

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 11-12, 2011

Reference No.: 2.2c. (4)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN CARLOS MULTIMODAL
STREETScape IMPROVEMENTS PROJECT (RESOLUTION E-11-27)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the San Carlos Multimodal Streetscape Improvements Project (project) in Santa Clara County and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The City of San Jose (City) is the CEQA lead agency for the project. The project will construct pedestrian-oriented streetscape improvements along the south side of San Carlos Street, between Second and Fourth Street, to enhance pedestrian accessibility to public transit. The project will narrow the roadway width and widen the sidewalk with upgrades to wheelchair ramps for ADA compliance. The project scope also includes street level and pedestrian lighting, adjusting utilities to grade, enhancing bus stops and installing signage and striping.

The project as proposed will result in significant unavoidable impacts to transportation, air quality, and cultural resources. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible. Specifically, the project would result in significant increases in criteria air pollutants that would exceed pollution thresholds, and implementation of project plans could result in significant cumulative impacts to architectural resources and archaeological deposits.

On June 21, 2005, the City adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the project. The City found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, encouraging smart growth and efficient use of land to support the City's longstanding policy for in-fill development with the City's Urban Growth Boundary, enhancing pedestrian and bicycle circulation, improving the urban design of the downtown area through streetscape improvements and construction of new housing and office space to promote a jobs and housing balance in the Silicon Valley. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

On March 30, 2011 the City provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission in the STIP program.

The project is estimated to cost \$1,974,000 and is funded with Local (\$474,000) and State (\$1,500,000) funds. Construction is estimated to begin in fiscal year 2010/11.

Attachment

- Resolution E-11-27
- Findings of Fact & Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 04 – Santa Clara County Resolution E-11-27

- 1.1 **WHEREAS**, the City of San Jose (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - San Carlos Multimodal Streetscape Improvements Project
- 1.2 **WHEREAS**, the City has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will narrow San Carlos Street, widen sidewalks, upgrade wheelchair ramps to ADA compliance, install street level and pedestrian lighting, adjust utilities to grade, enhance bus stops, and install signage and striping; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to traffic congestion, air quality, and cultural resources make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the City adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the City adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

RESOLUTION NO. 72767

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING IMPACTS AND MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ALL ASSOCIATED WITH THE SAN JOSE DOWNTOWN STRATEGY 2000 PLAN, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED, AND ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED

WHEREAS, the Council intends to adopt the San Jose Downtown Strategy 2000 Plan (*Strategy 2000*) and related plans that implement *Strategy 2000*, including, but not limited to, the South First Area Strategic Development Plan and the Diridon/Arena Strategic Development Plan; and

WHEREAS, on June 6, 2005, the Planning Commission of the City of San Jose certified that the Final Environmental Impact Report ("FEIR") for *Strategy 2000* (also referred to herein as "Project") was completed in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA") and state and local guidelines implementing CEQA; and

WHEREAS, no appeal of the certification of the FEIR by the Planning Commission was filed with the City of San Jose; and

WHEREAS, the City proposes to approve San Jose General Plan amendments GP05-03-01 (a)-(f) consistent with *Strategy 2000*; and

WHEREAS, the City proposes to modify City Council Policy 5-3, Transportation LOS Policy (the "Policy"), to include the Expanded Core as an area exempt from the Policy, and the Gateway Corridors as Special Strategy Areas under the Policy, and add intersections to the List of Protected Intersections pursuant to the Policy; and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the General Plan Amendments, plans and Policy decisions described hereinabove; and

WHEREAS, the City Council of San Jose intends to approve actions related to the Project as identified in the FEIR attached to this Resolution and incorporated herein by this reference; and

WHEREAS, CEQA requires that in connection with the approval of a Project for which an EIR has been prepared which identifies one or more significant environmental effects, the decision-making agency must make certain findings regarding those effects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby find that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment of the City of San Jose as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 801 North First Street, Room 400, San Jose, California 95110, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project:

I. LAND USE

A. Airport Hazards

1. **Impact LU-1:** Construction of buildings at heights that would exceed the FAA's imaginary surface restrictions over the Project area, or which would stand at least 200 feet in height above ground, could be potential hazards to the safe operation of the San Jose International Airport.

2. **Mitigation Measure LU-1:** Prior to the issuance of a building permit for any Project structures that would exceed the FAA imaginary surface applicable to the Project site or which would stand at least 200 feet in height above ground, the following actions should be accomplished:

- The applicant shall comply with the notification requirements of Federal Aviation Regulations, Part 77, and receive a "Determination of No Hazard" from the FAA.
- Conditions set forth in the required FAA determination of No Hazard regarding roof-top lighting or marking shall be incorporated into the final design of the structure.
- Avigation easements (recognizing that the property is subject to aircraft noise impacts and specified height restrictions) shall be dedicated to the City of San Jose.

3. **Finding:** Aircraft-related hazards associated with the development of buildings of over 200 feet in height within the Project area would be reduced to a **less-than-significant level** through compliance with the notification requirements of the Federal Aviation Regulations, Part 77; compliance with the conditions set forth in the FAA determination of no hazard; and the dedication of avigation easements, as described in the FEIR. Mitigation Measure LU-1 is incorporated into *Strategy 2000*.

II. TRANSPORTATION AND CIRCULATION

A. Unacceptable LOS at Intersection of Market Street and Julian Street

1. **Impact TRAF-1:** The level of service at the intersection of Market Street and Julian Street (31) would be LOS C during both the AM and PM peak hours under existing conditions and the intersection would degrade to LOS E and F during the AM and PM peak hours, respectively, under 2020 Project conditions.

2. **Mitigation Measure TRAF-1:** This Downtown Core intersection is exempt from the City's level of service standards and this impact is therefore less than significant.

3. **Finding:** Because the intersection of Market Street and Julian Street (in the Downtown Core) is exempt from the City's level of service standards, the Project's impact to this intersection is **less than significant**, as identified in the FEIR.

B. Unacceptable LOS at Intersection of Market Street and San Carlos Street

1. **Impact TRAF-2:** The level of service at the intersection of Market Street and San Carlos Street (36)* would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions.¹

2. **Mitigation Measure TRAF-2:** This Downtown Core intersection is exempt from the City's level of service standards and this impact is therefore less than significant.

3. **Finding:** Because the intersection of Market Street and San Carlos Street (in the Downtown Core) is exempt from the City's level of service standards, the Project's impact to this intersection is **less than significant**, as identified in the FEIR.

C. Unacceptable LOS at Intersection of SR 87 and Julian Street

1. **Impact TRAF-3:** The level of service at the intersection of SR 87 and Julian Street (E) (37)* would be LOS D during both the AM and PM peak hours under existing conditions and the intersection would degrade to LOS F during both peak hours under Project conditions. This constitutes a significant impact by CMP standards.

2. **Mitigation Measure TRAF-3:** At this intersection numerous improvements have been identified. These improvements include the Autumn Street extension from Julian Street to Coleman Avenue as identified in the City's General Plan, addition of second exclusive through and left-turn lanes on the SR 87 northbound off-ramp, addition of exclusive through and right-turn lanes from Notre Dame Street, addition of an exclusive westbound right-turn lane from Julian Street, and changes to the signal phasing. The implementation of these improvements would improve intersection level of service to LOS D and E under the AM and PM peak hours, respectively. In accordance with CMP standards, this is an acceptable level of service.

¹ The use of an asterisk (*) indicates that the location is a CMP intersection.

3. **Finding:** The degradation of LOS at the intersection of SR 87 and Julian Street would be reduced to a **less-than-significant level** through: development of the Autumn Street extension, addition of second exclusive through and left-turn lanes on the SR 87 northbound off-ramp, addition of exclusive through and right-turn lanes from Notre Dame Street, addition of an exclusive westbound right-turn lane from Julian Street, and changes to signal phasing, as described in the FEIR. Mitigation Measure TRAF-3 is incorporated into *Strategy 2000*.

D. Unacceptable LOS at Intersection of Almaden Boulevard and Santa Clara Street

1. **Impact TRAF-4:** The level of service at the intersection of Almaden Boulevard and Santa Clara Street (E) (38) would be LOS C during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions.

2. **Mitigation Measure TRAF-4:** This Downtown Core intersection is exempt from the City's level of service standards and this impact is therefore less than significant.

3. **Finding:** Because the intersection of Almaden Boulevard and Santa Clara Street (in the Downtown Core) is exempt from the City's level of service standards, the Project's impact to this intersection is **less than significant**, as identified in the FEIR.

E. Unacceptable LOS at Intersection of Almaden Boulevard and San Carlos Street

1. **Impact TRAF-5:** The level of service at the intersection of Almaden Boulevard and San Carlos Street* (40) would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions.

2. **Mitigation Measure TRAF-5:** This Downtown Core intersection is exempt from the City's level of service standards and this impact is therefore less than significant.

3. **Finding:** Because the intersection of Almaden Boulevard and San Carlos Street (in the Downtown Core) is exempt from the City's level of service standards, the Project's impact to this intersection is **less than significant**, as identified in the FEIR.

F. Unacceptable LOS at Intersection of Coleman Avenue and Taylor Street

1. **Impact TRAF-6:** The level of service at the intersection of Coleman Avenue and Taylor Street (52) would be LOS E and D during the AM and PM peak hours, respectively, under existing conditions, and the intersection would degrade to LOS F and E during the AM and PM peak hours, respectively, under Project conditions. This constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-6:** The necessary improvement to mitigate the Project impact at this intersection would consist of the widening of Coleman Avenue from a four-lane roadway to a six-lane roadway (including the associated improvements of double-left-turn and separate right-turn lanes on Taylor Street), and construction of the Autumn Street connection to Coleman Avenue as identified in the City's General Plan. The implementation of these

improvements would improve intersection level of service to LOS D under both the AM and PM peak hours.

3. **Finding:** The degradation of LOS at the intersection of Coleman Avenue and Taylor Street would be reduced to a **less-than-significant level** through the implementation of the widening of Coleman Avenue and the construction of the Autumn Street connection to Coleman Avenue, as identified in the San Jose General Plan and described in the FEIR. Mitigation Measure TRAF-6 is incorporated into *Strategy 2000*.

G. Unacceptable LOS at Intersection of Stockton Avenue and The Alameda

1. **Impact TRAF-7:** The level of service at the intersection of Stockton Avenue and The Alameda (53) would be LOS C during both the AM and PM peak hours under existing conditions and the intersection would degrade to LOS F during both peak hours under Project conditions. This constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-7:** The necessary improvement to mitigate the Project impact at this intersection would consist of the Autumn Street connection to Coleman Avenue as identified in the City's General Plan, in addition to restriping the southbound approach to provide one left-turn, one shared left-through, and one right-turn lane. The extension of Autumn Street would provide an alternative north/south route in the area and alleviate congestion along both Stockton Avenue and The Alameda. The implementation of these improvements would improve intersection level of service to LOS D and C under the AM and PM peak hours, respectively.

3. **Finding:** The degradation of LOS at the intersection of Stockton Avenue and The Alameda would be reduced to a **less-than-significant level** through the development of the Autumn Street connection to Coleman Avenue and the restriping of the southbound approach, as described in the FEIR. Mitigation Measure TRAF-7 is incorporated into *Strategy 2000*.

H. Unacceptable LOS at Intersection of Montgomery Street and Santa Clara Street

1. **Impact TRAF-8:** The level of service at the intersection of Montgomery Street and Santa Clara Street* (55) would be LOS C during the PM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by both City of San Jose and CMP standards.

2. **Mitigation Measure TRAF-8:** The necessary improvement to mitigate the Project impact at this intersection would consist of the Autumn Street connection to Coleman Avenue as identified in the City's General Plan. The extension of Autumn Street would provide an alternative north/south route in the area and alleviate congestion along Montgomery Street. The implementation of this improvement would improve intersection level of service to LOS B.

3. **Finding:** The degradation of LOS at the intersection of Montgomery Street and Santa Clara Street would be reduced to a **less-than-significant level** through the development of

the Autumn Street connection to Coleman Avenue, as identified in the San Jose General Plan and described in the FEIR. Mitigation Measure TRAF-8 is incorporated into *Strategy 2000*.

I. Unacceptable LOS at Intersection of Autumn Street and Santa Clara Street

1. **Impact TRAF-9:** The level of service at the intersection of Autumn Street and Santa Clara Street* (56) would be LOS D and B during the AM and PM peak hours, respectively, under existing conditions and the intersection would degrade to LOS E during both peak hours under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-9:** The necessary improvement to mitigate the Project impact at this intersection would consist of the Autumn Street connection to Coleman Avenue as identified in the City's General Plan, in addition to providing two westbound left-turn lanes at the intersection. The implementation of these improvements would improve intersection level of service to LOS D during the AM peak hour and improve the intersection's average delay during the PM peak hour. However, the intersection would continue to operate at LOS E during the PM peak hour. This, based on City of San Jose standards, is an unacceptable level of service. There are no further feasible improvements that can be implemented to improve intersection level of service to acceptable levels, therefore the impact is significant and unavoidable.

3. **Finding:** Implementation of the proposed Project would result in an unacceptable LOS at the intersection of Autumn Street and Santa Clara Street. Even with the implementation of necessary improvements identified in the San Jose General Plan, this impact would remain **significant and unavoidable**. This unavoidable impact is overridden by Project benefits as set forth in the statement of overriding considerations. Mitigation Measure TRAF-9 is incorporated into *Strategy 2000*.

J. Unacceptable LOS at Intersection of Bird Avenue and San Carlos Street

1. **Impact TRAF-10:** The level of service at the intersection of Bird Avenue and San Carlos Street* (58) would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by both City of San Jose and CMP standards.

2. **Mitigation Measure TRAF-10:** One possible improvement consists of the addition of a second northbound left-turn lane. The implementation of this improvement would improve intersection level of service to LOS E. In accordance to CMP standards, this is an acceptable level of service. However, based on City of San Jose standards this intersection would continue to operate at an unacceptable level of service during the PM peak hour. Operational problems such as blocked intersections and an imbalance of lane usage along Bird Avenue between San Carlos Street and I-280 are due to large volumes of traffic and the close spacing of intersections. As such, signal timing modifications along Bird Avenue between -280 and San Carlos Street should also be implemented. There are no further feasible improvements that can be implemented to improve intersection level of service to acceptable levels; therefore the impact is significant and unavoidable. Further, the City Council has previously included this intersection

on the List of Protected Intersections as part of the revised Transportation Impact Policy 5-3 to maintain the existing intersection geometry, including adjacent land uses, and to protect other multi-modal transportation facilities (i.e., sidewalks, bicycle lanes, etc.) at this intersection, instead of only maintaining stable traffic flow in this area.

3. **Finding:** Implementation of the proposed Project would result in an unacceptable LOS at the intersection of Bird Avenue and San Carlos Street. Even with the implementation of identified improvements, such as the addition of a second northbound turn lane, and signal timing modifications, this impact would remain **significant and unavoidable**. This unavoidable impact is overridden by Project benefits set forth in the statement of overriding considerations. Mitigation Measure TRAF-10 is incorporated into *Strategy 2000*.

K. Unacceptable LOS at Intersection of Bird Avenue and Auzerais Avenue

1. **Impact TRAF-11:** The level of service at the intersection of Bird Avenue and Auzerais Avenue (59) would be LOS C during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-11:** One possible improvement to mitigate the Project impact at this intersection would consist of the addition of a second northbound left-turn lane. The implementation of this improvement would improve intersection level of service to LOS C. Operational problems such as blocked intersections and an imbalance of lane usage along Bird Avenue between San Carlos Street and I-280 are due to large volumes and the close spacing of intersections. As such, signal timing modifications along Bird Avenue between I-280 and San Carlos Street should be implemented.

3. **Finding:** The degradation of LOS at the intersection of Bird Avenue and Auzerais Avenue would be reduced to a **less-than-significant level** through the addition of a second northbound left-turn lane and signal timing modifications, as described in the FEIR. Mitigation Measure TRAF-11 is incorporated into *Strategy 2000*.

L. Unacceptable LOS at Intersection of I-280 and Bird Avenue

1. **Impact TRAF-12:** The level of service at the intersection of I-280 and Bird Avenue (N)* (60) would be LOS C during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-12:** A possible improvement to mitigate the Project impact at this intersection would consist of the addition of a southbound free-right-turn lane. The addition of the right-turn lane would also require that a fourth southbound through lane be added at the upstream intersection of Bird Avenue with Auzerais Avenue. The implementation of this improvement would improve intersection level of service to LOS C. Operational problems such as blocked intersections and an imbalance of lane usage along Bird Avenue between San Carlos Street and I-280 are due to large volumes and the close spacing of

intersections. As such, signal timing modifications along Bird Avenue between I-280 and San Carlos Street should also be implemented.

3. **Finding:** The degradation of LOS at the intersection of I-280 and Bird Avenue would be reduced to a **less-than-significant level** through the addition of a southbound free-right-turn lane and fourth southbound through lane, and the implementation of signal timing modifications, as described in the FEIR. Mitigation Measure TRAF-12 is incorporated into *Strategy 2000*.

M. Unacceptable LOS at Intersection of Delmas Avenue and Park Avenue

1. **Impact TRAF-13:** The level of service at the intersection of Delmas Avenue and Park Avenue (63) would be LOS C during the PM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-13:** The necessary improvement to mitigate the Project impact at this intersection would consist of the striping of the north leg to provide a shared through-left turn lane and shared through-right-turn lane. The improvement would require that on-street parking in the area of the intersection be eliminated. In order to maintain the existing on-street parking along both sides of Delmas Avenue north of Park Avenue, this improvement would require widening the roadway between San Fernando Street and Park Avenue by 2 feet. Additional right of way would need to be acquired from the properties on the east side of the street in order to maintain the existing sidewalk width. There are no street trees within the public right-of-way along Delmas Avenue. The affected properties from which additional ROW would be acquired include privately owned parcels and a parcel owned by Santa Clara County. If additional right of way can not be acquired from the private property owners, up to seven on-street parking spaces may need to be eliminated in order to accomplish the recommended mitigation measure. Because the intersection would function at acceptable levels with only a single southbound lane during much of the day, the parking restriction could be implemented during the PM peak hours only. Currently, the on-street parking is allowed only by permit and is used by the residents of the adjacent single-family homes and the multi-family residential development on the northwest corner of Delmas Avenue and Park Avenue. The permit parking restriction is in effect 24 hours a day. The planned Vasona LRT Project will widen the segment of Delmas Avenue between Park Avenue and San Carlos Street. The planned width south of Park Avenue is adequate for two travel lanes with on-street parking on both sides. The implementation of these improvements would improve intersection level of service to LOS C.

3. **Finding:** The degradation of LOS at the intersection of Delmas Avenue and Park Avenue would be reduced to a **less-than-significant level** through the striping of a north leg to provide a shared through-left turn lane and shared through-right-turn lane (and associated improvements), as described in the FEIR. Mitigation Measure TRAF-13 is incorporated into *Strategy 2000*.

N. Unacceptable LOS at Intersection of Senter Road and Keyes Street

1. **Impact TRAF-14:** The level of service at the intersection of Senter Road and Keyes Street (74) would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions. This constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-14:** The necessary improvement to mitigate the Project impact at this intersection would consist of the addition of a second westbound left-turn lane. The implementation of this improvement would improve intersection level of service to LOS C. The impact and need for improvement at this intersection would occur upon buildout of Phase 4 of the proposed *Strategy 2000*.

3. **Finding:** The degradation of LOS at the intersection of Senter Road and Keyes Street would be reduced to a **less-than-significant level** through the addition of a second westbound left-turn lane, as described in the FEIR. Mitigation Measure TRAF-14 is incorporated into *Strategy 2000*.

O. Unacceptable LOS at Intersection of Oakland Road and Commercial Street

1. **Impact TRAF-15:** The level of service at the intersection of Oakland Road and Commercial Street (75) would be LOS D during both peak hours under existing conditions and the intersection would degrade to LOS F during both peak hours under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-15:** The necessary improvement to mitigate the Project impact at this intersection would consist of the reconstruction of the US 101/Oakland Road interchange to include six lanes on the overpass. The Oakland Road interchange operates over capacity with many operational problems due to vehicle queues. The intersection of Commercial Street and Oakland Road serves as a primary gateway to access the interchange and does not have the capacity to meet demands. Necessary improvements at Oakland /Commercial to serve the reconstructed interchange will be determined upon design of the interchange. The reconstruction of the interchange would improve level of service to LOS D during both the AM and PM peak hours at the intersection. The impact and need for improvement at this intersection would occur upon buildout of Phase 2 of the proposed *Strategy 2000*.

3. **Finding:** The degradation of LOS at the intersection of Oakland Road and Commercial Street would be reduced to a **less-than-significant level** through the reconstruction of the US 101/Oakland Road interchange to include six lanes on the overpass (and the implementation of to-be-determined modifications to the intersection of Oakland Road and Commercial Street), as described in the FEIR. Mitigation Measure TRAF-15 is incorporated into *Strategy 2000*.

P. Unacceptable LOS at Intersection of US 101 and Oakland Road

1. **Impact TRAF-16:** The level of service at the intersection of US 101 and Oakland Road (N)* (76) would be LOS D during the AM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by both City of San Jose and CMP standards.

2. **Mitigation Measure TRAF-16:** The necessary improvement to mitigate the Project impact at this intersection (and the following one, in TRAF-17) would consist of the construction of the interchange to include six lanes on the overpass. The reconstruction of the interchange would improve intersection levels of service to LOS C. The impact and need for improvement at this intersection would occur upon buildout of Phase 2 of the proposed *Strategy 2000*.

3. **Finding:** The degradation of LOS at the intersection of US 101 and Oakland Road would be reduced to a **less-than-significant level** through the reconstruction of the US 101/Oakland Road interchange to include six lanes on the overpass, as described in the FEIR. Mitigation Measure TRAF-16 is incorporated into *Strategy 2000*.

Q. Unacceptable LOS at Intersection of US 101 and Oakland Road

1. **Impact TRAF-17:** The level of service at the intersection of US 101 and Oakland Road (S)* (77) would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by both City of San Jose and CMP standards.

2. **Mitigation Measure TRAF-17:** Implement Mitigation Measure TRAF-16, the implementation of which would improve intersection level of service to LOS C.

3. **Finding:** The degradation of LOS at the intersection of US 101 and Oakland Road would be reduced to a **less-than-significant level** through the reconstruction of the US 101/Oakland Road interchange to include six lanes on the overpass, as described in the FEIR. Mitigation Measure TRAF-17 is incorporated into *Strategy 2000*.

R. Unacceptable LOS at Intersection of Oakland Road and Hedding Street

1. **Impact TRAF-18:** The level of service at the intersection of Oakland Road and Hedding Street (78) would be LOS D during the AM peak hour under existing conditions and the intersection would degrade to LOS E under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-18:** The necessary improvement to mitigate the Project impact at this intersection would consist of the conversion of an eastbound through lane to a shared through-left-turn lane. The implementation of this improvement would improve intersection level of service to LOS D. The impact and need for improvement at this intersection would occur after buildout of Phase 4 of the proposed *Strategy 2000*.

3. **Finding:** The degradation of LOS at the intersection of Oakland Road and Hedding Street would be reduced to a **less-than-significant level** through the conversion of an eastbound

through lane to a shared through-left-turn lane, as described in the FEIR. Mitigation Measure TRAF-18 is incorporated into *Strategy 2000*.

S. Unacceptable LOS at Intersection of Coleman Avenue and Hedding Street

1. **Impact TRAF-19:** The level of service at the intersection of Coleman Avenue and Hedding Street (153) would be LOS D during the PM peak hour under existing conditions and the intersection would degrade to LOS F under Project conditions. This condition constitutes a significant impact by City of San Jose standards.

2. **Mitigation Measure TRAF-19:** The necessary improvement to mitigate the Project impact at this intersection would consist of the widening of Coleman Avenue from a four-lane roadway to a six-lane roadway and the addition of a second eastbound left-turn lane. The widening of Coleman Avenue has been studied by the City. The study indicated that the widening is feasible, but funding is necessary. The Coleman widening will require that an amendment to the City's General Plan be adopted. The implementation of these improvements would improve intersection level of service to LOS D.

3. **Finding:** The degradation of LOS at the intersection of Coleman Avenue and Hedding Street would be reduced to a **less-than-significant level** through the widening of Coleman Avenue and the addition of a second eastbound left-turn lane (in addition to the procurement of funding and the approval of a General Plan amendment), as described in the FEIR. Mitigation Measure TRAF-19 is incorporated into *Strategy 2000*.

T. Unacceptable LOS at 17 Intersections In and Outside Of Expanded Downtown Core

1. **Impact TRAF-20:** The addition of Project traffic to the following intersections in and outside of the expanded Downtown Core would result in significant unavoidable level of service impacts.

- (82) 11th Street and Taylor Street
- (85) 11th Street and Julian Street
- (86) 11th Street and St. James Street
- (87) 11th Street and St. John Street
- (88) 11th Street and Santa Clara Street
- (90) 11th Street and San Antonio Street
- (98) 10th Street and Hedding Street
- (99) 10th Street and Taylor Street
- (102) 10th Street and Julian Street
- (103) 10th Street and St. James Street
- (111) 10th Street and Reed Street
- (117) Seventh Street and Virginia Street
- (122) 4th Street and Jackson Street
- (132) First Street and Taylor Street

- (141) Almaden Avenue and Virginia Street
- (145) Vine Street and Grant Street
- (162) Meridian Avenue and San Carlos Street

2. **Mitigation Measure TRAF-20:** Due to right-of-way restrictions, no feasible mitigation measures are available. Further, the City Council has previously included three of the 17 intersections, First Street and Taylor Street, 11th Street and Taylor Street, and Meridian Avenue and San Carlos Street, on the List of Protected Intersections as part of the revised Transportation Impact Policy 5-3. The remaining 14 intersections listed below would be included on the List of Protected Intersections to maintain the existing intersection geometries, including adjacent land uses, and to protect other multi-modal transportation facilities (i.e., sidewalks, bicycle lanes, etc.) at these intersection, instead of only maintaining stable traffic flow in these areas.

1. 11th Street and Julian Street
2. 11th Street and St. James Street
3. 11th Street and St. John Street
4. 11th Street and Santa Clara Street
5. 11th Street and San Antonio Street
6. 10th Street and Hedding Street
7. 10th Street and Taylor Street
8. 10th Street and Julian Street
9. 10th Street and St. James Street
10. 10th Street and Reed Street
11. Seventh Street and Virginia Street
12. 4th Street and Jackson Street
13. Almaden Avenue and Virginia Street
14. Vine Street and Grant Street

3. **Finding:** Implementation of the proposed Project would result in significant LOS changes to 17 intersections in and outside of the expanded Downtown Core. This is a **significant unavoidable impact** and no feasible mitigation measures are available. This unavoidable impact is overridden by Project benefits as set forth in the statement of overriding considerations.

U. Unacceptable LOS at 33 Directional Freeway Segments

1. **Impact TRAF-21:** Thirty-three of the 48 directional freeway segments analyzed will operate at an unacceptable LOS F during at least one peak hour.

2. **Mitigation Measure TRAF-21:** Mitigation of freeway impacts would require widening of the freeways, which is infeasible. Therefore, these impacts must be considered significant and unavoidable. However, there are measures that could reduce the impacts. The measures primarily consist of transit improvements and enhancements as outlined below:

- Extension of BART to San Jose.

- Further expansion of LRT lines.
- Enhanced bus service.
- Successful implementation of the parking plan that leads to a mode split composed of a higher percentage of transit users.

These measures would provide options to commuters to the Downtown area. An enhanced transit system, with a major improvement such as the BART extension, would reduce auto usage and thus lessens congestion on freeways. The implementation of a parking plan that controls the amount of parking provided in the Downtown area with policies and pricing, will also encourage the use of transit that would be more efficient and economical than the use of autos. The reduction in auto usage will be most noticeable on freeways since most transit trips would originate from outside the Downtown area. Because widening the freeways is infeasible due to significant right-of-way constraints, this impact is considered significant and unavoidable.

3. **Finding:** Implementation of the proposed Project would cause 33 directional freeway segments to operate at an unacceptable LOS during at least one peak hour. This is a **significant unavoidable impact**. The mitigation measures that could reduce this impact to a less-than-significant level are infeasible. This unavoidable impact is overridden by Project benefits as set forth in the statement of overriding considerations.

V. Unacceptable LOS at 25 HOV Lanes

1. **Impact TRAF-22:** The HOV lanes on 25 of the segments also are projected to operate at LOS F conditions.

2. **Mitigation Measure TRAF-22:** Implementation of Mitigation Measure TRAF-21 would reduce impacts to the HOV lanes; however, this impact would still be significant. There are no further feasible improvements that can be implemented to mitigate this impact to acceptable levels; therefore the impact is significant and unavoidable.

3. **Finding:** Implementation of the proposed Project would cause HOV lanes on 25 freeway segments to operate at an unacceptable LOS. This is a **significant unavoidable impact**. The mitigation measures that could reduce this impact to a less-than-significant level are either infeasible or unfunded. This unavoidable impact is overridden by Project benefits as set forth in the statement of overriding considerations.

W. Transit Orientation

1. **Impact TRAF-23:** Implementation of *Strategy 2000* could result in individual developments that are not oriented to or encourage the use of transit services.

2. **Mitigation Measure TRAF-23:** The City shall forward plans for individual development projects to VTA staff for their review to ensure compatibility with transit services.

3. **Finding:** The potential for design of individual development projects that are not oriented to or do not encourage the use of transit services will be reduced to a **less-than-significant level** through the review of these development projects by VTA staff and revisions incorporated as a result of those reviews, as described in the FEIR. Mitigation Measure TRAF-23 is incorporated into *Strategy 2000*.

X. Pedestrian Traffic

1. **Impact TRAF-24:** Implementation of *Strategy 2000* will increase pedestrian traffic on San Carlos Street and exacerbate the existing deficiencies on the bridge, a significant adverse impact.

2. **Mitigation Measure TRAF-24:** When pedestrian levels warrant, the City shall replace or renovate the San Carlos Street bridge with a design that is compliant with the Americans with Disabilities Act or will provide a separate pedestrian bridge.

3. **Finding:** The exacerbation of pedestrian congestion on San Carlos Street bridge will be reduced to a **less-than-significant level** through the replacement or renovation of the bridge. Mitigation Measure TRAF-24 is incorporated into *Strategy 2000*.

Y. Shortcuts and Bypasses

1. **Impact TRAF-25:** Implementation of *Strategy 2000* would lead to congestion at numerous study area intersections, with the possible outcome being that drivers facing such congestion would choose shortcuts or bypasses through adjacent neighborhoods, possibly limiting access or leading to safety impacts.

2. **Mitigation Measure TRAF-25:** No mitigation is required for this less-than-significant impact. However, City of San Jose traffic calming measures could be invoked in the event that a policy choice was made to address any such conditions that develop. Procedures for implementing traffic calming include objective criteria for identifying problems with traffic volume or speed and include a set of measures to reduce or eliminate problems.

3. **Finding:** The potential use of shortcuts or bypasses through existing neighborhoods is considered a **less-than-significant impact**. The implementation of traffic-calming measures would further minimize the effects of this impact. Mitigation Measure TRAF-25 is incorporated into *Strategy 2000*.

III. AIR QUALITY

A. Construction Period Emissions

1. **Impact AIR-1:** Construction period activities could generate significant dust, exhaust, and organic emissions.

2. **Mitigation Measure AIR-1:** Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

- (a) The Basic and Enhanced control measures recommended by the BAAQMD and listed in Table IV.C-4 shall be implemented during construction of proposed projects.
- (b) Any temporary haul roads to soils stockpiles areas used during construction of projects shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant.
- (c) Water sprays shall be utilized to control dust when material is being added or removed from soils stockpiles. If a soils stockpile is undisturbed for more than one week, it shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation.
- (d) All neighboring properties located within 500 feet of property lines of a construction site shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request.
- (e) In order to address particulate emissions from diesel-powered equipment and vehicles, the following measures shall be implemented: (i) properly maintain vehicle and equipment engines; (ii) minimize the idling time of diesel powered construction equipment; (iii) consider requiring construction equipment that is fueled by alternative energy sources; and (iv) consider requiring add-on control devices such as particulate traps.

3. **Finding:** The significant dust, exhaust, and organic emissions that would be generated during construction activities will be reduced to a **less-than-significant level** through implementation of the appropriate dust and emissions-control measures, as described in the FEIR. Mitigation Measure AIR-1 is incorporated into *Strategy 2000*.

B. Regional Emissions of Criteria Air Pollutants

1. **Impact AIR-2:** Regional emissions of criteria air pollutants from new development would exceed BAAQMD thresholds.

2. **Mitigation Measure AIR-2:** To the extent permitted by law, at the time a specific development application is submitted, development projects within the City shall be required to implement Transportation Control Measures (TCMs) as recommended by the BAAQMD. Each measure listed below includes an estimate by the BAAQMD of its effectiveness at trip reduction.

- *Rideshare Measures:* Implement carpool/vanpool program (e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (Effectiveness 1 - 4 percent of work trips).
- *Transit Measures:*
 - (i) Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc. (Effectiveness 0.5 - 2 percent of all trips);

- *Services Measures:*
 - (i) Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc. (Effectiveness 0.5 - 5 percent of work trips);
 - (ii) Provide on-site child care, or contribute to off-site childcare within walking distance. (Effectiveness 0.1 - 1 percent of work trips).
- *Shuttle Measures:*
 - (i) Establish mid-day shuttle service from work site to food service establishments/commercial areas (Effectiveness 0.5 - 1.5 percent of work trips);
 - (ii) Provide shuttle service to transit stations/multimodal centers (Effectiveness 1 - 2 percent of work trips).
 - (ii) Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.) (Effectiveness 0.1 - 0.5 percent of all trips)
- *Parking Measures:*
 - (i) Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles (Effectiveness 0.5 - 1.5 percent of work trips);
 - (ii) Implement parking fees for single occupancy vehicle commuters (Effectiveness 2 - 20 percent of work trips);
 - (iii) Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking) (Effectiveness 2 - 20 percent of work trips).
- *Bicycle and Pedestrian Measures:*
 - (i) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 - 2 percent of work trips);
 - (ii) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 - 2 percent of work trips);
 - (iii) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 - 2 percent of work trips);
 - (iv) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 - 2 percent of non-work trips);
 - (v) Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development (Effectiveness 0.5 - 1.5 percent of all trips).
- *Other Measures:*
 - (i) Implement compressed work week schedule (e.g., 4 days/40 hours, 9 days/80 hours) (Effectiveness 2 - 10 percent of work trips);
 - (ii) Implement home-based telecommuting program (Effectiveness 0.5 - 1.5 percent of work trips).

Implementation of the measures detailed above would help minimize this impact, but not reduce it to a less-than-significant level. There are no further feasible measures that can be implemented to further reduce this impact, therefore the impact is significant and unavoidable.

3. Finding: Implementation of the proposed Project would result in a significant increase in criteria air pollutants that would exceed BAAQMD pollution thresholds, as identified

in the FEIR. Even with the implementation of feasible mitigation measures, including the implementation of carpool programs and the construction of new transit facilities, this impact would remain **significant and unavoidable**. This unavoidable impact is overridden by Project benefits set forth in the statement of overriding considerations. Mitigation Measure AIR-2 is incorporated into *Strategy 2000*.

IV. NOISE

A. Aircraft Noise Levels

1. **Impact NOI-1:** Aircraft noise levels would represent a significant adverse impact on Project residents and park users.

2. **Mitigation Measure NOI-1a:** The following policies contained in the City's 2020 General Plan serve to reduce significant noise impacts:

- Noise Policy 1: The City's acceptable noise level objectives are 55 dBA Ldn as the long-range exterior noise quality level, 60 dBA Ldn as the short-range exterior noise quality level, 45 dBA Ldn as the interior noise quality level, and 76 dBA Ldn as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new residential development.

Mitigation Measure NOI-1b: At the time future residential projects are proposed, the following measures shall be required:

- Preparation of a site-specific noise analysis by an acoustical consultant to determine specific design measures to reduce interior noise levels to conform to State Title 24 requirements. An outside-to-inside noise level reduction of at least 20 dBA should be used as a basis for achieving an interior noise level of 45 dBA Ldn. Design features that may be required could include the following: (1) use of sound-rated windows and exterior doors, (2) chimney caps on fireplaces, (3) stucco or cement plaster exterior construction as opposed to wood siding, and (4) air-conditioning or mechanical ventilation so that windows and door may remain closed.
- In order to reduce aircraft-related noise impacts, outdoor activity areas (e.g., patios, balconies, and common recreation areas) shall be situated so that the structures could provide some noise shielding.

Mitigation Measure NOI-1c: Prior to the issuance of building permits for development, the property owner(s) shall grant an avigation easement to the City of San Jose (in compliance with the ALUC Plan and City General Plan Aviation Policy #40), providing for acceptance of aircraft noise impacts.

3. **Finding:** The exposure of Project residents and park users to high levels of aircraft-related noise will be reduced to a **less-than-significant level through: the continued**

implementation of Noise Policy 1 in the City's General Plan; the preparation of site-specific acoustical noise analyses for proposed residential projects (and the implementation of recommendations from these analyses into projects); the situation of outdoor activity areas so that noise shielding is provided; and the granting of avigation easements by property owners, as described in the FEIR. Mitigation Measures NOI-1a, NOI-1b, and NOI-1c are incorporated into *Strategy 2000*.

B. Exposure to Traffic Noise

1. **Impact NOI-2:** The effect of existing and future traffic noise on uses within the area could be significant.

2. **Mitigation Measure NOI-2a:** The following policies contained in the City's 2020 General Plan serve to reduce significant noise impacts:

- Noise Policy 1: (detailed above under Mitigation Measure NOI-1a).
- Urban Design Policy 1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Mitigation Measure NOI-2b: At the time future residential projects are proposed, implement Mitigation Measure NOI-1b.

3. **Finding:** The exposure of residents, employees, and park users within the Project site to high levels of existing and future traffic noise will be reduced to a **less-than-significant level** through: the continued implementation of Noise Policy 1; the preparation of site-specific acoustical noise analyses for proposed residential projects (and the implementation of recommendations from these analyses into projects); and the situation of outdoor activity areas so that noise shielding is provided, as described in the FEIR. Mitigation Measures NOI-2a and NOI-2b are incorporated into *Strategy 2000*.

C. Exposure to Stationary Noise Sources

1. **Impact NOI-3:** Stationary noise sources in the area could create significant long-term noise impacts.

2. **Mitigation Measure NOI-3a:** The following policies contained in the City's 2020 General Plan serve to reduce significant noise impacts:

- Noise Policy 8: The City should discourage the use of outdoor appliances, air conditioners, and other consumer products that generate noise levels in excess of the City's exterior noise standards.
- Noise Policy 11: When located adjacent to existing or planned noise sensitive residential land or public/quasi-public land use, nonresidential land uses should mitigate noise generation to meet the 55 dBA Ldn guidelines at the property line.

Mitigation Measure NOI-3b: The following measure is required for the operations of the proposed Project:

- Loading docks or loading areas and noise-generating equipment associated with the office and retail uses will be located as far as practical from all existing and planned residential properties.

3. Finding: The exposure of residents, employees and park users within the Project site to high levels of noise associated with stationary noise sources will be reduced to a **less-than-significant level** through the continued implementation of Noise Policies 8 and 11, and the location of loading docks, loading areas, and other noise-generating equipment as far from existing and planned residential uses as is practical, as described in the FEIR. Mitigation Measures NOI-3a and NOI-3b are incorporated into *Strategy 2000*.

D. Exposure to Rail Noise

1. Impact NOI-4: Rail noise could create significant long-term noise impacts.

2. Mitigation Measure NOI-4a: The following policies contained in the City's 2020 General Plan serve to reduce significant noise impacts:

- Noise Policy 1: (Detailed above under Mitigation Measure NOI-1a).
- Urban Design Policy 21: To promote safety and minimize noise impacts in residential and working environments, development that is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards, or common open space areas; offices and other job locations; facilities for the storage of toxic or explosive materials; and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of nonhazardous materials, and so forth.

Mitigation Measure NOI-4b: At the time future residential projects or non-residential projects that include sensitive receptors are proposed, the following measures shall be required:

- For sites within 200 feet of an operating rail lane, a site- and Project-specific noise/vibration analysis shall be prepared.
- Train noise impacts shall be reduced by the construction of a sound wall, building orientation, building noise attenuation, and mechanical ventilation systems to reduce interior noise levels to acceptable levels.

3. Finding: The exposure of residents, employees and park users within the Project site to high levels of railroad-associated noise will be reduced to a **less-than-significant level** through: the continued implementation of Noise Policy 1 and Urban Design Policy 21; the preparation of site-specific noise/vibration analyses for sites in close proximity to rail lines; and the reduction of train noise impacts through the use of design features, as described in the FEIR. Mitigation Measures NOI-4a and NOI-4b are incorporated into *Strategy 2000*.

E. Exposure to Construction Period Noise

1. **Impact NOI-5:** Construction period activities could create significant short-term noise impacts.

2. **Mitigation Measure NOI-5a:** The following policy contained in the City's 2020 General Plan serve to reduce significant noise impacts:

- Noise Policy 1: (Detailed above under Mitigation Measure NOI-1a).

Mitigation Measure NOI-5b: Implementation of the following multi-part measure would reduce potential construction period noise impacts to less-than-significant levels:

- Construction activities will be limited to daytime hours (7 a.m. to 7 p.m. weekdays) for any construction within 500 feet of a residence.
- All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
- In the event that pile driving is proposed, nearby residents will be notified of the schedule for its use while it is in use. Portable acoustical barriers will be installed around pile driving equipment.
- A name, address, and phone number of a contact person will be posted on the site to handle noise complaints.
- Unnecessary idling of internal combustion engines will be prohibited.
- All stationary noise generating construction equipment, such as /air compressors and portable power generators, will be located as far as practical from existing residences.

3. **Finding:** The exposure of residents, employees and park users within the Project site to short-term construction period noise will be reduced to a **less-than-significant level** through the continued implementation of Noise Policy 1 and the implementation of various noise reduction measures and complaint/notification protocol, as described in the FEIR. Mitigation Measures NOI-5a and NOI-5b are incorporated into *Strategy 2000*.

V. SHADE AND SHADOW

A. Shade and Shadow on St. James Park

1. **Impact SHADE-1:** On December 21, potential development and redevelopment related to implementation of *Strategy 2000* could create a greater than 10 percent increase in the shade and shadow cast on St. James Park.

2. **Mitigation Measure SHADE-1:** Proposed development applications for sites directly south and southwest of St. James Park shall include Project-specific shade and shadow analyses. These shade and shadow analyses must demonstrate that the proposed development would not result in a 10 percent or greater increase in the shadow cast onto St. James Park on December 21.

3. **Finding:** The potential for shade and shadow on St. James Park will be reduced to a **less-than-significant level** through the demonstration by individual Project applicants that shadow cast by their buildings would not increase shadow on St. James Park by more than 10 percent on December 21, as described in the FEIR. Mitigation Measure SHADE-1 is incorporated into *Strategy 2000*.

B. Shade and Shadow on Plaza of Palms

1. **Impact SHADE-2:** On December 21, potential development and redevelopment related to implementation of *Strategy 2000* could create a greater than 10 percent increase in the shade and shadow cast on the Plaza of Palms.

2. **Mitigation Measure SHADE-2:** Proposed development applications for the site at the northeast corner of Park Avenue and Market Street shall include Project-specific shade and shadow analyses. These shade and shadow analyses must demonstrate that the proposed development would not result in a 10 percent or greater increase in the shadow cast onto Plaza of the Palms on December 21.

3. **Finding:** The potential for shade and shadow on Plaza of Palms will be reduced to a **less-than-significant level** through the demonstration by individual Project applicants that shadow cast by their buildings would not increase shadow on Plaza of Palms by more than 10 percent on December 21, as described in the FEIR. Mitigation Measure SHADE-2 is incorporated into *Strategy 2000*.

C. Shade and Shadow on Plaza de Cesar Chavez

1. **Impact SHADE-3:** On December 21 and March 21, potential development and redevelopment related to implementation of *Strategy 2000* could create a greater than 10 percent increase in the shadow cast on the Plaza de Cesar Chavez.

2. **Mitigation Measure SHADE-3a:** Proposed development applications for sites southwest of the Plaza de Cesar Chavez shall include Project-specific shade and shadow analyses. These shade and shadow analyses must demonstrate that the proposed development would not result in a 10 percent or greater increase in the shadow cast onto the Plaza de Cesar Chavez on December 21 and March 21.

Mitigation Measure SHADE-3b: Proposed development applications for sites directly southeast of the Plaza de Cesar Chavez shall include a shade and shadow analysis. This shade and shadow analysis must demonstrate that the proposed development would not result in a 10 percent or greater increase in the shadow cast onto the Plaza de Cesar Chavez on December 21 or March 21.

3. **Finding:** The potential for shade and shadow on Plaza de Cesar Chavez will be reduced to a **less-than-significant level** through the demonstration by individual Project applicants that shadow cast by their buildings would not increase shadow on Plaza de Cesar

Chavez by more than 10 percent on December 21 or March 21, as described in the FEIR. Mitigation Measures SHADE-3a and SHADE-3b are incorporated into *Strategy 2000*.

VI. VISUAL RESOURCES

No significant visual resources impacts are identified.

VII. VEGETATION AND WILDLIFE

A. Effects on Special-status Species, Water Quality, and Aquatic Species and Habitat

1. **Impact VEG-1:** Future development envisioned by the proposed Project could adversely impact special-status plant and wildlife species during construction.

Impact VEG-1a: Intrusions within the creek corridors associated with new development could result in impacts to water quality, as well as aquatic species and their habitat, in the Guadalupe River and/or Los Gatos Creek.

2. **Mitigation Measure VEG-1a:** The following measures can be implemented to minimize disturbance impacts to water quality, as well as aquatic species and their habitat in the Guadalupe River and/or Los Gatos Creek. These measures are applicable to projects that require construction activities within the riparian corridors and associated setbacks along the Guadalupe River and Los Gatos Creek. Avoidance and minimization measures include:

- Instream work shall be allowed only during specified work windows from June 1 to October 15 (unless specifically allowed by an exception granted by the Santa Clara Valley Water District) during low flow conditions.
- Fill material, including concrete, shall not be allowed to enter any waters. Any concrete piers, footings, or other structure shall be poured in tightly sealed forms and shall not be allowed contact with surface waters until the cement has fully cured. This process takes a minimum of 14 to 28 days.
- Channel disturbance shall be minimized and material shall not be left in the channel. If bridge footings are to be protected by rip-rap the channel bottom elevation shall not be elevated above the natural channel bottom.
- For bridge removal, no portions of the old structure shall be left in the channel. Where abutments are removed, no depressions shall be left; instead they shall be filled in with clean gravel of an appropriate size (>2 inches to 4 inches).
- Where practicable, bridge design shall be full span and avoid impacting channel hydraulics. Bridge and road design shall prevent direct discharge (such as culverts or bridge drains) of any untreated stormwater runoff directly into any surface waters.
- Construction best management practices (BMPs) and erosion control methods (including revegetation of all bare soil prior to the rainy season) shall be implemented to insure no increase in sediment enters any waters.

- If coffer dams are to be used, water pumped out of the dam which may be turbid shall not be allowed to re-enter the channel unless sediment has settled out resulting in no increase in turbidity in any waters.
- Construction sites shall be monitored to insure no salmonids are present (and subject to harm). If salmonids are present, a qualified fishery biologist shall be required to capture and relocate juvenile fish.
- Where column repairs are to be done, materials used shall be non-toxic to aquatic life.
- All equipment refueling and maintenance shall occur outside the creek channel and riparian corridor.
- Water that contacts wet concrete and has a pH greater than 9 shall be pumped out and disposed of outside the creek channel.

3. **Finding:** The potential for adverse effects on important plants, animals, and habitat, including protected species, aquatic species, and riparian habitat, will be reduced to a **less-than-significant level** through the implementation of avoidance and minimization measures associated with construction along Guadalupe River and Los Gatos Creek, as described in the FEIR. Mitigation Measure VEG-1a is incorporated into *Strategy 2000*.

B. Riparian Habitat and Shaded Riverine Aquatic Habitat

1. **Impact VEG-1b:** Intrusions within the creek corridors associated with new development could result in impacts to riparian habitat and shaded riverine aquatic habitat.

2. **Mitigation Measure VEG-1b:** Setbacks established by the Guadalupe River Flood Control Project will minimize disturbance to riparian vegetation and shaded riverine aquatic habitat. However, in the event that temporary disturbance is necessary within the creek corridor, temporarily disturbed areas will be revegetated with ecologically-appropriate native plant species propagated from Guadalupe watershed stock. Projects that result in temporal loss of riparian vegetation and/or shaded riverine aquatic habitat will develop a Revegetation and Monitoring Plan (plan). This plan will require annual monitoring for a minimum of five years to ensure that the replacement plantings have become successfully established by the end of the five year monitoring period. The plan will require that annual monitoring reports be submitted to the City. Corrective recommendations will be provided in the annual reports if it appears the revegetated area is not progressing toward successful establishment.

3. **Finding:** Potential adverse effects to habitat along creek corridors will be reduced to a **less-than-significant level** through construction setbacks adjacent to riparian areas, the revegetation of disturbed areas, and the development of Revegetation and Monitoring Plans (where necessary), as described in the FEIR. Mitigation Measure VEG-1b is incorporated into *Strategy 2000*.

C. Raptor and Special-status Bird Species Nesting Habitat

1. **Impact VEG-1c:** The proposed Project could impact the nesting habitat for raptors or other special-status bird species.

2. **Mitigation Measure VEG-1c:** In order to avoid impacts to nesting birds protected under CDFG code and MBTA, pre-construction surveys shall be conducted by a qualified biologist during the months of March through July, no more than thirty days prior to the start of grading or vegetation removal. Pre-construction surveys are not required if construction activities are restricted to the non-nesting season (August through February). At a minimum, the surveys shall encompass all areas within 100 feet of the grading or vegetation removal work. If active nests are found on the Project site, a qualified biologist (in consultation with CDFG) shall establish an adequate buffer zone around the nests within which construction is prohibited until the biologist has determined that the young birds have fledged.

If these measures are implemented for future construction within the creek corridors and established setbacks, impacts would be less than significant.

3. **Finding:** Adverse impacts to nesting habitat that would result from construction activities will be reduced to a **less-than-significant level** through the completion of pre-construction surveys for nesting birds, as described in the FEIR. Mitigation Measure VEG-1c is incorporated into *Strategy 2000*.

C. Removal of Mature Trees

1. **Impact VEG-2:** Future development envisioned by the proposed Project would result in the removal of existing mature trees.

2. **Mitigation Measure VEG-2:** For existing trees meeting the size criterion of the City's ordinance, that cannot be incorporated into new landscaping, a City of San Jose Tree Removal Permit shall be obtained prior to removal of trees from the site. Loss of ordinance size trees will be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose landscaping guidelines and City of San Jose Planning Department specifications. In addition, ordinance-size trees will be replaced at a ratio of 4:1 (trees planted to trees removed) as required by the City of San Jose Tree Removal Permit. Mitigation Measure VEG-1 requires that a mitigation and monitoring plan be developed for all revegetation efforts. Cumulatively, the implementation of mitigation measures VEG-1 and -2 will mitigate potential impacts related to mature tree removal.

3. **Finding:** The removal of existing mature trees from the Project site will be reduced to a **less-than-significant level** through: the requirement for a City of San Jose Tree Removal Permit; the implementation of approved landscaping plans; and the replacement of ordinance-sized trees, as described in the FEIR. Mitigation Measure VEG-2 is incorporated into *Strategy 2000*.

D. Construction Effects on Steelhead Trout and Chinook Salmon

1. **Impact VEG-3a:** Construction activity related to future development within the Downtown area could temporarily alter the water quality and temperature of the Guadalupe River and impact the behavior and/or survival rates of steelhead trout and chinook salmon.

2. **Mitigation Measure VEG-3a:** For construction activity that discharges into the Guadalupe River or Los Gatos Creek between March 1 and October 31, the following measures shall be implemented to minimize potential effects on salmonids:

Applicants shall be required to create a temperature monitoring plan that includes the following components: 1) a description of the anticipated affected reach of river or creek (e.g., linear feet downstream of Project location that may be affected); 2) duration of discharge; 3) temperature of discharge; 4) volume of discharge; and 5) methods for ensuring that instream temperature will not be raised above background level or a discussion of rationale for allowing an increase in instream temperature. An increase in instream temperatures would be acceptable, for example, in cases where in-stream temperatures may be elevated as a result of Project activities, but this increase will only occur for a limited number of days and will only affect a short reach of river. If instream temperatures will be elevated above background levels, the temperature monitoring plan shall be reviewed and approved by CDFG and NOAA Fisheries.

3. **Finding:** Changes to the water quality and temperature of the Guadalupe River associated with construction activities that could alter the behavior and survival rates of steelhead trout and chinook salmon would be reduced to a **less-than-significant level** through the creation of a temperature monitoring plan, and the review and approval of the temperature monitoring plan by CDFG and NOAA Fisheries under specified conditions, as described in the FEIR. Mitigation Measure VEG-3a is incorporated into *Strategy 2000*.

E. Development Effects on Steelhead Trout and Chinook Salmon

1. **Impact VEG-3b:** Future development within the Downtown area could alter the water quality and temperature of the Guadalupe River and impact the behavior and/or survival rates of steelhead trout and chinook salmon.

2. **Mitigation Measure VEG-3b:** Future development proposals for parcels adjacent to the River corridor shall be reviewed for consistency with the Shade Analysis assumptions in Section E. If the proposed activities or building envelope are different from those assumed herein, applicants shall be required to assess the affects of the structures (shading and thermal radiation) on riparian vegetation and creek temperatures. Projects that will result in a 20 or more percent increase in shade or any increase average daily temperature within the river corridor, shall be required to: 1) alter their design to reducing shading; or 2) implement other measures to reduce instream water temperatures. Such measures could include planting of additional shaded riverine aquatic along the Guadalupe River or Guadalupe Creek.

3. **Finding:** Changes to the water quality and temperature of the Guadalupe River associated with development that could alter the behavior and survival rates of steelhead trout and chinook salmon would be reduced to a **less-than-significant level** through the review of the shade-creating effects of individual development projects, and the mitigation of changes in water temperature (if necessary), as described in the FEIR. Mitigation Measure VEG-3b is incorporated into *Strategy 2000*.

VIII. GEOLOGY

A. Exposure to Seismic Hazards

1. **Impact GEO-1:** Occupants of new development, (e.g., dwelling units and commercial space) associated with implementation of *Strategy 2000* would be subject to seismic hazards.

2. **Mitigation Measure GEO-1:** Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San Jose Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of City Ordinance No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the Project site's surface geotechnical conditions and address potential seismic hazards, such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be followed.

3. **Finding:** Exposure of occupants of new development to seismic hazards will be reduced to a **less-than-significant level** through preparation and implementation of a design-level geotechnical investigation and the implementation of all design criteria and specifications set forth in the report, as described in the FEIR. Mitigation Measure GEO-1 is incorporated into *Strategy 2000*.

B. Damage Resulting From Shrink-swell and Settlement of Soils

1. **Impact GEO-2:** Damage to structures or property related to shrink-swell potential and/or settlements of soils in the Greater Downtown area could occur.

2. **Mitigation Measure GEO-2:** In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, and utilities) shall consider these conditions. The design-level geotechnical investigation (required by Mitigation Measure GEO-1) shall include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

3. **Finding:** Exposure of structures and property to settlement or shrinkage and swelling will be reduced to a **less-than-significant level** through implementation of measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized, as described in the FEIR. Mitigation Measure GEO-2 is incorporated into *Strategy 2000*.

C. Temporary Shoring Systems

1. **Impact GEO-3:** Dewatering-related subsidence and potential earth movements associated with temporary shoring systems could cause settlement and damage to existing structures, roadways, and/or utilities.

2. **Mitigation Measure GEO-3:** The design-level geotechnical investigation (required by Mitigation Measure GEO-1) shall evaluate the consolidation properties of the underlying sediments to determine the potential for settlements associated with dewatering and other potential earth movements. If it is determined that unacceptable settlements may occur with either active or passive dewatering systems, then alternative groundwater control systems that do not require continuous groundwater removal (e.g., slurry wall) shall be required.

3. **Finding:** Exposure of structures, roadways, and utilities to potential subsidence and other earth movements will be reduced to a **less-than-significant level** through the requirement of alternative groundwater control systems that do not require continuous groundwater removal, as described in the FEIR. Mitigation Measure GEO-3 is incorporated into *Strategy 2000*.

IX. CULTURAL

A. Installation of Street Furnishings and Public Art

1. **Impact CUL-1:** Installation of street furnishings and public art as envisioned by *Strategy 2000* could adversely impact cultural resources.

2. **Mitigation Measure CUL-1:** Once specific development plans are created and prior to being finalized, the City's Director of Planning shall consider the need for further analysis of potential adverse impacts to cultural resources. If it is determined by the Directory of Planning that the potential presence of cultural resources requires further investigation, then a qualified historian or architectural historian shall review the plans to identify any districts, buildings, structures, or objects that meet the definition of a historical resource, and that may be impacted by Project activities. If no such properties that meet the definition of historical resources are identified, then no further review related to historical resources would be necessary prior to the implementation of Project plans. If properties meeting this definition are identified, the City shall ensure that the Project plans follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Secretary's Standards). Pursuant to *CEQA Guidelines* §15064.5(b)(3), if the Project plans conform to the Secretary's Standards, then potential impacts to historical resources will be considered mitigated to a less-than-significant level.

3. **Finding:** Potential damage to cultural resources associated with the installation of street furnishings and public art will be reduced to a **less-than-significant level** through the

review of plans for street furnishings and public art, and the assurance that plans are consistent with the Secretary's Standards, as described in the FEIR. Mitigation Measure CUL-1 is incorporated into *Strategy 2000*.

B. Consistency With *A Plan for the Past*

1. **Impact CUL-2:** Installation of public art as envisioned by *Strategy 2000* could be inconsistent with *A Plan for the Past*.

2. **Mitigation Measure CUL-2:** The City's preservation plan, *A Plan for the Past*, calls for the depiction of historical figures, events, and structures to be included as part of city-wide public art programs. At the time that public art is being considered for design and installation within the Downtown, the City should consider including integration of information regarding historical figures, events, and structures.

3. **Finding:** The potential inconsistency of public art installations with *A Plan for the Past* will be reduced to a **less-than-significant** level through the consideration of the integration of historical information into proposed art, as described in the FEIR. Mitigation Measure CUL-2 is incorporated into *Strategy 2000*.

C. Effects of Street Trees on Cultural Resources

1. **Impact CUL-3:** Planting street trees as proposed in *Strategy 2000* could adversely impact cultural resources.

2. **Mitigation Measure CUL-3a:** If it is determined by the Directory of Planning that the potential presence of cultural resources requires further investigation, then a qualified historian or architectural historian shall review plans for street tree planting undertaken as part of the Project to determine appropriate street trees for neighborhoods which are recognized as City historic districts or on blocks where the majority of buildings and structures are 45 years of age or older. In City historic districts, the City Landmarks Commission shall review street tree planting plans.

Mitigation Measure CUL-3b: Prior to Project implementation, a qualified archaeologist shall: (1) assess the potential for subsurface archaeological remains that may meet the definition of a historical or archaeological resource, and may be impacted by Project activities; and (2) make Project-specific recommendations, as warranted, about the disposition of such resources. The results of this archaeological assessment should be submitted to the NWIC.

Mitigation Measure CUL-3c: If unidentified archaeological deposits are encountered during Project activities, all work within 50 feet of the find should be redirected. A qualified archaeologist should: (1) evaluate the finds to determine if they meet the definition of a historical or archaeological resource; and (2) make recommendations regarding the disposition of such finds. If the finds do not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to Project implementation. If the finds do meet the definition of a historical or archaeological resource, then they should be avoided by Project

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

Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

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

Mitigation Measure CUL-3d: If human remains are encountered by Project activities, construction activities shall be halted and the County Coroner shall be notified immediately. If the remains are of Native American origin, the Coroner shall notify the NAHC within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist should recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.

Upon completion of analysis, as appropriate, the archaeologist should prepare a report documenting the methods and results of the investigation. This report should be submitted to the NWIC.

3. Finding: Potential adverse impacts to cultural resources associated with the planting of street trees will be reduced to a **less-than-significant level** through: the review of street tree plans for compatibility with historic neighborhoods; the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measures CUL-3a, CUL-3b, CUL-3c, and CUL-3d are incorporated into *Strategy 2000*.

D. Development of New Paseos

1. Impact CUL-4: The development of new paseos as proposed in *Strategy 2000* could adversely impact cultural resources.

2. Mitigation Measure CUL-4a: Implement Mitigation Measure CUL-1.

Mitigation Measure CUL-4b: If the Project plans for new paseos involve ground-disturbing activities, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. Finding: Potential adverse impacts to cultural resources associated with the ground-disturbing activities undertaken to build new paseos will be reduced to a **less-than-significant level** through: the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work

around identified resources and the evaluation of these resources;; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measures CUL-4a and CUL-4b are incorporated into *Strategy 2000*.

E. Alterations to Parks, Plazas, and Riverwalks

1. **Impact CUL-5:** Alterations to and rehabilitation of existing parks, plazas, and riverwalks greater than 45 years of age could adversely impact cultural resources.

2. **Mitigation Measure CUL-5:** If it is determined by the Director of Planning that the potential presence of cultural resources requires further investigation, then a qualified historian or architectural historian shall review development plans to determine if the subject park, plaza, or riverwalk meets the definition of a historical resource. If the public space does not meet this definition, then no further review is necessary prior to Project implementation. If the public space does meet the definition of a historical resource, the City shall ensure that the plans follow the Secretary's Standards. Pursuant to *CEQA Guidelines* §15064.5(b)(3), if Project plans conform to these standards, then potential impacts to historical resources will be considered mitigated to a less-than-significant level.

In the event of an inadvertent archaeological discovery within State right-of-way, the Department's Cultural Resource Studies office shall be contacted immediately at (510) 286-5618 or (510) 286-5618. A staff archaeologist will then evaluate the find(s) with one business day.

3. **Finding:** Potential adverse impacts to historic parks, plazas, and riverwalks resulting from modifications to these resources will be reduced to a **less-than-significant level** through the evaluation of potentially-affected resources (including identified archaeological resources) and adherence to the Secretary's Standards if (architectural) resources are determined to be historic, as described in the FEIR. Mitigation Measure CUL-5 is incorporated into *Strategy 2000*.

F. St. James Historic District Zone of Historic Sensitivity

1. **Impact CUL-6:** Mixed-use development within the St. James Square Historic District Zone of Historic Sensitivity could adversely impact cultural resources.

2. **Mitigation Measure CUL-6a:** A qualified historian or architectural historian should review all plans for any development within the St. James Square Historic District Zone of Historic Sensitivity to ensure conformity with the *St. James Square Historic District Design Guidelines*, and, if necessary, provide technical assistance to achieve such conformity.

If mixed-use development within the St. James Square Historic District Zone of Historic Sensitivity involves ground disturbing activities, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources within the St. James Square Historic District Zone of Historic Sensitivity resulting from new mixed-use development will be reduced to a **less-than-significant level** through: the review of all development plans to ensure conformity with the *St. James Square Historic District Design Guidelines*; and (if ground-disturbing activities take place) the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measure CUL-6a is incorporated into *Strategy 2000*.

G. Development of New Event Locations

1. **Impact CUL-7:** Improving existing event facilities and introducing new event locations could adversely impact cultural resources.

2. **Mitigation Measure CUL-7a:** Implement Mitigation Measure CUL-1.

Mitigation Measure CUL-7b: If new development is proposed within or adjacent to a significant historic resource which is subject to resource-specific preservation plans or design guidelines (e.g., *St. James Square Historic District Design Guidelines*, *A Plan for the Past*, and *The Alameda*), such new development shall conform to those plans and guidelines, in addition to other applicable preservation laws and guidelines.

If the improvement of existing event facilities and introduction of new event facilities involves ground-disturbing activities, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources associated with the improvement of new event facilities and the introduction of new event locations will be reduced to a **less-than-significant level** through: review conformance of event location facilities to resource-specific preservation plans or design guidelines; the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measures CUL-7a and CUL-7b are incorporated into *Strategy 2000*.

H. Effects of New Residential, Commercial, Institutional, and Co-location Properties on Cultural Resources

1. **Impact CUL-8:** Development of new residential, commercial, institutional, and co-location properties could adversely impact cultural resources.

2. **Mitigation Measure CUL-8a:** Implement Mitigation Measure CUL-1.

Mitigation Measure CUL-8b: Implement Mitigation Measure CUL-7b. If such new development involves ground-disturbing, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources associated with the development of new residential, commercial, institutional, and co-location properties will be reduced to a **less-than-significant level** through: the review of project plans, and the assurance that plans are consistent with the Secretary's Standards; the review of conformance of plans with resource-specific preservation plans or design guidelines; the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measures CUL-8a and CUL-8b are incorporated into *Strategy 2000*.

I. Effects of New Residential, Commercial, Institutional, and Co-location Properties on Architectural Resources

1. **Impact CUL-9:** Development of new residential, commercial, institutional, and co-location properties could result in a significant cumulative impact to potentially-significant architectural resources.

2. **Mitigation Measure CUL-9a:** Once the Planning Department receives information that a development plan will be forthcoming on a site within the area covered in this FEIR, which involves the demolition of structures 45 years or older, the City shall consult with a qualified historian or architectural historian, as needed according to the judgment of the Director of Planning, to determine if the property is a significant historic resource and the resulting loss, when combined with other cumulative development, would result in a significant cumulative impact.

Mitigation Measure CUL-9b: Should the City conclude that such a cumulative impact is likely, the following steps shall be taken. The City shall consult with applicants whose projects contribute to the cumulative impact and with the community, with the goal of preserving or otherwise protecting any structures that are found to be historic resources from demolition and any substantial adverse change in their historic significance. Proposals to alter such structures may include a thorough and comprehensive evaluation of the historic significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse, by a party that has no financial interest in a finding either way on economic or structural feasibility. If preserving the structures is found to be structurally or economically infeasible as a result of this disinterested analysis, the City should recommend to the applicants Project alternatives that minimize the significant unmitigated cumulative impact to historic resources. For historic resources that are determined under normal construction assumptions to be infeasible to retain, the City shall consult with applicants whose projects contribute to the cumulative impact, with

the goal of establishing a fair division of responsibility to fund mitigation to preserve information about the affected resources for future study. Such mitigation shall include the following:

- Documentation. HABS Level III documentation by a qualified consultant; provide three copies including original to City Historic Preservation Officer for distribution to NWIC, History San Jose, and California Room at MLK Jr. Library.
- Relocation. Offer for 30 days in San Jose Mercury News, post sign on-site regarding the structures' availability for relocation, and offer financial assistance in relocation equal to the cost of demolition.
- Salvage. In coordination with City Historic Preservation Officer, provide opportunity for salvage of materials for public information or reuse in other locations.

Even with the planning efforts, documentation and salvage that would result from this mitigation measure, a significant cumulative impact could result from the implementation of Project plans. There is no further feasible mitigation that can be implemented to further reduce this impact; therefore the impact is significant and unavoidable.

3. Finding: The development of new residential, commercial, institutional, and co-location properties could result in significant cumulative impacts to architectural resources, as identified in the FEIR. Even with the implementation of feasible mitigation measures, including: the determination of whether affected buildings are significant historic resources; the preservation and protection of historic structures (where possible); the establishment of a fair division of responsibility to fund mitigation to preserve information about resources to be demolished; these impacts would still be **significant and unavoidable**. These significant unavoidable impacts are overridden by Project benefits as set forth in the statement of overriding considerations. Mitigation Measures CUL-9a and CUL-9b are incorporated into *Strategy 2000*.

J. Effects of New Residential, Commercial, Institutional, and Co-location Properties on Archaeological Deposits

1. Impact CUL-10: Development of new residential, commercial, institutional, and co-location properties could result in a significant cumulative impact to potentially-significant archaeological deposits.

2. Mitigation Measure CUL-10: Prior to Project actions within the area that may affect properties containing historical archaeological deposits, especially pueblo-associated deposits, the City should identify the likelihood that cumulative development would result in impacts to such deposits. The steps listed in Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d should be implemented.

Even with the archaeological data recovery detailed in those mitigations, however, a significant cumulative impact could result from the implementation of Project plans. There are no further feasible measures that can be implemented to further reduce this impact; therefore the impact is significant and unavoidable

3. **Finding:** The development of new residential, commercial, institutional, and co-location properties would result in significant cumulative impacts to archaeological deposits, (especially pueblo-associated deposits), as identified in the FEIR. Even with the implementation of feasible mitigation measures, including: the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, these impacts would still be **significant and unavoidable**. These significant unavoidable impacts are overridden by Project benefits as set forth in the statement of overriding considerations. Mitigation Measure CUL-10 is incorporated into *Strategy 2000*.

K. Alterations to Existing Buildings, Structures, or Objects of Historical Value

1. **Impact CUL-11:** Alterations to existing buildings, structures or objects of historical value could constitute a significant impact to such resources.

2. **Mitigation Measure CUL-11a:** Alterations to existing districts, buildings, structures, or objects of historical value should be undertaken in accordance with a plan that meets the Secretary's Standards for the Treatment of Historic Properties.

Mitigation Measure CUL-11b: In combination with CUL-11a, the implementation of Mitigation Measure CUL-7b would reduce this impact to a less-than-significant level.

3. **Finding:** Potential adverse impacts to buildings, structures, or objects of historic value resulting from Project-related activities will be reduced to a **less-than-significant level** through: undertaking alterations in accordance with a plan that meets Secretary's Standards for the Treatment of Historic Properties; review of the conformance of projects to resource-specific preservation plans or design guidelines; assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the preservation in-place, and evaluation of identified resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measures CUL-11a and CUL-11b are incorporated into *Strategy 2000*.

L. Re-use, Remodeling, or Conversion of Historic Buildings

1. **Impact CUL-12:** Re-use, remodeling, or conversion of existing buildings and structures over 45 years old could adversely impact cultural resources.

2. **Mitigation Measure CUL-12:** If any plans call for the re-use, remodeling, or conversion of existing buildings and structures over 45 years old, a qualified historian or architectural historian shall review the development plans to assist the Director of Planning to: (1) determine if buildings or structures meet the definition of a historical resource; and (2) determine if Project activities will affect such properties, provided that they meet the definition of historical resources. If the buildings or structures do not meet the definition of a historical resource, or if they will not be impacted by Project activities, no further review is necessary prior to Project implementation. If the buildings or structures do meet the definition of a historical

resource, any alterations undertaken should follow the Secretary's Standards for the Treatment of Historic Properties and any other applicable guidelines. Pursuant to *CEQA Guidelines* §15064.5(b)(3), if the Project plans conform to the Secretary's Standards, then potential impacts to historical resources will be considered mitigated to a less-than-significant level.

3. **Finding:** Potential adverse impacts to historic buildings resulting from re-use, remodeling, or conversion will be reduced to a **less-than-significant level** through: determining if affected buildings are historic resources; determining if Project activities would affect the historic resources; and compliance with the Secretary's Standards for the Treatment of Historic Properties and other applicable guidelines, as described in the FEIR. Mitigation Measure CUL-12 is incorporated into *Strategy 2000*.

M. Lighting and Signage Plans, and Distinctive Building Design Requirements

1. **Impact CUL-13:** Implementing lighting plans, signage plans, and distinctive building design requirements, could adversely impact cultural resources.

2. **Mitigation Measure CUL-13:** Implement Mitigation Measure CUL-1.

3. **Finding:** Potential adverse impacts to cultural resources associated with implementation of lighting plans, signage plans, and distinctive building design requirements will be reduced to a **less-than-significant level** through the review of lighting and signage plans and distinctive building design requirements, and ensuring that these plans and requirements are consistent with the Secretary's Standards, as described in the FEIR. Mitigation Measure CUL-13 is incorporated into *Strategy 2000*.

N. Clustering Tall Buildings

1. **Impact CUL-14:** Clustering taller buildings near the city center to create an "identifiable urban form" could adversely impact cultural resources.

2. **Mitigation Measure CUL-14:** Implement Mitigation Measure CUL-1.

3. **Finding:** Potential adverse impacts to cultural resources associated with the clustering of tall buildings near the city center will be reduced to a **less-than-significant level** through the review of applications for tall buildings near the city center, and ensuring that these plans are consistent with the Secretary's Standards, as described in the FEIR. Mitigation Measure CUL-14 is incorporated into *Strategy 2000*.

O. Effects of Transit Enhancement Structures

1. **Impact CUL-15:** Creating rider-friendly "enhancement structures" near transit lines could adversely impact cultural resources.

2. **Mitigation Measure CUL-15:** Implement Mitigation Measure CUL-1. If the Project plans involve ground-disturbing activities, the following mitigation measures should be

implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources associated with the creation of transit enhancement structures will be reduced to a **less-than-significant level** through: the review of applications for enhancement structures; ensuring that these structures are consistent with the Secretary's Standards; the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measure CUL-15 is incorporated into *Strategy 2000*.

P. Effects of Transit-related Facilities

1. **Impact CUL-16:** Development of transit-related facilities could adversely impact cultural resources.

2. **Mitigation Measure CUL-16:** Implement Mitigation Measure CUL-1. If the Project plans involve ground-disturbing activities, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources associated with the development of transit-related facilities will be reduced to a **less-than-significant level** through: the review of applications for transit-related facilities; ensuring that these facilities are consistent with the Secretary's Standards; the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measure CUL-16 is incorporated into *Strategy 2000*.

Q. Effects of Transit Infrastructure

1. **Impact CUL-17:** Incorporation of transit infrastructure in development plans could adversely impact cultural resources.

2. **Mitigation Measure CUL-17:** Implement Mitigation Measure CUL-1.

3. **Finding:** Potential adverse impacts to cultural resources associated with the incorporation of transit infrastructure in development plans will be reduced to a **less-than-significant level** through: the review of development plans; and ensuring that these development plans are consistent with the Secretary's Standards, as described in the FEIR. Mitigation Measure CUL-17 is incorporated into *Strategy 2000*.

R. Effects of Near-term Parking Facilities

1. **Impact CUL-18:** Development of a near-term parking facilities could adversely impact cultural resources.

2. **Mitigation Measure CUL-18:** Implement Mitigation Measure CUL-1. If the Project plans involve ground-disturbing activities, the following mitigation measures should be implemented: Mitigation Measure CUL-3b, Mitigation Measure CUL-3c, and Mitigation Measure CUL-3d.

3. **Finding:** Potential adverse impacts to cultural resources associated with the development of near-term parking facilities will be reduced to a **less-than-significant level** through: the review of proposals for near-term parking facilities; ensuring that these facilities are consistent with the Secretary's Standards; and (if ground-disturbing activities would occur) the assessment of the potential for subsurface archaeological resources and the recommendation of measures for the protection of existing resources; the redirection of work around identified resources and the evaluation of these resources; and adherence to established protocol for the protection and evaluation of human remains, as described in the FEIR. Mitigation Measure CUL-18 is incorporated into *Strategy 2000*.

X. HAZARDS

A. Exposure of Persons to Contamination

1. **Impact HAZ-1:** Redevelopment of properties within the *Strategy 2000* Project area could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could potentially be affected by releases of hazardous materials.

2. **Mitigation Measure HAZ-1a:** Prior to development or redevelopment of any parcel as part of implementation of *Strategy 2000*, a Phase I site assessment should be conducted by a qualified professional (e.g., a California-registered environmental assessor) to identify current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials to have occurred that might impact the site. The assessments should be performed in conformance with standards adopted by the American Society for Testing and Materials (ASTM) for Phase I site assessments. The Phase I site assessment should identify any limitations to development due to the presence of any sites associated with hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if necessary.

Mitigation Measure HAZ-1b: If a Phase I site assessment were to indicate that a release of hazardous materials could have affected the site, additional soil and/or groundwater investigations should be conducted by a qualified environmental professional to assess the presence and extent of contamination at the site. Soil and groundwater investigations should be conducted in conformance with State and local guidelines and regulations.

Mitigation Measure HAZ-1c: If the results of the subsurface investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Depending on the nature of contamination, remediation could

consist of soils removal, groundwater extraction/treatment, or modification to site planning and building design to minimize risks of exposure. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies.

Mitigation Measure HAZ-1d: For any site where contamination has been identified, construction should only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers, delineate procedures to be undertaken in the event that contamination is identified above action levels, and identify emergency procedures and responsible personnel. If construction were to take place on sites adjacent to sensitive receptors, the health and safety plan should include air monitoring at the perimeter of the construction site. The health and safety plan should include performance standards identified to minimize the effects of airborne contaminants on sensitive receptors (for example, stopping work in dusty conditions, limiting excavation areas, or wetting down of surfaces). The presence of lead-based paint or asbestos-containing materials at the site may require additional site safety procedures. Construction workers at contaminated sites would be required to have received hazardous materials training in accordance with federal and State regulations. Completion of these mitigation measures should be a condition of approval for any Planning, grading, demolition, or building permit within the *Strategy 2000* Project area.

3. **Finding:** Potential adverse health impacts associated with the exposure of persons to soil and groundwater contamination will be reduced to a **less-than-significant level** through implementation of the following steps for each specific development project: Phase I site assessment; soils and groundwater assessments (as necessary); remediation activities; and the preparation and implementation of site-specific health and safety plans, as described in the FEIR. Mitigation Measures HAZ-1a, HAZ-1b, HAZ-1c, and HAZ-1d are incorporated into *Strategy 2000*.

B. Release of Asbestos and Lead

1. **Impact HAZ-2:** Demolition or renovation of buildings containing lead-based paint and asbestos-containing building materials could release airborne lead and asbestos particles, which may potentially affect the health of construction workers and future site users.

2. **Mitigation Measure HAZ-2a:** For compliance with existing regulations, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District.

Mitigation Measure HAZ-2b: For compliance with existing regulations, a lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall

be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

3. **Finding:** Potential exposure of construction workers and future site users to demolition and renovation-related airborne lead and asbestos will be reduced to a **less-than-significant level** through compliance with existing lead and asbestos regulations, including the remediation of lead and asbestos where necessary, as described in the FEIR. Mitigation Measures HAZ-2a and HAZ-2b are incorporated into *Strategy 2000*.

C. Use, Storage, and Disposal of Hazardous Materials

1. **Impact HAZ-3:** New businesses developed as part of the *Strategy 2000* may include the use, storage, or disposal of hazardous materials. Improper management of hazardous materials could potentially expose workers and/or the public to health risks.

2. **Mitigation Measure HAZ-3:** Prior to issuance of building permits for development or redevelopment in the Project area that may involve the use, storage, or disposal of hazardous materials, the City shall determine that the proposed use has adhered to current regulations and programs concerning hazardous waste.

3. **Finding:** Health risks associated with the use, storage, and disposal of hazardous materials will be reduced to a **less-than-significant level** through the determination that new uses adhere to current hazardous waste regulations and programs, as described in the FEIR. Mitigation Measure HAZ-3 is incorporated into *Strategy 2000*.

XI. PUBLIC FACILITIES AND SERVICES

No significant public facilities and services impacts are identified.

XII. HYDROLOGY AND FLOODING

A. Storm Water Runoff

1. **Impact HYD-1:** Construction activities and post-construction operation of specific development projects within the Project area could result in degradation of water quality in the Guadalupe River and the Bay by reducing the quality of storm water runoff.

2. **Mitigation Measure HYD-1:** The applicant of a development or redevelopment project shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the project. The SWPPP shall include:

- Specific and detailed BMPs designed to mitigate construction-related pollutants. These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm

water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. City of San Jose and RWQCB personnel may make unannounced site inspections and are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

Best Management Practices (BMPs) designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased when grading occurs during the rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Access to and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash down facilities shall be designed to be accessible and functional both during dry and wet conditions.

- **Measures designed to mitigate post construction-related pollutants.** Planting with locally grown plant stock is encouraged, but cannot be guaranteed in every case due to limited availability of stock. The Project shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development, including roof and sidewalk runoff. Design teams for new projects should review *Start at the Source*, Design Guidance Manual for Stormwater Quality Protection. The selected permanent stormwater treatment measures may include biofilters and grassy swales; and the selected measure must meet the hydraulic sizing criteria specified in the most current NPDES municipal stormwater permit issued to the City of San Jose, unless the developer demonstrates that it is impracticable to meet the criteria; and the Project includes an alternative method for treating an equivalent pollutant loading or quantity of stormwater runoff, or provides another equivalent water quality benefit.

Landscaping that is installed adjacent to either the Guadalupe River or Los Gatos Creek should consist of locally grown seedlings or cuttings from these respective watersheds. Because such seedlings and plants may take from one to several years to grow to size prior to installation, and should be grown by a local nursery, project sponsors should begin early to secure the sources for such stock.

3. Finding: Degradation of storm water quality that could occur as a result of Project construction and operation will be reduced to a **less-than-significant level** through preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), as described in the FEIR. Mitigation Measure HYD-1 is incorporated into *Strategy 2000*.

B. Flood Inundation

1. Impact HYD-2: Portions of the Project site are located in the 100-year flood hazard zone and could be inundated during extreme storm events.

2. **Mitigation Measure HYD-2:** All structures shall be built so that potential injuries to Project occupants and property damage are minimized in the event of a flood. Specifically, and in accordance with the San Jose Municipal Code, Title 17, Chapter 17.08, any new development projects or substantial redevelopment shall comply with floodplain management regulations. The lowest finished floor of each structure shall be elevated to or above the inundation elevation specified on the Flood Insurance Rate Map. In addition, any below-ground parking structures shall be designed and constructed so that the base flood would not inundate these areas. Flood protection of below-ground parking could be achieved either by grade control and/or berms. Those areas removed from the 100-year flood hazard zone by the Letter of Map Revision process shall not be required to comply with floodplain regulations.

3. **Finding:** Impacts associated with the exposure of structures to 100-year floods will be reduced to a **less-than-significant level** by requiring new development projects and major redevelopment projects to comply with floodplain management regulations, and by requiring below-ground parking structures to be designed and constructed so that they are not inundated by the base flood, as described in the FEIR. Mitigation Measure HYD-2 is incorporated into *Strategy 2000*.

C. Inefficient Use of Water

1. **Impact HYD-3:** Some of the activities proposed by the Project could result in the inefficient use of water supplies.

2. **Mitigation Measure HYD-3:** Each landscaping plan proposed as part of future development in the Project area shall be designed to use the minimum volume of irrigation water necessary to meet the objectives of the landscaping plan. In general, low water-need plants shall be emphasized. In particular, species of trees and shrubs that only require water to become established shall be specified whenever possible. Turf grass, which is among the highest water users of all common landscaping choices, shall be avoided to the extent feasible. In addition, efficient irrigation systems, including but not limited to drip systems, shall be emphasized. Use of reclaimed water should be considered for each project. The City of San Jose Planning Department shall review and approve each of the landscaping plans proposed as part of specific development projects to ensure that they minimize irrigation to the extent feasible.

3. **Finding:** Potential inefficient water use resulting from some Project-related activities will be reduced to a **less-than-significant level** through: the design of landscaping plans to use the minimum volume of irrigation water necessary; and the review of landscaping plans by the City to ensure the plans minimize irrigation to the extent feasible, as described in the FEIR. Mitigation Measure HYD-3 is incorporated into *Strategy 2000*.

D. Dewatering Effluent

1. **Impact HYD-4:** Dewatering effluent may contain contaminants and if not properly managed could cause impacts to construction workers and the environment.

2. **Mitigation Measure HYD-4:** Each future project proposed under *Strategy 2000* requiring discharge of dewatering effluent shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include provisions for the proper management of dewatering effluent. At a minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater will be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the applicant will work with the RWQCB and/or the local wastewater treatment plant to determine appropriate disposal options.

3. **Finding:** Potential health and environmental impacts associated with the construction-period release of contaminated effluent will be reduced to a **less-than-significant level** through the preparation of a SWPPP, as described in the FEIR. Mitigation Measure HYD-4 is incorporated into *Strategy 2000*.

XIII. UTILITIES AND INFRASTRUCTURE

A. Water Demand

1. **Impact UTIL-1:** Implementation of *Strategy 2000* would result in new development that could increase the demand for water, potentially resulting in the need for new or expanded water entitlements.

2. **Mitigation Measure UTIL-1:** Consistent with General Plan policies related to water, the City shall review individual development proposals, and coordinate with the applicable water service provider, to ensure that the Project could be adequately served by the City's water supply prior to the approval of any specific development projects. The City shall also require that all new residential and commercial development incorporates water-saving measures, including the use of reclaimed water for irrigation, and water-conserving fixtures, such as low-flow toilets and shower heads, flow-reducing aerators on sinks, and automatic shut-off faucets, in commercial buildings. All new development shall be in compliance with the Green Building Policies.

3. **Finding:** Increased demand for water, which could require the procurement of new or expanded water supplies, will be reduced to a **less-than-significant level** through: the review of individual development proposals; requiring the incorporation of water-saving measures into all new residential and commercial development; and requiring that all new development be in compliance with the City's Green Building Policies, as described in the FEIR. Mitigation Measure UTIL-1 is incorporated into *Strategy 2000*.

B. Wastewater Generation

1. **Impact UTIL-2:** Implementation of *Strategy 2000* would result in new development that would, in combination with other planned development, increase the volume of wastewater sent to the City's Water Pollution Control Plant and could exceed the Regional Water Quality Control Board's limit of 120 mgd effluent release into San Francisco Bay.

2. **Mitigation Measure UTIL-2:** Consistent with General Plan policies related to wastewater services, the City shall review individual development proposals to ensure that the projects could be adequately served by the Water Pollution Control Plant and not result in a violation of the Board's discharge cap to the Bay prior to the approval of any specific development projects. At the time that specific development projects are proposed, the City shall require that indoor and outdoor water conserving technologies and practices are integrated into the development.

3. **Finding:** Increased wastewater generation, which could exceed the capacity of the Water Pollution Control Plant and the Regional Water Quality Control Board's effluent release limit, will be reduced to a **less-than-significant level** through: the review of individual development proposals; and requiring indoor and outdoor water conserving practices and policies to be incorporated into new development, as described in the FEIR. Mitigation Measure UTIL-2 is incorporated into *Strategy 2000*.

XIV. ENERGY

No significant energy impacts are identified.

XV. CUMULATIVE IMPACTS

A. Cumulative Land Use Impacts

1. **Impact:** Implementation of the proposed *Strategy 2000* Project, in combination with all of the cumulative projects currently proposed, would contribute to the following significant cumulative land use impacts:

- A cumulatively significant loss of visual open space in San José, estimated to be in the range of 2,000 to 3,000 acres; and
- A cumulatively significant loss of unobstructed views of the scenic hillsides and mountains that form the perimeter of the Santa Clara Valley.
- Secondary effects of the cumulative traffic from the Downtown and North San José development, such as dust, litter, odors, and access difficulties, will increase significantly on segments of North Tenth and Eleventh Streets and on Julian, Taylor and Hedding Streets. Because of the quantity of traffic and the presence of the grid street system, the quantity of cut-through traffic into the adjacent residential neighborhoods, and the land use impacts from that traffic on residential neighborhoods, will also be significant.

2. **Mitigation Measure:** As discussed in the Land Use Impacts discussion, available mitigations for the land use impacts associated with significant traffic increases, and available mitigation measures to reduce the visual impacts associated with loss of open space are assumed to be in place and/or included in all of the proposed projects. The significant unavoidable land

use impacts that would result from approval and implementation of all identified projects are therefore significant and unavoidable. Implementation of *Strategy 2000* will contribute to these cumulative significant impacts both in terms of additional traffic as well as the loss of visual open space.

3. **Finding:** Implementation of the proposed Project, in conjunction with anticipated projects, would result in the loss of visually-significant open space; result in the loss of unobstructed hillsides and mountains; and contribute additional congestion between Downtown and North San Jose, resulting in additional cut-through traffic, and air quality, noise, and visual impacts associated with congestion. Mitigation measures to reduce land use impacts associated with traffic congestion, and loss of open space are assumed to be in place and/or included in all of the anticipated projects. However, these mitigation measures would not reduce the cumulative impact to a less-than-significant level. Therefore, this impact remains **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

B. Cumulative Traffic Impacts

1. **Impact:** The Project which is the subject of this FEIR will contribute substantially to the identified significant cumulative impacts that include increasing congestion across the three special subarea screenlines, significant increases to VMT and VHT within the City's Sphere of Influence, and significant increases in peak hour congestion on already congested roadway links and the degradation of additional roadway links.

2. **Mitigation Measure:** Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation was identified that would reduce the impacts to a less than significant level. This conclusion notwithstanding, it is important to summarize the mitigation/avoidance measures that are included in the projects under consideration in this cumulative scenario.

1. Consistent with the policies and strategies of the General Plan, all of the projects are infill development within San José's UGB.
2. Consistent with adopted City policies and policies embodied in various regional transportation and clean air plans, each of the six large projects (*i.e.*, Downtown, North San José, Evergreen, Coyote Valley, Hitachi, and iStar) include a proposed intensification of development along existing/planned rail corridors.
3. Four of the six large projects (Downtown, North San José, Coyote Valley, and Hitachi) include new residential land uses proximate to existing/planned job centers.
4. As applicable, each project will include facilities (*e.g.*, showers, bike lockers, transit amenities, pedestrian pathways, etc.) that facilitate use of alternative modes of transportation.
5. The North San José project includes a comprehensive package of roadway improvements (including upgrades to freeway, expressway, and local street

facilities), and a financing plan for their funding. The North San José project is also proposing improvements to the transit system.

6. The Downtown *Strategy 2000* Project includes a comprehensive package of roadway improvements (including upgrades to US 101, I-280, and SR 87 freeway ramps, and local street facilities such as the new Autumn Street connection and Coleman Avenue widening).
7. The Evergreen project contains a comprehensive package of highway improvements (including upgrades to US 101, White Road, and local intersections), and a financing plan for their funding.
8. The Coyote Valley project will include improvements to interchanges on US 101, new/widened roadways in Coyote Valley, and the widening of Bailey Avenue between Coyote Valley and Almaden Valley. The Coyote Valley project is also envisioned to include a fixed guideway transit system.

These measures will have the effect of reducing cumulative traffic impacts, compared to that which would occur in the absence of such measures. The measures would not, however, be sufficient to reduce impacts to a less than significant level. Given the practical limitations on future roadway expansions, further reductions in cumulative traffic impacts will be largely dependent upon long term changes in the behavior of commuters. Such changes will be necessary in order to reduce the overwhelming dependence on single occupant automobile transportation that is the basis of both the Project specific and cumulative traffic impact analyses. This FEIR does not assume that such change will occur during the current General Plan horizon.

Changes in commute behavior (*i.e.*, relying less on single occupant automobile transportation) may, over time, reduce the significant traffic congestion identified in this cumulative impacts analysis. Government actions that encourage use of alternative transportation and discourage reliance on single occupant automobiles, consistent with the City's General Plan and the Countywide Congestion Management Plan, are specific actions that also might be taken to reduce the significant traffic impacts. However, a significant reduction in cumulative traffic congestion is unlikely to occur during the current General Plan horizon.

3. **Finding:** Implementation of the proposed Project, in conjunction with anticipated projects, would increase congestion across the three special subarea screenlines, significantly increase VMT and VHT within the City's Sphere of Influence, and significantly increase peak hour congestion on already congested roadway links and the degradation of additional roadway links. There are no feasible mitigation measures to reduce this significant cumulative impact. However, the mitigation measures listed above are incorporated into *Strategy 2000*. Therefore, this cumulative impact would remain **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

C. Cumulative Air Quality Impacts

1. **Impact:** The proposed Project which is the subject of this FEIR would add 10,000 new dwelling units, 45,000 additional jobs, and 2,500 hotel rooms to the holding capacity of the

City's General Plan. Both the housing and the jobs will be relatively close to each and to an existing network of transit and roadway systems. Nevertheless, the addition of this much additional development would not be consistent with the assumptions of the Clean Air Plan, which will result in a significant impact on regional air quality in the Bay Area.

2. Mitigation Measure: The City's adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government. Goals and objectives for all of the six major projects evaluated in this cumulative section include designing for transit access where such design is feasible. As development is proposed, the City evaluates specific development design for consistency with the General Plan policies.

Strategy 2000 includes improvements to the existing transit system, maintenance and redevelopment of a street system that is compatible with alternative transportation modes (including walking and bicycling), requirements for design that supports alternative transportation, and the basic policy modifications are intended to facilitate the development of mixed uses in closer proximity to one another.

All of these measures are consistent with the BAAQMD Guidelines for reducing long term air quality impacts, and with the provisions of the CAP.

While there are no specific measures identified that would reduce air quality impacts to a less than significant level, the proposed Project includes all feasible measures to reduce long term air quality impacts. While the cumulative projects would not be consistent with the population projections in the current CAP, the inclusion of TCMs and design measures to support alternative transportation modes and the provision for improvements to the existing transit system are consistent with CAP policies. The Project's contribution to the cumulatively significant air quality impacts will still be significant and unavoidable.

3. Finding: Implementation of the proposed Project, in conjunction with anticipated projects, would result in development that would not be consistent with the assumptions of the Clean Air Plan, and would result in a significant impact to regional air quality. All feasible measures to reduce long term air quality impacts are incorporated into *Strategy 2000*. However, there are no other available mitigation measures that would reduce this cumulative impact to a less-than-significant level. Therefore, this cumulative impact would remain **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

D. Cumulative Noise Impacts

1. Impact: It is concluded that cumulative long-term noise impacts would be significant and unavoidable. Approval of all of the cumulative projects would result in a substantial increase in ambient noise levels, or expose people to noise levels in excess of established City or state standards.

2. **Mitigation Measure:** No feasible mitigation measures are available to reduce noise resulting from cumulative Project traffic to a less-than-significant level.

3. **Finding:** Implementation of the proposed Project, in conjunction with anticipated projects, would result in noise increases along major roadways in the greater San Jose area where new roadways would be constructed, roadway widening would move traffic closer to adjacent receptors, and traffic volumes would substantially increase in relation to existing volumes. No feasible mitigation measures are available to reduce this cumulative impact to a less-than-significant level. Therefore, this cumulative impact would remain **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

E. Cumulative Cultural Resources Impacts

1. **Impact:** Five of the 22 cumulative projects would result in a significant impact to historic resources. The resources that would be affected by these projects are generally distinct. They are geographically separated and do not represent the same type of development. Two of the projects may result in impacts to resources representing the same period in the City's history. While the individual impacts would not combine to create a cumulative impact of greater severity upon any one historic period or type of resource, the cumulative loss of historic structures would be significant.

The combined impacts to historic resources as a result of full implementation of the proposed projects would result in a cumulatively significant loss of historic resources. *Strategy 2000* would contribute to that cumulatively significant impact.

2. **Mitigation Measure:** While approval and implementation of the proposed Project evaluated in this FEIR will result in a cumulatively considerable contribution to significant cumulative impacts to cultural resources, no additional mitigation measures are available to address these impacts.

3. **Finding:** Implementation of the proposed Project, in conjunction with anticipated projects, would result in a significant cumulative impact to historic resources. No feasible mitigation measures are available to reduce this significant cumulative impact to a less-than-significant level. Therefore, this cumulative impact would remain **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

F. Cumulative Energy Impacts

1. **Impact:** As shown in the list of cumulative projects in the FEIR, there is a substantial amount of development that is being considered for approval in San José. To provide information regarding the magnitude of cumulative energy impacts, the estimated annual energy usage of the largest of these projects is quantified in Table VI-6 of the FEIR. To put the data of Table VI-6 into context, the cumulative increase in electricity, 1,433 million kWhr, is equivalent

to 8 percent of the total amount of electricity used in Santa Clara County in the year 2000.² Similarly, the cumulative increase in gasoline, 77 million gallons, is equivalent to 9 percent of the total amount of gasoline used in Santa Clara County in 2003.³

More important, the California Energy Commission is projecting future shortages of electricity, natural gas, and gasoline during periods of peak demand. In the context of these projected shortages, the increase in energy usage that is shown in Table VI-6 would constitute a significant cumulative energy impact. This conclusion is consistent with the thresholds of significance used for energy impacts, which state that energy usage needs to be evaluated in the context of projected supplies.

There are many measures available to reduce energy consumption in both residences and businesses. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings.

It is also important to note that several of the large projects being considered (e.g., Downtown, North San José, Coyote Valley, and Hitachi) would construct residences in the vicinity of job centers. Further, all of the large projects listed in Table VI-6 are, to varying degrees, located along existing or planned rail corridors (LRT, CalTrain, BART, Altamont Commuter Express). Proximity of jobs to housing and the availability of efficient public transit are important goals of land use planning, as embodied in the policies of San José's General Plan, because they can substantially reduce the adverse effects of automobile usage (i.e., energy consumption, congestion, and air pollution).

One of the cumulative projects, the Evergreen Smart Growth Strategy, would reverse a 1970s decision to designate 367 acres of land in Evergreen for roughly 5 million square feet of *Campus Industrial* uses. The 1970s decision was made for the purpose of locating jobs near the substantial supply of housing in Evergreen. The current proposal would redesignate these lands for housing which would result in longer commutes. From a transportation energy perspective, this would be an adverse impact.

On the basis of the above discussion, including the fact that the extent to which each project will incorporate energy-conserving measures into its design is presently unknown, it is concluded that cumulative energy impacts will be significant and unavoidable.

2. Mitigation Measure: There are many measures available to reduce energy consumption in both residences and businesses. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings. However, given the long term horizon for this Project, and the inherent limitations on the City's ability to forecast who the future users might be and what their requirements might include, the City is not proposing at this time to commit to a menu of energy conservation measures.

² Total electricity usage for year 2000 in Santa Clara County was 17,843 million kWhr. (Source: California Energy Commission, www.energy.ca.gov/electricity/electricity_by_county_2000.html)

³ In 2003, Santa Clara County highway gasoline consumption was estimated to be 813,222,000 gallons. (Source: Caltrans, Office of Transportation Economics, 2004)

3. **Finding:** Implementation of the proposed Project, in conjunction with anticipated projects, would result in the use of finite supplies of energy. Because the Project would occur over a long time period, it is not feasible to commit to the implementation of certain energy conservation measures. Therefore, this cumulative impact would remain **significant and unavoidable**. This unavoidable cumulative impact is overridden by Project benefits as set forth in the statement of overriding considerations.

XVI. ALTERNATIVES TO THE PROPOSED PROJECT

A. No Development Alternative: The No Development alternative is the circumstance under which the Project does not proceed, and the comparison involves the effects of the *Strategy 2000* study area remaining in its existing state versus the effects which would occur if the Project were implemented. The *Strategy 2000* area would remain physically as it presently is. No new construction or expansion of housing, retail, office, hotels, or parking resources would occur under this alternative. Neither the general themes nor the specific actions including key priorities and development potential, urban design concepts, design guidelines, and strategies and specific actions would be implemented.

1. **Comparison to the Project.** To maintain the Project site as it is today would avoid each of the 13 significant and unavoidable impacts that would result from the proposed Project. The absence of new residential and retail development in the area would not exacerbate congestion at 31 impacted intersections, and the 21 intersections where mitigation is infeasible, and 33 freeway segments. Related to the avoidance of these traffic impacts, the No Development alternative would also avoid the contribution made by the proposed Project to regional air pollution. The No Development alternative would not result in significant cumulative impacts to potentially-significant historic architectural resources.

2. **Finding:** While this alternative would be environmentally superior in the technical sense that these aforementioned impacts would not occur, it would also fail to achieve any of the Project's objectives summarized in the FEIR (and included in the City's General Plan for Downtown San Jose and the adjacent San Jose International Airport). The development of retail, housing, hotels, parks and trails, and parking, and the implementation of streetscape improvements would be foregone under the No Development alternative. Since this alternative fails to provide any of the benefits of the Project, the City Council finds this alternative infeasible and less desirable than the Project.

B. Increased Housing/Reduced Office Alternative: The Increased Housing/Reduced Office alternative would retain all of the Objectives and Guiding Principles: Key Priorities; Urban Design Concepts; and Strategies and Actions by System and by Sub-Areas; and Design Guidelines. It would, however, involve a shift in the assumptions about the development potential of the Greater Downtown Area. This shift in the types of development that would occur under *Strategy 2000* would involve: (1) a reduction in the level of office development, from a maximum of 10 million square feet in the proposed Project, to a maximum of 7.5 million square feet under this alternative; and (2) an increase in housing from a maximum of 10,000

residential units in the proposed Project, to 12,000 residential units under this alternative. The four General Plan Amendments [GP05-03-01(a)-(e)] that are part of the proposed Project would not change under this alternative. This alternative could be accomplished under the broad parameters that are expressed in *Strategy 2000* as it has been presented; it simply represents a land use and development pattern that substitutes additional housing units for approximately one quarter of the office development envisioned under the proposed Project.

1. Comparison to the Project.

a. Land Use. The potential land use impacts of the Increased Housing/Reduced Office alternative would not differ substantially from those of the proposed Project. By definition, the Greater Downtown would experience approximately 2.5 million square feet less office development than under the proposed Project and approximately 2,000 more residential housing units. However, an increase in housing units of this size would not disrupt or divide an established community or cause any inherent conflict with other existing or proposed uses. Shifting from office development to housing would require no more or less acquisition or relocation of existing uses. Like the proposed Project, the Increased Housing/Reduced Office alternative would result in the significant land use impact (Impact LU-1), which relates to building heights exceeding the FAA's surface height restriction of 208 feet AMSL and the safety of operations at San Jose International Airport. Implementation of the same three-part mitigation measure would reduce this impact to a less-than-significant level.

b. Transportation and Circulation. The Increased Housing/Reduced Office alternative would result in approximately 2,000 fewer trips during each of the peak hours. Developing additional housing Downtown places those units in close proximity to jobs, retail and transit and allows internalization of trips within the Downtown. To the extent the additional 2,000 units under this alternative are developed Downtown rather than in more suburban locations in San José, there is potential for increased use of transit and other alternative modes of transportation with a related decrease in auto trips.

Though there would be a reduction in peak hour trips generated by this alternative, the overall effects of such a reduction would result in only minimal changes on transportation facilities. The proposed Project would result in impacts at 31 intersections. The Increased Housing/Reduced Office alternative may result in reduced congestion at the following locations:

- Market Street and San Carlos Street
- Almaden Boulevard and Santa Clara Street
- Almaden Boulevard and San Carlos Street

These three intersections are within the Downtown Core area and under existing General Plan policy intersections within the Core are exempt from Council Policy 5-3, Transportation Level of Service Policy. While Policy 5-3 generally describes LOS D as the minimum acceptable congestion level, given the three intersections are exempt from the requirement to maintain minimum LOS D, a level of congestion represented by LOS E or LOS F is considered acceptable under existing General Plan policy. The identified intersections were shown to operate at LOS E conditions under the proposed Project. The reduction in trips under the Increased

Housing/Reduced Office alternative may result in the improvement of the intersections to LOS D conditions. The remaining intersections were shown in the analysis of the proposed Project to be degraded so substantially by the combination of existing traffic and new growth, that the reduction in trips of the alternative would have no effect.

The proposed Project would have a significant impact on 33 freeway segments. A reduction of 2,000 peak hour trips over the Greater Downtown area would not cause any of these facilities to drop from the list. Thus, the Increased Housing/Reduced Office alternative would also have a significant impact on the same facilities.

c. Air Quality. The air quality impacts from the Increased Housing/Reduced Office alternative would be the same as those of the proposed Project. The difference in vehicular trips generated under this alternative (roughly 2,000 fewer during the AM and PM peak hours) would not substantially change the local carbon monoxide emissions or the regional criteria pollutant emissions from development in the Greater Downtown, both of which are considered significant impacts. Two less-than-significant impacts – potential odors and toxic air contaminants – could be reduced as a result of this alternative. The construction period dust and vehicular emissions would not differ substantially from the shift from office uses to residential uses under this alternative.

d. Noise. Noise impacts in the Greater Downtown result from impacts of the environment upon residents and employees in the study area, including traffic noise generated from the new growth itself. Noise from three sources – the San Jose International Airport, vehicular traffic, and rail operations – would all lead to significant adverse impacts under the proposed Project as well as under this alternative. In fact, the total number of Downtown residents exposed to unacceptably high noise levels under the Increased Housing/Reduced Office alternative would increase as compared to the proposed Project. As with the proposed Project, each of the significant noise impacts could be successfully reduced to less-than-significant levels through the implementation of the recommended mitigation measures.

e. Shade and Shadow. The shade and shadow simulations of the proposed Project (Section V.E, Shade and Shadow of the FEIR) are based on assumptions about the building envelopes of future development that are conservative (i.e., they are the maximum height and bulk that could occur on specific parcels under *Strategy 2000* and other regulations). Those simulations and the analysis of potential shade and shadow impacts show significant impacts on three of the major public open spaces in the Greater Downtown: St. James Park, Plaza of Palms, and Plaza de Cesar Chavez. The height and bulk of the Increased Housing/Reduced Office alternative would be similar to that of the proposed Project and would lead to the same shade and shadow impacts on these open spaces. As with the proposed Project, each of the significant shade and shadow impacts could be successfully reduced to less-than-significant levels through the implementation of the recommended mitigation measures.

f. Aesthetics. While newly constructed residential buildings (or existing buildings converted to residential uses) would look different from office buildings, there is nothing about these differences that would necessarily lead to significant impacts on the views or aesthetics of the Greater Downtown. The same urban design concepts and guidelines that would ensure that

the proposed Project would not lead to significant aesthetic impacts would be applied to this alternative and its increased emphasis on housing.

g. Vegetation and Wildlife; Geology; Cultural Resources; Hazards and Hazardous Resources; Hydrology and Flooding; and Energy. The shift in land use from the proposed Project's mix of residential and office to a pattern with a greater proportion of housing and less office would have only marginally different effects on these six topics. The impacts of the Increased Housing/Reduced Office alternative would be the same as the proposed Project and could – with two exceptions – be reduced to less-than-significant levels through the implementation of the recommended mitigation measures. The potential cumulative impacts to architectural resources and archaeological deposits would remain significant and unavoidable under the Increased Housing/Reduced Office alternative, just as would be the case under the proposed Project. The potential for an increased number of study area residents under this alternative could be considered to increase the overall risk of hazards and hazardous materials; however, appropriate mitigations are available to address that outcome. The reason for the similarity between the impacts of the proposed Project and this alternative is due to the fact that impacts, in each of these topical areas, stem from the new or redeveloped buildings' footprint and not from their height, bulk or density of population and employment.

h. Public Facilities and Services; and Utilities and Infrastructure. With the exceptions discussed below (water supply, sanitary sewer, and solid waste), the Increased Housing/Reduced Office alternative would have impacts in these topical areas that would be similar to the proposed Project. The increased housing development and redevelopment in the Greater Downtown resulting from the Increased Housing/Reduced Office alternative would lead to a greater demand on the services/utilities of water supply, sanitary sewer and solid waste. It is important to remember that this increase in demand would only necessarily occur within the Greater Downtown and not necessarily when one looks at the rest of the City of San Jose. If the Increased Housing/Reduced Office alternative were to result in a shift of residential growth that would otherwise occur elsewhere in San Jose toward the Downtown, and a consequent similar shift of new or redeveloped office space outside of Downtown, but the same total citywide growth in these land uses, then the increase in demand in the Downtown would not be meaningful. Because the Greater Downtown would not appear to have specific facilities constraints in serving the added level of demand that would result from the Increased Housing/Reduced Office alternative, such a shift in land uses would not constitute a significant adverse impact.

2. Finding: Although this alternative would result in incrementally fewer peak hour trips than would result from the proposed Project, it would expose more Downtown residents to unacceptably high noise levels. With the exception of peak hour trips, and noise levels, the impacts resulting from the alternative would be roughly the same as those resulting from the proposed Project. Because this alternative is not more environmentally benign than the proposed Project and would result in a reduced positive impact to the City's jobs/housing balance, the City Council finds that it is not more desirable than the proposed Project. Even though this alternative retains the objectives and guiding principles of the proposed Project, it would not improve environmental quality compared to the proposed Project and would result in a reduced

positive impact to the City's jobs/housing balance. For the foregoing reasons, the City Council finds this alternative infeasible and less desirable.

C. Mitigated Alternative: The Mitigated alternative would retain all of *Strategy 2000's* Objectives and Guiding Principals: Key Priorities; Urban Design Concepts; and Strategies and Actions by System and by Sub-Areas; and Design Guidelines. Similar to the Increased Housing/Reduced Office Alternative discussed above, it would, however, involve a shift in the assumptions about the development potential of the Greater Downtown Area. This shift in the development that would occur under *Strategy 2000* would involve: a reduction in the level of all types of development (office space, housing units, retail space and hotel space) by approximately 25 percent.

This alternative would result in the following development in the Greater Downtown Core Area during the planning horizon of *Strategy 2000*:

- 6,000,000 to 7,500,000 square feet of office space;
- 6,000 to 7,500 residential dwelling units;
- 675,000 to 900,000 square feet of retail space; and
- 1,500 to 1,875 guest rooms of hotel space, in 4 to 5 hotel Projects.

The five General Plan Amendments [GP05-03-01(a)-(e)] that are part of the proposed Project would not change under this alternative. This alternative could be accomplished under the broad parameters that are expressed in *Strategy 2000* as it has been presented; it simply represents a land use and development scale that reduces total development across all four categories by approximately one quarter. For purposes of the following discussion, the upper bound of the range in each land use case (e.g., 1,875 hotel rooms) is assumed.

1. Comparison to the Project.

a. Land Use. The potential land use impacts of the Mitigated alternative would not differ substantially from those of the proposed Project. By definition, the Greater Downtown would experience approximately 25 percent less total development within each of the major land use categories: 2.5 million fewer square feet of office development; 2,500 fewer residential housing units; 300,000 fewer square feet of retail development; and 625 fewer hotel rooms (or roughly one less new hotel out of the 4 to 5 that are envisioned under *Strategy 2000*). Such a reduction in overall development would not cause any new impact related to disruption or division of an established community nor cause any inherent conflict with other existing or proposed uses. Such an adjustment in total development would likely require less acquisition and/or relocation of existing uses, but not to an extent that would be significant. Like the proposed Project, the Mitigated alternative would continue to result in the significant land use impact (Impact LU-1), which relates to building heights exceeding the FAA's surface height restriction of 208 feet AMSL and the safety of operations at San Jose International Airport; reducing the total development by 25 percent would not necessarily have a mitigatory effect on that impact unless this alternative were to specify a reduction in heights or other design features of new development. However, implementation of the same three-part mitigation measure would reduce that impact to a less-than-significant level.

b. Transportation and Circulation. The Mitigated alternative would result in approximately 25 percent fewer trips during each of the peak hours.

Through the reduction in peak hour traffic of approximately 10,000 trips generated by this alternative, the overall effects of such a reduction would result in a reduction of improvement costs by approximately 15 percent. The proposed Project would result in impacts at 31 intersections. The Mitigated alternative may result in eight fewer intersection impacts, with the possible avoidance of impacts at the following locations:

- I-280 and Bird Avenue
- Senter Road and Keyes Street
- Eleventh Street and St. John Street
- Tenth Street and Reed Street
- Seventh Street and Virginia Street
- Almaden Avenue and Virginia Street
- Vine Street and Grant Street
- Meridian Avenue and San Carlos Street

The identified intersections, all of which are located outside of the existing Downtown Core and subject to City Council Policy 5-3, Transportation Level of Service Policy, were shown to operate at LOS E or F conditions under the proposed Project. The reduction in trips under the Mitigated alternative may result in the improvement of all but one of the intersections to LOS D or better conditions. The remaining intersection was shown in the analysis of the proposed Project to be degraded so substantially by the combination of existing traffic and new growth, that the reduction in trips of the alternative would have no effect.

The proposed Project would have a significant impact on 33 freeway segments. A reduction of 25 percent peak hour trips over the Greater Downtown area would not cause any of these facilities to drop from the list. Thus, the Mitigated alternative would also have a significant impact on the same facilities.

c. Air Quality. In terms of pollutant emissions, the Mitigated alternative would generate roughly 25 percent less than the proposed Project. The difference in vehicular trips generated under this alternative (roughly 10,000 fewer during the AM and PM peak hours) would reduce local carbon monoxide emissions and the regional criteria pollutant emissions from development in the Greater Downtown by about the same amount but the overall impact from Project emissions would remain significant. Two less-than-significant impacts—potential odors and toxic air contaminants—would be reduced slightly as a result of this alternative. The construction period dust and vehicular emissions would be reduced to the same extent.

d. Noise. Noise impacts in the Greater Downtown result from impacts of the environment upon residents and employees in the study area, including traffic noise generated

from the new growth itself. Noise from three sources—the San Jose International Airport, vehicular traffic, and rail operations—would all lead to significant adverse impacts under this alternative as well as under the proposed Project. While the total number of Downtown residents and employees exposed to unacceptably high noise levels under the Mitigated alternative would be smaller than the proposed Project, a reduction in the number of people exposed would not result in a less-than-significant impact. As with the proposed Project, each of the significant noise impacts could be successfully reduced to less-than-significant levels through the implementation of the recommended mitigation measures.

e. Shade and Shadow. The shade and shadow simulations of the proposed Project (Section V.E, Shade and Shadow) are based on assumptions about the building envelopes of future development that are conservative (i.e., they are the maximum height and bulk that could occur on specific parcels under *Strategy 2000* and other regulations). Those simulations and the analysis of potential shade and shadow impacts show significant impacts on three of the major public open spaces in the Greater Downtown: St. James Park, Plaza of Palms, and Plaza de Cesar Chavez. The height and bulk of individual buildings under the Mitigated alternative would not necessarily be any different than those of the proposed Project and would lead to the same shade and shadow impacts on these open spaces. It is possible that individual buildings under the Mitigated alternative would be shorter and/or more slender than under the proposed Project, but it is equally possible that the 25 percent reduction would be experienced as a reduction in the number of new buildings. As with the proposed Project, each of the significant shade and shadow impacts could be successfully reduced to less-than-significant levels through the implementation of the recommended mitigation measures.

f. Aesthetics. While a reduced number of new buildings (or existing buildings under renovation) or similar number of shorter or more slender new buildings could present different aesthetic conditions than the proposed Project, there is nothing about these differences that would necessarily lead to either an increase or decrease in adverse impacts on the views or aesthetics of the Greater Downtown. The same urban design concepts and guidelines that would ensure that the proposed Project would not lead to significant aesthetic impacts would be applied to this alternative.

g. Vegetation and Wildlife; Geology; Cultural Resources; Hazards and Hazardous Resources; Hydrology and Flooding; and Energy. The impacts of the Mitigated alternative would be the same as the proposed Project and could—with two exceptions—be reduced to less-than-significant levels through the implementation of the recommended mitigation measures. The potential cumulative impacts to architectural resources and archaeological deposits would remain significant and unavoidable under the Mitigated alternative, just as would be the case under the proposed Project. One of the reasons for the similarity between the impacts of the proposed Project and this alternative is due to the fact that impacts, in each of these topical areas, stem from the new or redeveloped buildings' footprint and not from their height, bulk or density of population and employment. Also, a small reduction in the number of new buildings would not substantially reduce such effects.

h. Public Facilities and Services; and Utilities and Infrastructure. The Mitigated alternative would have impacts in these topical areas that would be similar to the proposed

Project. The 25 percent reduction in housing, office, retail and hotel development and redevelopment in the Greater Downtown resulting from the Mitigated alternative would lead to a somewhat reduced demand for the services/ utilities of water supply, sanitary sewer and solid waste. Because the Greater Downtown would not appear to have specific facilities constraints in serving the level of demand that would result under the proposed Project, such a reduction in development as envisioned under this alternative would not lead to substantially lower levels of adverse impacts.

2. Finding: The Mitigated Alternative would substantially reduce impacts associated with intersection congestion compared to the proposed Project. However, all other impacts associated with the proposed Project would be only incrementally reduced as a result of the Mitigated Alternative. In other words, the *significance* of all impacts identified in the FEIR that would result from the proposed Project (with the exception of intersection congestion impacts) would be unchanged as a result of implementation of the Mitigated Alternative. Although this alternative would retain all of *Strategy 2000's* Objectives and Guiding Principles, the achievement of these objectives and principles would be reduced in conjunction with the overall reduction in buildout development. For instance, because walkability (one of the Guiding Principles listed in the FEIR) is dependent upon the development of dense neighborhood centers, an overall reduction of residential units and commercial square footage would reduce the achievement of this principle. Similarly, dense development in and around Downtown serves the needs of San Jose and Santa Clara Valley by providing jobs and housing in areas that are already served by transit and infrastructure, reducing the need for the development of greenfield sites, and preserving open space. The maximization of development in existing urbanized areas is considered by Bay Area regional planning agencies to be the most environmentally-sound way to accommodate new growth in the region. Therefore, the reduction of development in the Project site could encourage more sprawl compared to the proposed Project and would not best serve the needs of either the City or Valley. Since this alternative would not achieve the objectives and principles outlined in the FEIR to the extent of the proposed Project, and could encourage additional urban sprawl compared to the proposed Project, the City Council finds this alternative less desirable than the Project and therefore infeasible.

D. No Project Alternative: The No Project (existing General Plan and Zoning) alternative evaluates the impacts of the development that would be allowed under the existing General Plan land use designations and Zoning for the area.

1. Comparison to the Project. When compared to the proposed Project, the No Project (existing General Plan and Zoning) alternative would be very similar. As shown in Figures IV-1 and IV-2 of the FEIR, the current General Plan land use designations for the Project area are Core Area for parcels located east of SR 87, south of East Julian Street, west of S. 4th Street, and north of I-280. Public/Quasi-Public is the designation for the Convention Center and Technology Center and Public Park/Open Space for the squares and the Guadalupe River and Los Gatos Creek parks. For areas immediately south of Coleman Avenue the designation is primarily Combined Industrial/Commercial. In the Midtown Planned Community, land use designations are a mixture of General Commercial south of The Alameda from Los Gatos Creek Park to Cahill Street, Public/Quasi-Public east of White Street, High Density Residential west of Wilson and Sunol streets, Transit-Oriented Mixed Use west of Autumn Street and south of W.

San Fernando Street. Parcels designated Residential Support for the Core Area are located west of SR 87 and north of San Carlos Street. In order to facilitate the expansion and intensification of the Greater Downtown, a General Plan amendment is proposed as part of the proposed Project, but would not be necessary under the No Project alternative.

This alternative would have adverse impacts of roughly the same type and scale as those determined to result from the proposed Project. The overall scale of development that could occur within the study area under the No Project alternative is still approximately 87 percent of that envisioned by *Strategy 2000*. This alternative would not eliminate any of the significant and unavoidable adverse impacts of the proposed Project. In fact, if the 87 percent of *Strategy 2000* development were to not have the expanded core (with its area and the *Strategy 2000* programs and actions) to grow in, impacts of that development in the existing core could be marginally more adverse than those of the proposed Project.

2. Finding: This alternative would have adverse impacts of roughly the same type and scale as those that would result from implementation of the proposed Project. *Strategy 2000* is intended to serve as a catalyst for development in the Project area. It also aims to channel development into certain areas, including an expanded Downtown Core. The No Project alternative would not provide the stimulation, vision or strategies for expanding the Downtown Core that *Strategy 2000* provides. Generally, even though the No Project alternative might achieve new growth in the Greater Downtown area, it would fail to meet all but a few of the goals, objectives and guiding principles of *Strategy 2000*. The goals and objectives that would be foregone under this alternative would include those emphasizing Downtown as a walkable, pedestrian-friendly place, with an identity as the Capital of Silicon Valley, and filled with memorable places and experiences. Beyond the broad goals and objectives that would be foregone, are dozens of urban design concepts and strategies (many backed by specific actions) that would also not be implemented. These strategies and actions are described in Chapter III, Project Description, on pages 46-69 of the FEIR. Therefore, the City finds this alternative infeasible and less desirable than the Project.

XVII. MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit "A," and incorporated and adopted as part of this Resolution herein, is the Mitigation Monitoring and Reporting Program for the Project. The Program identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

XVIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Significant Unavoidable Impacts. With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the Project will result in certain significant unmitigated impacts as disclosed in the FEIR prepared for this Project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the Project.

B. Overriding Considerations. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the

benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project. The City Council finds that this Project has eliminated or substantially lessened all significant impacts on the environment where feasible.

C. Benefits of the Project. The City Council has considered the Final FEIR, the public record of proceedings on the proposed Project, and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits, which each outweigh the unavoidable impacts:

- The Project encourages "smart growth" and efficient use of land and supports the City's longstanding policy for in-fill development within the City's Urban Growth Boundary and Urban Service Area, consistent with the General Plan's Growth Management and Greenline/Urban Growth Boundary Major Strategies and the Sustainable City Major Strategy.
- The Project will enhance pedestrian and bicycle circulation, improve transit accessibility, develop parking resources, expand the City's existing trail system, and increase the City's housing supply.
- The Project will result in the construction of approximately 8,000 to 10,000 new housing units in Downtown, 20 percent of which will be affordable. This housing will promote the goals of the Housing Major Strategy, will promote a jobs/housing balance in the City and Silicon Valley, and provide additional housing opportunities for Valley residents.
- The Project will result in the development of 8,000,000 to 10,000,000 square feet of office space, 900,000 to 1,200,000 square feet of retail space, and four to five hotel projects. This new development will substantially stimulate the local and regional economy and increase the City's tax base.
- The Project improve the urban design of Downtown through streetscape improvements, the implementation of new design guidelines, the rehabilitation of existing park space, and the development of new open space. These improvements will improve the quality of life in San Jose.

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XVIII. LOCATION AND CUSTODIAN OF RECORD

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building, and Code Enforcement, 801 N. First Street, Room 400, San Jose, CA.

ADOPTED this 21st day of June, 2005, by the following vote:

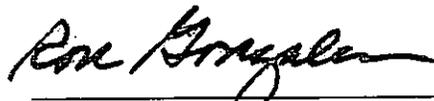
AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
PYLE, REED, WILLIAMS; GONZALES

NOES: YEAGER

ABSENT: NONE

DISQUALIFIED; NONE

VACANT: DISTRICT 7

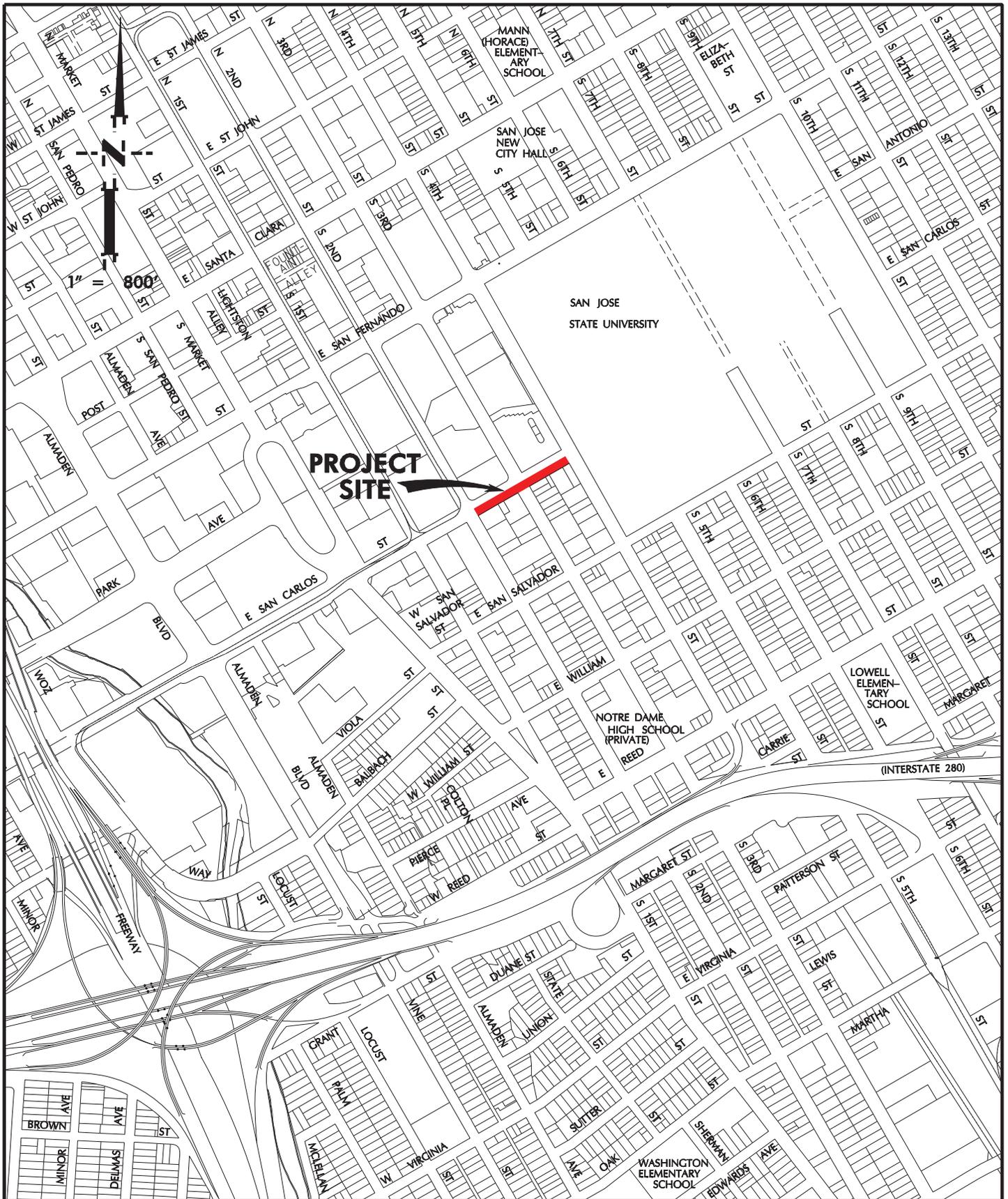


RON GONZALES
Mayor

ATTEST:



LEE PRICE, CMC
City Clerk



VICINITY MAP
San Carlos Multimodal Streetscape Improvements
From Second St. to Fourth St.

CITY OF SAN JOSE
DEPARTMENT OF TRANSPORTATION
MARCH 2011