Arbor Project Update Addendum

File No. H24-049, T24-030, and ER24-214

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2025

ADDENDUM TO THE SAN JOSE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127); AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the San José Downtown Strategy 2040 Final Environmental Impact Report (Downtown Strategy FEIR) and addenda thereto because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

H24-049 & ER24-214 – 255 West Julian Street (Arbor Building) Mixed-Use Project. The project consists of a Site Development Permit to allow either Option A, consisting of the construction of a 14-story office building with ground-floor retail space and four underground parking levels and exterior modifications to an existing six-story office building, as approved under File No. SP21-037, or Option B, consisting of the construction of an 18-story mixed-use tower with 600 residential units, ground-floor retail space, and four levels of underground parking, and a Vesting Tentative Map to merge five lots into one, on an approximately 1.8-gross-acre site.

Location: 255 West Julian Street, west of Terraine Street between West Julian Street and West Saint James Street

Assessor's Parcel Number: 259-31-071, 259-31-081, 259-31-082, 259-31-083, 259-31-084

Council District: 3

The environmental impacts of this project were addressed by the following Final Environmental Impact Report: "The Downtown Strategy 2040 Final Environmental Impact Report," adopted by City Council Resolution No. 78942 on December 18, 2018; and addenda thereto.

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

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

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

ANALYSIS

In December 2018, the City of San José certified the Downtown Strategy 2040 Environmental Impact Report

(Resolution No. 78942). The Downtown Strategy 2040 FEIR responded to changed environmental circumstances and conditions since the Downtown Strategy 2000 FEIR was adopted by City Council in 2005.

The Downtown Strategy FEIR was a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2040:

- 14.2 million square feet of office development;
- 14,360 residential dwelling units;
- 1.4 million square feet of retail development; 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 project consists of two development paths in which the project applicant would choose one to implement. Option A consists of the demolition the existing surface parking lot and the construction of an approximately 688,780-gross square foot, 14-story building containing approximately 452,000 square feet of office space and approximately 13,000 square feet of ground-floor retail, and approximately 34,687 square feet of outdoor patios and balconies, and convert an existing six-story office building (Davidson Building) into a mixed-use commercial building consisting of approximately 56,000 square feet of office space and 6,000 square feet of retail space, and approximately 17, 262 square feet of new outdoor patios and balconies and a ground-floor plaza located along West Julian Street, as already approved under Planning File No. SP21-037. Option B consists of the construction of an approximately 669,630 square foot 18-story mixed-use building consisting of 600 residential units and 13,100 square feet of ground floor retail and four-level subterranean parking garage with a total of 305 spaces. Under Option B, the existing Davidson Building would be retained on-site without any renovations proposed.

The environmental impacts of Option A were evaluated in an Initial Study supporting an Addendum to the Downtown Strategy 2040 FEIR approved in 2021 and remains valid. As analyzed in the attached Initial Study, the project has conducted project-level analysis and disclose potential project-level impacts for Option B. Consistent with the Downtown Strategy 2040 FEIR, the Project will implement conditions and mitigation measures to reduce all potential impacts to a less than significant level.

The scale and scope of the project is within the development capacity analyzed in the Downtown Strategy 2040 FEIR. No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2040 FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIR been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the FEIR. For these reasons, a supplemental or subsequent EIR is not required, and an Addendum thereto has been prepared for the proposed project.

The attached Initial Study provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project. This addendum (including Initial Study) will not be circulated for public review, but will be attached to the Downtown Strategy FEIR, General Plan FEIR, and General Plan SEIR as supplemented pursuant to CEQA Guidelines §15164(c).

Nhu Nguyen
Environmental Project Manager

Christopher Burton, Director
Planning, Building and Code Enforcement

9/19/25

Date

Deputy

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Appendix A: Air Quality Assessment
Appendix B: 2030 Greenhouse Gas Compliance Checklist
Appendix C: Noise and Vibration Assessment
Appendix D: Local Transportation Analysis and Transportation Demand Management Plan

All appendices are incorporated herein by reference.

Section 1.0 Introduction and Purpose

1.1 Purpose of the Addendum

This Addendum has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José.

1.1.1 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 has 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. This Addendum provides that subsequent project-level environmental review.

255 West Julian Street (Arbor Building) Initial Study/Addendum

In November 2021, the Director of Planning, Building and Code Enforcement approved the 255 West Julian Street Office Initial Study (IS)/Addendum (File Nos. SP21-037 and T21-026) to the Downtown Strategy 2040 FEIR, and addenda thereto, in accordance with CEQA.

1.1.2 Preparation of This Addendum

Since approval of the IS/Addendum, 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 2025 modified project (see Section 3.0, Description of the Proposed Changes to the Project for more information). Although modifications to the approved project have been proposed, the previous IS/Addendum and approved entitlement remain applicable.

The CEQA Guidelines Section 15162 states that when an Environmental Impact Report (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.

1.2 Notice of Determination

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

Section 2.0 Project Information

2.1 Project Title

Arbor Project Update (File Nos. H24-049, T24-030, and ER24-214)

2.2 Lead Agency Contact

City of San José
Department of Planning, Building and Code Enforcement
Kara Hawkins, Environmental Project Planner
Kara.Hawkins@sanjoseca.gov
(408) 535-7852
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

2.3 Project Applicant

Westbank
Contact: Brady Coggins
bcoggins@westbankcorp.com
322 South First Street
San José, CA, 95113

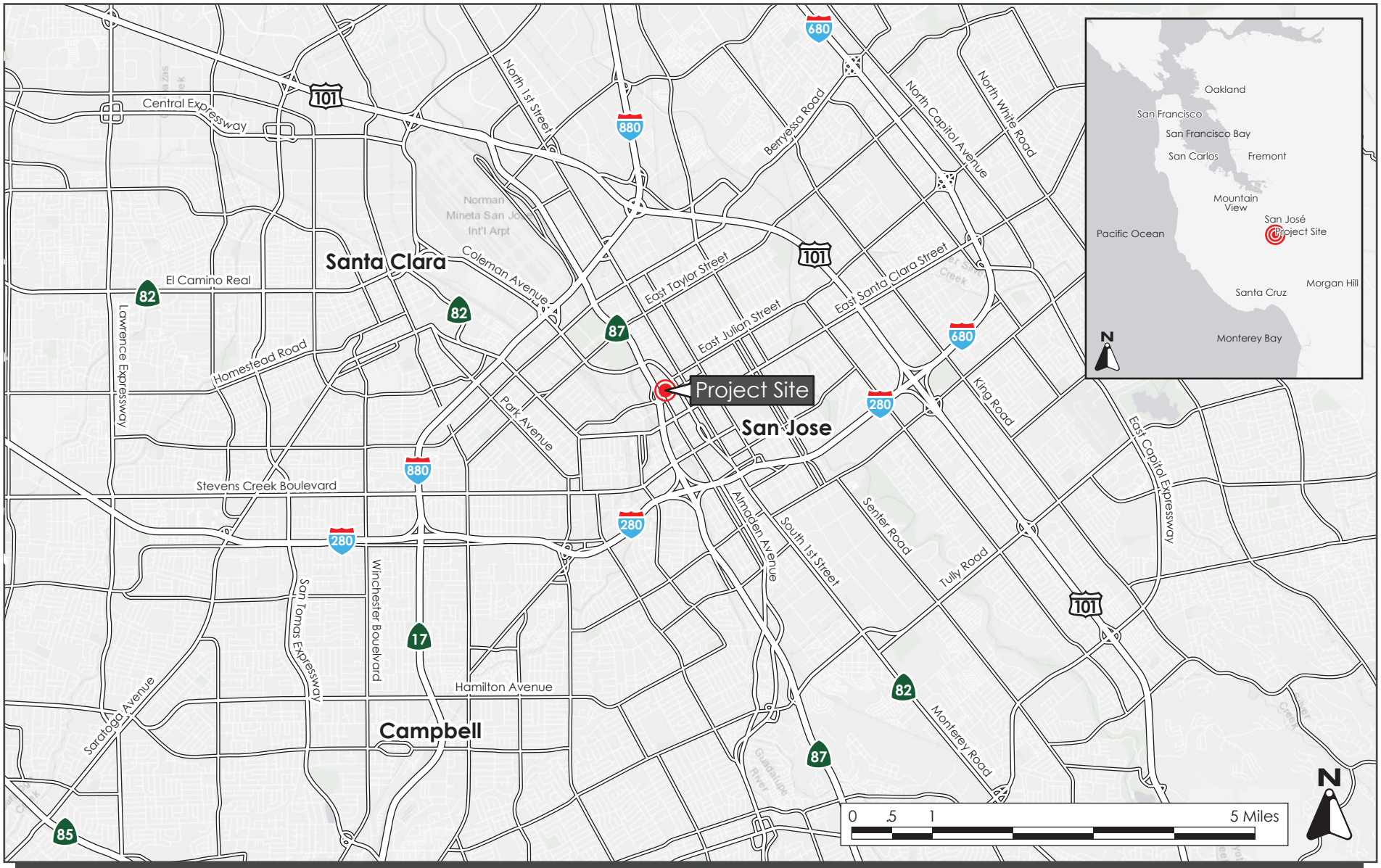
2.4 Project Location

The approximately 1.79-acre site is located at 255 West Julian Street at the northwest corner of West Julian Street and Terraine Street in downtown San José. The project site is shown on the following figures:

Figure 2-1: Regional Map
Figure 2-2: Vicinity Map
Figure 2-3: Aerial Photograph and Surrounding Land Uses

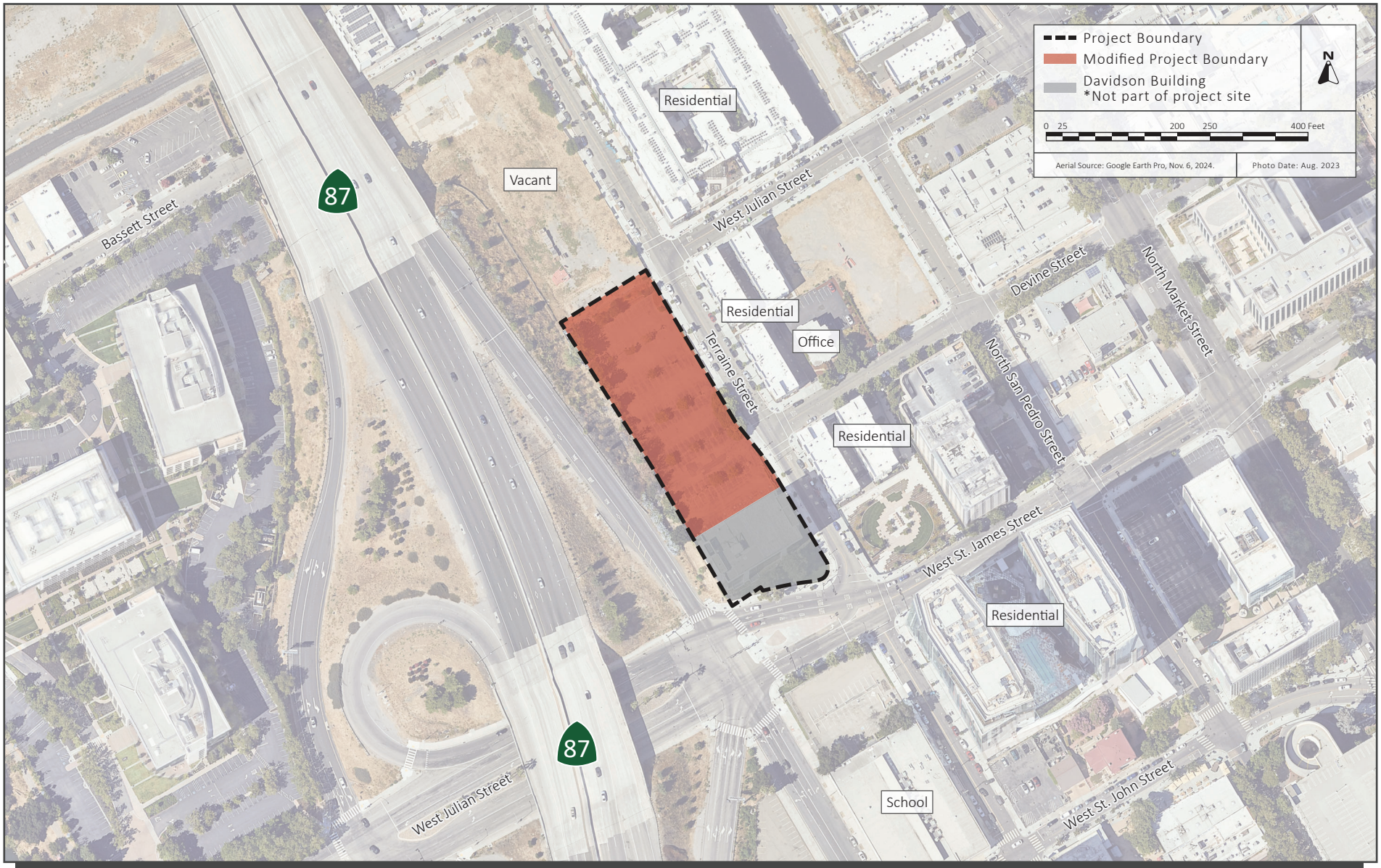
2.5 Assessor's Parcel Numbers

259-31-071
259-31-081
259-31-082
259-31-083



REGIONAL MAP | FIGURE 2-1

VICINITY MAP | FIGURE 2-2



AERIAL MAP AND SURROUNDING LAND USES | FIGURE 2-3

2.6 General Plan Designation and Zoning District

The project site is designated *Downtown* in the City's General Plan. The project site is located in the City's *Downtown Primary Commercial (DC)* Zoning District.

2.7 Habitat Plan Designation

Land Cover Designation:	Urban-Suburban
Development Zone:	Urban Development Equal to or Greater than Two Acres Covered
Fee Zone:	Urban Areas (No Land Cover Fee)
Wildlife Survey Area:	Not Applicable

2.8 Project-Related Approvals, Agreements, and Permits

- Site Development Permit
- Building Permit
- Public Works Clearances including Grading Permit
- Vesting Tentative Map
- Demolition Permit

Section 3.0 Description of the Proposed Changes to the Project

Section 3.1.1 below provides a summary of the approved project and analyzed in the 255 West Julian Street Office IS/Addendum under File Nos. SP21-037 and T21-026 and Section 3.1.2 describes the proposed changes to the approved project under File No. H24-049.

3.1.1 Summary of 2021 Approved Project

The 2021 approved project allowed for the removal of the existing surface parking lot and construction of an approximately 688,780 gross square foot, 14-story office building. The building would consist of approximately 452,000 square feet of office space and approximately 13,000 square feet of ground-floor retail along Terraine Street. The building would have a maximum height of 200 feet to the roof and 208 feet to the top of the mechanical enclosure. A total of approximately 31,800 square feet of indoor amenity space would be provided on floors 13 and 14.

The existing office building (Davidson Building) would be retained on-site and renovated with approximately 56,000 square feet of office space and 6,317 square feet of retail space.

The 2021 approved project included a four-level subterranean parking garage internal to the proposed building. The entrance to the parking garage would be located on the north end of the building, off Terraine Street. The subterranean parking garage would include 470 parking spaces; of which 176 spaces would utilize mechanical stackers and 78 would be tandem spaces. Persons parking on-site would have the option to self-park in the standard spaces or valet park in the tandem spaces or mechanical stackers.

Construction was assumed to take approximately 31 months to complete from 7:00 AM to 10:00 PM Monday through Friday and 7:00 AM and 7:00 PM on Saturdays. The site would be excavated to a depth of approximately 55 feet below the ground surface (bgs). The project would excavate and off-haul approximately 180,000 cubic yards of soil for the subterranean parking garage. Approximately 1,500 cubic yards of engineered fill would be imported for the building foundation.

3.2 Proposed 2025 Modified Project (File No. H24-049)

As proposed, the modified project would demolish the existing surface parking lot and construct a new, approximately 669,630 square foot 18-story mixed-use building consisting of 600 residential units and 13,100 square feet of ground floor retail. The building would have a maximum height of 213 feet to the top of the penthouse. The building would also include four-level subterranean parking garage with a total of 305 spaces. On-site bicycle parking would be provided within a storage room containing up to 182 long-term spaces and 128 short-term spaces.

The proposed retail space would be located along the eastern portion of the site along Terraine Street. An outdoor dog run and pet wash would be located on the southwestern corner of the project site. Outdoor and indoor amenity space would be located on floor two and a pool and indoor amenity space is proposed on the floor three. The building would also feature terraces on floors 10, 11, 13, and 14, as well as on floors 16 to 18. The existing Davidson Building would be retained on-site without any renovations proposed. A site plan is shown on Figure 3-1, and the building elevations are shown on Figures 3-2 to 3-3.

A summary of the proposed changes to the 2021 approved project are shown below in Table 3.2-1.

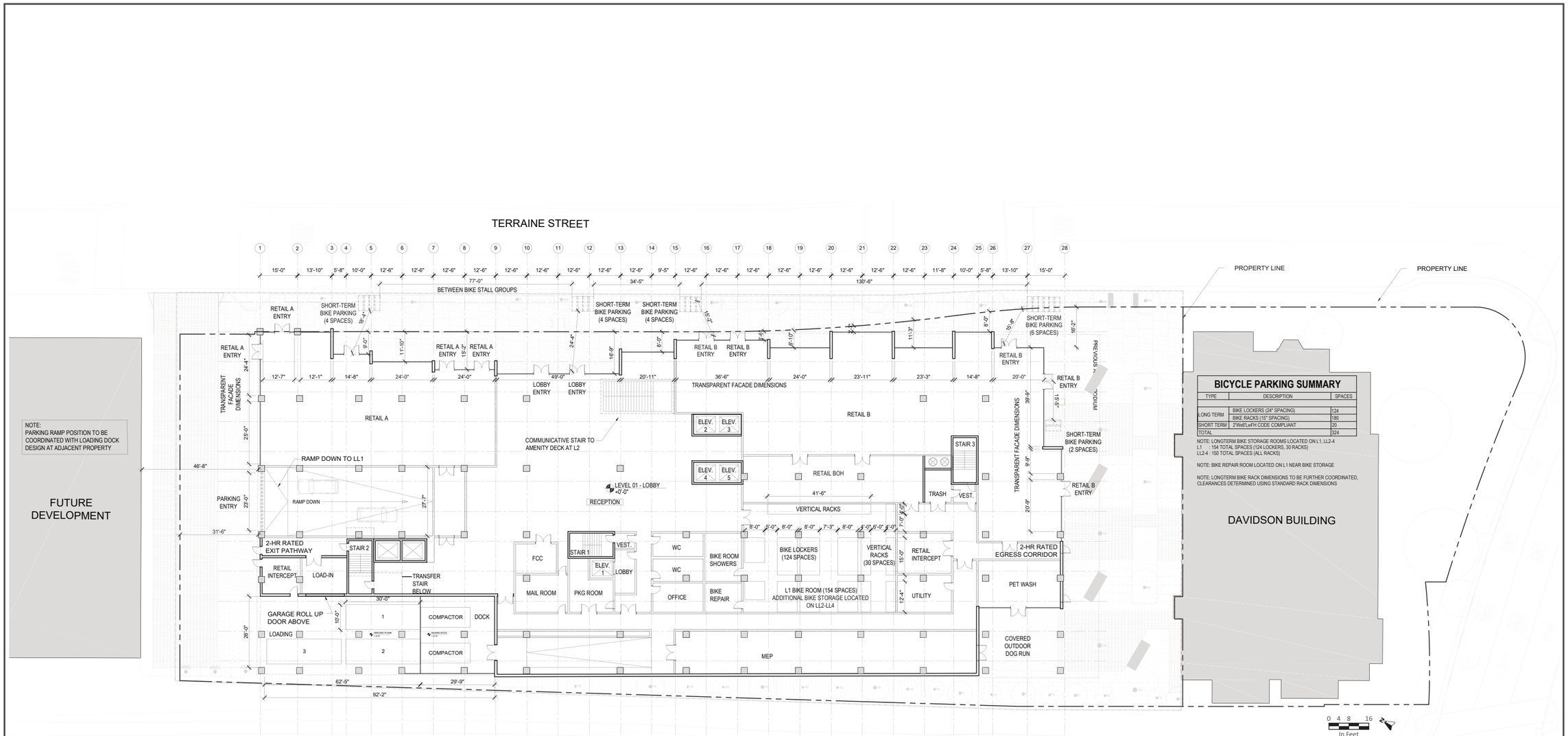
Table 3.2-1: Proposed Changes to the 2021 Project

Project Component	2021 IS/Addendum (SP21-037 and T21-026)	Modified Project (H24-049)
Residential (dwelling units)	0	600
Office (in square feet)	452,000	0
Retail (in square feet)	13,000	13,100
Parking Spaces	470	305
Subterranean Parking Levels	Four	Four
Floors	14	18
Maximum Building Height (in feet)	208 to the top of mechanical enclosure	213 to the top of penthouse
Estimated Construction Timeframe	31 months	32 months
Construction Days/Hours	7:00 AM to 10:00 PM, Monday through Friday 7:00 AM and 7:00 PM on Saturdays	7:00 AM to 10:00 PM, Monday through Friday 7:00 AM and 7:00 PM on Saturdays
Soil Export Volume (cubic yards)	180,000	180,000
Soil Import Volume (cubic yards)	1,500	1,500

Note: This table does not include the Davidson Building.

3.3 Site Access

The entrance to the parking garage would be provided via a two-way driveway on the northern portion of the site which would create the west leg of the Terraine Street and Julian Street intersection.



Source: Studio Gang Architects, May 30, 2025.

SITE PLAN- GROUND FLOOR

FIGURE 3-1



NORTH ELEVATION



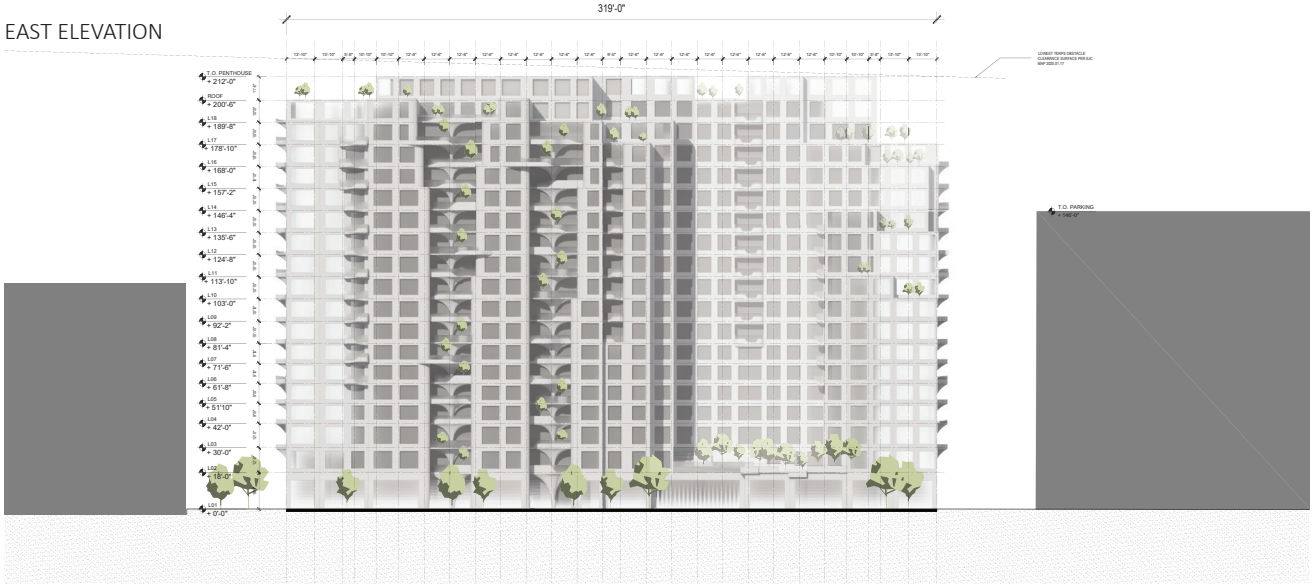
SOUTH ELEVATION

Source: Studio Gang Architects, May 30, 2025.

NORTH & SOUTH ELEVATIONS

FIGURE 3-2

EAST ELEVATION



WEST ELEVATION



Source: Studio Gang Architects, May 30, 2025.

EAST & WEST ELEVATIONS

FIGURE 3-3

3.3.1 Mechanical Equipment

Mechanical equipment proposed would include two, 1,000-kilowatt (kW) emergency diesel generators on the third basement level and a fire pump on the fourth basement level of the garage.

Details of the generator's diesel engine horsepower (HP) and fire pump are currently unknown. The modified project also includes one cooling tower with five cells which would be located on the western façade of the ground floor. Exhaust fans, stair pressurization fans, and heat pump packaged units would be located on the ground floor and roof.

3.4 Green Building Measures

The project would be required to be built in accordance with the California Green Building Standards Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be constructed in compliance with the City's Council Policy 6-32 (Private Section Green Building Policy) and the City's Green Building Ordinance. Consistent with the 2021 approved project, the modified project would be designed to achieve Leadership in Energy and Environmental (LEED) Platinum certification. In addition, the modified project would include solar panels on the roof.

3.5 Public Right-of-Way Improvements

The modified project would widen the sidewalk along Terraine Street to approximately 15 feet. The existing sidewalk along the Julian Street frontage would be replaced and maintained at the existing width of 10 feet.

3.5.1 Transportation Demand Management Program

The applicant proposes the following measures as part of the Transportation Demand Management (TDM) program[1] for the modified project:

- Off-Street Vehicle Parking Spaces
- Provide Bike Parking Facilities
- Provide Education, Marketing and Outreach
- Unbundle Parking Costs from Property Cost

[1] Hexagon Transportation Consultants, Inc. *255 W. Julian Street Residential Development Transportation Demand Management Plan*. June 20, 2025.

3.6 Construction

Project construction would take approximately 32 months to complete, starting in January 2026 and ending in August 2028. The proposed construction hours would be 7:00 AM to 10:00 PM Monday through Friday and 7:00 AM to 7:00 PM on Saturdays. Consistent with the 2021 approved project, it is estimated that excavation would reach a depth of approximately 55 feet below the ground surface (bgs). Similar to the 2021 approved project, the modified project would excavate and off-haul approximately 180,000 cubic yards of soil for the proposed subterranean parking garage and approximately 1,500 cubic yards of engineered fill would be imported for the building foundation.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

The primary changes between the previously approved 255 West Julian Street Office Project Initial Study (IS)/Addendum (File Nos. SP21-037 and T21-026) and the modified project would be the removal of the office component, addition of residential units, increase in retail square footage, and the decrease in parking spaces proposed. The environmental setting of the project site and surrounding area has not substantially changed since approval of the 2021 project. This Addendum only addresses those resource areas which would be potentially affected by the proposed changes to the approved project.

The project would have the same impacts as analyzed in the 2021 approved project with regards to the following environmental resource areas.

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Tribal Cultural Resources
- Wildfire

The resources areas within which the proposed project could result in changes to the level of impact were identified as:

- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- 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.

4.1 Resource Areas Not Analyzed Further

As discussed on the previous page, the following resources areas are not analyzed further as they were determined to have the same impacts as analyzed in the previously 2021 approved project. A brief explanation is provided below for each resource topic.

Aesthetics: Per Senate Bill (SB) 743, a project's aesthetic impact will no longer be considered a significant impact on the environment if the project is a residential, mixed-use residential, or employment center project located on an infill site within 0.5 miles of high-quality transit. The approved project would construct an employment center on an infill site within a transit priority area. The modified project would be a mixed-use residential project located within a transit priority area and, therefore, would not result in a substantial adverse effect on a scenic vista or in the existing visual character of the downtown area. The modified project would not result in any new aesthetic impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Agricultural and Forestry Resources: The modified project is located on a developed site in an urbanized area of San José that is not used for agriculture or forestry. The modified project would not result in any new impacts to agriculture and forestry resources or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Biological Resources: The modified project is located in an urbanized area of San José. The project would remove on-site trees, which could potentially affect nesting habitat for raptors and migratory birds. Consistent with the approved project, the modified project would be subject to the mitigation measures identified in the 2021 IS/Addendum which would ensure impacts to raptors and migratory birds remain less than significant. Tree removal would also be subject to the Standard Permit Conditions that require tree replacement at ratios determined by the City. Additionally, the modified project would comply with the Standard Permit Condition that outlines the requirement for adhering to the applicable Santa Clara Valley Habitat Plan (Habitat Plan) conditions and fees. With compliance to the required mitigation measures and Standard Permit Conditions, the modified project would not result in any new impacts to biological resources or any impacts of substantially greater severity than were previously identified under the 2021 approved project.

Cultural Resources: The existing office building on-site was constructed in 1985 (40 years in age) and is not eligible for listing in the National Register of Historic Places, California Register of Historical Resources or as a City Landmark. The modified project would include excavation and grading during construction which could encounter and damage or destroy archaeological resources that may exist subsurface on the project site. Consistent with the 2021 approved project, the modified project would be subject to the Standard Permit Conditions identified in the 2021 IS/Addendum which would ensure impacts to archaeological resources are less than significant. With implementation of the Standard Permit Conditions, the modified project would not result in any new impacts to cultural resources or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Geology and Soils: The modified project would be required to adhere to the City's Standard Permit Conditions to reduce seismic, dewatering, and soil erosion impacts. In addition, the modified project would be required to implement the City's Standard Permit Conditions to reduce impacts to paleontological resources during construction. Therefore, the modified project would not result in any new geology and soils impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Hazards and Hazardous Materials: As discussed in the 2021 IS/Addendum, there are no recognized environmental conditions from current or historic uses of the site that could expose construction workers and/or nearby residents to contaminated soils or groundwater. Construction activities associated with the approved project could expose construction workers and/or nearby residents to soil and/or groundwater contamination from an off-site source (to the northwest and listed as an open Spills, Leaks, Investigation, and Cleanup case) of benzene and chloroform exceeding commercial property environmental screening levels. Consistent with the 2021 approved project, the modified project would be required to implement the mitigation measure identified in the 2021 IS/Addendum to prevent construction workers and nearby land uses from being exposed to soil, soil gas, or groundwater contamination. As discussed in the 2021 IS/Addendum, the site is located in the Airport Influence Area of the San José Mineta International Airport (SJC) and within the Federal Aviation Administration's (FAA) surface height notification zone of 50 feet above ground level per Federal Aviation Regulations, Part 77. Consistent with the approved project, the modified project would also comply with the Standard Permit Conditions which requires adherence to all FAA conditions. With implementation of the required mitigation measure and Standard Permit Conditions, the modified project would not result in any new hazards and hazardous materials impact or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Land Use and Planning: The modified project is consistent with the allowed uses under the *Downtown* General Plan designation and the *Downtown Primary Commercial* zoning designations. The modified project would not physically divide the existing community nor would the project conflict with the applicable land use requirements adopted to protect or mitigate impacts to the environment. There are no mitigation measures related to this resource area from the 2021 IS/Addendum. The modified project would comply with the current General Plan and zoning designations and would not result in any new impacts to land use and planning or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Mineral Resources: The only area in the City of San José that is designated as containing mineral deposits is Communications Hill.[2] The project site is located in downtown San José which is not located within a designated area containing mineral deposits of regional or local significance.[3] Therefore, the modified project would not result in any new impacts to mineral resources or any

[2] City of San José. Integrated Final Environmental Impact Report for the Downtown Strategy 2040. SCH# 2003042127. December 2018.
[3] Ibid.

impacts of substantially greater severity than was previously identified under the 2021 approved project.

Tribal Cultural Resources: The modified project would not adversely affect any known tribal cultural resources (TCRs) within the City. There are no mitigation measures related to TCRs from the 2021 IS/Addendum. Therefore, the modified project would not result in any new impacts to TCRs or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Wildfire: The project site is not located in or near a state responsibility area or land classified as very high fire hazard severity zones; therefore, the modified project would not result in any new wildfire impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

4.2 Air Quality

The following discussion is based, in part, upon an Air Quality Assessment prepared by Illingworth & Rodkin, Inc. in April 2025.[4] A copy of this report is attached as Appendix A to this document.

The changes to the 2021 approved project relevant to air quality is the removal of the office component, addition of residential units, increase in retail square footage, and the decrease in parking spaces proposed.

4.2.1 Environmental Setting

4.2.1.1 *Background Information*

Criteria air pollutants are pollutants that have established federal or State standards for outdoor concentrations to protect public health. Pursuant with the federal and State Clean Air Acts, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforced the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$), sulfur dioxide (SO_2), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. DPM is comprised of diesel exhaust which is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are

[4] The number of residential units has increased by 15 units and the number of parking spaces have decreased by 13 spaces since completion of the Air Quality Assessment. The conclusions of the air quality analysis would not change as a result of the 15 additional units since it would result in a negligible increase in construction and operational emissions. Divine, Casey. Senior Air Quality Consultant, Illingworth & Rodkin, Inc. Personal Communication. June 12, 2025.

deposited in the deepest regions of the lungs (i.e., areas most susceptible to injury).[5] Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 4.2-1.

Table 4.2-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
O_3	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common sources for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_x. These precursor or primary pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO_x are vehicles, industrial plants, and consumer products.	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
NO_2	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 is the byproduct of fuel combustion, with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Other sources of NO_2 include high temperature stationary combustion and atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
CO	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	• Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
$PM_{2.5}$ and PM_{10}	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
SO_2	SO_2 is a pungent and colorless gaseous pollutant. SO_2 is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with	• Aggravation of respiratory illness

[5] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed October 22, 2024. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Pollutants	Description and Sources	Primary Effects
	other compounds in the atmosphere to form small particles. These particles contribute to pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	• Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	• Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
TACs	TACs include certain air pollutants known to increase the risk of cancer and/or a range of other serious health effects. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following groups who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

Worker Receptors

In addition to the sensitive receptors mentioned above, the Bay Area Air District[6] considers worker receptors when reviewing impacts from air pollution and TACs. Worker receptors are adults (16 years and older) that work indoors and/or outdoors at off-site locations zoned for commercial and

[6] Formally known as the Bay Area Air Quality Management District (BAAQMD).

industrial uses. Typical developments that include worker receptors are offices, retail shops, manufacturing uses, light industrial uses, or heavy industrial uses.[7]

4.2.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, discussed previously; PM, O_3, CO, SO_2, NO_2, and lead.[8]

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves the application of emission control strategies to existing diesel vehicles and equipment to reduce DPM and other pollutants. Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment, including off-road equipment, will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air District is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area, which includes the project area. Regional air quality management districts, such as the Bay Area Air District, must prepare air quality plans specifying how federal and state air quality standards will be met. The Bay

[7] Bay Area Air District. *California Environmental Quality Act Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards*. Page E-14.

[8] NO_x is the group of nitrogen compounds (NO_2 and nitric oxide [NO]) that typically represents NO_2 emissions because NO_2 emissions contribute to the majority of NO_x exhaust emissions emitted from fuel combustion.

Area Air District's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related Bay Area Air District goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[9]

CEQA Air Quality Guidelines

The Bay Area Air District CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by the Bay Area Air District within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, Bay Area Air District rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023 by the Bay Area Air District's Board of Directors.

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, the Bay Area Air District has identified areas with high TAC emissions, and sensitive populations that could be adversely affected by them. The Bay Area Air District uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the project and are applicable to the project.

[9] Bay Area Air District. *Final 2017 Clean Air Plan.* April 19, 2017. Page 12.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.3	Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
MS-12.1	For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

4.2.1.3 *Existing Conditions*

The San Francisco Bay Area (Bay Area) Air Basin is designated a nonattainment area for the federal O_3 and $PM_{2.5}$ standards and for the state O_3, PM_{10}, and $PM_{2.5}$ standards.[10,11] The Bay Area is designated as an attainment area for both the NAAQS and CAAQS for CO, SO_2, and NO_2. As the regional air district, the Bay Area Air District is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O_3, PM_{10}, and $PM_{2.5}$, the Bay Area Air District has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period

[10] Bay Area Air District. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017. Accessed October 28, 2024.

[11] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO2 or lead. These criteria pollutants are not discussed further.

impacts. Controlling the emissions of these precursor pollutants is the focus of Bay Area Air District attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (i.e., ROG and NO_x) are prominent. In the Bay Area, most particulate matter is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

The nearest sensitive receptors are the residences located on the east side of Terraine Street.

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒	☐

Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by the Bay Area Air District in April 2023 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The Bay Area Air District CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 4.2-2. Table 4.2-3 below lists the Bay Area Air District health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.2-2: Bay Area Air District Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds*	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
ROG and NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Source: Bay Area Air District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide

* The Air District recommends for construction projects that require less than one year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap.

Table 4.2-3: Bay Area Air District Health Risks and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual $PM_{2.5}$ Concentration	0.3 µg/m^3	0.8 µg/m^3 (average)

Source: Bay Area Air District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Notes: µg/m^3 = micrograms per cubic meter; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Thresholds are applicable to construction and operational activities.

4.2.2.1 *Findings of the 2021 Approved Project*

The 2021 approved project would not exceed the Bay Area Air District significance thresholds for construction and operational criteria emissions and was found to be consistent with the applicable control measures from the 2017 Clean Air Plan.

The 2021 IS/Addendum identified the following Standard Permit Conditions that the approved project would be required to comply with to reduce dust and other particulate matter emissions during construction.

Standard Permit Conditions:

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

With implementation of the Standard Permit Conditions, the impacts from construction dust and other particulate matter would be less than significant.

In addition, the 2021 IS/Addendum determined that that construction activities associated with the approved project would expose nearby sensitive receptors to a cancer risk of 46.01 cases per one million (for infants) and a maximum-annual $PM_{2.5}$ concentration of 0.74 $\mu g/m^3$ which exceeds the Bay Area Air District significance thresholds of 10 cases per one million for cancer risk and 0.3 $\mu g/m^3$

for $PM_{2.5}$, respectively. As a result, the 2021 approved project would be required to implement the following mitigation measure during all demolition and construction activities to reduce TAC emissions impacts.

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

- All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously (or 20 hours total) shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter. In addition, stationary cranes and portable equipment (e.g., welders and air compressors) shall be electrified.
- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieves an 80 percent reduction in particulate matter exhaust.
- Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.

With implementation of the required Standard Permit Conditions for dust and Mitigation Measure AIR-1.1, the 2021 approved project was found to have a less than significant construction and operational community risk impact. The 2021 approved project would not generate odors that would affect people off-site.

4.2.2.2 *Impacts of the Modified Project*

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The modified project's consistency with the 2017 Clean Air Plan is summarized in Table 4.2-4 below.

Table 4.2-4: 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	As discussed in the TDM plan (refer to Appendix D for more details), the modified project would include off-street vehicle parking spaces, provide bicycle parking facilities, provide residents and employees with travel options, and lease/sell automobile parking spaces separately from the residential units as part of the TDM measures. The project site is in proximity to the Santa Clara Valley Transportation Authority (VTA) bus and light rail. In addition, the project site is located approximately 0.75 miles northeast from the Diridon Transit Center. The modified project would include a bicycle storage room that contains 182 long-term and 128 short-term spaces. Therefore, the project is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The modified project would provide short-term and long-term bicycle parking spaces for residents, employees, and patrons. The existing pedestrian facilities in the area currently provide adequate pedestrian connectivity with safe routes to the site and transit stops. Therefore, the project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project is consistent with this measure (refer to the discussion under Trip Reduction Programs above).
Building Measures		
Green Buildings	Identify barriers to effective local implementation of CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The modified project would be designed to achieve LEED Platinum certification and comply with the California Building Standards Code (CBSC), which includes CALGreen, and the City's Reach Code Ordinance (Reach Code). In addition, the modified project includes solar panels on the roof. Therefore, the modified project is consistent with this measure.

Control Measures	Description	Project Consistency
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The project is consistent with this measure (refer to the discussion under Green Buildings above).
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Any trees removed would be replaced in accordance with the City's tree replacement policy. Therefore, the modified project is consistent with this measure.
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The modified project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the modified project is consistent with this measure.

Consistent with the 2021 approved project and as discussed in the table above, the modified project would be consistent with the applicable control measures and would not conflict with or obstruct implementation of the 2017 Clean Air Plan. Therefore, the modified project would not result in any new impacts to the 2017 Clean Air Plan or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Construction Criteria Pollutant Emissions

To be consistent with the approved project, the California Emissions Estimator model (CalEEMod) Version 2016.3.2 was used to estimate annual emissions from construction and operation of the site. The following modified land uses were input into CalEEMod, which included 585 dwelling units entered as "Apartments High-Rise", 13,100 square feet of retail space entered as "Strip Mall," and

318 parking spaces entered as "Enclosed Parking with Elevator".[12] The construction schedule assumes that the modified project would begin construction in January 2026 and would be built over a period of approximately 32 months (or 800 construction workdays). The CARB EMission FACtors 2021 (EMFAC2021) model was also used to estimate construction traffic emissions. Refer to Appendix A for more information on the construction inputs.

Table 4.2-5 shows the estimated daily air emissions from construction of the modified project.

Table 4.2-5: Construction Emissions from the Project

Description	ROG	NO_x	PM_{10}	$PM_{2.5}$
Construction Emissions Per Year (Tons)				
2026	0.20	1.39	0.09	0.05
2027	3.19	2.41	0.12	0.08
2028	0.74	0.95	0.06	0.03
Average Daily Construction Emissions Per Year (Pounds Per Day)				
2026 (312 construction workdays)	1.26	8.91	0.57	0.32
2027 (313 construction workdays)	20.39	15.41	0.78	0.52
2028 (175 construction workdays)	8.42	10.87	0.63	0.38
Bay Area Air District Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Threshold Exceeded?	**No**	**No**	**No**	**No**

As shown in the table above, project construction period emissions would not exceed the Bay Area Air District significance thresholds for ROG, NO_x, $PM_{2.5}$, and PM_{10}.

Operational Criteria Pollutant Emissions

Operational criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by future residents, employees, and patrons of the site. CalEEMod was used to estimate emissions from project operation. In addition to the land uses and model year mentioned above, vehicle trip generation rates provided by the traffic consultant, and other default model assumptions for energy usage, solid waste generation, and water usage/wastewater disposal were input into CalEEMod to estimate the emissions from operation of the modified project.

As mentioned previously in Section 3.3.1, the modified project would include two emergency diesel generators on the third basement level and a fire pump on the fourth basement level of the garage.

[12] The number of residential units has increased by 15 units and the number of parking spaces have decreased by 13 spaces since completion of the Air Quality Assessment. The conclusions of the air quality analysis would not change as a result of the 15 additional units since it would result in a negligible increase in construction and operational emissions. Divine, Casey. Senior Air Quality Consultant, Illingworth & Rodkin, Inc. Personal Communication. June 12, 2025.

Details of the generator's diesel engine HP and fire pump are currently unknown. For the purposes of this analysis, it was assumed that each generator would be 1,000-kilowatt (kW) powered by a 1,340-HP diesel engine. It was also assumed that the fire pump would be powered by the stand-by generators and not have its own engine. The generators would be operated during emergencies and for maintenance and testing purposes with a maximum of 50 hours per year. During the maintenance and testing periods, the generators would run for less than one hour.

The modified project would include one cooling tower with five cells along the western façade of the ground floor. Since the proposed cooling tower cells would not use process water (typically used in refineries)[13], the ROG emissions would be negligible. PM_{10} and $PM_{2.5}$ emissions from evaporative cooling were calculated and are shown in the table below. The cooling tower cells would not produce volatile organic compound (VOC) emissions or other criteria pollutants. Refer to Appendix A of this document for detailed information on the modeling assumptions.

Table 4.2-6 below shows an estimate of emissions from operation of the modified project.

Table 4.2-6: Operational Emissions for the Modified Project

Description	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Modified Project Operational Emissions *(tons/year)*	3.58	1.16	1.68	0.46
Modified Project Cooling Tower Emissions *(tons/years)*	--	--	0.01	0.01
Total Annual Modified Project Operational Emissions *(tons/year)*	3.58	1.16	1.69	0.47
Bay Area Air District Thresholds (tons/year)	10	10	15	10
Threshold Exceeded?	**No**	**No**	**No**	**No**
Daily Modified Project Operational Emissions (*pounds/day*)[1]	19.61	6.38	9.27	2.57
Bay Area Air District Thresholds (pounds/year)	54	54	82	54
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: Illingworth & Rodkin, Inc. *Arbor Mixed-Use Project 225 W. Julian Street Air Quality Assessment*. April 21, 2025.
Note: [1] Assumes 365-day operation

Similar to the 2021 approved project and as shown in the table above, operational emissions from the modified project would not exceed the Bay Area Air District significance thresholds for ROG, NO_x, $PM_{2.5}$, and PM_{10}.

The modified project would not exceed the Bay Area Air District significance threshold for construction and/or operational criteria pollutant emissions. Consistent with the 2021 approved project, the modified project would be consistent with the applicable 2017 Clean Air Plan control measures. Therefore, the modified project would not result in any new impacts to construction or

[13] Process water is water used in refineries to maintain production efficiency and reliability, specifically in processes like catalyst regeneration, product washing, and dehydrogenation reactions.

operational criteria pollutant emissions or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Per the Downtown Strategy 2040 FEIR, build out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of O_3 standards. Per the Bay Area Air District CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed under checklist question a), the modified project would not, by itself, result in any air pollutant emissions exceeding the Bay Area Air District significance thresholds. Therefore, the impact would be less than significant and the modified project would not result in any new impacts or substantially increase the severity of the previously identified criteria pollutant air quality impact for which the project region is in non-attainment. **[Same Impact As Approved Project (Less Than Significant Impact)]**

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Dust Generation

Construction activities on-site would temporarily generate dust and equipment exhaust that would affect nearby sensitive receptors. Consistent with the approved project, the modified project would be required to implement the Standard Permit Conditions identified in Section 4.2.2.1 above. In addition, the modified project would be required to implement the following Bay Area Air District's enhanced best management practices (BMPs), consistent with the City policies, for fugitive dust control (PM_{10} and $PM_{2.5}$) from construction activities.

Standard Permit Conditions:

Construction-related Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- 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 trackout 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.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a six to 12 inch compacted layer of 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.

In addition, the modified project would be required to implement the following Bay Area Air District-recommended dust control measures as Conditions of Approval.

- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks shall have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

With implementation of the identified Standard Permit Conditions and Conditions of Approval, construction dust and other particulate matter would be reduced to a less than significant level.

Modified Project Construction – Community Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC, and could pose a health risk to nearby sensitive receptors. A community risk assessment of the project construction activities was completed that evaluated potential health

effects to sensitive receptors from construction emissions of DPM and $PM_{2.5}$.[14] The U.S. EPA AERMOD dispersion model was used to predict construction-related concentrations of DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The U.S. EPA AERMOD dispersion model, assumptions, and results are described in Appendix A of this document.

The maximum-modeled individual (MEI) was identified at two different locations. The cancer risk MEI is located on the third floor of the residence to the southeast and the $PM_{2.5}$ concentration MEI is located on the first floor of the of the same residence to the southeast. Figure 4-1 below shows the location of the MEIs most affected by construction. Sensitive receptors are designated in green and the MEIs are designated in red.

The maximum cancer risk would be 35.23 cases per one million cases for infants which would exceed the Bay Area Air District significance threshold of 10 cases per one million. The cancer risk for adults would be 0.72 cases per one million and would not exceed the Bay Area Air District significance threshold. The maximum annual $PM_{2.5}$ concentration would be 0.68 $\mu g/m^3$ which exceed the Bay Area Air District significance threshold of 0.3 $\mu g/m^3$. The maximum hazard index (HI) concentration is 0.03, which is below the HI of greater than 0.1. Consistent with the 2021 approved project, the modified project would be required to implement Mitigation Measure AIR-1.1 (refer to Section 4.2.2.1) and the identified Standard Permit Conditions.

Implementation of the Standard Permit Conditions and Mitigation Measure AIR-1.1 would ensure that the cancer risk, non-cancer health hazards, and maximum annual $PM_{2.5}$ concentration associated with construction activities would be reduced to 4.30 cases per one million for cancer risk and 0.14 $\mu g/m^3$ which would be below the Bay Area Air District single-source significance thresholds. With implementation of the required Standard Permit Conditions for dust and Mitigation Measure AIR-1.1, the modified would have a less than significant construction community risk impact.

Modified Project Operation – Community Risk Impacts

Operation of the project would have long-term emissions from mobile sources (i.e., traffic) and stationary sources (i.e., generator and cooling tower).

Project Traffic

The modified project would generate 2,285 new daily trips (refer to Section 4.10 Transportation) which is less than what was assumed in the 2021 approved project (3,586 net new daily trips).

Stand-by Generators and Fire Pump

As mentioned previously, the project would include two emergency diesel generators and a fire pump. The U.S. EPA AERMOD dispersion model was used to estimate the potential cancer risk and the $PM_{2.5}$ concentration at off-site sensitive receptor locations (e.g., residences) from operation of

[14] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.



Source: Illingworth & Rodkin, Inc.

LOCATION OF CONSTRUCTION MEIS

FIGURE 4-1

the generator and fire pump. To estimate the increased cancer risk from the generators and fire pump at the MEIs, the cancer risks were adjusted to account for the cancer risk MEIs being exposed to construction for the first three years of the 30-year period.

Cooling Tower

Emissions from the proposed cooling tower were also used in the dispersion model to calculate annual $PM_{2.5}$ concentrations. As mentioned previously, the cooling tower would consist of five cells on the ground floor (along the western façade). The U.S. EPA AERMOD dispersion model, assumptions, and results are described further in Appendix A. Refer to Figure 4-1 above for the location of the stand-by generators and fire pump and off-site receptors. Table 4.2-7 below provides a summary of construction and operational risk impacts at the off-site MEIs.

Table 4.2-7: Modified Construction and Operational Risk at Off-Site MEIs

Source	Cancer Risk[1] (per million)	Annual $PM_{2.5}$[1] ($\mu g/m^3$)	Hazard Index
Project Construction (Years 0-3) Mitigated[2]	4.30 (infant)	0.14	<0.01
Project Traffic Operation on Terraine Street (Years 3-30)	0.06	0.03	<0.01
Project Generator Operation, one 2,000kW, 2,680-HP (Years 3-30)	0.40	<0.01	<0.01
Project Cooling Tower (Years 3-30)	--	0.05	--
Total/Maximum Project Impact (Years 0-30) Mitigated[2]	4.76	0.14	<0.01
Bay Area Air District Single-Source Threshold	>10.0	>0.3	>1.0
Threshold Exceeded? Mitigated	No	No	No

Source: Illingworth & Rodkin, Inc. *Arbor Mixed-Use Project 225 W. Julian Street Air Quality Assessment*. April 21, 2025.
Notes: [1]Maximum cancer risk and maximum $PM_{2.5}$ concentration occur at same receptor on different floors.
[2] Construction equipment with Tier 4 Final engines, electric cranes, and enhanced BMPs as Mitigation Measures.

As mentioned under checklist question c), the maximum cancer risk MEI and the annual $PM_{2.5}$ MEIs from construction would exceed the Bay Area Air District significance thresholds of 10 cancer cases per one million and an annual $PM_{2.5}$ concentration of 0.3 $\mu g/m^3$. The HI from construction and operation of the project would not exceed the Bay Area Air District significance threshold of greater than 1.0. With implementation of the mitigation measure identified in Section 4.2.2.1, as well as the Standard Permit Conditions identified under checklist question c), the total cancer risk (years 0-30) would be reduced to 4.76 cases per one million and the annual $PM_{2.5}$ would be 0.14 $\mu g/m^3$ which would be below the Bay Area Air District significance thresholds for cancer risk and annual $PM_{2.5}$ concentration.[15]

[15] The cancer risks from construction and operation of the project were added together to get the total project cancer risk impact. Unlike the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI risks are not additive, but based on an annual maximum risk for the entirety of the project.

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the State Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. Air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the Bay Area Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. The modified project would result in a less than significant project-level operational and construction criteria pollutant impact as discussed above under checklist question b; therefore, consistent with the approved project, the modified project would not expose sensitive receptors to substantial criteria pollutant concentrations.

With implementation of the identified mitigation measures and Standard Permit Conditions, the modified project would result in a less than significant community risk impact from project construction and operation. Therefore, the modified project would not result in any new community risk impacts from project operation or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (New Less Than Significant Impact)]**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The modified project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor emissions may be noticeable from time to time by adjacent receptors; however, consistent with the approved projects, the odors would be localized and temporary and are not likely to affect people off-site.

The project applicant would be required to abide by policies including General Plan Policy MS-12.2 which require adequate buffers between sources of odors and sensitive receptors. Additionally, operation of the modified project would result in the use of cleaning supplies and maintenance chemicals which would generate temporary odors in the areas of use. Operation of the project would not generate odors that would affect people off-site. Consistent with the approved project, the modified project would not result in odors that would adversely affect a substantial number of people. The modified project would not result in any new odor impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.2.2.3 *Non-CEQA Effects*

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing air quality conditions affecting a proposed project. Pursuant to General Plan Policies MS-10.1, MS-11.1, and MS-11.2, a health risk assessment was prepared to ensure that future sensitive receptors on-site are not exposed to substantial TAC emissions. Community health risk assessments typically look at all substantial sources of TACs within 1,000 feet of sensitive receptors. These sources include rail lines, freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

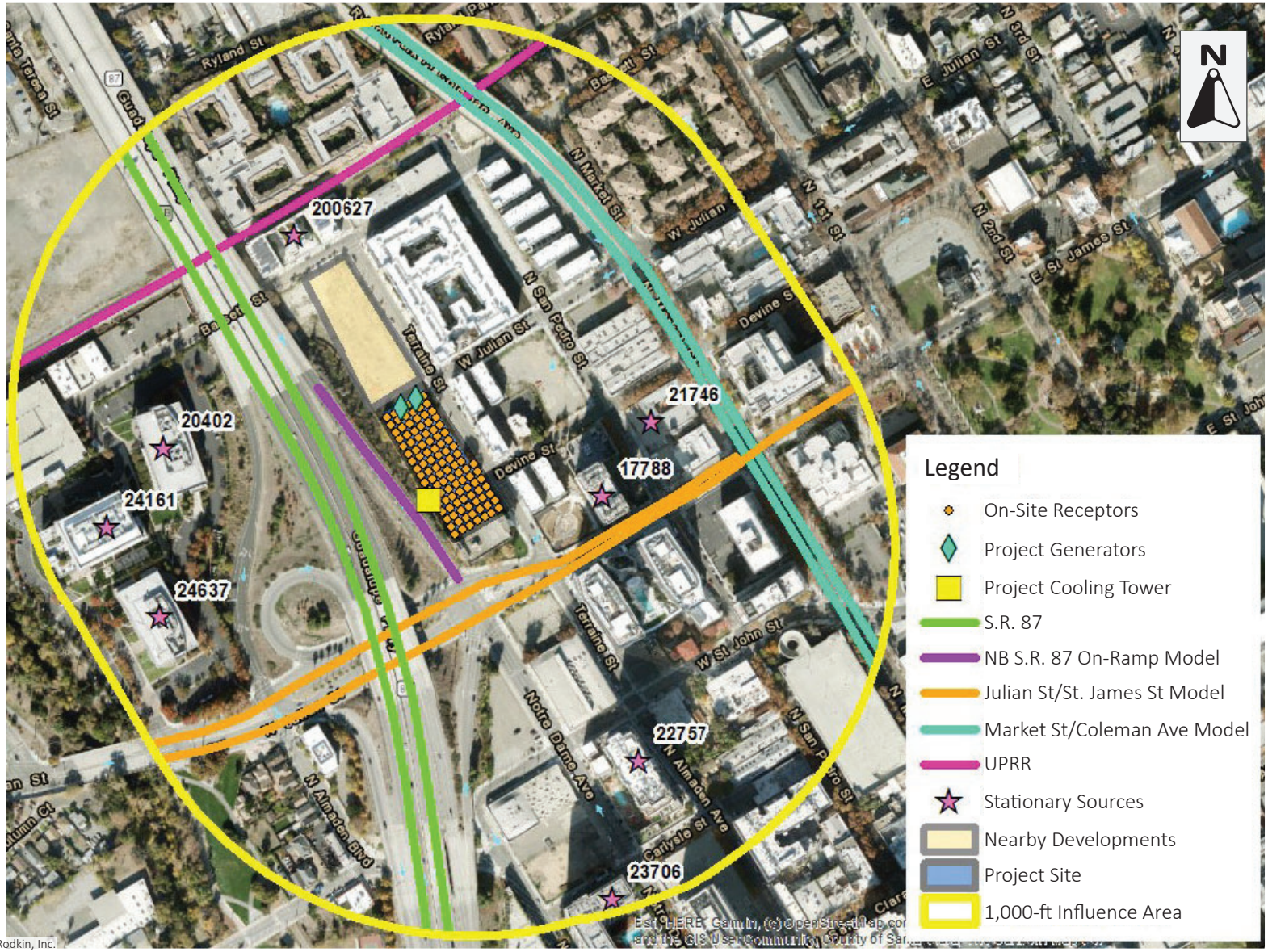
Refer to Figure 4-2 for the locations of the project site, cooling tower, project generators, and nearby mobile and stationary TAC sources. The project generators and cooling tower and mobile and stationary sources for future residents were analyzed in the same manner for project impacts to off-site receptors. In addition, a 30-year exposure period was used to calculate the cancer risks assuming the residents would include infants and adults that would be in the new units for 24 hours per day for 350 days annually.

Project Generators and Cooling Tower

The maximum generator risk impacts on the project site would occur on floor three along the northern façade nearest to the proposed generators. The maximum cooling tower risk impacts on the project site would occur on floor two at the southwest corner of the building. Refer to Appendix A for more detailed information on the generator and cooling tower emission calculations, dispersion modeling, and cancer risk calculations.

Mobile Sources

While the highway and roadway analysis for new project residents were analyzed in the same manner for the off-site MEIs, the emission factors for the operational year (2029) were conservatively assumed instead of the construction year (2026) to account for construction delays and the time it takes to fully occupy the modified project. An analysis based on 2029 would result in an increased average daily trip (ADT) of 110,210 vehicles on SR 87, 16,838 vehicles on the northbound SR 87 on-ramp, 14,930 vehicles on West Julian Street/St. James Street, and 21,582 vehicles on North Market Street/Coleman Avenue. Maximum increased cancer risks were calculated for the residents at the project site using the maximum modeled TAC concentrations. Refer to Appendix A for more detailed information on the emission calculations, dispersion modeling, and cancer risk calculations.



Source: Illingworth & Rodkin, Inc.

LOCATIONS OF PROJECT SITE, MEIS, COOLING TOWER, PROJECT GENERATORS, AND SOURCES OF TACS | FIGURE 4-2

The project site is located approximately 600 feet south of a Union Pacific Railroad (UPRR) line used for freight service, which generates TAC and $PM_{2.5}$ emissions from diesel locomotives. A total of seven freight trains use this rail line daily. Cancer risk, $PM_{2.5}$ concentrations, and HI associated with trains on the nearby railways were estimated using the Bay Area Air District's screening values provided via raster files.[16] Refer to Appendix A for detailed information. The UPRR screening tool does not account for Caltrain electrification or for building air intakes that have a MERV13 filtration system.

Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using the Bay Area Air District's *Permitted Stationary Sources 2022* GIS map website. Eight sources were identified using this tool; all of which are diesel-powered generators (refer to Table 4.2-8).

Nearby Developments

Construction of the Terraine Mixed-Use development would overlap with the construction of the modified project; therefore, construction risk impacts from the Terraine Mixed-Use development was not included in this analysis.

Health risk impacts from existing TAC sources at the modified project site are summarized in Table 4.2-8 below.

Table 4.2-8: Impacts to Future Site Receptors from Combined Sources

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Sources			
Generators	7.86	0.03	<0.01
Cooling Tower	--	0.10	--
Cumulative Sources			
SR 87, ADT 110,210	7.12	0.25	<0.01
NB SR 87 On-Ramp, ADT 16,838	1.22	0.08	<0.01
West Julian Street/St. James Street, ADT 14,930	0.59	0.03	<0.01
North Market Street/Coleman Avenue, ADT 21,582	0.18	0.01	<0.01
UPRR	<9.90	<0.01	<0.01
FreeSlate Inc. (Facility ID #20402, Generator), 515 feet	0.13	--	--
San Jose Fire Dept FS #1 (Facility ID #21746, Generator), 500 feet	0.01	--	--
City Heights At Pellier Park (Facility ID #17788, Generator), 250 feet	1.47	<0.01	--

[16] These estimates represent conservative risks reflective of 2022 conditions and are meant to provide a conservative estimate of future conditions.

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
The Sobrato Organization (Facility ID #24637, Generator), 730 feet	0.07	--	--
AXIS HOA (Facility ID #23706, Generator), 1,000 feet	1.29	<0.01	<0.01
Centerra Apartments (Facility ID #22757, Generator), 750 feet	0.01	--	--
The Sobrato Organization (Facility ID #24161, Generator), 715 feet	0.05	--	-
First Community Housing (Facility ID #200627, Generator), 500 feet	1.69	<0.01	--
Bay Area Air District Single-Source Threshold	>10.0	>0.3	>1.0
Threshold Exceeded?	**No**	**No**	**No**
Cumulative Total	<31.59	<0.54	<0.07
Bay Area Air District Cumulative-Source Threshold	>100	>0.8	>10.0
Threshold Exceeded?	**No**	**No**	**No**

Source: Illingworth & Rodkin, Inc. *Arbor Mixed-Use Project 225 W. Julian Street Air Quality Assessment*. April 21, 2025.

As shown in the table above, the estimated cancer risk, annual $PM_{2.5}$ concentration, and HI would be below the Bay Area Air District's single-source and cumulative-source thresholds of significance. As a result, new sensitive receptors generated by the project would not be exposed to significant levels of TACs. The modified project would comply with General Plan Policies MS-10.1, MS-11.1, and MS-11.2.

4.3 Energy

The following discussion is based, in part, upon an Air Quality Assessment prepared by Illingworth & Rodkin, Inc. in April 2025. A copy of this report is attached as Appendix A to this document.

The changes to the 2021 approved project relevant to energy is the removal of the office component, addition of residential units, increase in retail square footage, and the decrease in parking spaces proposed.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 and Assembly Bill 1279

EO B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan, identify and recommend measures to achieve these

policy goals, and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[17] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[18]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

City of San José

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce GHG emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water.

[17] California Building Standards Commission. "California Building Standards Code." Accessed October 17, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[18] California Energy Commission. "2022 Building Energy Efficiency Standards." Accessed October 17, 2024. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.
[19] California Air Resources Board. "Advanced Clean Cars II." Accessed October 17, 2024. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

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

Sustainable City Strategy

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

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the project.

Policy	Description
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.

Policy	Description
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
MS-14.2	Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-17.2	Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.

Policy	Description
TR-1.4[20]	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.3.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,882 trillion British thermal units (Btu) in the year 2022, the most recent year for which this data was available.[21] Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,204 trillion Btu) for residential uses, 17 percent (1,193 trillion Btu) for commercial uses, 22 percent (1,539 trillion Btu) for industrial uses, and 43 percent (2,916 trillion Btu) for transportation.[22] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2022 was consumed primarily by the non-residential sector (75 percent), followed by the residential sector consuming 25 percent. In 2022, a total of approximately 17,101 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[23]

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

[20] TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.
[21] United States Energy Information Administration. "California State Energy Profile." Accessed October 24, 2024. https://www.eia.gov/state/print.php?sid=CA.
[22] Ibid.
[23] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed October 24, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.

Natural Gas

PG&E provides natural gas services within San José. In 2023, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.[24]

Fuel for Motor Vehicles

In 2023, California produced 118 million barrels of crude oil and in 2019, 15.4 billion gallons of gasoline were sold in California.[25,26] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 27.1 mpg in 2023.[27] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.[28,29]

Energy Use of Existing Development

The project site is currently developed with an office building and surface parking lot. Operation of the building generates GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc. The existing office building on-site use approximately 1.12 million kilowatt-hour (kWh) of electricity and 1.02 million kBtu of natural gas annually.[30]

While the project site is currently developed with the Davidson Building and surface parking lot, the modified project only includes new work on the surface lot. The existing parking lot does not currently generate any energy demand.

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[24] California Gas and Electric Utilities. 2023 *California Gas Report.* Accessed October 24, 2024. https://www.socalgas.com/sites/default/files/Joint_Biennial_California_Gas_Report_2023_Supplement.pdf.

[25] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a.

[26] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed October 24, 2024. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

[27] United States Environmental Protection Agency. "The 2024 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2024. Accessed March 21, 2025. https://www.epa.gov/automotive-trends. https://nepis.epa.gov/Exe/ZyPDF.cgi/P10191WZ.PDF?Dockey=P10191WZ.PDF.

[28] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed October 24, 2024. http://www.afdc.energy.gov/laws/eisa.

[29] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed October 24, 2024. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

[30] Illingworth & Rodkin, Inc. *Arbor Office – Existing Land Use CalEEMod*. April 2021.

4.3.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation*?*	☐	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	☐

4.3.2.1 *Findings of the 2021 Approved Project*

The 2021 IS/Addendum concluded that implementation of the City's General Plan policies and existing regulations and programs would reduce energy loss from disposal of construction and demolition materials. Therefore, the 2021 approved project would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

The 2021 approved project would consume approximately 10,851,760 kWh of electricity[31] and approximately 8,790,800 Btu of natural gas[32] annually. The 2021 approved project would also consume approximately 282,965 gallons of gasoline annually. The 2021 approved project would comply with the City's Green Building Ordinance. Therefore, the 2021 approved project was found to comply with existing state energy standards and would not obstruct implementation of a state or local plan for renewable energy or energy efficiency. Therefore, energy use associated with project operations would be less than significant.

4.3.2.2 *Impacts of the Modified Project*

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

[31] General Office Building = 9,525,780 kWh, Strip Mall = 203,110 kWh, Enclosed Parking with Elevator = 1,122,870 kWh

[32] General Office Building = 8,745,770 kBTU, Strip Mall = 45,030 kBTU, Enclosed Parking with Elevator = 0 kBTU

Construction

Construction activities would occur for 32 months (or 800 construction workdays). Construction activities would include demolition, site preparation, grading/excavation, trenching/foundation, building superstructure, building cores and elevators, and sitework. Consistent with the 2021 approved project, the modified project would comply with the City's Construction and Demolition Diversion Program and divert 75 percent of nonhazardous construction and demolition debris. In addition, the modified project would be required to implement the Standard Permit Conditions (e.g., reduce idling times to five minutes) identified in Section 4.2. under checklist question c). For these reasons, the modified project would not use or waste energy during construction. The modified project would not result in any new significant energy impact or an impact of substantially greater severity than was previously identified.

Operation

The modified project would include a net increase of 600 residential units, a net decrease of 452,000 square feet of office space, a net increase of 100 square feet of retail space, and a net decrease of 165 parking spaces when compared to the 2021 approved project.[33] Table 4.3-1 below provides a summary of the modified project's estimated energy usage.

Table 4.3-1: Estimated Energy Use of Modified Project

Development	Electricity Use (kWh)	Natural Gas Use (kBtu) [1]	Gasoline (gallons per year)
High-Rise Apartments (585 units)	2,415,080	5,054,080	149,713
Strip Mall (13,100 square feet)	138,970	30,810	26,016
Enclosed Parking with Elevator (318 spaces)	1,085,390	0	0
Davidson Building (62,000)[2]	1,123,755	1,014,940	29,177
Total	4,763,195	6,099,830	204,906

Source: Illingworth & Rodkin, Inc. *Arbor Mixed-Use Project 225 W. Julian Street Air Quality Assessment*. April 21, 2025.

Notes: High-Rise Apartments Annual VMT 4,057,221 / 27.1 mpg = 149,713

Strip Mall Annual VMT 705,034 / 27.1 mpg = 26,016

[1] The modified project would not include the use of natural gas. For the purposes of this analysis, natural gas use was assumed for informational purposes.

[2] For the purposes of this analysis, the energy usage of the existing Davidson Building (without the renovations) were conservatively assumed since office land uses would generate more energy use than retail

[33] The number of residential units has increased by 15 units and the number of parking spaces have decreased by 13 spaces since completion of the Air Quality Assessment. For the purposes of this analysis, the energy usage for the smaller project was used since this information was readily available (refer to Appendix A of this document). The addition of 15 units would not generate a significant increase in energy demand and would not change the conclusions of the analysis.

As shown in the table above, the modified project would result in a net decrease of approximately 6,088,565 kWh of electricity and 2,690,970 kBtu annually compared to the 2021 approved project.[34] The modified project would be built in accordance with the most recent CALGreen requirements and City Council Policy 6-32. In addition, the project would be designed to achieve LEED Platinum certification, and electricity on-site would be provided by SJCE and on-site solar panels.

The modified project would result in a net decrease of 78,059 gallons of gasoline consumption when compared to the 2021 approved project. On-site bicycle parking would be provided within a storage room containing 182 long-term spaces and 128 short-term spaces. The project site is located approximately 0.75 miles northeast from the Diridon Transit Center. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site and would reduce the estimated gasoline consumption. Consistent with the 2021 approved project, implementation of the modified project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during operation of the project. Therefore, the modified project would not result in any new impacts related to energy consumption or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Consistent with the 2021 approved project, the modified project is a part of planned growth from build out of the Downtown Strategy 2040. As mentioned under checklist question a), the modified project would be built to the most recent CALGreen requirements and City Council Policy 6-32. In addition, the modified project would be designed to achieve LEED Platinum certification, and electricity on-site would be provided by SJCE and solar panels on the roof. For these reasons, the modified project would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency. Therefore, the modified project would not result in any new energy impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[34] Under the modified project, no natural gas usage is proposed. Coggins, Brady. Westbank. Personal Communication. September 6, 2024. Natural gas usage was calculated for the modified project for informational purposes only.

4.4 Greenhouse Gas Emissions

The following discussion is based upon a Greenhouse Gas Reduction Strategy Compliance Checklist provided by the applicant in January 2025. A copy of the checklist is attached as Appendix B to this document.

The changes to the 2021 approved project relevant to GHG emissions is the removal of the office component, addition of residential units, increase in retail square footage, and the decrease in parking spaces proposed.

4.4.1 Environmental Setting

4.4.1.1 *Background Information*

GHG are gases that trap heat in the atmosphere and regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities (anthropogenic). Natural and anthropogenic sources of GHGs are generally as follows:

- CO_2 exchange between the atmosphere, ocean, and land surface
- CO_2, CH_4, and N_2O are emitted from wildfires and volcanic eruptions
- CO_2 and N_2O are byproducts of fossil fuel combustion
- N_2O is associated with agricultural operations such as fertilization of crops
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty
- HFCs are now used as a substitute for CFCs in refrigeration and cooling
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Per the 2022 Scoping Plan from CARB, atmospheric concentrations of CO_2 have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in

increased global temperatures.[35] The climate within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.4.1.2 *Regulatory Framework*

State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to accelerate 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[36] The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

[35] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022.
[36] Ibid.

Senate Bill 375 and Plan Bay Area 2050

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), Bay Area Air District, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[37]

Play Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also includes goals to expand TDM initiatives that support and augment employers' commute programs, providing a path to emissions reductions.

Senate Bill 100

SB 100, known as The 100 Precent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

[37] Association of Bay Area Governments and Metropolitan Transportation Commission. Plan Bay Area 2050. October 21, 2021. Page 20.

AB 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by EO B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code

The California Energy Code is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. The California Energy Code is enforced and verified by cities during the planning and building permit process.

The CALGreen Code is part of the CBSC under Title 24, Part 11. CALGreen encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process.

Requirements for EV charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. The CALGreen standards consist of a

set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated.

Regional

2017 Clean Air Plan

To protect the climate, the 2017 Clean Air Plan prepared by Bay Area Air District includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the Bay Area Air District Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes the Bay Area Air District's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 Bay Area Air District CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

City of San José

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be zero net energy (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- SJCE
    - GreenSource (default program) provides 90-percent renewable energy.
    - TotalGreen (enhanced/opt-in program) provides 100-percent renewable energy.

- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

City of San José Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinances (reach codes) to reduce energy related GHG emissions consistent with the goals of Climate Smart San José. The reach codes apply to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Rating and be electrification ready. In addition, the reach codes require EV charging infrastructure for all building types (surpasses current CALGreen requirements), and solar readiness for non-residential buildings.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

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

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG emissions and are applicable to the project.

Policy	Description
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

4.4.1.3 *Existing Conditions*

The project site is currently developed with an office building and paved parking lot, but the modified project only includes new work on the surface lot. GHG emissions are generated from vehicles traveling to and from the site.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☒	☐

4.4.2.1 *Findings of the 2021 Approved Project*

The 2021 IS/Addendum concluded that construction of the 2021 approved project would not interfere with the implementation of SB 32 since project construction would be temporary. The 2021 approved project was found to be consistent with the 2030 GHGRS and Climate Smart San José because the 2021 approved project is within the development capacity approved under the Downtown Strategy 2040 and would comply with City Council Policy 6-32 and the City's Green Building Ordinance. In addition, the 2021 approved project would incorporate all applicable mandatory measures of the GHGRS, including installing clean energy power generation sources, using 100 percent carbon-free electricity, retrofitting the existing building with electric appliances, providing space for organic waste collection containers, exceeding the City's construction & demolition waste diversion requirement, implementing a TDM plan, installing high-efficiency appliances/fixtures and water-sensitive landscaping, and providing access to reclaimed water for outdoor water use.

4.4.2.2 *Impacts of the Modified Project*

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

Construction activities associated with the project would generate GHG emissions from equipment and worker, hauling, and vendor trips. Neither the City of San José nor the Bay Area Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would be temporary (32 months) and would not result in a permanent increase in emissions. Therefore, consistent with the 2021 approved project, construction of the modified project would not interfere with the implementation of SB 32 and the modified project would not result in any new construction GHG

emission impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The modified project is consistent with the General Plan land use designation for the site and is part of the planned growth from build out of the City's General Plan. As discussed under checklist question b), the modified project would comply with the 2030 GHGRS and would result in a less than significant GHG emissions impact. The modified project would not result in any new operational GHG emission impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Consistent with the 2021 approved project, the modified project would have a less than significant GHG emissions impact during project construction and operation. The modified project would not result in any new GHG emissions impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2030 Greenhouse Gas Reduction Strategy Compliance Checklist

If a project is consistent with the City's GHGRS, the project would not have a significant GHG emissions impact under CEQA. The modified project's consistency with the City's 2030 GHGRS is summarized below.

Consistent with the 2021 approved project, the modified project is consistent with the General Plan designation and planned growth analyzed in the Downtown Strategy 2040 FEIR. The modified project would be required to comply with City Council Policy 6-32 (Private Sector Green Building Policy) and CBC requirements as well as General Plan Action MS-2.11, which requires development to incorporate green building practices through construction, architectural design, and site design techniques. The modified project would comply with the City's Reach Code and LEED Platinum certification, Title 24, and participate in SJCE at the TotalGreen level (i.e., 100 percent carbon-free electricity). As part of the design, solar panel infrastructure is proposed on the roof to reduce the carbon footprint and energy demand generated by the project. Therefore, the project is consistent with GHGRS's #1, #2 and #3. The project is not proposing to retrofit an existing building; therefore, the project would be consistent with GHGRS #4. In addition, the modified project would provide space for organic waste collection containers (consistent with GHGRS #5). As mentioned in Section 3.5.1 and in Appendix D, the project applicant is proposing to implement TDM measures including providing off-street vehicle parking spaces, providing bicycle parking facilities, providing residents

and employees with travel options, and unbundling parking costs from property cost. Therefore, the modified project is consistent with GHGRS #6. The project applicant proposes to install high-efficiency appliances and fixtures to reduce water use consistent with GHGRS #7. Refer to Appendix B for additional description of measures proposed for GHGRS compliance. For these reasons, the modified project would implement all applicable GHGRS consistency options intended to reduce GHG emissions.

Climate Smart San José

As mentioned above, the modified project would be designed and constructed in compliance with the City of San José Council Policy 6-32, CBC requirements, and LEED Platinum certification. The modified project is in a Planned Growth Area of the City that is well-served by transit. Additionally, the modified project would not include any natural gas infrastructure.[38] Consistent with the 2021 approved project, the modified project is consistent with the City's climate action goals as set forth in Climate Smart San José.

The modified project would be consistent with the City's GHGRS. Consistent with the 2021 approved project, the modified project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the modified project would not result in any new GHG emissions impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[38] Coggins, Brady. Westbank. Personal Communication. September 6, 2024.

4.5 Hydrology and Water Quality

The changes to the 2021 approved project relevant to hydrology and water quality is the removal of the office component, addition of residential units, and the increase in retail square footage.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[39]

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent

[39] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed October 17, 2024. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

(NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[40] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete)

[40] California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flowcontrolled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[41]

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[42]

[41] The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

[42] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins.* November 2021.

City Council Policy 6-29

The City of San José's Post-Construction Urban Runoff Management Policy 6-29 was adopted to establish an implementation framework, consistent with Provision C.3 of the MRP. This policy requires all new and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City Council Policy 8-14

The City of San José's Post-Construction Hydromodification Management Policy 8-14, implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

City of San José Grading Ordinance

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the project will submit to the Director of Public Works and Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Floodplain Ordinance – Municipal Code 17.08

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the project.

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System.

4.5.1.2 *Existing Conditions*

Storm Drainage

The project site is nearly flat with no discernible slopes. Stormwater runoff from the site is discharged into the Guadalupe River, approximately 0.3 miles west of the project site, and is ultimately conveyed to the San Francisco Bay.

As discussed in the 2021 IS/Addendum, groundwater at the project site is known to be present at depths of 10 to 21 feet bgs. Fluctuations in the groundwater level may occur due to seasonal

changes, variations in rainfall and underground drainage patterns, and other factors. The project site is not located within a natural or facility groundwater recharge area.[43]

Based on the Hydromodification Management Applicability Map for San José, the project site is located within a subwatershed that is greater than 65 percent impervious.[44] Therefore, the proposed project would be exempt from the Hydromodification Management Projects requirements in the Municipal Regional Stormwater NPDES.

Flooding and Other Hazards

According to the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, the project site is not located within a 100-year floodplain.[45] The western half of the project site is mapped within Zone X, *Other Flood Areas*, and the other half is mapped as Zone D, *Other Areas*. Zone X includes areas of 0.2 percent annual chance flood (500-year flood); areas of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from one percent annual chance flood. Zone D is defined as areas in which flood hazards are undetermined, but possible.

The project site is located within the Anderson Dam failure inundation area, which is the area that may be flooded in the event of complete dam failure.[46]

Due to the distance between the project site and large bodies of water, such as the San Francisco Bay, it is not subject to seiche or tsunami hazards or sea level rise.[47,48]

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒	☐

[43] Valley Water. *Groundwater Management Plan.* 2016.
[44] Santa Clara Valley *Urban Runoff Pollution Prevention Program. C.3 Stormwater Handbook*. Appendix E Page 5.
[45] Federal Emergency Management Agency. Flood Insurance Rate Map: Santa Clara County, California and Incorporated Areas. Map Number 0685C0234H. May 2009.
[46] Valley Water. *Anderson Dam Flood Inundation Maps*. 2016. Sheet 6.
[47] California Department of Conservation. California Official Tsunami Inundation Maps. Accessed November 5, 2024. https://www.conservation.ca.gov/cgs/tsunami/maps#select-a-map.
[48] National Oceanic and Atmospheric Administration. "Sea Level Rise Viewer." Accessed November 5, 2024. https://coast.noaa.gov/slr/#/layer/slr/0/-13570535.148169642/4491449.12595201/13/satellite/none/0.8/2050/interHigh/midAccretion.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	☐

4.5.2.1 *Findings of the 2021 Approved Project*

Since the 2021 approved project would disturb more than one acre of soil (approximately 1.78 acres), the 2021 approved project would be required to obtain a NPDES General Permit for Construction Activities and comply with the City's Grading Ordinance. Pursuant to City requirements, the following Standard Permit Conditions were included in the approved project to reduce potential construction-related water quality impacts.

Standard Permit Conditions:

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

The 2021 IS/Addendum concluded that compliance with existing regulations and implementation of the identified Standard Permit Conditions above would reduce construction-related water quality impacts to less than significant.

The approved project would increase impervious surfaces on-site by approximately 6,029 square feet which would result in an increase in surface runoff from the site compared to existing conditions. To treat stormwater runoff, the 2021 approved project includes flowthrough planters and media filters on-site. The Downtown Strategy 2040 FEIR concluded that implementation of applicable policies and existing regulations would substantially reduce drainage impacts.

The project site is not located near a large body of water and would not be subject to a seiche or tsunami. The project site is located in Flood Zones X and D, which are not zones that contain 100-year floodplains. While the site is located in the Anderson dam failure inundation zone, the likelihood of flooding from dam failure is low and the 2021 approved project would not release pollutants due to dam inundation.

Under the approved project, the site would be excavated to a depth of 55 feet bgs. Groundwater at the project site is known to range from 10 to 21 feet bgs; therefore, dewatering would be required during project construction. Compliance with local and regional policies and regulations would

avoid any water quality impacts to groundwater during construction. The 2021 approved project would not result conflict with implementation of a water quality or groundwater management plan.

4.5.2.2 *Impacts of the Modified Project*

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction-Related Impact

Consistent with the 2021 approved project, the modified project would be required to obtain an NPDES General Permit for Construction Activities and comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. In addition, the applicant shall submit an Erosion Control Plan to the Director of Public Works for review and approval prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th). Consistent with the 2021 approved project, the modified project would be required to implement the identified Standard Permit Conditions listed under Section 4.5.2.1 to reduce potential construction-related water quality impacts. With implementation of the identified Standard Permit Conditions, the modified project would result in a less than significant impact on water quality. The modified project would not result in any new water quality impacts during construction or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Post-Construction Impacts

Consistent with the 2021 approved project, the modified project would be required to comply with the City's Post Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the modified project currently proposes suspended pavement systems, flow-through planters, and pervious pavement with underdrains.[49] Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP.

With inclusion of LID stormwater measures and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the modified project would have a less than

[49] Suspended pavement systems are designed to support pavement while creating a subsurface void filled with soil for tree root growth.

significant water quality impact. The modified project would not result in any new water quality impacts during project operation or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

It is anticipated that construction of the modified project would require excavation at a maximum depth of 55 feet below ground. Because groundwater at the project area is found at approximately 10 feet bgs, dewatering would be required during project construction. The short-term discharge of water produced from construction dewatering to the sanitary sewer should be acceptable, under permit by the City of San José, Environmental Services Department, Watershed Protection Division, in accordance with the Watershed Protection discharge requirements. The maximum duration of a short-term permit to discharge to the sanitary sewer system is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. Consistent with the 2021 approved project, compliance with local and regional policies and regulations would avoid any water quality impacts to groundwater during construction of the modified project.

As mentioned previously, the project site is not located within a natural or facility groundwater recharge area.[50] Consistent with the 2021 approved project, the modified project would not substantially decrease groundwater supplies or interfere with groundwater recharge.

By complying with applicable City policies and regulations, the modified project would not result in any new water quality impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Drainage Pattern Impacts

According to the Downtown Strategy 2040 FEIR, existing surfaces are largely impervious, making future development unlikely to alter the existing drainage pattern such that substantial flooding or erosion would occur in the receiving water bodies. The modified project is part of the planned

[50] Valley Water. *Groundwater Management Plan.* 2016.

growth within the downtown area and would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway.

Storm Drainage Impacts

The square footages of pervious and impervious surfaces of the modified project are shown below in Table 4.5-1.

Table 4.5-1: Pervious and Impervious Surfaces (Modified Project)

Site Surface	Existing (sq ft)	%	Modified Project (sq ft)	%	Difference (sq ft)	%
Impervious Surfaces Total	70,075	87	70,637	88	+562	+1
Pervious Surfaces Total	10,462	13	9,900	12	-562	-1
Total	80,537	100	80,537	100		

Under existing conditions, the project site is covered with approximately 87 percent (70,075 square feet) impervious surfaces. The impervious surfaces would increase by approximately one percent (562 square feet) under modified project conditions. While the modified project would result in a slight increase in stormwater runoff, the existing storm drain system would continue to adequately accommodate runoff from the site and the modified project would not result in on- or off-site flooding. Therefore, the modified project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. Consistent with the 2021 approved project, the modified project would comply with applicable policies and existing regulations to reduce drainage impacts. the modified project would not result in any new impacts to the existing drainage pattern or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

As mentioned previously, the project site is not located near a large body of water and would not be subject to a seiche or tsunami. The project site is flat and there are no mountains in proximity; therefore, construction of the modified project would not cause mudflows that would impact adjacent properties. In addition, the project site is located in Zones X and D and would not experience inundation due to flooding.

While the project site is located within the Anderson dam failure inundation zone, the California Division of Safety of Dams (DSOD) inspects dam on an annual basis and Valley Water routinely monitors the 10 dams. Therefore, the likelihood of flooding from dam failure is low and the modified project would not release pollutants due to dam inundation. Consistent with the 2021 approved project, the modified project would not result in new impacts or impacts of greater

severity to risk of pollutants release due to project inundation than was previously disclosed in the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Consistent with the 2021 approved project, the modified project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. Therefore, the modified project would not result in any new impacts or substantially increase the severity of the previously identified impacts to a water quality control plan or sustainable groundwater management plan. **[Same Impact as Approved Project (Less than Significant Impact)**

4.6 Noise

The following discussion is based, in part, upon an Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. in March 2025.[51] A copy of the memorandum is attached as Appendix C to this document.

The changes to the 2021 approved project relevant to noise is the is the removal of the office component, addition of residential units, increase in retail square footage, and the decrease in parking spaces proposed.

4.6.1 Environmental Setting

4.6.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[52] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

[51] The number of residential units has increased by 15 units and the number of parking spaces have decreased by 13 spaces since completion of the Noise and Vibration Assessment. The conclusions of the construction noise and vibration analysis would not change as a result of the 15 units. In addition, as the mechanical yard would face away from the nearest residences, the operational noise discussion would not affect the conclusions of the analysis. Janello, Carrie J., Illingworth & Rodkin, Inc. Personal Communication. June 13, 2025.

[52] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.6.1.2 *Regulatory Framework*

Federal

Federal Transit Administration

In the *Transit Noise and Vibration Impact Assessment Manual*, the Federal Transit Administration (FTA) has identified construction noise thresholds which limit daytime construction noise to 80 dBA L_{eq} at residential land uses, 85 dBA L_{eq} at commercial and office land uses, and to 90 dBA L_{eq} at industrial land uses.[53]

State

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources do not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

For commercial uses, CALGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

[53] Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual FTA Report No. 0123.* September 2018.

Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 4.6-1 below.

Table 4.6-1: General Plan Land Use Compatibility Guidelines (GP Table EC-1)

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

Normally Acceptable:

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:

Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:

New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

In addition, the following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the project.

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following

Policy	Description
	protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan consistency over the life of this plan. • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport, the Downtown Core Area, and along major roadways. For the remaining areas of the City, the following standards apply: o For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. There will be common use areas available to all residents that meet the 60 dBA exterior standard. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. o For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as back yards.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.3	New nonresidential land uses will mitigate noise generation to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

Policy	Description
	• Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses
EC-1.9	Noise studies are required for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, mitigation will be implemented so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.
EC-1.11	Continue to require safe and compatible land uses within the Norman Y. Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
EC-2.1	Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 inch/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 inch/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

4.6.1.3 *Existing Conditions*

The existing noise environment at the project site results primarily from vehicular traffic along State Route (SR) 87, West Julian/West St. James Street, and aircraft associated with the SJC.

Due to shelter-in-place restrictions during preparation of the 2021 report, traffic volumes in the project area were reduced compared to typical conditions. As a result, a noise monitoring survey

was not completed. A noise monitoring survey was completed for a nearby project in 2023[54] which included two long-term (LT-1 and LT-2) and three short-term (ST-1 through ST-3) noise measurements. The noise measurements were taken at the adjoining site immediately north of the project site.

LT-1 was made approximately 20 feet west of the Terraine Street centerline. Hourly average noise levels at this location ranged from 66 to 72 dBA L_{eq} during the daytime hours (7:00 AM and 10:00 PM) and from 55 to 68 dBA L_{eq} during nighttime hours (10:00 PM and 7:00 AM). The day-night average noise level was 71 dBA DNL.

LT-2 was made approximately 20 feet south of the Bassett Street centerline. Hourly average noise levels at this location ranged from 65 to 72 dBA L_{eq} during the daytime hours (7:00 AM and 10:00 PM) and from 59 to 69 dBA L_{eq} during nighttime hours (10:00 PM and 7:00 AM). The day-night average noise level was 71 dBA DNL.

ST-1 through ST-3 were made in 10-minute intervals at two heights (e.g., five feet and 24 feet above grade). ST-1 was made approximately 75 feet south of the Bassett Street centerline. The major noise sources measured at ST-1 was from SR 87. Traffic noise from SR 87 ranged from 64 to 68 dBA at a height of five feet and 64 to 78 dBA at a height of 24 feet. Additionally, an aircraft flyover produced noise levels of 78 dBA at both heights during ST-1. The 10-minute L_{eq} measured at ST-1 was 67 dBA at a height of five feet and 71 dBA at a height of 24 feet.

ST-2 was made approximately 100 feet west of the Terraine Street centerline. The major noise sources measured at ST-2 was from SR 87. Traffic noise from SR 87 ranged from 62 to 65 dBA at a height of five feet and 63 to 73 dBA at a height of 24 feet. Additionally, an aircraft flyover produced noise levels of 71 dBA at a height of five feet and 73 dBA at a height of 24 feet. The 10-minute L_{eq} measured at ST-2 was 65 dBA at a height of five feet and 68 dBA at a height of 24 feet.

ST-3 was made approximately 40 feet west of the Terraine Street centerline. The major noise sources measured at ST-3 was from SR 87 which ranged from 63 to 66 dBA at a height of five feet and 60 to 74 dBA at a height of 24 feet. Additionally, an aircraft flyover produced noise levels of 73 to 74 dBA at both heights during ST-3. The 10-minute L_{eq} measured at ST-3 was 65 dBA at a height of five feet and 67 dBA at a height of 24 feet.

The noise measurement locations are shown in Figure 4-3 on the following page.

[54] Data from the Noise and Vibration Assessment from the approved Terraine Mixed-Use Project (File Nos. SP21-045 & ER21-312) was used.


Market St
N San Pedro St
Terraine St
Elevenel Rd
Terrace St
S Jackson Ave
S Jackson Ave
S Jackson Ave

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site, a significant noise impact would result if exterior noise levels at the proposed residential uses exceed 60 dBA DNL (except in the environs of the SJC and the Downtown) and/or if interior day-night average noise levels exceed 45 dBA DNL (General Plan Policy EC-1.1).

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, of if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A 3.0 dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project-generated noise level increases of 3.0 dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the addition of project noise, a noise level increase of 5.0 dBA DNL or greater is considered significant.

City of San José Standards

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

The City considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses and would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months (refer to General Plan Policy EC-1.7). The City of San José does not have quantitative noise level thresholds for construction activities; therefore, this analysis uses noise limits established by the FTA for informational purposes and additional context. Per FTA's *Transit Noise and Vibration Impact Assessment Manual*, an exterior threshold of 80 dBA L_{eq} shall be applied at residential land uses, an exterior threshold of 85 dBA L_{eq} shall be applied at commercial land uses, and an exterior threshold of 90 dBA L_{eq} shall be applied at industrial land uses during daytime hours.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of 3.0 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or 5.0 dBA DNL or more where noise levels would remain normally acceptable.

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

4.6.2.1 *Findings of the 2021 Approved Project*

The 2021 IS/Addendum concluded that the calculated operational traffic noise level increase along Terraine Street, north of West Julian Street/West St. James Street, and along Old West Julian Street, east of Terraine Street would be one dBA DNL over existing ambient conditions and would not result in a permanent noise increase of 3.0 dBA DNL or more at noise-sensitive receptors in the project vicinity. In addition, none of the existing sensitive receptors would be exposed to noise levels exceeded 55 dBA DNL at the property line from operational mechanical equipment.

The 2021 approved project would increase ambient noise levels at the nearby land uses by approximately 5.0 dBA L_{eq} or more throughout construction at the nearest residences, approximately 120 feet east from the center of the construction site. Since the approved project would exceed ambient noise levels by 5.0 dBA L_{eq} for more than 12 months near existing residences and commercial uses, the 2021 approved project would be required to implement the following mitigation measure during all phases of project construction.

MM NOI-1.1: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistics plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits.

As part of the noise logistics plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers, which are in good condition and appropriate for the equipment.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible

from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.

- Prohibit all unnecessary idling of internal combustion engines.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With implementation of the Mitigation Measure NOI-1.1 above, the 2021 approved project would have a less than significant construction noise impact.

The nearest building of normal conventional construction is located approximately 40 feet east from the eastern boundary of the project site which would not be exposed to vibration levels exceeding 0.2 in/sec PPV. There are no historic buildings within 60 feet of the project site. As such, the 2021 IS/Addendum concluded that no historic structures would be exposed to vibration levels in excess of 0.08 in/sec PPV and the approved project would have a less than significant vibration impact from construction.

The project site is between the 60 and 65 dBA CNEL contour lines of SJC. Assuming standard construction materials, aircraft noise ranging from 60 to 65 dBA DNL would result in future interior noise levels below 50 dBA $L_{eq(1\text{-}hr)}$. Therefore, aircraft noise impacts were found to be less than significant.

4.6.2.2 *Impacts of the Modified Project*

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise Impacts

Construction activities associated with the modified project would include demolition, site preparation, grading/excavation, trenching/foundation, building superstructure, building cores and elevators, and sitework. The modified project would be constructed over a period of 32 months from 7:00 AM to 10:00 PM Monday through Friday and from 7:00 AM to 7:00 PM on Saturdays.

The City does not have established quantitative construction noise thresholds; therefore, this analysis uses noise limits established by the FTA. Per FTA's *Transit Noise and Vibration Impact Assessment Manual*, an exterior threshold of 80 dBA L_{eq} shall be applied at residential land uses and an exterior threshold of 90 dBA L_{eq} shall be applied at commercial land uses during daytime hours. Pile driving, which generates excessive noise, is not proposed. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor.

For each construction phase, the worst-case hourly average noise level was estimated at the property line of each surrounding land use.[55] Table 4.6-2 below lists the phases of construction and the estimated construction noise levels at nearby land uses from the center of the construction site.

Table 4.6-2: Estimated Noise Levels of the Modified Project at Nearby Land Uses

Construction Phase	**Calculated Hourly Average Noise Levels, L_{eq} (dBA)**				
	North Future MU (200 feet)	**East Res. (120 feet)**	**South Comm. (390 feet)**	**Southeast Res. (410 feet)**	**West Off. (640 feet)**
Demolition	74	78	68	68	64
Site Preparation	74	78	68	68	64
Grading/Excavation	77	81	71	70	67
Trenching/Foundation	74	78	68	67	64
Building – Superstructure/Exterior	72	77	66	66	62
Building – Cores/ Elevators	74	78	68	68	64
Sitework	80	85	75	74	70

Notes: The distance is measured from the center of the construction site to adjacent uses.
The noise levels do not assume reductions due to intervening buildings or existing barriers.
MU = Mixed-use, Res = Residential, Comm = Commercial, Off = Office

As shown in the table above, construction noise levels would range from 66 to 85 dBA L_{eq} at the surrounding residential land uses and 62 to 80 dBA L_{eq} at the surrounding commercial and office land uses. While the estimated noise levels would exceed the FTA's threshold of 80 dBA L_{eq} for

[55] The worst-case hourly average noise level is estimated by combining all pieces of equipment per phase and measured from the center of the site to the nearest property lines of the adjacent uses.

residential uses, the threshold of 90 dBA L_{eq} for commercial uses would not be exceeded.

Per General Plan Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities for more than 12 months. Since the modified project would be constructed over a period of 32 months and would be located within 500 feet of existing residences and within 200 feet of existing commercial uses, the modified project would be required implement Mitigation Measure NOI-1.1 (refer to Section 4.6.2.1) to reduce construction noise levels to a less than significant level. Therefore, the modified project would not result in any new construction noise impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Operational Noise Impacts

Project-Generated Traffic Noise Impacts

A Local Transportation Analysis (LTA) was prepared by Hexagon Transportation Consultants, Inc. (refer to Appendix D) which included a study of the peak hour traffic turning movements along six segments for Market Street/Coleman Avenue, Terraine Street, Notre Dame Avenue, Almaden Boulevard, Julian Street, and St. James Street in the project vicinity. The existing plus project traffic volumes were compared to existing volumes to determine the project's contribution to the permanent noise level increase. The modified project's contribution would be at or below 1.0 dBA DNL along all roadway segments in the project vicinity. Consistent with the 2021 approved project, implementation of the modified project would result in a less than significant traffic noise impact in the vicinity of the project site.

Mechanical Equipment

The modified project would include two 1,000-kW emergency generators, one cooling tower, exhaust fans, stair pressurization fans, and rooftop heat pump packaged units.

The emergency generators would be located on the third basement level and the fire pump would be located in the fourth basement level. Due to the location of the proposed generators and fire pump, noise from the emergency generators and fire pump would not be measurable or detectable (zero dBA DNL) outside the structure. Therefore, implementation of the modified project would have a less than significant operational noise impact from the generator and fire pump.

The cooling tower cells would be located on the first basement level along the western façade. Due to the location of the cooling tower, noise from the cooling tower would not be measurable or detectable (zero dBA DNL). Therefore, implementation of the modified project would have a less than significant operational noise impact from the cooling tower.

The exhaust fans, stair pressurization fans, and heat pump packaged units would be located on the ground floor and roof of the proposed building. At a distance of five feet, noise levels from fans would be up to 76 dBA when operating at full speed and 65 dBA when operating at 35 percent

speed. Fans typically operate at speeds below 35 percent for mixed-use buildings. At a distance of three feet, residential heat pumps typically generate noise levels ranging from 53 to 63 dBA. As shown on the plans provided by the applicant, two stair fans, a smoke fan, a trash fan, and two areas for ventilation units would be located at the northwest corner and a stair fan, a corridor fan, and one area for ventilation units would be located at the and the southeast corner. The combined noise levels for the equipment at the northwest corner (assuming all equipment would cycle on and off for a 24-hour period and up to three ventilation units would operate in each ventilation area) would range from 72 to 82 dBA. The combined noise levels for the equipment located at the southeastern corner (assuming all equipment would cycle on and off for a 24-hour period and up to three ventilation units would operate in the ventilation area) would range from 69 to 79 dBA.

The location of the proposed rooftop equipment would provide 20 dBA attenuation to the adjacent receptors (except for the existing residential building to the southeast). The building to the southeast would be the same height as the modified project; therefore, no attenuation was assumed for this building. Table 4.6-3 below provides a summary of the estimated operational noise levels for the rooftop equipment proposed.

Table 4.6-3: Estimated Operational Noise Levels for the Rooftop Equipment

Receptors	**Northwest Equipment**		**Southeast Equipment**		**Combined Levels**		
	Distance (feet)[1]	**Hourly L_{eq} dBA**	**Distance (feet)[1]**	**Hourly L_{eq} (dBA)**	**Hourly L_{eq} (dBA)**	**DNL, dBA**	**Noise Increase (dBA DNL)**
North Future MU	100	26 to 36	310	<20 to 23	27 to 37	43	--[2]
East Res.	160	22 to 32	110	22 to 32	25 to 35	42	0
South Comm.	675	<20 to 20	450	<20 to 20	<20 to 23	29	0
Southeast Res.	575	31 to 41	365	32 to 42	35 to 45	51	0
West Off.	575	<20 to 21	715	<20	<20 to 22	29	0

Notes: [1] Distance from the center of equipment

[2] The future mixed-use development would not be exposed to a noise level increase since the receptors do not currently exist.

MU = Mixed-use, Res = Residential, Comm = Commercial, Off = Office

A conservative 20 dBA reduction was applied to the noise levels due to the elevation of the proposed equipment above the surrounding receptors (minus the Southeast Res.). The building to the southeast would be the same height as the modified project; therefore, no attenuation was assumed for this building.

As shown in the table above and consistent with the 2021 approved project, the rooftop equipment proposed would not exceed the City's 55 dBA DNL at the nearest residential receptors and 60 dBA DNL at the nearest commercial and office uses.

Truck Loading and Unloading

Truck loading and unloading activities would occur on the ground level on the northwest corner of the building. All loading activities would be shielded from all existing noise-sensitive uses surrounding the site (except for the mixed-use development approved north of the site). The future development, Terraine Mixed-Use Project (File Nos. SP21-045 & ER21-312), would be exposed to truck maneuvering activities on-site. The portion of the Terraine Mixed-use development facing the loading and unloading area would be a parking garage initially and converted to office use in the future.

Trucks maneuvering would generate a combination of engine, exhaust, and tire noise, as well as back-up alarms and release of compressed air. Residential buildings and small commercial uses are expected to use medium-sized trucks for moving, which typically generate noise levels ranging from 60 to 65 dBA L_{max} at a distance of 50 feet. The noise level of back-up alarms typically generates noise levels ranging from 65 to 75 dBA L_{max} at a distance of 50 feet. Assuming one medium-sized truck would take five minutes (in a given hour) to maneuver, the hourly average noise levels would be up to 54 dBA L_{eq} at 50 feet. If all truck deliveries occur during the daytime (between 7:00 AM and 10:00 PM) and a maximum of two deliveries are made in a 24-hour period, the day-night average noise level would be 43 dBA DNL at 50 feet.

The property line of the Terraine Mixed-Use development is located approximately 90 feet north from the center of the loading area. The modified project would provide a conservative minimum of five dBA attenuation due to shielding from the building façade. Assuming the five dBA attenuation, the Terraine Mixed-Use development would be exposed to hourly average noise levels of 44 dBA L_{eq} and a day-night average noise level of 33 dBA DNL. As a result, the truck loading and unloading would not generate noise levels exceeding the 55 dBA DNL for future residential uses or 60 dBA DNL for commercial and office uses.

Total Combined Project-Generated Noise

The operational noise levels from traffic, mechanical equipment, and truck loading/unloading activities would result in an increase of 1.0 dBA DNL or less at all existing receptors surrounding the site. Consistent with the 2021 approved project, the modified project would not result in a substantial increase in noise levels when compared to the existing ambient noise in the project vicinity.

Consistent with the 2021 approved project, with implementation of Mitigation Measure NOI-1.1, the modified project would result in a less than significant construction noise impact. Therefore, the modified project would not result in any new construction or operational noise impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less Impact than Approved Project With Mitigation Incorporated)]**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Policy EC-2.3 of the City's General Plan establishes a continuous vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a continuous vibration limit of 0.2 inch/sec PPV to minimize damage at buildings of normal conventional construction.

Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Table 4.6-4 below provides a summary of typical vibration levels that could be expected from construction equipment at 25 feet and Table 4.6-5 below provides a summary of construction equipment vibration levels at nearby buildings (both historic buildings and buildings of normal conventional construction).

Table 4.6-4: Typical Vibration Levels from Construction Equipment at 25 Feet

Equipment		PPV at 25 feet (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam Shovel Drop		0.202	58	26
Hydromill	in soil	0.008	3	1
	in rock	0.017	6	2
Vibratory Roller		0.210	60	27
Hoe Ram		0.089	28	12
Large Bulldozer		0.089	28	12
Caisson Drilling		0.089	28	12
Loaded Trucks		0.076	24	10
Jackhammer		0.035	12	5
Small Bulldozer		0.003	1	<1

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., February 2021.

Table 4.6-5: Impacts to Nearby Historic Buildings Surrounding the Project Site

Equipment	Vibration Levels Nearby (in/sec PPV)				
	East Res. (40 feet)	Southeast Res. (130 feet)	East Historic Off. (125 feet)	South Historic Comm. (240 feet)	Northeast Res. (60 feet)
Clam shovel drop	0.120	0.033	0.034	0.017	0.077
Hydromill soil	0.005	0.001	0.001	0.001	0.003
Hydromill rock	0.01	0.003	0.003	0.001	0.006
Vibratory Roller	0.125	0.034	0.036	0.017	0.080
Hoe Ram	0.053	0.015	0.015	0.007	0.034
Large bulldozer	0.053	0.015	0.015	0.007	0.034
Caisson drilling	0.053	0.015	0.015	0.007	0.034
Loaded trucks	0.045	0.012	0.013	0.006	0.029
Jackhammer	0.021	0.006	0.006	0.003	0.013
Small bulldozer	0.002	0.0005	0.0005	0.0002	0.001

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., February 2025.

Notes: Res = Residential, Comm = Commercial, Off = Office

The vibration levels were estimated under the assumption that each piece of equipment would operate along the nearest boundary of the project site. This represents the worst-case scenario.

The nearest building of normal conventional construction would be the residential building approximately 40 feet east of the project site's eastern boundary. As shown in the table above, this building would not be exposed to vibration levels exceeding 0.2 in/sec PPV. In addition, the nearest historic building is located approximately 125 feet east of the project site at 181 Devine Street.[56] As shown in the table above, no historical structures would be exposed to vibration levels in excess of 0.08 in/sec PPV; therefore, the modified project would have a less than significant construction vibration impact. The modified project would not result in any new construction vibration impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

[56] This site is listed as an Identified Structure in the City's Historic Resources Inventory.

The project site is located approximately 1.3 miles south of the SJC. As mentioned in the 2021 IS/Addendum, the project site is between the 60 and 65 dBA CNEL contour lines of the airport. According to General Plan Policy EC-1.11, the required safe and compatible threshold for exterior noise levels would be at or below 65 dBA CNEL/DNL for residential land uses. Assuming standard construction materials, aircraft noise ranging from 60 to 65 dBA DNL would result in future interior noise levels from aircraft below 50 dBA $L_{eq(1\text{-}hr)}$. Therefore, implementation of the modified project would not result in any new impacts or substantially increase the severity of the previously identified noise impact from aircraft operations. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6.2.3 *Non-CEQA Effects*

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project.

Future Exterior Noise Levels

Per General Plan Policy EC-1.1, the City's acceptable exterior noise level standard is 60 dBA DNL or less for residential land uses, 70 dBA DNL or less for commercial land uses, and 65 dBA DNL for neighborhood parks. In addition, the acceptable exterior noise level objective has been established for the City except in the environs of SJC, the downtown core area, and along major roadways (General Plan Policy EC-1.1).

Based on the plans provided by the applicant, a dog run is proposed on the southwestern corner of the site, outdoor amenity space is proposed on floor two, a pool area is proposed on floor three, and terraces are proposed on floors 10, 11, 13, 14, and 16 to 18. For the purposes of this analysis, the dog run is treated as a neighborhood park.

<u>Dog Run</u>

Per the Noise and Vibration Assessment, future exterior noise levels at the dog run would be 64 dBA DNL which meets the City's 65 dBA DNL threshold for neighborhood parks. Therefore, the proposed dog run would be consistent with General Plan Policy EC-1.1.

<u>Outdoor Amenity Space</u>

The outdoor amenity space located on the floor two along the eastern façade, facing Terraine Street, would be shielded from SR 87 by the proposed building. The outdoor amenity space would be located approximately 65 feet from the Terraine Street centerline. The elevation of the amenity space would provide partial shielding from the traffic noise along Terraine Street; therefore, future exterior noise levels at the center of the amenity space along the eastern façade would be below 60 dBA DNL.

The pool would be located on floor three along the western façade, approximately 250 feet from the centerline of the nearest through lane of SR 87. The building would partially shield the pool area on the north and south sides. At this distance (assuming no attenuation), future exterior noise levels would be 67 dBA DNL which exceeds the 60 dBA DNL.

Therefore, the modified project would be required to comply with the following Conditions of Approval.

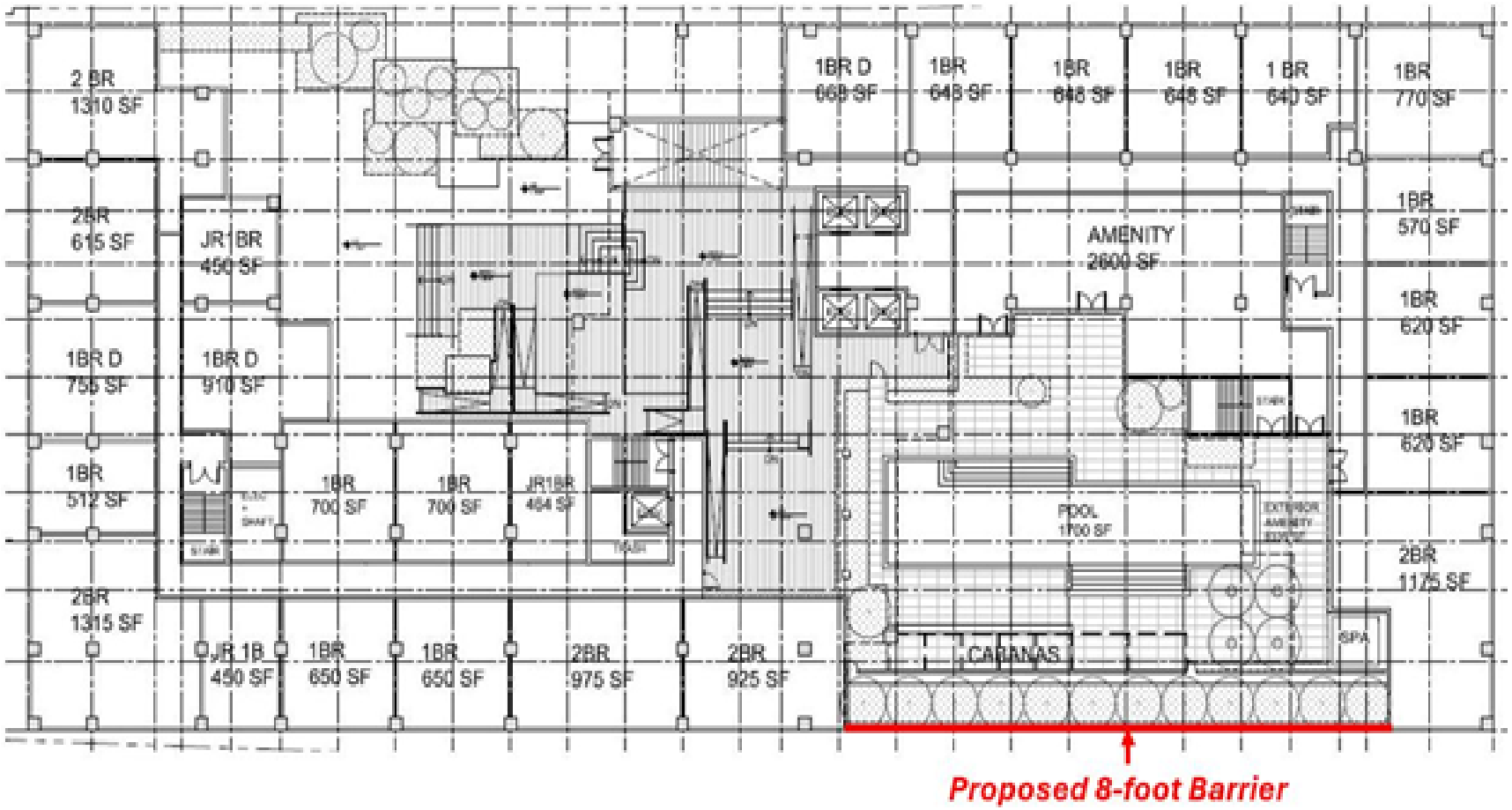
Conditions of Approval:

- To reduce exterior noise levels at the residential pool area, site planning alternatives (e.g., using the proposed building as noise barriers), the construction of traditional noise barriers, or a combination of the above shall be used. The optimal method for the existing site plan would be construction of a noise barrier along the western edge of the outdoor space, as shown in Figure 4-4.
- The noise barrier shall be continuous from grade to top, with no cracks or gaps. In addition, the noise barrier shall have a minimum surface density of three pounds per square foot (lbs/ft^2)(e.g., one-inch nominal thickness fence boards, 0.5-inch laminated glass, concrete masonry units (CMU)). As shown in Figure 4-4, the noise barrier shall connect to the building on both ends. To reduce future exterior noise levels by at least seven A-weighted decibel (dBA), a minimum barrier height of eight feet shall be required to reduce noise levels to 60 dBA day-night level (DNL) or less. The barrier height shall be measured relative to the elevation of the pool deck.
- Final design recommendations shall be made when building designs have been finalized. An acoustical consultant shall be retained to review the final site plan and provide recommendations to reduce future exterior noise levels.

With implementation of the Conditions of Approval, the proposed amenity space on floor two would be consistent with General Plan Policy EC-1.1.

The outdoor terraces would be located on floors 10, 11, 13, 14, 16, 17, and 18. The centers of these terrace decks would range from 195 to 305 feet from the centerline of the nearest through lane along SR 87. Assuming a three-foot ledge or railing, the elevation of the decks that are taller than SR 87 would provide partial shielding. With the centers of each deck being approximately 10 feet from the edge of the decks and receptors being the standard five feet tall, the elevation would provide a minimum 12 dBA attenuation for each deck facing SR 87. Therefore, the future exterior noise levels at the common use decks along the western façade of the proposed building would be at or below 60 dBA DNL.

Additional outdoor terrace decks are also proposed on the same floors facing Terraine Street. The centers of these decks would range from 40 to 100 feet from the Terraine Street centerline. Additionally, the elevation of these decks would provide partial shielding. With the centers of each deck being approximately 10 feet from the edge of the decks, the elevation would provide a minimum 15 dBA attenuation for each deck facing Terraine Street.



RECOMMENDED LOCATION FOR NOISE BARRIER | FIGURE 4-4

Therefore, the future exterior noise levels at the common use decks along the eastern façade of the proposed building would be below 60 dBA DNL.

Future Interior Noise Levels

Residential Component

The City's acceptable interior noise level standard is 45 dBA DNL or less for residential land uses. Interior noise levels vary depending on the design of the buildings and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction with windows partially open (for ventilation). Standard residential construction with windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, adequate forced-air mechanical ventilation can reduce interior noise to acceptable levels by allowing occupants the option of closing the windows to reduce noise.

The residential units would be located on floors two to 18. The units located along the western façade would have direct exposure to traffic noise from SR 87 and would be set back approximately 180 to 220 feet from the centerline of the nearest through lane. At these distances, the units would be exposed to future exterior noise levels ranging from 68 to 70 dBA DNL. Assuming a 15 dBA of exterior-to-interior noise reduction with windows partially open, future interior noise levels in these units would be up to 55 dBA DNL.

While the units along the eastern façade would be mostly shielded from SR 87, these units would have direct exposure to traffic noise from Terraine Street. These units would be setback from the Terraine Street centerline by approximately 35 feet and would be exposed to exterior noise levels up to 69 dBA DNL. Assuming a 15 dBA of exterior-to-interior noise reduction with windows partially open, future interior noise levels in these units would be up to 54 dBA DNL. The modified project would implement the identified Conditions of Approval identified below to ensure that the project complies with the City's interior noise standards consistent with General Plan Policy EC-1.1.

Retail Component

The proposed retail space would be located along the eastern and southern façades and would be set back approximately 220 to 360 feet from the centerline of the nearest through lane of SR 87 and approximately 35 to 175 feet from the Terraine Street centerline. The future hourly average noise levels during daytime operation would be up to 70 dBA L_{eq} with day-night average noise levels up to 69 dBA DNL. Standard construction materials for commercial uses would provide about 25 dBA of noise reduction in interior spaces. Inclusion of adequate forced-air mechanical ventilation systems would provide an additional 5.0 dBA reduction. Therefore, the use of standard construction materials in combination with forced-air mechanical ventilation would comply with the 50 dBA $L_{eq(1\text{-}hr)}$ threshold.

The modified project would be required to comply with the following Conditions of Approval to ensure that the project complies with the City's interior noise standards consistent with General Plan Policy EC-1.1.

Conditions of Approval:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- Residential units along the western and eastern building façades shall require windows and doors with a minimum rating of 35 Sound Transmission Class (STC) with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 A-weighted decibel (dBA) day-night level (DNL).
- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels from all exterior sources during the design phase pursuant to requirements set forth in the state building code. The study shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower and to reduce commercial interiors to 50 $L_{eq(1\text{-}hr)}$ or below. Treatments could include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the Conditions of Approval, the project would meet the City's interior noise standards consistent with General Plan Policy EC-1.1.

4.7 Population and Housing

The changes to the 2021 approved project relevant to population and housing is the removal of the office component, addition of residential units, and the increase in retail square footage.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[57] The City of San José Housing Element and related land use policies were last updated in 2024.[58]

Regional

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[59]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts

[57] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed October 17, 2024. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[58] City of San José. "Planning, Building, and Code Enforcement: Housing Element." Accessed October 17, 2024. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element.
[59] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

4.7.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 969,491 in January 2024 with an average of 2.86 persons per household.[60] The City currently has approximately 347,148 housing units and is projected to reach 448,310 households by 2040.[61]

The project site is developed with an office building and associated parking lot. There are no residences on-site. The existing office building on-site can support approximately 355 employees.[62]

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

4.7.2.1 *Findings of the 2021 Approved Project*

The 2021 approved project was determined to be consistent with the development assumptions in the Downtown Strategy 2040. The approved project does not include improvements such as the expansion of infrastructure beyond the City's urban service boundary that would result in indirect

[60] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2024". Accessed October 17, 2024. https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5-2024_Geo_InternetVersion.xlsx.
[61] Association Of Bay Area Governments And Metropolitan Transportation Commission. "Projections 2040: Forecasts for Population, Household and Employment for the Nine County San Francisco Bay Area Region". 2017. Accessed October 17, 2024. http://projections.planbayarea.org/data.
[62] Creative/high-tech office space, such as that in the existing office building on-site, generates one employee per 175 square feet of retail space. 62,000 square feet office/175 square feet = 355 employees. Source: City of San José. San *José Market Overview and Employment Lands Analysis*. January 20, 2016.

population growth. The site is currently developed with a surface parking lot and the Davidson Building and would not result in the displacement of people or existing housing or necessitate the construction of housing elsewhere.

4.7.2.2 *Impacts of the Modified Project*

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The modified project would construct up to 600 residential units and approximately 13,100 square feet of ground floor retail. The modified project would generate approximately 1,716 new residents and 52 employees, a net decrease of approximately 2,926 employees compared to the approved project.[63,64,65] Consistent with the 2021 approved project, the modified project is consistent with the development assumptions in the Downtown Strategy 2040 FEIR. In addition, the modified project does not propose improvements (such as the expansion of infrastructure beyond the City's urban service boundary) that would result in indirect population growth. For these reasons, the modified project would not result in any new impacts from unplanned population growth or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently developed with a surface parking lot and the Davidson Building, and there are no residents on-site. No work is being proposed on the Davidson Building as part of the modified project, and the building would be retained on-site as a commercial use as discussed in the 2021 approved project. Therefore, the modified project would not displace any people or housing and would not result in any new impacts to population and housing or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

[63] The number of new residents is based on an updated persons per household ratio of 2.86 persons per household from the State of California Department of Finance. Source: California Department of Finance. "Report E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1, 2021-2024." Accessed November 7, 2024. https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5-2024_Geo_InternetVersion.xlsx.

[64] Small retail use, such as that proposed on the ground floor of the project, generates one employee per 250 square feet of retail space. Source: City of San José. *San José Market Overview and Employment Lands Analysis.* January 20, 2016.

[65] The approved project would generate 2,978 net new employees when compared to existing conditions.

4.8 Public Services

The changes to the 2021 approved project relevant to public services is the removal of the office component, addition of residential units, and the increase in retail square footage.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

City of San José

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land

for a new public park site or accept a fee in-lieu of land dedication. Deed-restricted affordable housing projects that meet the City's affordability criteria are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the project.

Policy	Description
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
ES-3.14	Encourage property maintenance and pursue appropriate code enforcement to reduce blight, crime, fire hazards or other unsafe conditions associated with under-maintained and under-utilized properties.

4.8.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project area are provided by the San José Fire Department (SJFD). SJFD currently consists of 33 fire stations, 32 engine companies, nine truck companies, three squad

units, and numerous specialty teams and vehicles.[66] SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The nearest fire station to the project site is Fire Station 1, at 225 North Market Street, approximately 0.1 miles east of the site.

The General Plan identifies a service goal of a total response time of eight minutes or less for 80 percent of emergency incidents.

Police Protection Services

Police protection services for the project are provided by the San José Police Department (SJPD). The SJPD employs approximately 1,700 employees, which work in four bureaus made up of 11 divisions.[67] The SJPD is headquartered at 201 West Mission Street, approximately 0.8 miles northwest of the project site.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (non-emergency) calls.

Schools

The project site is within the boundaries of the San José Unified School District (SJUSD). The nearest public schools to the site include: Horace Mann Elementary School at 55 North Seventh Street (approximately 0.6 miles east of the project site), Hoover Middle School at 1635 Park Avenue (approximately 1.6 miles west of the project site), and Lincoln High School at 555 Dana Avenue (approximately 1.6 miles west of the project site).

Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,621 acres of parkland, including neighborhood parks, community parks, and regional parks.[68] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains up to 202 neighborhood parks, 46 community centers, ten regional parks, and over 64 miles of urban trails.[69] The nearest public park to the project site is St. James Park, located approximately 0.2 miles east of the project site.

[66] City of San José. "City of San José Annual Report on City Services 2022-23." Accessed October 18, 2024. https://www.sanjoseca.gov/home/showdocument?id=49148.
[67] San José Police Department. "Department Information." Accessed October 28, 2024. https://www.sjpd.org/about-us/inside-sjpd/department-information.
[68] City of San José. "City of San José Annual Report on City Services 2022-23." Accessed October 18, 2024. https://www.sanjoseca.gov/home/showpublisheddocument/107904/638460921731830000.
[69] Ibid.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library consists of one main library (Dr. Martin Luther King Jr. Library) and 24 branch libraries.[70] The nearest library to the project site is the Dr. Martin Luther King Jr. Library located approximately 0.6 miles southeast of the site.

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire Protection?	☐	☐	☐	☒	☐
b) Police Protection?	☐	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒	☐
d) Parks?	☐	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☐	☒	☐

4.8.2.1 *Findings of the 2021 Approved Project*

The 2021 approved project would be constructed to current fire and building codes. The 2021 approved project would implement applicable General Plan policies to reduce physical impacts to police and fire station facilities to less than significant levels. The 2021 approved project did not include any residential development; therefore, implementation of the project would not result in any impacts to schools. While future employees could use local parks, the 2021 approved project is within the growth assumptions for the Downtown Strategy 2040 and would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse. Since the 2021 approved project is part of the planned growth in the downtown area, the 2021 approved project would have no impact on library facilities in San José.

[70] San José Public Library. "Locations & Hours Table." Accessed October 18, 2024. https://www.sjpl.org/locations-table/.

4.8.2.2 *Impacts of the Modified Project*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?

The modified project would generate a net increase of approximately 1,716 new residents and a net decrease of approximately 2,926 employees compared to the approved project, resulting in an increase in demand for fire protection services (due to the increase in residents on-site compared to existing conditions, as it is presumed that resident populations utilize emergency services more frequently than office development).[71,72] The Downtown Strategy 2040 FEIR concluded that the increase in fire protection services from the build out of the Downtown Strategy 2040 (which includes the modified project) would not require the construction of fire stations in excess of those already planned to maintain adequate service.[73] Consistent with the 2021 approved project, the modified project would be constructed to current fire and building code standards; therefore, the modified project would not result in any new impacts to fire protection services or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

As discussed in the Downtown Strategy 2040 FEIR, additional officers and equipment may be required to meet the increased demand for police protection services from the build out of the General Plan. While no additional stand-alone police facilities are anticipated, expansion of existing facilities may be required. The Downtown Strategy 2040 FEIR concluded that implementation of General Plan policies would reduce the physical impacts from development of police facilities to a less than significant level. The modified project would result in an increase in demand for police protection services compared to existing conditions. Consistent with the approved project, the modified project would be constructed in accordance with current building codes and be required to be maintained in accordance with applicable City policies to promote public and property safety

[71] The average number of residents is calculated from 2.86 persons per household from the State of California Department of Finance. Source: California Department of Finance. "Report E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1, 2021-2024." Accessed November 7, 2024. https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5-2024_Geo_InternetVersion.xlsx.

[72] Small retail use, such as that proposed on the ground floor of the project, generates one employee per 250 square feet of retail space. Source: City of San José. *San José Market Overview and Employment Lands Analysis.* January 20, 2016.

[73] City of San José. Integrated Final Environmental Impact Report for the Downtown Strategy 2040. SCH# 2003042127. December 2018. Page 262.

For these reasons, the modified project would not result in any new impacts to police protection services or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?

The 2021 approved project did not include any residential uses. The modified project would construct a mixed-use building with 600 residential units. Student generation rates for multi-family development within the City are 0.09 for elementary schools, 0.04 for middle schools, and 0.06 for high schools.[74] Based on SJUSD's student generation rates, the project would generate a net increase of approximately 54 elementary school students, 24 middle school students, and 36 high school students compared to the approved project.

The modified project would be required to comply with Government Code Section 65996, which specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. With payment of the school impact fee, the modified project would not result in any new impacts to school facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?

The City's parkland goals are focused on providing adequate parkland for residents and the City maintains adequate parkland through implementation of its PDO and PIO on new residential developments. The modified project includes construction of 600 residential units and would be subject to the City's PDO/PIO.[75]

As discussed in Section 4.7 Population and Housing, the modified project would generate a net increase of approximately 1,716 new residents and a net decrease of 2,926 employees compared to the approved project. The addition of the residential land uses under the modified project would increase usage of local parks compared to existing conditions. As mentioned in Section 3.2, a dog run is proposed on the southwestern corner of the site, outdoor and indoor amenity space is

[74] King Consulting. *Developer Fee Justification Study San José Unified School District.* June 16, 2022.
[75] City of San José. Integrated Final Environmental Impact Report for the Downtown Strategy 2040. SCH# 2003042127. December 2018. Page 249-266.

proposed on floor two, a pool and indoor amenity space is proposed on floor three, and terraces are proposed on floors 10, 11, 13, 14, and 16 to 18. These amenities would offset some of the increased usage of nearby parks. With payment of the applicable PDO/PIO fees, the modified project would not result in any new impacts to parks or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?

The modified project would increase the City resident population which would increase demand on neighborhood libraries. Consistent with the approved project, the modified project is part of planned growth under the City's General Plan. Therefore, the modified project would not result in any new impacts to library facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9 Recreation

The changes to the 2021 approved project relevant to recreation is the removal of the office component, addition of residential units, and the increase in retail square footage.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

City of San José

ActivateSJ Strategic Plan

Since adoption of the Downtown Strategy 2040 FEIR in 2018, the City of San José adopted ActivateSJ in 2019. The Activate SJ Strategic Plan is the City of San José's Department of Parks, Recreation, and Neighborhood Services' plan to maintain, improve, and expand facilities, programs, and services. The plan guides maintenance and development of the City's diverse park systems, recreational programs, and services.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed-restricted affordable housing projects that meet the City's affordability criteria are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to recreation and are applicable to the project.

Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/ tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
PR-2.6	Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or include one or more of these elements in its project design.
PR-3.2	Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.

4.9.1.2 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,621 acres of parkland, including neighborhood parks, community parks, and regional parks.[76] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains up to 202 neighborhood parks, 46 community centers, ten regional parks, and over 64 miles of urban trails.[77] The nearest public park to the project site is St. James Park, located approximately 0.2 miles east of the project site.

[76] City of San José. "City of San José Annual Report on City Services 2022-23." Accessed October 18, 2024. https://www.sanjoseca.gov/home/showpublisheddocument/107904/638460921731830000.
[77] Ibid.

4.9.2 Impact Discussion

		New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

4.9.2.1 *Findings of the 2021 Approved Project*

The 2021 approved project found that the increase in employees on-site could increase the use of nearby parks and recreational facilities. The 2021 approved project would include a total of approximately 31,800 square feet of indoor amenity space, and 52,000 square feet of outdoor patios and balconies, which would help offset usage of nearby recreational facilities. Therefore, the 2021 approved project concluded that the minimal increase in park use by project employees would not place a major physical burden on recreational facilities or require the provision of new or expanded recreational facilities.

4.9.2.2 *Impacts of the Modified Project*

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The modified project would result in an increase in residents on-site compared to the 2021 approved project. Future residents and employees may use the nearby parks or other recreational facilities in the area. The Downtown Strategy 2040 FEIR concluded that the demand for recreational facilities resulting from the implementation of the Downtown Strategy 2040 (which includes the modified project) would be met by existing and planned recreational facilities, future recreational amenities proposed as part of new residential developments, and implementation of the City's PDO and PIO. As mentioned in Section 4.8.2.2 under checklist question d), a dog run, outdoor and indoor amenity spaces, a pool, and terraces are proposed as part of the modified project which would help offset the use of nearby parks and recreational facilities. Additionally, the modified project would be required to pay all applicable PDO/PIO fees to help offset the modified project's recreation impacts. Therefore, the modified project would not result in any new impacts to parks or other

recreational facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Consistent with the 2021 approved project, the modified project does not include construction of any recreational facilities. Therefore, the modified project would not result in any new impacts to recreational facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 Transportation

The following discussion is based, in part, on an LTA and TDM Plan prepared by Hexagon Transportation Consultants, Inc. in June 2025. A copy of these reports are included as Appendix D of this document.

The changes to the 2021 approved project relevant to transportation is the removal of the office component, addition of residential units, and the increase in retail square footage, and the decrease in parking spaces proposed.

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of San José

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is at least 15 percent below the existing average regional per employee VMT or the existing Citywide per capita VMT, respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is less than or equal to existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of an LTA to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the project.

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:

Commute Mode Split Targets for 2040

	Commute Trips to and From San José	
Mode	**2008**	**2040 Goal**
Drive alone	77.8%	No more than 40%
Carpool	9.2%	At least 10%
Transit	4.1%	At least 20%
Bicycle	1.2%	At least 15%
Walk	1.8%	At least 15%
Other means (including work at home)	5.8%	See Note 1

Source: 2008 data from American Community Survey (2008).

Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.

TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement~~,~~ on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

Policy	Description
	• Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.10.1.2 *Existing Conditions*

Roadway Network

Regional Access

Regional access to the project site is provided by SR 87.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two high-occupancy vehicle [HOV] lanes) that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with Highway 101 (US 101).

Local Access

Local site access is provided by West Julian Street, St. James Street, Almaden Boulevard, Notre Dame Avenue, Market Street/Coleman Avenue, and Terraine Street.

West Julian Street is an east-west City Connector/Local Connector roadway.[78] The westerly portion of Julian Street consists of a two-lane street between The Alameda and Montgomery Street then transitions to a four-lane street between Montgomery Street and Notre Dame Avenue, where it transitions to St. James Street. A full interchange with SR 87 is located between Almaden Boulevard and Notre Dame Avenue. The easterly portion of Julian Street consists of a two lane street that

[78] City Connector streets are designed to prioritize automobiles, bicycles, pedestrians , and trucks equally. These streets typically have four or six travel lanes and accommodate moderate to high volumes of through traffic.

begins at its intersection with Terraine Street and continues eastward to an interchange with US-101, where it transitions to McKee Road.

St. James Street is an east-west, two-lane roadway that runs south of the project site and is designated as a City Connector/Local Connector roadway in the General Plan. St. James Street extends from Notre Dame Avenue (east) to 19th Street. To the west of Notre Dame Avenue, St. James Street transitions to Julian Street at its interchange with SR 87.

Almaden Boulevard is a north-south roadway consisting of two non-contiguous segments. The northerly segment consists of a one-lane southbound-only local roadway that runs between Julian Street and St. John Street. The southerly segment consists of a two-lane Main Street-designated roadway that begins at its intersection with St. John Street and continues south to Santa Clara Street, where it transitions to a four-lane designated City Connector roadway south to Grant Street.

Notre Dame Avenue is a two-lane, northbound-only roadway, designated as a City Connector roadway in the General Plan. It extends from Santa Clara Street and transitions to a northbound on-ramp onto SR 87 at the Julian Street interchange.

Market Street/Coleman Avenue is a north-south, four-lane roadway that runs east of the project site and is designated as a City Connector/Local Connector roadway in the General Plan. Coleman Avenue begins at its intersection with Julian Street and continues north to an interchange with Interstate (I) 880. Market Street begins at its intersection with Julian Street and continues south to its intersection with Reed Street and First Street.

Terraine Street is a north-south, two-lane roadway that extends between Bassett Street and St. John Street, where it transitions to Almaden Avenue. The roadway is designated as a Main Street roadway.[79]

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks along all the surrounding streets, including the project frontages. Crosswalks and pedestrian signal heads are located at all signalized intersections within the project area. Overall, the existing sidewalks and pedestrian facilities provide adequate pedestrian connectivity and safe routes to the surrounding pedestrian destinations.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), routes (Class III), and protected bicycle lanes (Class IV). Class II bicycle facilities are present along the following roadways:

[79] Main Streets are roadways that support retail and service activities that serve the local neighborhood and provide an urban street space for social community gathering and recreational facilities.

- Julian Street, between SR 87 Ramps and Montgomery Street
- Coleman Avenue, north of Julian Street
- St. John Street, between First Street and Fourth Street
- Second Street, between Taylor Street and Julian Street; between William Street and Keyes
- Street
- Third Street, between Jackson Street and Julian Street
- Fourth Street, between Hedding Street and Santa Clara Street; between San Salvador Street
- and Reed Street
- Seventh Street, north of San Fernando Street
- Notre Dame Avenue, along its entire extent
- Santa Clara Street, between Notre Dame Avenue and Stockton Avenue
- Park Avenue, between Market Street and Barack Obama Boulevard
- Almaden Boulevard, between San Carlos Street and Woz Way
- Market Street, between San Fernando Street and Viola Avenue

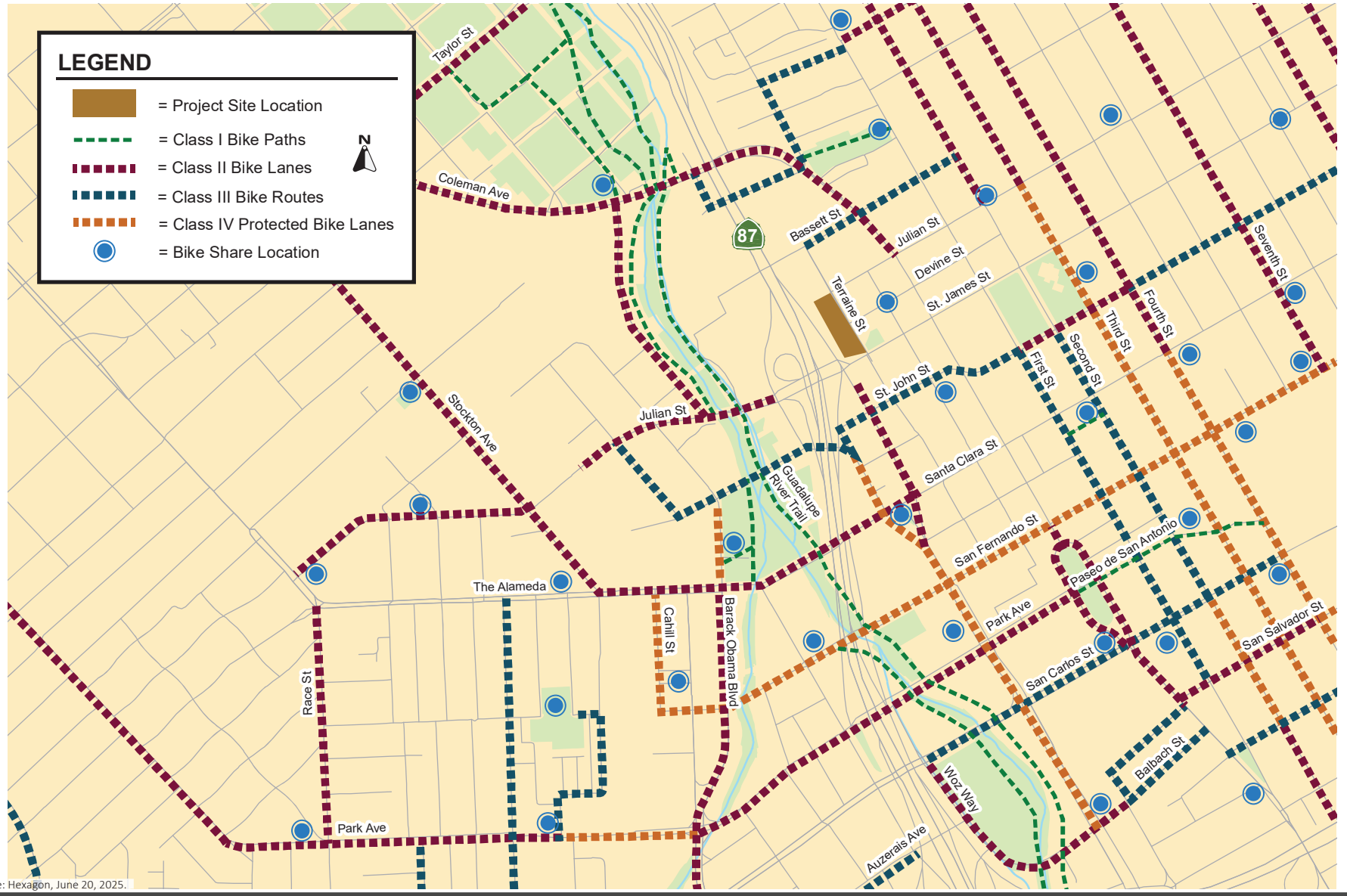
Class III bicycle facilities are located on the following roadway segments:

- Bassett Street, between Terraine Street and Second Street
- St. John Street, between Fourth Street and Seventeenth Street; west of First Street
- First Street, between San Salvador Street and St. John Street
- Second Street, between San Carlos Street and St. John Street (project frontage)
- Hawthorne Way, between San Pedro Street and First Street
- San Pedro Street, between Hedding Street and Ryland Street
- Ryland Street, along its entire extent
- Santa Teresa Street, along its entire extent

Class IV bicycle facilities are currently being constructed or have been constructed on the following roadways:

- Almaden Boulevard, between St. John Street and San Carlos Street
- San Fernando Street, between Cahill Street and Tenth Street
- Third Street, between Julian Street and Reed Street
- Fourth Street, between Santa Clara Street and San Salvador Street
- Barack Obama Boulevard, between St. John Street and Santa Clara Street

Existing bicycle facilities are shown on Figure 4-5.



Source: Hexagon, June 20, 2025.

EXISTING BICYCLE FACILITIES

FIGURE 4-5

Transit Facilities

Transit services in the area are provided by VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. The site is approximately 0.75 miles northeast from the Diridon Transit Center located on Cahill Street. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center. Figure 4-6 shows the existing transit facilities.

Bus Service

The downtown area is served by multiple VTA bus routes with high-frequency service. The nearest bus stops to the site are located at the First Street and Bassett Street intersection, approximately 0.25 miles (walking distance) from the project site. Table 4.10-1 below provides a summary of the existing bus service including their route descriptions and commute hour headways.

Table 4.10-1: Existing Bus Service Near the Project Site

Route	Route Description	Weekday Headway (min)
Frequent Route 72	Downtown San José to Senter & Monterey via McLaughlin	5-20
Frequent Route 73	Downtown San José to Senter & Monterey via Senter	10-15

Light Rail Transit

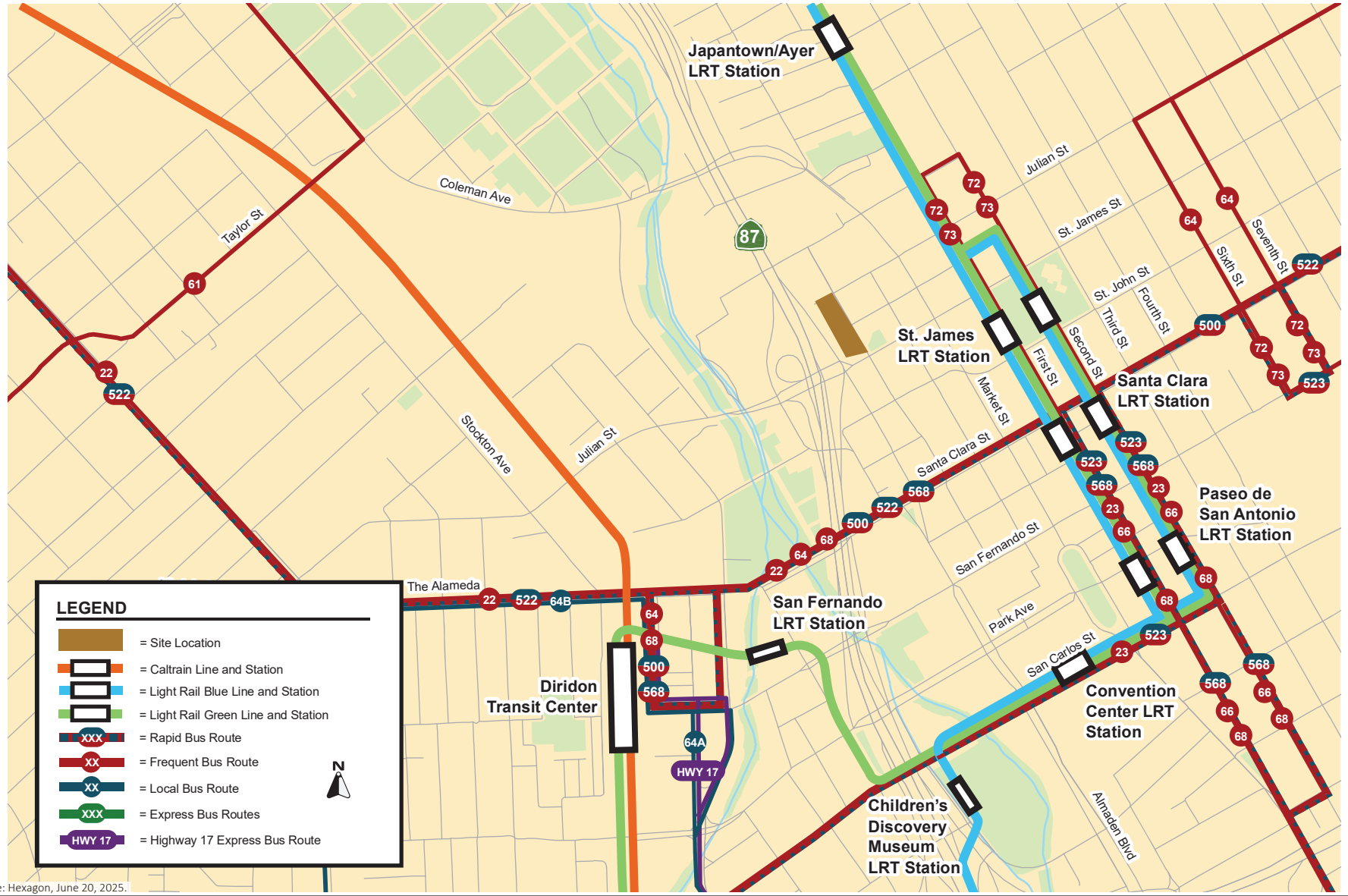
The VTA currently operates the light rail transit (LRT) system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The Winchester-Old Ironsides and Baypointe-Santa Teresa LRT lines operate along First and Second Streets. The St. James LRT station platforms are located less than 0.5 miles (walking distance) from the site.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, located at the San José Diridon Station. Trains stop frequently at the Diridon Station between 4:43 AM and 11:30 PM in the northbound direction and between 6:11 AM and 1:22 AM in the southbound direction.

Altamont Commuter Express Service

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday, and is accessible from the Diridon Transit Station. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes.



Source: Hexagon, June 20, 2025.

EXISTING TRANSIT FACILITIES

FIGURE 4-6

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon Station six times during weekdays between approximately 7:15 AM and 8:16 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station six times during weekdays between 6:18 AM and 6:05 PM.

4.10.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒	☐

4.10.2.1 *Findings of the 2021 Approved Project*

The 2021 IS/Addendum concluded that implementation of the 2021 approved project would not preclude the construction of planned bicycle, pedestrian, and transit facilities or conflict with bicycle, pedestrian, and transit policies.

Based on the Downtown Strategy 2040 FEIR, future development within the downtown, including the 2021 approved project, would result in low VMT and would have the lowest VMT of any plan area in the City. Therefore, the 2021 approved project was found to have a less than significant VMT impact. The project site is approximately 0.75 miles from the Diridon Transit Station and would increase office and retail space on an infill site. Therefore, the 2021 approved project would not result in a significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b).

The 2021 IS/Addendum concluded that the 2021 approved project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). In addition, the City requires consistency with applicable fire department standards before building permits are approved. Therefore, the 2021 approved project would have a less than significant emergency vehicle access impact.

For operational non-CEQA transportation issues[80], the 2021 approved project would generate up to 3,586 net new daily trips with 372 trips during the AM Peak Hour and 413 trips during the PM Peak Hour. The 2021 approved project included a total of 140 bicycle parking spaces which exceeds the City's minimum bicycle parking requirement for the project (120 bicycle parking spaces). The 2021 approved project would include 470 parking spaces.

4.10.2.2 *Impacts of the 2025 Modified Project*

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Pedestrian Facilities

The existing pedestrian facilities currently provide safe and accessible pedestrian access to the surrounding areas. As proposed, the project applicant would widen the sidewalks along the project frontages on Terraine Street and Julian Street to approximately 15 feet. In addition, the existing 10-foot wide sidewalk along the Julian Street frontage of the Davidson Building would be replaced and maintained at the existing width. The proposed improvements would enhance the pedestrian facilities in the area. Consistent with the 2021 approved project, the modified project would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of these facilities. Therefore, the modified project would not result in any new impacts to pedestrian facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Bicycle Facilities

As mentioned in Section 4.10.1.2, there are Class II, Class III, and Class IV bicycle facilities in the vicinity of the project site. Although most of the streets near the project site do not provide bicycle lanes or are not designated as bicycle routes, many of them are conducive to bicycle usage. The existing bicycle facilities in the area provide adequate connectivity to the neighborhood surrounding the project site. Consistent with the 2021 approved project, implementation of the modified project would not conflict with any policies or plans regarding bicycle facilities or decrease the safety of these facilities. Therefore, the modified project would not result in any new impacts to

[80] Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The proposed project is part of planned growth in the downtown; therefore, no CEQA transportation analysis is required, however, an LTA shall be prepared to identify any operational issues associated with the project.

bicycle facilities or any impacts of substantially greater severity than were previously identified under the 2021 approved project.

Transit Facilities

The project site is in proximity to major transit services. As mentioned previously, the Winchester-Old Ironsides and Baypointe-Santa Teresa LRT lines operate along First and Second Streets and the St. James LRT station platforms are located less than 0.5 miles (walking distance) from the project site. Consistent with the 2021 approved project, implementation of the modified project would not conflict with any policies or plans regarding transit facilities or decrease the safety of these facilities. Therefore, the modified project would not result in any new impacts to transit facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Consistent with the 2021 approved project, the modified project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. The modified project would not result in any new impacts to the circulation system or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Consistent with the 2021 approved project, the modified project is located within the downtown area which does not exceed VMT per job or residential VMT per capita and would have a less than significant VMT impact. As mentioned previously, the project site is located approximately 0.75 miles northeast of the Diridon Transit Station and within walking distance to the St. James LRT station platforms on both First and Second Streets. The modified project is part of planned growth within the downtown area and would have a density of 335 dwelling units per acre.[81] Therefore, the modified project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). The modified project would not result in any new VMT impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Access to the parking garage would be provided via a two-way driveway on the northern portion of the site which would create the west leg of the Terraine Street and Julian Street intersection. Based on the plans provided by the applicant, the driveway would be 26 feet wide, which is consistent

[81] 600 units/1.79 gross acre = 335 dwelling units/acre

with the City's recommended width of 26 feet for driveways within the downtown area. The City of San José typically requires parking entrances to be located at least 50 feet from the back of the sidewalk to provide adequate stacking space for at least two inbound vehicles. Based on the site plan provided by the applicant, the parking garage entrance would be located approximately 75 feet from the driveway; therefore, the modified project would provide adequate storage capacity between the parking garage entrance and the sidewalk along Terraine Street.

Adequate site distance would be required for the project driveway. The proposed driveway would form the new west leg of the Terraine Street and Julian Street intersection, which is currently an all-way, stop-controlled intersection. Based on site observations from the traffic consultant, drivers exiting the project driveway would have adequate views of all other approaches at the intersection. There are no existing trees or visual obstructions along the project frontage that would obscure sight distance at the project driveway. The existing street parking along Terraine Street may, however, obscure sight distance at the project driveway. The project applicant would be required to comply with the following Condition of Approval, consistent with California Vehicle Code 22500(n).

Condition of Approval:

- A 20-foot red curb, as recommended by the California Vehicle Code 22500(n) shall be installed north of the driveway along Terraine Street to provide adequate sight distance.

Per the City's parking design standards, drive aisles adjacent to 90-degree parking spaces are typically required to be at least 20 feet wide for one-way drive aisles and at least 24 feet wide for two-way drive aisles. The base and the top of each ramp would intersect the drive aisles at a 90-degree angle which has the potential to create limited visibility for drivers due to poor site distance inside the garage. A stop-control shall be implemented at the base and the top of each ramp.

Consistent with the 2021 approved project, the modified project does not include a new use or a use that is incompatible with the existing mix of uses in the project area. Therefore, the modified project would not result in any new geometric design impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project result in inadequate emergency access?

The City requires consistency with applicable fire department standards before building permits are approved. Consistent with the 2021 approved project, the modified project would not result in any new impacts to emergency access or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.2.3 *Non-CEQA Effects*

Per *California Building Industry Association v. Bay Area Air Quality District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The modified project is part of the planned growth in the downtown; therefore, no CEQA transportation analysis is required. Furthermore, an LTA shall be prepared to identify any operational issues associated with the project. The following discussion is included for informational purposes only.

Trip Generation Estimates

Project trips were estimated using vehicle-trip rates for "Multi-family Housing – High Rise" (Land Use Code 222) and "Strip Retail Plaza" (Land Use Code 822) published from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 11th Edition (2021). Although the project site is within 0.5 miles of the St. James LRT station, trip generation rates for the "Not Close to Rail Transit" land use subcategory were selected since multimodal trip reductions are already accounted for as part of the location-based adjustment. The baseline trip estimates were reduced to account for the predicted vehicle mode share of the project based on its location and surrounding transportation system and land uses.

Based on VTA's recommendations from the Transportation Impact Analysis Guidelines, the project would qualify for a mixed-use reduction since a portion of the vehicle trips would be internalized; therefore, a 15 percent trip reduction was applied for the residential/retail mixed use, based on the smaller retail component.[82] Additionally, the project would qualify for a location-based adjustment. Based on the City's VMT Evaluation Tool, the site is located within a designated urban high-transit area.[83] Residential and retail developments in urban high-transit areas have a vehicle mode share of 78 percent and 83 percent, respectively; therefore, a 22 percent reduction was applied to the trips generated by the residential component and a 17 percent reduction was applied to the trips generated by the retail component. In addition, a 12.70 percent reduction was applied to reflect the VMT reduction in peak hour trips due to the proposed increased residential density. Table 4.10-2 below provides a summary of the trip generation rates and reductions.

Table 4.10-2: Daily Trip Generation Estimates (Modified Project)

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multi-family Housing (High-Rise)	2,724	42	120	162	119	73	192
- *Residential & Retail Reduction*	<107>	<2>	<3>	<5>	<6>	<6>	<12>
- *Location Based Reduction*	<576>	<9>	<26>	<35>	<25>	<15>	<40>
- *VMT-Based Reduction*	<259>	<4>	<12>	<16>	<11>	<7>	<18>

[82] The reduction is applied to the smaller of the two complimentary trip generators and the same number of trips is then subtracted from the larger trip generator.

[83] Urban high-transit area is characterized as an area with high density, good accessibility, high public transit access, low single-family homes, and middle-aged and older housing stock.

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Strip Retail Plaza (<40,000 square feet)	713	19	12	31	43	43	86
- *Residential & Retail Reduction*	<107>	<3>	<2>	<5>	<6>	<6>	<12>
- *Location Based Reduction*	<103>	<3>	<2>	<5>	<6>	<6>	<12>
Modified Project Trips:	**2,285**	**40**	**87**	**127**	**108**	**76**	**184**

Source: Hexagon Transportation Consultants, Inc. *255 W. Julian Street Mixed-Use Development (H24-049) (3 22128) Local Transportation Analysis*. June 20, 2025.

As shown above, the modified project would generate up to 2,285 new daily trips with 127 trips during the AM Peak Hour and 184 trips during the PM Peak Hour. When compared to the 2021 approved project, the modified project would result in a net decrease of 1,301 new daily trips with a net decrease of 245 trips during the AM Peak Hour and a net decrease of 229 trips during the PM Peak Hour.

Truck Site Access

The modified project would be required to provide three off-street loading spaces for the residential use and one off-street loading space for the retail use. A designated off-street loading zone would be accessible via the Terraine Street driveway. The loading zone would provide space for up to two vehicles, measured at a minimum of 12 feet in width, 30 feet in length, and 15 feet in height. While the dimensions of the loading spaces would meet the City's standards for off-street loading zones, the modified project would not meet the City's requirement of providing four off-street spaces.

Bicycle Parking

Per Table 20-190 of the City's Municipal Code, the modified project would be required to provide 155 spaces (65 short-term and 91 long-term). The modified project would provide up to310 bicycle parking spaces (128 short-term and 182 long-term).

Vehicle Parking

The modified project would include up to 305 vehicular parking spaces. The City recently amended Chapter 20.90 of the Municipal Code to remove citywide minimum off-street vehicle parking requirements for most developments. All non-exempt projects that require a development permit are required to comply with the new parking ordinance, which outlines new mandatory TDM requirements.

Per the City's TDM screening criteria, the 13,100 retail component of the modified project would be screened out per the local-serving criterion threshold of 100,000 square feet. The residential component of the modified project would not meet the screening criteria for small infill residential

projects; therefore, the modified project would be required to submit a TDM Plan (refer to Appendix D).

According to the City's Transportation Analysis Handbook, the proposed residential component is considered a "home-end use" and would be required to achieve a minimum of 25 TDM points. As proposed, the project would implement the following TDM measures to meet the 25-point requirement:

- Off-Street Vehicle Parking Spaces (20 points)
- Provide Bike Parking Facilities (1 point)
- Provide Education, Marketing and Outreach (2 points)
- Unbundle Parking Costs from Property Cost (2 points)

Annual compliance and monitoring requirements would also be included in the TDM plan.

4.11 Utilities and Service Systems

The changes to the 2021 approved project relevant to utilities and service systems is the removal of the office component, addition of residential units, and increase in retail square footage.

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2021.[84]

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the California Integrated Waste Management Board (CIWMB), required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels) by 2000 and thereafter. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle.

Assembly Bill 1826

AB 1826 set forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week.

[84] City of San José. *City of San José 2020 Urban Water Management Plan*. June 2021.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for all buildings in California. The code is updated every three years.[85] CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent; and
- Providing readily accessible areas for recycling by occupants.

City of San José

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. The Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

[85] California Building Standards Commission. "California Building Standards Code." Accessed October 24, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

City Council Policy 6-32

The City of San José's Green Building Policy (City Council Policy 6-32) for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

San José Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that qualify under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the project.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-18.4	Retrofit existing development to improve water conservation.
IN-1.5	Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

Policy	Description
IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to: • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IP-17.1[86]	Use San José's adopted Green Vision as a tool to advance the 2040 General Plan Vision for Environmental Leadership. San José's Green Vision is a comprehensive fifteen-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked. Adopted in 2007, San José's Green Vision, adopted in 2007, establishes the following Environmental Leadership goals for the City through 2022: 5. Divert 100 percent of the waste from our landfill and convert waste to energy; Although the City has one of the highest waste diversion rates of any large city in the nation, many waste reduction opportunities remain. If San José and other local cities achieve no further waste reduction efforts over the next 15 years, solid waste landfill space in the region could reach capacity.

[86] Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

4.11.1.2 *Existing Conditions*

Water Service and Supply

The City of San José adopted its most recent UWMP in 2020. Water service to the downtown area is provided by the San José Water Company, which gets its water from a variety of sources including groundwater, imported surface water, and local mountain surface water. The project site is served by a 10-inch diameter water line in Terrain Street and 12-inch waterline in West Julian Street. Recycled water system does not extend to the project site.[87]

While the project site is currently developed with the Davidson Building and surface parking lot, the modified project only includes new work on the surface lot. The current surface parking lot does not generate any water demand.

Wastewater/Sanitary Sewer System

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (Facility), which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons per day (mgd) of wastewater.[88] The City's share of the Facility's treatment capacity is approximately 108.8 mgd.[89] The Facility is currently operating under a 120 mgd dry weather effluent flow constraint. This requirement is based upon the SWRCB and RWQCB concerns over the effects of additional freshwater discharges on the saltwater march habitat and pollutant loading to the Bay from the Facility. The City's share of the Facility's treatment capacity is approximately 108.6 mgd. Based on the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8.[90]

The project site is served by an eight-inch diameter sanitary sewer line in Terraine Street. The current surface parking lot does not generate any water demand.

Storm Drainage System

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. Stormwater runoff from the site flows into an 18-inch diameter storm drain line along Terraine Street. The runoff discharges to the Guadalupe River, approximately 0.3 miles west of the project site, and is ultimately conveyed to the San Francisco Bay.

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[87] South Bay Water Recycle. *Recycled Water Pipeline System.* Map. July 28, 2011.
[88] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed October 28, 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility.
[89] City of San José. *San José/Santa Clara Water Pollution Control Plant Master Plan Draft Environmental Impact Report*. SCH# 2011052074. Table 2-1.
[90] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed October 28, 2024. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility.

Solid Waste

Landfills located within Santa Clara County include the Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. According to the Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.[91]

Municipal solid waste generated in San José is processed at various approved facilities and residuals are disposed of at Newby Island Sanitary Landfill (NISL). The City has an annual disposal allocation for 395,000 tons per year. With the current disposal allocation, NISL is intended to reach capacity in 2041. The City has an annual disposal allocation for 395,000 tons per year. As of May 12, 2023, NISL had approximately 12.4 million cubic yards of capacity remaining.[92]

The existing parking lot does not currently generate any solid waste.

Electric Power, Natural Gas, and Telecommunications

SJCE is the City's local electricity supplier. By default, residents and businesses are automatically enrolled in GreenSource, which is made up of 90 percent renewable power. SJCE sources the electricity and PG&E delivers it to customers over their existing utility lines. PG&E provides natural gas services within San José.

Telecommunications providers for the site include XFINITY, AT&T, Etheric Networks, and Rocky Ridge Wireless.[93]

4.11.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	☐

[91] Santa Clara County. Five-Year CIWMP/RAIWMP Review Report. June 2016.
[92] Ibid.
[93] BroadbandNow. "Internet Providers at 276 Terraine St, San Jose, CA 95110." Accessed March 19, 2025. https://broadbandnow.com/California/San-Jose?lat=37.338703&long=-121.896797&zip=95110&address=276%20Terraine%20St%2C%20San%20Jose%2C%20CA%2095110%2C%20USA.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

4.11.2.1 *Findings of the 2021 Approved Project*

The 2021 approved project would have an estimated water and wastewater demand of 55,661 gallons per day (gpd) and 47,312 gpd, respectively. Compared to existing conditions, the 2021 approved project would result in a net increase of 49,461 gpd for water demand and a net increase of 42,042 gpd for wastewater. Since the 2021 approved project is consistent with planned growth in the Downtown Strategy 2040 and would comply with all applicable policies and regulations, the 2021 approved project would not result in impacts to water supply or sanitary sewer capacity.

The 2021 approved project would generate approximately 1,115 pounds of solid waste daily, a net increase of 946 pounds per day compared to existing conditions.[94] The 2021 approved project would comply with existing federal, state, and local programs and regulations and would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure.

[94] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed March 3, 2022. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Solid waste generation was estimated at a rate of 5.31 pounds per dwelling unit per day for multi-family units.

4.11.2.2 *Impacts of the Modified Project*

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Facilities

The modified project includes the construction of a mixed-use building consisting of 600 residential units and 13,100 square feet of ground floor retail where the surface parking lot is currently located. The modified project would use approximately 109,761 gpd, a net increase of 54,100 gpd compared to the approved project.[95,96] Consistent with the approved project, the modified project is part of planned growth from build out of the Downtown Strategy 2040. The Downtown Strategy 2040 FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the Downtown Strategy 2040 would not exceed the available water supply. Additionally, San José Water confirmed that there is sufficient water to serve this development per SB 610 and SB 221.[97] Therefore, implementation of the modified project would not exceed the available water supply. The modified project would not require or result in the expansion of the existing water conveyance system or the construction of new infrastructure. The modified project would not result in any new water impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Wastewater Treatment Facilities

For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. With implementation of the modified project, the proposed development is estimated to generate approximately 93,297 gpd of wastewater, a net increase of 45,985 gpd of wastewater compared to the 2021 approved project.[98] Per the Downtown Strategy 2040 FEIR, the City currently has approximately 38.8 mgd of excess treatment capacity at the Facility and, as a result, the modified project could be served by the available capacity and would not result in the relocation or construction of sanitary sewer and wastewater treatment facilities. The modified project would not require or result in the expansion of the Facility or the construction of new infrastructure. The modified project would not result in any new wastewater impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

[95] Water usage rates were calculated using CalEEMod Appendix D. CalEEMod. "Table 9.1: Water Use Rates." Accessed March 19, 2025. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.
[96] The estimated water use of the modified project does not include the Davidson Building. Therefore, the net increase is overstated and would be smaller.
[97] Walsh, Jake. Interim Vice President of Engineering, San José Water. Personal Communication. March 20, 2025.
[98] The estimated wastewater generation from the modified project does not include the Davidson Building. Therefore, the net increase is overstated and would be smaller.

Storm Drainage

Under the modified project, the impervious surfaces of the parking lot would increase by approximately 562 square feet. All stormwater runoff generated on-site by the project would be treated with suspended pavement systems, flow-through planters, and pervious pavement with underdrains. Consistent with the 2021 approved project, the modified project would be required to comply with the NPDES MRP and all applicable plans, policies, and regulations for the treatment of stormwater. Therefore, implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that no new or expanded facilities would be required. Therefore, the modified project would not require or result in the expansion of the existing stormwater drainage or the construction of new infrastructure. The modified project would not result in any new storm drainage impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Other Utilities

Consistent with the 2021 approved project, the modified project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the modified project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. The modified project would not result in any new utility impacts or any impacts of substantially greater severity than was previously identified under the 2021 approved project.

Implementation of the modified project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, consistent with the 2021 approved project. The modified project would not result in any new impacts to these facilities or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The most recent UWMP, adopted in June 2021, determined that there would be adequate supplies to meet SJW's and other retailers' demands under average, single year, and multiple dry year conditions through 2045.[99] As mentioned under checklist question a), the modified project would have a water demand of approximately 109,761 gpd, a net increase of 54,100 gpd compared to the approved project.[100] Although water demand could exceed water supply during dry and multiple dry years after 2025 from full build out of the downtown, the Downtown Strategy 2040 FEIR concluded that with the implementation of existing regulations and General Plan policies, water

[99] San José Water Company. *2020 Urban Water Management Plan Final Report*. June 2021.
[100] The estimated water use of the modified project does not include the Davidson Building. Therefore, the net increase is overstated and would be smaller.

demand would not exceed water supply. The modified project is part of the planned growth from the Downtown Strategy 2040; therefore, water use associated with the modified project was already accounted for in the UWMP.

Consistent with the 2021 approved project, the modified project would comply with CALGreen requirements and the City's Private Sector Green Building Policy to reduce water usage. Therefore, the modified project would not result in any new impacts to water supplies or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The modified project is estimated to generate approximately 93,297 gpd of wastewater, a net increase of 45,985 gpd of wastewater compared to the 2021 approved project.[101] Consistent with the 2021 approved project, the modified project would connect to the City's existing sanitary sewer system and would comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the proposed project. Wastewater would be disposed of at the Facility which has adequate capacity to accommodate the increased demand created by the modified project. Since the modified project is consistent with planned growth in the downtown area, the project would not exceed the City's allocated capacity at the Facility. Therefore, the modified project would not result in any new impacts to wastewater treatment capacity or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

NISL had approximately 12.4 million cubic yards of capacity remaining in May 2023. It is estimated that the project would generate approximately 3,219 pounds of solid waste per day, a net increase of approximately 2,104 pounds per day compared to the 2021 approved project.[102,103] Given NISL's remaining capacity and the amount of waste the modified project is estimated to generate, there is sufficient capacity at NISL to serve the project.

[101] The estimated wastewater generation from the modified project does not include the Davidson Building. Therefore, the net increase is overstated and would be smaller.
[102] The estimated solid waste generation from the modified project does not include the Davidson Building. Therefore, the net increase is overstated and would be smaller.
[103] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed March 10, 2025. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Based on the generation rates of 5.31 pounds per unit per day for multi-family units and 2.5 pounds per 1,000 square feet per day for commercial retail.

Consistent with the 2021 approved project, the modified project would be required to comply with existing federal, state, and local programs and regulations. Therefore, the modified project would not result in any new impacts to solid waste generation or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

Consistent with CALGreen and City requirements, the modified project would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 75 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. With implementation of the City's Zero Waste Strategic Plan, existing regulations and programs, and applicable General Plan policies, the modified project would not result in any new impacts to solid waste regulations or any impacts of substantially greater severity than was previously identified under the 2021 approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.12 Mandatory Findings of Significance

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Same as 2021 Project. Based on the above analysis and discussion, the modified project would not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with implementation of applicable General Plan policies and other regulations consistent with the 2021 project.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Same as 2021 Project. Based on the analysis provided in this Addendum, the modified project would not significantly contribute to cumulative impacts that are not addressed and mitigated within the Downtown Strategy 2040 FEIR and the 255 West Julian Street Project IS/Addendum.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Same as 2021 Project. Based on the analysis provided in this Addendum, the modified project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly with implementation of applicable Downtown Strategy 2040 FEIR policies and other regulations consistent with the 2021 approved project.

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

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Section 7.0 Acronyms and Abbreviations

ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin
Bay Area	San Francisco Bay Area
bgs	below the ground surface
BMPs	Best Management Practices
Btu	British thermal units
CALGreen	California Green Building Standards Code
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator model
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBSC	California Building Standards Code (
CDDD	Construction and Demolition Diversion Deposit Program
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CH_4	methane
CIWMB	California Integrated Waste Management Board
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalents
CMP	Congestion Management Program
CMU	concrete masonry units
CNEL	Community Noise Equivalent Level
dBA	A-weighted decibel
DNL	Day-night level
DPM	diesel particulate matter
DSOD	Division of Safety of Dams
EIR	Environmental Impact Report
EO	Executive Order
EMFAC2021	EMission FACtors 2021

EPA	Environmental Protection Agency
EV	electric vehicles
FAA	Federal Aviation Administration
Facility	San José/Santa Clara Regional Wastewater Facility
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Focused Initial Study
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	greenhouse gas reduction strategy
gpd	gallons per day
GWh	gigawatt hours
GWMP	Groundwater Management Plan
GWP	global warming potential
Habitat Plan	Santa Clara Valley Habitat Plan
HFCs	hydrofluorocarbons
HI	hazard index
HOV	high-occupancy vehicle
HP	horsepower
HMP	Hydromodification Management Plan
in/sec	inches/second
IS	Initial Study
ITE	Institute of Transportation Engineers'
IWMP	Integrated Waste Management Plan
kW	kilowatt
kWh	kilowatt-hour
lbs/ft^2	Pounds per square feet
LEED	Leadership in Energy and Environmental
L_{max}	maximum A-weighted noise level
LID	Low Impact Development
LRT	light rail transit
LTA	Local Transportation Analysis
MEIs	maximum exposed individuals
$MMTCO_2e$	million metric tons of CO_2e

MND	Mitigated Negative Declaration
MRP	Municipal Regional Permit
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NFIP	National Flood Insurance Program
NISL	Newby Island Sanitary Landfill
NO	nitric oxide
NO_2	nitrogen dioxide
NO_x	nitrogen oxides
NOD	Notice of Determination
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O_3	ozone
OITC	outdoor/indoor transmission class
OPR	Office of Planning and Research
PDAs	priority development areas
PDO	Parkland Dedication Ordinance
PIO	Park Impact Ordinance
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
$PM_{2.5}$	particulate matter with a diameter of 2.5 micros or less
PM_{10}	particulate matter with a diameter of 10 microns or less
PPV	Peak Particle Velocity
RHNA	Regional Housing Need Allocation
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SEIR	Supplemental Environmental Impact Report
SF_6	sulfur hexafluoride
SFHA	Special Flood Hazard Areas

SFPUC	San Francisco Public Utilities
SJC	San José Mineta International Airport
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SJW	San José Water
SO_2	sulfur dioxide
SO_x	sulfur oxides
SR	State Route
SSMP	Sewer System Management Plan
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TCMs	Treatment Control Measures
TCR	tribal cultural resource
TDM	Transportation Demand Management
UPRR	Union Pacific Railroad
UWMP	urban water management plan
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
VMT	vehicle miles traveled
ZNE	zero net energy