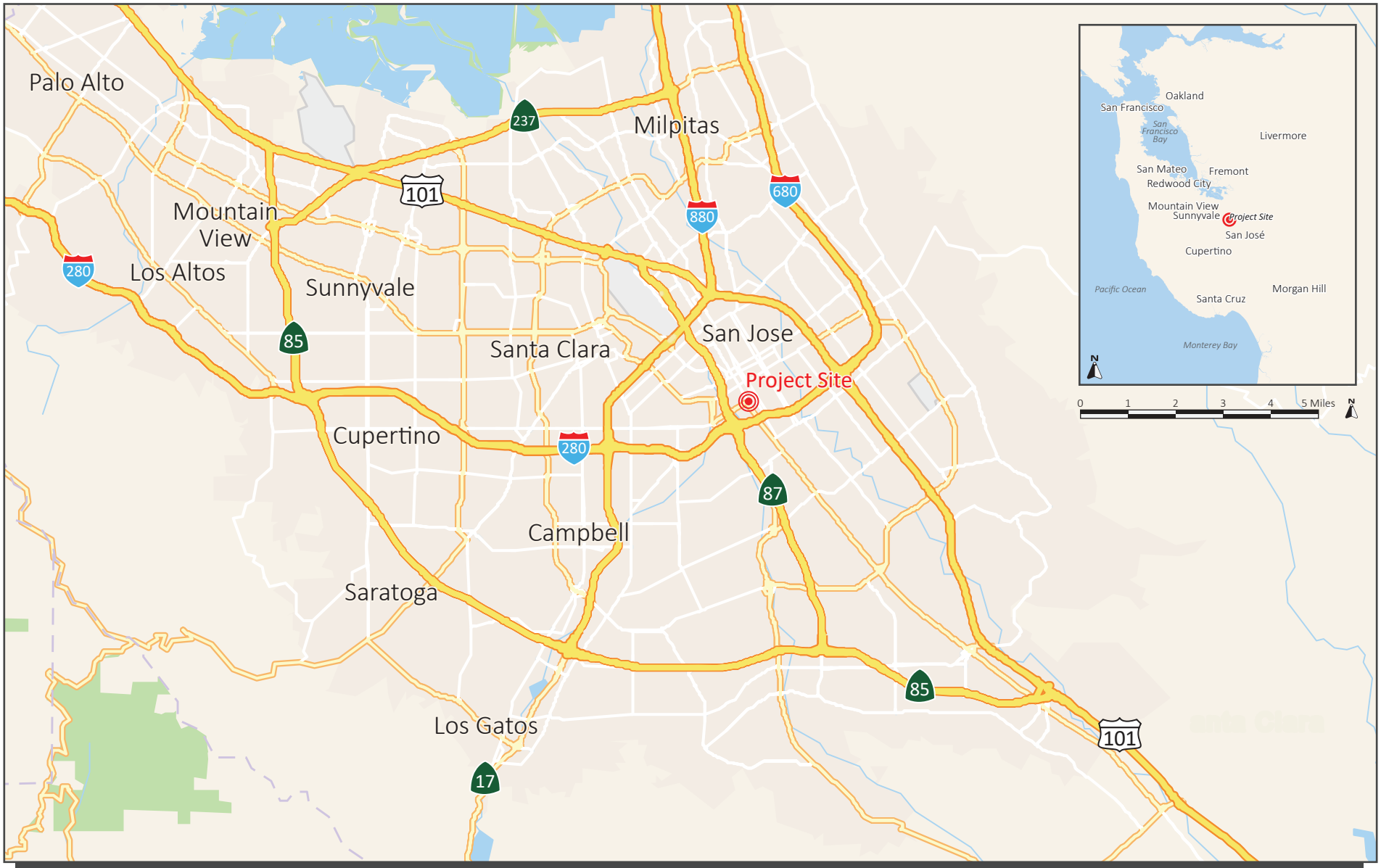
The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 Existing Conditions

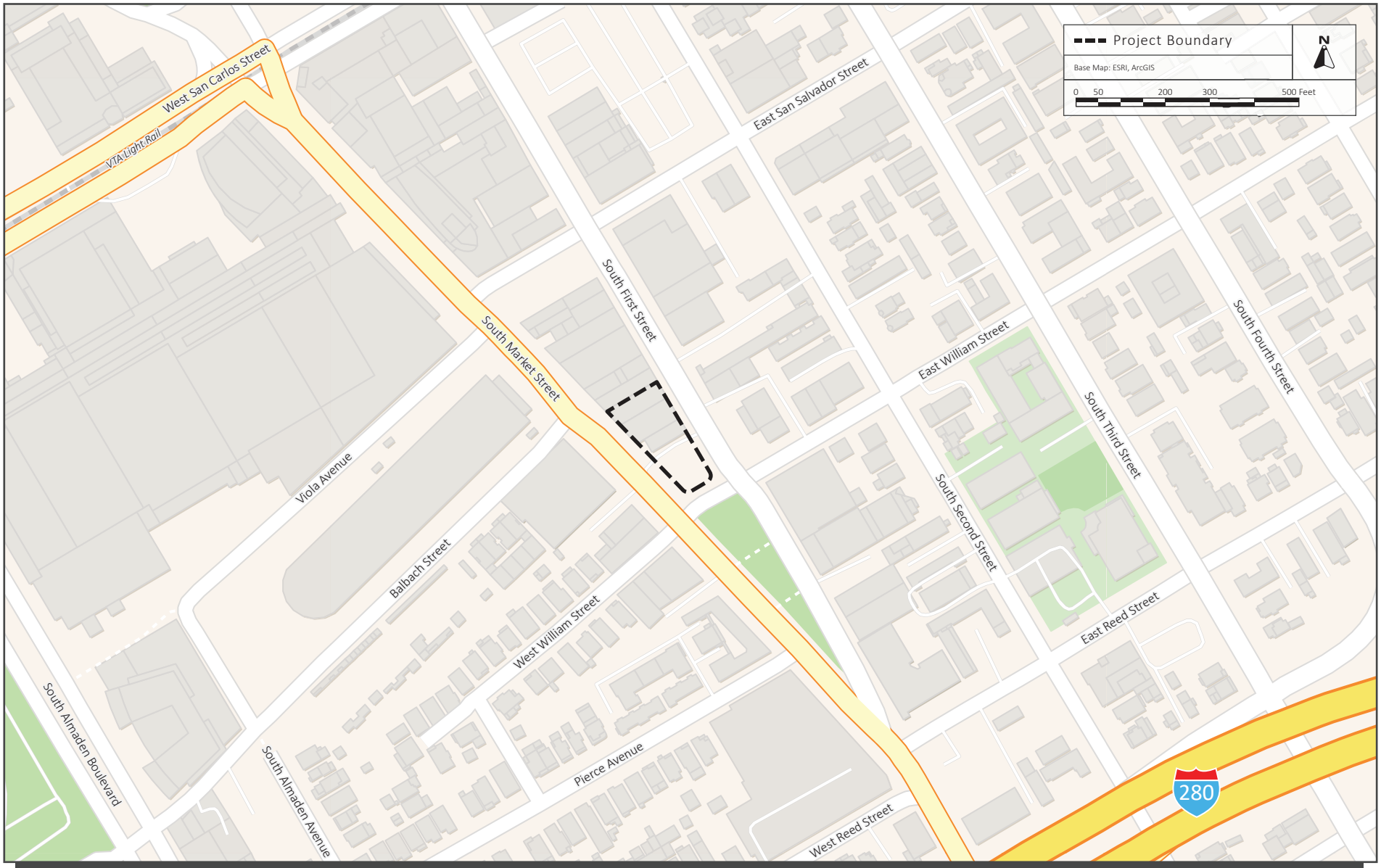
The 0.5-acre project site is located at 455 South First Street/460 South Market Street, 465-467 South First Street/470-480 South Market Street/ and 493 South First Street in downtown San José. The project site is bounded by commercial development to the north, South First Street on the east, William Street on the south, and Market Street on the west. There are 6 new residential/mixed-use buildings within the project area, ranging from 4 to 22 stories. Regional and vicinity maps of the project site are shown in Figures 4.1-1 and 4.1-2. An aerial photograph showing surrounding land uses is shown on Figure 4.1-3.

The project site is currently occupied by Core Builder's offices, two vacant commercial buildings, and surface parking lot.



REGIONAL MAP

FIGURE 4.1-1



VICINITY MAP

FIGURE 4.1-2

AERIAL PHOTOGRAPH

FIGURE 4.1-3

4.2 Aesthetics

Changes to the project relevant to aesthetics are the height of the project and changes in the surrounding setting.

4.2.1 Findings of SEIR

The certified SEIR found that the Approved Project would not impact scenic vistas based on its location and height. Additionally, the Approved Project was determined to have a less than significant impact resulting from light and glare because the structure would comply with urban design guidelines and would be reviewed during approval of the site development permit. **(Less than Significant Impact)**

The Approved Project was determined to have a significant and unavoidable impact related to changes in visual character of the potential Historic South Downtown Area Automobile District. This finding was made based on the change in scale of the structures on-site, because although the project would retain historic facades, the Approved Project would introduce a high rise building on a block of mostly one story, brick commercial buildings.

Mitigation measures included for historic resources (MM CUL-2.3 and MM CUL-2.4/3.2/4.1 included in Section 4.4.1 below) would reduce the impact resulting from the Approved Project. However, the impact to the historic character of the district resulting from the scale, proportion and massing of the new building would remain significant and unavoidable. **(Significant and Unavoidable Impact)**

4.2.2 Impacts of Modified Project

Consistent with the Approved Project, the Modified Project would not impact any designated scenic vistas based on its location and height. Additionally, the Modified Project would have a less than significant impact resulting from light and glare because the structure would be required to comply with urban design guidelines and would be reviewed during approval of the site development permit, consistent with the Approved Project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The Modified Project would reduce the size of the project from 25 floors to 15 floors. While this reduction in height would be substantive, the building would still be a high-rise structure in an area of predominately one-story structures. As such, the 15-story Modified Project would result in changes to the visual character of the project area and would have a significant and unavoidable impact on the visual character of the potential Historic South Downtown Area Automobile District. The Modified Project would retain the historic facades of existing buildings at 455 South First Street/460 South Market Street and 465-467 South First Street/ 470-480 South Market Street. While the previously identified mitigation measures (MM CUL-2.3 and MM CUL-2.4/3.2/4.1 included in Section 4.4.1 below) would still be required, the reduced scale of the building is not sufficient to reduce the impact to a less than significant level. The Modified Project would not result

in new or more significant impacts than the Approved Project. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

4.3 Air Quality

The changes to the Approved Project related to air quality would be the reduced size of the proposed structure, which would reduce the length and intensity of construction activities on-site.

Operational emissions would be less than the Approved Project due to the reduction in residential units, resulting in fewer traffic trips. Furthermore, criteria pollutant emissions for all development within the Downtown Strategy 2040 plan area was quantified and addressed in the Downtown Strategy 2040 FEIR. As such, no further discussion of operational emissions is required. The following analysis addresses construction emissions.

4.3.1 Findings of SEIR

Construction Emissions

The Approved Project was estimated to have a construction period of approximately 22 months (484 construction workdays). The construction emissions of the Approved Project were determined to be below the established Bay Area Air Quality Management District (BAAQMD) Daily Thresholds as shown in Table 4.3-1.

Table 4.3-1 Construction Emissions

	ROG	NOx	PM10	PM2.5
Total Construction Emissions (Tons)	3.29	3.61	0.15	0.14
Average Daily Emissions (lbs/day)	13.6	14.9	0.6	0.6
BAAQMD Daily Emissions Threshold (lbs/day)	54	54	82	54
Notes: Assumes 484 work days.				

Based on the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust, the Approved Project was found to have a less than significant construction criteria air pollutant emissions impact. **(Less than Significant Impact)**

Construction Dust Emissions

Construction activities associated with the Approved Project would generate dust (i.e., particulate matter) during site preparation and grading activities, and would have the potential to impact nearby sensitive receptors. The project would be required to implement the following Standard Permit Conditions to reduce these impacts.

Standard Permit Conditions

The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site. All measures shall be printed on all construction

documents, contracts, and Approved Project plans prior to building and grading permits. All measures shall be followed during grading and construction activities.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown.
- 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 miles per hour (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.
- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

The following best management practices shall also be implemented on the project site to reduce fugitive dust and particulate matter emissions to the extent feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the idling time to five minutes or less (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer‘s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number of the project construction manager and person to contact at the City of San José regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

With the Standard Permit Conditions above, the Approved Project was determined to have a less than significant impact from dust generation. **(Less than Significant Impact)**

Construction Toxic Air Contaminants and Particulate Matter Health Risks

The community health risk assessment prepared for the Approved Project included an evaluation of potential health effects to sensitive receptors at the nearby residences from construction emissions of particulate matter $(PM)_{2.5}$ and diesel particulate matter (DPM) in accordance with General Plan Policy MS-11.2. Results of this assessment indicated that the maximum concentration of $PM_{2.5}$ during construction would be 0.1 $\mu g/m^3$ which is below the BAAQMD 0.3 $\mu g/m^3$ significance threshold. Non-cancer hazards for DPM would be below BAAQMD threshold, with a chronic hazard index computed at 0.01. This hazard index is below the BAAQMD significance threshold of greater than 1.0.

Construction residential child cancer risk was determined to be 18.8 in one million and residential adult cancer risk would be 0.3 in one million during construction activities. While the residential child cancer risk for the project exceeded the 10 cases per one million threshold, it did not exceed the cumulative threshold of 100 cases per million. The Approved Project reduced the significant impact of construction risks with the implementation of the mitigation measure below, consistent with Envision San José 2040 General Plan policies.

Mitigation Measure

MM AQ – 1.1 Consistent with the General Plan and City policies, the project applicant shall implement the following mitigation measure during all phases of construction on the project site to reduce toxic air contaminant (TAC) emissions to a less than significant level:

- All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.
- All diesel-powered portable equipment (i.e., aerial lifts, air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. A list of equipment specifications and the expected duration of operation shall be reviewed and approved by the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of grading and building permits.
- All measures shall be printed on all construction documents, contracts, and project plans.

Implementation of these measures was determined to reduce the residential child cancer risk from construction to 6.0 in one million, which is below the cancer risk threshold of greater than 10 per

one million. Therefore, the Approved Project would have a less than significant impact. **(Less than Significant Impact with Mitigation Implemented)**

4.3.2 Impacts of Modified Project

The construction timeframe for the Modified Project would be reduced by nine months compared to the Approved Project. This reduction in the overall schedule would reduce the amount of time construction equipment would be operating on-site. The reduced scale of the project and the removal of the below-grade parking levels would also reduce the number and duration of heavy equipment needed to construct the project. All this would lower the overall construction period emissions. The Modified Project would, however, likely still exceed the child cancer risk rate threshold without mitigation. The Modified Project would be required to implement the Standard Permit Conditions and MM AQ-1.1 from the Approved Project to reduce the impacts from TACs and $PM_{2.5}$. The current Standard Permit Conditions for Air Quality Impacts were updated along with the Downtown Strategy 2040. These conditions are similar in intent and impact reduction to the measures included in the Approved Project.

Standard Permit Conditions

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track-out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph.
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- Maintain and properly tune all 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 name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Bay Area Air Quality Management District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

Therefore, the Modified Project would result in a less than significant impact, consistent with the Approved Project. **[Same Impacts as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

4.4 Cultural Resources

The changes to the Approved Project relevant to cultural resources would be the size of the Modified Project. which has been reduced. An updated analysis for conformance with the Secretary of the Interior's Standards for Rehabilitation was completed for the project by Treanor in December 2024. This is included as Appendix A of this report. In addition, in December 2024 Treanor prepared a Design Guidelines Review analysis for conformance with the San José Downtown Historic Design Guidelines and the San José Design Guidelines and Standards. This is included as Appendix B of this report.

Impacts to buried archaeological and paleontological resources would remain unchanged because the project's level of ground disturbance would be less than the Approved Project. In addition, the identified mitigation measures would be required for the Modified Project. As such, no further discussion of subsurface cultural resources is required. The following analysis addresses historic structures.

4.4.1 Findings of SEIR

4.4.1.1 *Impacts to Historic Buildings*

The certified SEIR determined that the Approved Project would directly impact the Herrold College City Landmark structure (HL92-74) at 465-467 South First Street by demolishing the building with the exception of the two facades, one on South First Street and one on South Market Street. The Approve Project was determined not to fully conform with the Secretary of the Interior's Standards for the Treatment for Rehabilitation (specifically Standards 1, 2, 9, and 10, with partial conformance with Standard 7), but was found to be consistent with the Envision San José 2040 General Plan Historic Preservation Goals promoting the preservation of historically significant landmark structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living . The Approved Project included the following Mitigation Measures to reduce significant unavoidable impacts to the Herrold College City Landmark structure.

<u>Mitigation Measures</u>

MM CUL-2.1/3.1: Herrold College Building. Historic American Buildings Survey (HABS) level documentation of the exterior and interior of the Herrold College building at 465-467 South First Street and its setting shall be prepared prior to demolition activities by a Historic Architect and Architectural Historian who meets the Secretary of Interior's Professional Qualifications Standards. HABS documentation requires full measured drawings, large-format photography, and findings report prepared in accordance with HABS written format guidelines. The report shall include findings on written information and artifacts associated with Charles Herrold and Herrold College and project related information. The report and documentations shall be submitted to

the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to the issuance of any demolition permit.

After approval, the HABs documentation and report shall be deposited with History San José, with copies provided to the City of San José's Planning Division and the Northwest Information Center, Sonoma State University. Evidence (i.e., confirmation letter or email from a representative of History San José) that the documentation, including the original prints and negatives, has been submitted to History San José shall be provided to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement and the California Room of the King Library.

MM CUL-2.2: The project applicant shall include a permanent commemoration of the historical contributions of Charles Herrold and the founding of radio broadcasting. Commemoration shall take into consideration the potential South Downtown Area Automobile District and the early years of automobile usage. The size and scope of this permanent exhibit and a façade easement including permanent exhibit space shall be dedicated to ensure the preservation and management/maintenance of this exhibit in perpetuity.

An oversight committee of interested parties, selected by the City of San José, shall consider all feasible means of preserving this legacy, including digital media, curation and exhibition of artifacts at appropriate off-site repositories such as History San Jose, and/or replication of the building at another site. The recommendations of the committee and implementation of commemorative actions shall be subject to review and approval by the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement.

The scope of this commemoration and commitments for implementation shall be finalized prior to issuance of any building permit so that the measures are tied to construction of the proposed project and the permanent exhibit shall be completed prior to the issuance of any Certificate of Occupancy (temporary or final).

MM CUL-2.3: Prior to issuance of any building permit, a qualified Historic Architect shall review rehabilitation specifications for the physical and chemical treatments that would affect the historic fabric of the preserved façades. All specific original materials potentially impacted or utilized in the design that characterize the Herrold College Building (City Landmark) façade and the façade of the adjacent Red Front Surplus Building (Structure of Merit) shall

be identified and documented as part of the building permit drawing set. The documentation shall include facades of buildings on both First Street and Market Street. Documentation shall include, but is not limited to: material, form, and dimensions of the brick, window trim, cornices, and other pertinent character-defining features. Detailed photographs shall also be included in the building permit submittals. The final building permit set with documentation of original materials shall be submitted to the Building Division and approved prior to the issuance of any building permit. Rehabilitation specifications shall be completed to the satisfaction of the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement.

MM CUL-2.4/3.2/4.1: The project applicant shall prepare and implement, during demolition and construction activities, a Historical Resources Protection Plan (HRRP) that provides procedures to protect the building fabric of the City Landmark Herrold College Building and nearby structures (such as Red Front Surplus Building) from direct or indirect impacts during construction activities (i.e., operation of construction equipment, staging, and material storage). The Historical Resources Protection Plan shall be prepared by a qualified Historic Architect and reviewed and approved by the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement prior to Public Works clearance, including any ground disturbing work. At a minimum, the plan shall include, but is not limited to, the following:

- Guidelines for operation of construction equipment adjacent to historical resources;
- Guidelines for storage of construction materials away from historic resources;
- Requirements for monitoring and documenting compliance with the plan; and
- Education/training of construction workers about the significance of the historical resources around which they would be working.

MM CUL-2.5/4.3: The project applicant shall establish a “Monitoring Team” comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month. The Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement may request any additional number of site visits at his/her discretion.

If, in the opinion of the Monitoring Team substantial adverse impacts related to construction activities are found during construction, a representative of the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the Supervising Environmental Planner, and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to nearby historic resource during construction, repair work is performed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status.

The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement no later than one week after each reporting period. The report shall also include, but is not limited to, the following:

- A summary of the demolition and construction progress;
- If substantial adverse impacts related to the construction activities are identified during the site visits;
- The problem and potential impact to the historical resources and adjacent building during demolition and construction activities;
- Recommendations made by the Monitoring Team to avoid the impact;
- Actions taken by the project applicant in response to the problem; and
- Progress on the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties.
- Photographs shall be included in reports to explain and illustrate progress.

In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to

the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any Certificate of Occupancy (temporary or final). The monitoring report shall summarize the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties.

Even with the incorporation of these measures, it was determined that the Approved Project would still have a significant impact on the historical resource because it would not be in full conformance with the Secretary of the Interior's Standards for Rehabilitation. **(Significant and Unavoidable Impact)**

4.4.1.2 *Impacts to Potential Historic District*

The Approved Project SEIR disclosed a potential historic district called the South Downtown Area Automobile District (or Auto Row Historic District) where a large number of showrooms, garages and service businesses began to appear by the 1920s within the South First and South Market Street area. During this time, San José's downtown expanded south along First Street. The block directly south of San Carlos Street became the distinctive edge of the dense urban core of construction, with the building of the Saint Claire Hotel, the Saint Claire Building, the California Theatre (Fox), the Dormann Building, the Prussia Building and other related infill buildings on this block. South of this urban edge, new lower density development occurred rapidly that served to accommodate the expanding automobile industry after World War I, and a district of one- and two-story concrete and brick structures framing the area around Gore Park (now Parque de Pobladores) was created at that time. This area was previously identified in surveys of the project area in 1983 and 2000 as having the potential for historic district designation. While automobile businesses later permeated the downtown frame, this area has remained an intact physical representation of this post-World War I era in the development history of San José.

The Approved Project determined that the scale of the building proposed would significantly impact the potential historic district.

<u>Mitigation Measures</u>

The Approved Project would implement the following Mitigation Measures:

- MM CUL-2.1/3.1: See text under mitigation measures for Section 4.4.1.1 above.
- MM CUL-2.4/3.2/4.1: See text under mitigation measures for Section 4.4.1.1 above.

Implementation of these Mitigation Measures would not be sufficient to reduce the impact to a less than significant level. The Approved Project was determined to result in a significant and

unavoidable impact on the potential South Downtown Area Automobile District. **(Significant and Unavoidable Impact)**

4.4.1.3 *Cumulative Impacts to Historic Resources*

The certified SEIR based its cumulative analysis of projects in Downtown San José that have or could adversely impact historic resources (buildings or Historic Districts) related to commercial automobile-related structures from the early twentieth century, at the beginning of the automobile culture.

Past projects in the area that removed or modified historic or potentially historic automobile-related commercial buildings have resulted in an adverse significant impact on the potential South Downtown Area Automobile District. The SEIR found that the Approved Project alone would significantly impact the eligibility of this area as a potential historic district due to its mass, scale and placement within a potential district of modest one and two-story buildings, many associated with the early automobile sales and service industry in San José. Further, removal of the historic structures on-site would contribute to adverse impacts to the potential historic district. Therefore, while the potential district had already been impacted by previous development, the Approved Project would cumulatively contribute to the significant impact to the potential district.

No additional mitigation measures were proposed for this impact, and the cumulative impact was determined to be significant and unavoidable. **(Significant and Unavoidable Impact)**

4.4.2 Impacts of Modified Project

4.4.2.1 *Impacts to Historic Buildings*

The Modified Project would still demolish the Herrold College City Landmark structure (HL92-74) at 465-467 South First Street, with the exception of the two facades, one on South First Street and one on South Market Street. The Modified Project would reduce the height of the proposed new construction by 10 stories, from 25 stories to 15 stories, and would change the operational capacity of the building by reducing residential and commercial space; however, the 15-story building would still be substantially taller than the one to two story contributing structures in the potential South Downtown Area Automobile District where the project is located. Although the height of the modified building would be lower than the Approved Project, it would alter the site's relationship with the potential historic district consistent with the Approved Project.

An updated analysis of the modified project for conformance with the Secretary of the Interior's Standards for Rehabilitation determined that it would still not conform with Standards 1, 2, 9, and 10, as discussed below, consistent with the Approved Project.

<u>Standard 1</u>

Standard 1 relates to the use of a building in the way it has historically been used, or the use of the building in a similar way. Consistent with the Approved Project, Modified Project would result in

changes in the spaces and relationships between the historic building and surrounding area through partial use of the space. Consistent with the Approved Project, the proposed project would not conform with Standard 1.

Standard 2

Standard 2 relates to the preservation of the historic character of the property and retention/preservation of historic materials. Consistent with the Approved Project, the interior of the historic property would be removed to construct the new building and although the facades would be retained, the project would not retain the historic character of the existing structures because the existing spatial relationship of the interior as it spans the width of the block would be altered. Therefore, consistent with the Approved Project, the Modified Project would not conform with Standard 2.

Standard 3

Standard 3 relates to retaining the historic properties as a physical record of time, place, and use, and avoiding false historical development. The Modified Project would not add materials or elements that create a false sense of historic development. In addition, the new construction behind and above the historic facades would distinguish itself from the historic structure with contemporary design characteristics. Therefore, consistent with the Approved Project, the modified project would conform with Standard 3.

Standard 4

Standard 4 relates to the preservation of changes to historic buildings as they age. The Modified Project would retain the character defining features of the historic structure and no other changes have obtained significance. Therefore, consistent with the Approved Project, the Modified Project conform with Standard 4.

Standard 5

Standard 5 relates to the features, finishes, and craftsmanship of a historic property. As part of the Modified Project, the materials and finishes of the facades of the historic structures would be retained. Therefore, consistent with the Approved Project, the Modified Project would conform with Standard 5.

Standard 6

Standard 6 relates to repairing damaged aspects of historic buildings rather than replacing them. At this time, it cannot be determined what repairs are required for the historic structures. The plans will, however, be reviewed for compliance with the Standard when they reach that level of completeness. Therefore, following this requirement consistent with the Approved Project, the Modified Project would conform with Standard 6.

Standard 7

Standard 7 relates to preserving historic structures when cleaning surfaces. At this time, it cannot be determined what cleaning needs are required for the historic structures. The plans will, however, be reviewed for compliance with the Standard when they reach that level of completeness. Therefore, following this requirement consistent with the Approved Project, the Modified Project would conform with Standard 7.

Standard 8

Standard 8 relates to archeological resources affected by the project. The Modified Project would be required to comply with standard archeological and paleontological permit conditions for the City of San José. Therefore, consistent with the Approved Project, the Modified Project would conform with Standard 8.

Standard 9

Standard 9 relates to the preservation of historic building elements during construction of new additions or alterations to existing historic structures, and differentiation between new and old structures. The Modified Project would construct a tall residential tower above the facades of the historic structure and would modify the interiors of the structures on-site. The structure would be partially compliant with the standard because the new construction would be differentiated from the historic building facades to remain on-site. However, the size and scale of the new construction would not be compatible with the surrounding low-rise buildings. Therefore, although the Modified Project would feature some articulation similar to the remaining facades and nearby historic structures, consistent with the Approved Project, the new design would not conform with Standard 9 because it does not reference the materials or features of surrounding buildings.

Standard 10

Standard 10 relates to new construction that could be removed in the future while retaining the historic structures. The Modified Project would require demolition of the roof and interior of the historic structure. Therefore, if the new construction was removed at a later date, the historic integrity of the structure would not be retained. Therefore, consistent with the Approved Project, the Modified Project would not conform with Standard 10.

Therefore, with the previously identified mitigation measures for the Approved Project (MM CUL-2.1-/3.1, MM CUL-2.2, MM CUL-2.3, MM CUL-2.4/3.2/4.1, and MM CUL-2.5/4.3) included for the significant adverse impacts to the Herrold College City Landmark, the Modified Project would not result in new or more significant impacts. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

4.4.2.2 *Impacts to Potential Historic District*

In addition to the historic structure analysis, the Modified Project was analyzed for conformance with the San José Downtown Historic Design Guidelines. The Modified Project does not fully comply with Chapter 3 (Rehabilitation) in “height”, “roof”, “entries”; Chapter 4 (Additions) in “least invasive and compatible”, and Chapter 5 (Infill) in “rear facades” and “exterior materials” because the specific measures required for rehabilitation of the facades are not currently defined.

Additionally, the Modified Project would not be compatible with the historic structure on-site and would alter the structures by removing and combining the interiors. Further, consistent with the Approved Project, the 15-floor structure would be much larger than the existing on-site structure. For these reasons, consistent with the Approved Project, the design of the Modified Project would not fully comply with Chapter 3, 4 or 5 of the Downtown Historic Design Guidelines.

Therefore, with the previously identified mitigation measures for the Approved Project (MM CUL-2.1-/3.1, MM CUL-2.2, MM CUL-2.3, MM CUL-2.4/3.2/4.1, and MM CUL-2.5/4.3) included for the significant adverse impact to the Herrold College City Landmark, the Modified Project would not result in new or more significant impacts. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

4.5 Greenhouse Gas Emissions

The Approved Project was addressed under the City's 2020 Greenhouse Gas Reduction Strategy (GHGRS) adopted in 2011. In August 2020, the City completed the 2030 Greenhouse Gas Reduction Strategy which identified goals and policies to reduce the City's greenhouse gas emissions levels to 40 percent below 1990 levels by the year 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18).

To address the updated policy, the Modified Project would need to demonstrate compliance with the current City policy. The information in this section is based on the GHGRS Checklist prepared for this project. The checklist is included as Appendix C of this environmental document for reference.

4.5.1 Findings of SEIR

4.5.1.1 *Operational Emissions*

The Approved Project allowed for redevelopment of the site with up to 308 residential apartments and ground floor commercial uses in a single mixed-use building consistent with the General Plan Land Use/Transportation Diagram.

The Approved Project was determined to result in a net increase in traffic trips and energy usage compared to the existing site conditions. This would result in an overall increase in GHG emissions. However, the Approved Project provided for new housing in the downtown SoFA area within walking distance of jobs, other residences and retail, and various modes of transit. The Approved Project was also subject to the City's Green Building Ordinance to ensure operational emissions reductions consistent with the GHGRS. Consistent with the mandatory measures of the GHGRS, the Approved Project was required to enhance the pedestrian environment with widened sidewalks, street furniture, and provision for bicycle storage on the site. Therefore, the Approved Project was found to be consistent with the City's GHGRS and General Plan and would have a less than significant GHG emissions impact. **(Less than Significant Impact)**

4.5.1.2 *Construction Emissions*

Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD had established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction was determined to be a temporary condition (a total of 22 months) and would not result in a permanent increase in emissions that would interfere with the implementation of Assembly Bill (AB) 32, the temporary increase in emissions was found to be less than significant. **(Less than Significant Impact)**

4.5.1.3 *Conformance with Applicable Plans*

The Approved Project was consistent with the GHGRS because it was consistent with the land use diagram and would implement the mandatory measures set forth by the policy. These included connections to existing bike and pedestrian facilities and planting and retention of trees to reduce energy use.

The Approved Project was also determined to be consistent with the SB375 (Plan Bay Area) policy because it was in a priority development area and was consistent with the density predictions identified in the San José General Plan 2040. Therefore, the Approved Project was consistent with all applicable GHG reduction plans and was found to have a less than significant impact. **(Less than Significant Impact)**

4.5.2 Impacts of Modified Project

4.5.2.1 *Construction Emissions*

Construction GHG emissions would only occur for the duration of construction and would not represent a consistent long-term emission of GHGs. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. This construction phase would not result in a permanent increase in emissions and would not interfere with the implementation of Senate Bill (SB)32. Therefore, the construction of the Modified Project would not directly impact the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.5.2.2 *Operational Emissions*

The Downtown Strategy 2040 determined that full build out of the residential and office capacity in the plan area would not result in a significant impact to GHG emissions because the plan area is a multimodal hub with low VMT and plentiful access to transit. The Modified Project would also comply with the City's GHGRS (as discussed below) and based on compliance with the GHGRS, the Modified Project would implement green energy policies and emissions reduction strategies which were determined to result in a less than significant GHG emissions impact. Therefore, because the Modified Project is consistent with the policies in the GHGRS, the Modified Project would have a less than significant impact from operational GHG emissions. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.5.2.3 *Conformance with Applicable Plans*

2030 Greenhouse Gas Reduction Strategy

Projects that are consistent with the City's GHGRS would have a less than significant impact related to GHG emissions through 2030. The Modified Project is within the development capacity approved

by the Downtown Strategy 2040 FEIR; therefore, the Modified Project would be consistent with the assumptions in the 2030 GHGRS.

The GHGRS includes seven strategies for emissions reductions. These include enrollment in San José Community Energy (SJCE) GreenSource Program, achieving zero net carbon for residential construction, renewable energy development, retrofits of existing buildings to remove natural gas demands, achieving a zero-waste goal, modernization of Caltrain, and water conservation. The Modified Project would include photovoltaic cells on the rooftop of the building which would provide clean energy for the Modified Project's hot water needs. Additionally, the Modified Project would enroll in SJCE for the remaining energy needs of the project, which represents the largest reduction in GHG emissions identified in the reduction strategy. To confirm compliance with this policy, the Modified Project would comply with the following Standard Permit Condition.

Standard Permit Condition

Proof of Enrollment in SJCE. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San Jose Community Energy (SJCE) GreenSource program (approximately 95% carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the GreenSource program, neither the occupant, nor any future occupant, may opt out of the GreenSource program.

The Modified Project is consistent with the Land Use/Transportation Diagram designation of Downtown. The Modified Project would also incorporate all applicable mandatory measures of the GHGRS (refer to Appendix C), including installing clean energy power generation sources, using 100 percent carbon-free electricity, exceeding the City's construction & demolition waste diversion requirement, and installing high-efficiency appliances/water fixtures and water-sensitive landscaping.

For these reasons, the Modified Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6 Noise and Vibration

The changes to the Approved Project related to noise and vibration are the length of construction and the number and duration of construction equipment used on-site, which would be reduced due to the reduced height of the building. The noise and vibratory impacts would occur over a shorter period of time but the construction equipment would be same as the Approved Project.

The existing noise environment is comparable to that identified in the certified SEIR. Because the proposed land use on-site under the Modified Project would be consistent with the Approved Project, operational noise impacts from on-site mechanical equipment would the same as the Approved Project. Noise related to traffic trips generated by the project would be the same or less than the Approved Project due to a reduction in traffic trips. As such, no further discussion of operational noise is required. The following analysis addresses construction noise and vibration.

4.6.1 Findings of SEIR

Construction Noise

The ambient noise level of the project area was measured at between 66 and 77 averaged decibels. The hourly average noise levels calculated for construction of the Approved Project would range from 77 A-weighted decibels (dBA) to 84 dBA during the busiest construction periods along the property line of the site.

The Approved Project would be built in approximately 22 months. As construction moves away from noise-sensitive receptors located to the east, west, and south of the site, and once construction activities are limited to the building interior, noise levels generated by heavy construction equipment would be lower. Noise generated by demolition, grading, infrastructure improvements and the construction of the building would exceed ambient noise levels at the nearest sensitive receptors by more than five dBA Leq for a period greater than one year. The Approved Project was found to have temporary construction impacts related to noise.

Mitigation Measure

Consistent with the certified Downtown Strategy 2000 FEIR, Envision San José 2040 General Plan FPEIR, General Plan policies (specifically policy EC-1.7), and the Municipal Code, the project included the following mitigation measure to reduce construction-related noise impacts to a less than significant level:

MM NOI – 1.1 The project applicant shall develop and implement a construction noise logistics plan during all phases of construction on the project site. The construction noise logistics plan shall include, but not be limited to the following:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be

restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities shall occur Sundays or holidays.

- All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Stationary noise generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- "Quiet" air compressors and other stationary noise sources shall be used where technology exists.
- A detailed construction plan shall be prepared identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- An on-site "disturbance coordinator" shall be designated to be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

With the inclusion of MM NOI-1.1, the Approved Project was determined to reduce construction noise to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Construction Vibration

Construction activities associated with the Approved Project were determined to have high vibration levels which would affect nearby structures during high intensity construction periods. More specifically, the SEIR determined that the use of drilled displacement piles for the building foundation would generate the highest ground vibration levels. For historic structures, the City has a vibration threshold of 0.08 inches per second peak particle velocity (in/sec PPV). Vibration levels at 25 feet were found to range from 0.035 in/sec PPV to 0.09 in/sec PPV. At 50 feet, construction activities would not exceed 0.08 in/sec PPV.

Excavation of the parking garage would produce groundborne vibration that could result in significant adverse impacts to historic buildings within 50 feet of the project site, including the Garden City Glass and L'amour Shoppe buildings which are listed on the City of San José's Historic Resource Inventory. Due to the scope of construction, density of development in the immediate

project area, and proximity of historic structures to the project site, the project was determined to result in a significant construction-related groundborne vibration impact.

Mitigation Measures

Consistent with the certified Envision San José 2040 General Plan FPEIR and General Plan policies (specifically Policy EC-2.3), the Approved Project would implement the following mitigation measures to reduce construction-related groundborne vibration impacts to a less than significant level:

MM NOI – 2.1 The project applicant shall ensure that only drilled piers or rammed aggregate piers which cause lower vibration levels are used and are the preferred foundation method where geological conditions permit.

MM NOI – 2.2 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.) shall be submitted by the project applicant to the structural engineer. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring (see MM NOI – 2.3).

MM NOI – 2.3 A Construction Vibration Monitoring Plan (Plan) shall be implemented to document conditions prior to, during, and after vibration generating construction activities. The Plan shall address vibration impacts to sensitive historic structures of 0.08 in/sec PPV and all normal conventional construction structures of 0.20 in/sec PPV. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The Construction Vibration Monitoring Plan shall include, but is not limited to, the following tasks:

- Identification of the sensitivity of on- and off-site structures to groundborne vibration. Vibration limits shall be applied to all vibration sensitive structures located on or within 50 feet of the project site.
- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 50 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction and after project 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 shall 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 construction conditions. Construction contingencies shall be identified for when vibration levels approach the limits.

- At minimum, vibration monitoring shall be conducted during pavement removal, building demolition, and drilling activities. Monitoring results may indicate the need for more or less intensive measurements.
- If vibration levels approach limits, construction activities shall be suspended and contingencies implemented to either lower vibration levels or secure the affected structures.
- 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.
- Conduct a post-construction survey on structures where either monitoring has indicated high levels of vibration or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

MM NOI – 2.4 The project applicant shall submit a report summarizing the result of the vibration monitoring process during all demolition and construction phases to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement no later than a week after completion of each phase identified in the project schedule of the Construction Vibration Monitoring Plan. The report shall include, but is not limited to, 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 shall be included together with proper documentation supporting any such claims.

Implementation of the Mitigation Measures above would reduce the vibratory impacts to a less than significant level. Therefore, the Approved Project was determined to result in a less than significant impact with mitigation. **(Less than Significant Impact with Mitigation Incorporated)**

4.6.2 Impacts of Modified Project

Construction Noise

The Modified Project would reduce the construction duration and would not include excavation for subgrade parking. The new residential building across Market Street is approximately 100 feet from the project site and would experience similar noise levels to the Ramada Inn hotel that was analyzed in the SEIR. The construction noise impact from the Modified Project is anticipated to less than the Approved Project because the duration and extent of construction would decrease. Additionally, the removal of the below-grade parking component of the Approved Project would

reduce the amount of grading and excavation, which would reduce the duration of noise and vibration created by heavy equipment operation. The construction period would, however, still be greater than 12 months and would result in elevated noise levels for sensitive receptors. Therefore, the Modified Project would have a similar construction noise impact as the Approved Project. The Modified Project would be required to implement the previously identified mitigation measures, included under MM NOI-1.1. Therefore, the Modified Project would not result in new or more significant impacts from construction noise compared to the Approved Project. **[Same Impacts as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

Construction Vibration

The Modified Project would not include deep excavation because no subgrade parking is proposed. However, heavy equipment needed for demolition and grading would be similar to the Approved Project. The use of vibratory construction equipment near historic structures adjacent to the project site would result in the same impacts as the Approved Project. The Modified Project would require the same construction methods, Including drilled piles, except excavation for the underground parking structure. Therefore, the Modified Project would be required to implement mitigation measures MM NOI-2.1 through MM NOI-2.4, which would reduce the impacts from vibration during construction. Therefore, the project would not result in new or more significant vibratory construction impacts through implementation of the previously approved mitigation measures. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated]**

4.7 Population and Housing

The changes to the Approved Project related to population and housing would be associated with the reduction in the residential units on-site. This would reduce the number of residents housed by the Modified Project.

Impacts from the displacement of housing or residents would remain unchanged because the existing land uses on-site did not previously and do not now include housing of any type. As such, no further discussion of housing or resident displacement is required. The following analysis addresses growth inducing impacts.

4.7.1 Findings of SEIR

4.7.1.1 *Growth Inducing Impacts*

Based on the Department of Finance (DOF) estimate of 3.17 residents per household in San José, the construction of 308 residential units on the site would result in a population increase of approximately 976 residents. The project was not found to induce growth in an area of San José where such development has not been planned for, or where such development does not already exist. This is because the development and population growth associated with redevelopment of the project site was accounted for in the City's General Plan and the Downtown Strategy 2040. Therefore, the Approved Project was not determined to induce unplanned housing and population growth. **(Less than Significant Impact)**

4.7.2 Impacts of Modified Project

The Modified Project would reduce the number of residential units from 308 to 220. Based on the United States Census Bureau housing size estimate of 2.98 residents per household[1,2], the Modified Project would result in approximately 656 residents on-site. The Modified Project would still be consistent with the development assumptions in the Downtown Strategy and would not result in unplanned growth in the City of San José. **[Same Impact as Approved Project (Less than Significant)]**

[1] United States Census Bureau. Quick Facts: San Jose 2019-2023. Accessed January 3, 2025. https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia/HCN010217.

[2] The SEIR analysis was based on 3.17 residents per household, which was the most accurate estimate at that time. Analysis of the Modified Project is based on 2.98 residents per household, which is the most current data available and the most accurate representation of the total project population.

4.8 Public Services

The changes to the Approved Project related to public services would be the reduction in on-site population and demand for public services on-site.

4.8.1 Findings of SEIR

The SEIR concluded that the Approved Project would be adequately served by existing fire and police protection services, school, parks, and library facilities with the payment of school impact fees and Parkland Dedication Ordinance (PDO) /Park Impact Ordinance (PIO) fees. Therefore, the Approved Project was found to have a less than significant impact on public services in downtown San José**. (Less than Significant Impact)**

4.8.2 Impacts of Modified Project

The Modified Project would reduce the number of residential units proposed for the project site, which would decrease the demand for public services compared to the Approved Project. Therefore, the Modified Project would not result in new or more significant impacts and would have a less than significant impact on public services. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9 Recreation

The changes to the Approved Project related to recreation facilities would be the reduction in on-site population and the demand for recreation facilities from future site occupants.

4.9.1 Findings of SEIR

4.9.1.1 *Impacts to Recreational Facilities*

The SEIR determined that residents of the Approved Project would incrementally increase the demand and use of existing recreational facilities, including local parks and trails. The project is subject to the PDO/PIO and is required to dedicate parkland and/or pay in-lieu fees to offset the demand for parkland created by the project's future residents. Consistent with the conclusions in the Downtown Strategy 2000 FPEIR, the project's incremental increase in demand for recreational facilities would not result in the physical deterioration of existing facilities or require new or expanded facilities that would result in significant environmental impacts given the Approved Project's conformance with the PDO/PIO and applicable General Plan policies.

In addition, the Approved Project would provide common open space in two locations in the building. Therefore, the Approved Project was found to have a less than significant impact on recreational facilities. **(Less than Significant Impact)**

4.9.2 Impacts of Modified Project

The Modified Project would include residential uses, however, the total number of residents generated by the project would be reduced compared to the Approved Project due to the reduction the total number of residential units. The Modified Project would include 1,450 square feet of amenity space on the fifth floor, which would partially offset the demands for parks and recreation spaces. Consistent with the Approved Project, the Modified Project would be required to pay offset fees in conformance with the PDO/PIO and applicable General Plan policies to meet the parkland requirement for the project. Therefore, the Modified Project would have a less than significant impact on parks and recreation facilities and would not result in new or greater impacts than the Approved Project **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 Transportation

The changes in the Approved Project relevant to transportation include the change in size of the project and adjustment in the parking structure. Additionally, the policies controlling transportation impacts have been updated to include vehicle miles traveled which was not previously analyzed in the approved SEIR. A Supplemental Traffic Evaluation was prepared for the Modified Project in December 2024 by Hexagon Transportation Consultants, Inc. This is included as Appendix D of this Addendum.

Traffic impacts resulting from the Approved Project were addressed under Level of Service (LOS). The metric for analyzing traffic impacts in San José was changed in 2018 to vehicle miles traveled (VMT). The Downtown Strategy 2040 FEIR addressed VMT for all proposed development within the plan area. No additional analysis of VMT is required. The following analysis addresses pedestrian and bicycle facilities consistent with the Approved Project.

4.10.1 Findings of SEIR

4.10.1.1 *Roadway Impacts*

The Approved Project was determined to have a level of service impact on 36 intersections and 48 directional freeway segments.

The Approved Project was found to be part of the planned growth in the downtown area and would not result in any new impacts or impacts of greater severity than were already disclosed in the Downtown Strategy FEIR. Therefore, the Approved Project was determined to have a less than significant roadway impact. **(Less than Significant Impact)**

4.10.1.2 *Bicycle and Pedestrian Facilities*

The Approved Project included bicycle parking facilities for residents and a bicycle kitchen on the ground floor of the building. The SEIR determined that development of the project would not impact or conflict with existing or planned bicycle facilities. The project also proposed to improve walkability by eliminating a curb cut on South First Street, providing decorative paving on William Street, and planting additional street trees. The Approved Project, therefore, was found to conform to the policies of the Envision 2040 General Plan and would not conflict with adopted plans, policies, or programs related to bicycle and pedestrian facilities. **(Less than Significant Impact)**

4.10.1.3 *Vehicle Queuing*

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety impact.

The intersection of Market Street and Balbach Street was evaluated for vehicle queuing at the northbound left-turn movement where the Approved Project would add a substantial amount of

traffic. Field observations confirmed an occasional storage inadequacy of just one vehicle under existing conditions. The Approved Project would increase the vehicle queue by one vehicle during the AM peak hour, for a storage inadequacy of two vehicles under project conditions. The increase in vehicle queuing at this intersection was not found to represent a significant safety hazard due to the limited number of total vehicles exceeding the left-turn pocket storage capacity and existing signalization of the intersection. Therefore, the project was found to result in a less than significant safety impact. **(Less than Significant Impact)**

4.10.2 Impacts of Modified Project

The Modified Project would reduce the number of residential units and parking spaces. As a result, the Modified Project would have a net reduction of 101 AM peak hour trips and 67 PM peak hour trips compared to the Approved Project. This reduction in the number of trips would result in a reduced impact on nearby roadway operations. Consistent with the Approved Project, the Modified Project would also improve the pedestrian network around the project site and would provide connection to existing bicycle infrastructure around the site. This would be accomplished by providing widened sidewalks and a slight bulb out on First Street, and by providing bicycle storage areas with close access to existing bicycle lanes. Further the crosswalks and corner blub outs would be realigned for more direct pedestrian access. Therefore, the Modified Project would not result in new or more significant impacts to transportation facilities, including pedestrian and bicycle facilities, analyzed in the SEIR. **[Same impact as Approved Project (Less than Significant Impact)]**

4.10.2.1 *VMT Analysis*

The Approved Project SEIR was prepared before February 2018 when the City approved Transportation Analysis Policy, 5-1 to comply with Senate Bill 743 (SB743). Therefore, the Approved Project did not provide assessment of vehicle miles traveled metrics consistent with SB743.

The Modified Project is located within the Downtown area which does not exceed the residential VMT per capita or VMT per job (refer to Figures 3.15-6 and 3.15-7 of the Downtown Strategy 2040 FEIR). The Downtown Strategy 2040 FEIR concluded that full build out of the Downtown Strategy 2040 Plan would result in low VMT and would have the lowest VMT of any plan area in the City. The Modified Project is located within the Downtown area covered by the Downtown Strategy 2040 FEIR and therefore would have a less than significant VMT impact. The project site is approximately one mile from the Diridon Transit Center and approximately 0.3 miles from the Convention Center Light Rail Station.

For these reasons, the Modified Project would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **(Less than Significant Impact)**

4.11 Tribal Cultural Resources

The approved SEIR did not provide specific analysis of Tribal Cultural Resources (TCRs) because this analysis was included in the Cultural Resources Section of the SEIR at the time of preparation. As of 2018, Tribal Cultural Resources are no longer addressed in the Cultural Resources section but are addressed as a separate resource. This section is included to provide an analysis of tribal cultural resources impacts of the Modified Project. The information is based off the cultural resources analysis provided in the approved SEIR and from the Downtown Strategy 2040 FEIR.

4.11.1 Findings of the SEIR

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the Downtown area, particularly near the Guadalupe River, located approximately 0.28 miles west of the project site. The findings of the certified Downtown Strategy 2040 FEIR determined that the project site has a low to moderate chance to encounter Native American resources.

Past development on the project site may include an adobe from the Mexican period and remnants of several other structures or cultural materials dating from the beginning of the American period. It is possible that historic materials related to these buildings and their operation would be found on site during excavation and construction of the subgrade parking garage.

The Approved Project SEIR determined that there is a moderate to high potential for buried archaeological resources from both prehistoric and historic periods to be present. Therefore, construction of the proposed development could impact unknown buried archaeological resources and human remains, if present on-site. To reduce impacts the Approved Project included the following Mitigation Measures.

Mitigation Measures

MM CUL-1.1: Treatment Plan: Prior to the issuance of any grading permit, a project-specific Cultural Resources Treatment Plan shall be prepared by a qualified archaeologist. The Cultural Resources Treatment Plan shall reflect permit level detail pertaining to depths and locations of all ground disturbing activities. The Cultural Resources Treatment Plan shall be prepared and submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The Treatment Plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).

- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy used to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL-1.2: Investigation: Prior to project grading and excavation, the project applicant shall complete a preliminary field investigation program in conformance with the project-specific Cultural Resources Treatment Plan required under Mitigation Measure MM CUL-1.1. The locations of subsurface testing and exploratory trenching shall be determined prior to issuance of any grading permit based on the Cultural Resources Treatment Plan recommendations. A qualified archaeologist shall complete a presence/absence exploration with a backhoe once the existing improvements planned for removal (i.e., dry cleaners, parking lot) are cleared from the site. If it is not possible to conduct presence/ absence subsurface testing across the entire study area because of remediation or preservation plans for the historic building facades, then a combination of presence/absence exploration, where possible, along with archaeological monitoring shall be required. Results of the investigation shall be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to issuance of any grading permit.

If any finds were discovered during the preliminary field investigation, the project shall implement MM CUL-1.4 for evaluation and recovery methodologies. The results of the preliminary field investigation and program shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit.

MM CUL-1.3: Construction Monitoring and Protection Measures: Although the data recovery and treatment program is expected to recover potentially significant materials and information from the areas impacted by the project prior to grading, it is possible that additional resources could remain on-site. Therefore, all ground-disturbing activities (e.g., grading and excavation) shall be completed under the observation of a qualified archaeologist.

The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find. If, for any reasons, the qualified archaeologist is not present but construction crews encounter a cultural resource, all work shall stop temporarily within 50 feet of the find until a qualified archaeologist has been contacted to determine the proper course of action. The Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement shall be notified of any finds during the grading or other construction activities. Any human remains encountered during construction shall be treated according to the protocol identified in MM CUL-1.5.

MM CUL-1.4: Evaluation and Data Recovery: The Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement shall be notified of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation.

The techniques used for data recovery shall follow the protocols identified in the project-specific Cultural Resources Treatment Plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation.

MM CUL-1.5: Human Remains: Native American coordination shall follow the protocols established under Assembly Bill 52, State of California Code, and applicable City of San José procedures.

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 Project Applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to

his/her authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American.

If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD, will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

MM CUL-1.6: Site Security: At the discretion of the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement, site fencing shall be installed onsite during the investigation, grading, building, or other construction activities to avoid destruction and/or theft of potential cultural resources. The responsible qualified archaeologist shall advise the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement as to the necessity for a guard. The purpose of the security guard shall be to ensure the safety of any potential cultural resources (including human remains) that are left exposed overnight. The Director of PBCE shall have the final discretion to authorize the use of a security guard at the project site.

MM CUL-1.7: Final Reporting: Once all analyses and studies required by the project specific Cultural Resources Treatment Plan have been completed, the project applicant, or representative, shall prepare a final report summarizing the results of the field investigation, data recovery activities and results, and compliance with the Cultural Resources Treatment Plan during all demolition, grading, building, and other construction activities. The report

shall document the results of field and laboratory investigations and shall meet the Secretary of the Interior's Standards for Archaeological Documentation. The contents of the report shall be consistent with the protocol included in the project-specific Cultural Resources Treatment Plan. The report shall be submitted to the Director of Planning, Building, and Code Enforcement for review and approval prior to issuance of any Certificates of Occupancy (temporary or final). Once approved, the final documentation shall be submitted to the Northwest Information Center at Sonoma State University, as appropriate.

MM CUL-1.8: Curation: Upon completion of the final report required by the project-specific Cultural Resources Treatment Plan, all recovered archaeological materials shall be transferred to a long-term curation facility. Any curation facility used shall meet the standards outlined in the National Park Services' Curation of Federally Owned and Administered Archaeological Collections (36 CFR 79). The project applicant shall notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement of the selected curation facility prior to the issuance of any Certificates of Occupancy (temporary or final).

Treatment of materials to be curated shall be consistent with the protocols included in the project-specific Cultural Resources Treatment Plan.

Through inclusion of Mitigation Measures MM CUL-1 through MM CUL-8 above, the Approved Project was found to have a less than significant impact on archeological resources which are discovered during construction of the project. **(Less than Significant Impact with Mitigation Incorporated)**

4.11.2 Impacts of Modified Project

The Modified Project would reduce the amount of ground disturbance at the project site because the Modified Project would no longer include the underground parking area. However, the Modified Project would still require soil disturbance and grading on the project site and could disturb previously unknow tribal cultural resources. Therefore, the Modified Project would result in the same impacts to tribal cultural resources and would implement the same Mitigation Measures as the Approved Project (MM CUL-1 – MM-CUL-8). **[Same impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**.

4.12 Utilities and Service Systems

The changes to the Approved Project related to utilities and service systems would be the reduction in on-site population and demand for utilities on-site.

4.12.1 Findings of SEIR

The SEIR concluded that the Approved Project would not result in increased utility demand beyond what was already assumed in the San José General Plan FEIR. Therefore, the Approved Project was determined to have a less than significant impact on utilities and service systems. **(Less than Significant Impact)**

4.12.2 Impacts of Modified Project

The Modified Project would reduce the amount of residential development on the project site compared to the Approved Project. This would commensurately decrease the demand for utilities associated with the Modified Project. Therefore, the Modified Project would not result in new or more significant impacts on utilities and service systems. **[Same Impact as Approved Project (Less than Significant Impact)]**

Section 5.0 References

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San Jose
Chris Burton - Director of Planning, Building, and Code Enforcement for the City of San Jose
David Keyon - Principal Planner, City of San José Planning Division
Tina Garg –Planner IV, City of San José Planning Division
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6.2 Consultants

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Shannon George – Principal Project Manager
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