CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN JOSE BO-TOWN MIXED-USE PROJECT

FILE NO: H20-038
PROJECT APPLICANT: PROJECT BO TOWN LLC
APN: 467-47-097, -020, and -019

Project Description: Site Development Permit to allow the demolition of the existing 5,283 square foot restaurant building, two-story storage structure, and the surface parking lot and the construction of a 29-story mixed-use building (up to 293 foot tall) with up to 520 residential dwelling units, approximately 7,535 square feet of ground floor retail, approximately 9,875 square feet of amenity space, and four levels of below-ground parking on a 0.75-gross acre site. Extended construction hours are proposed 7:00 a.m. to 10:00 p.m. Monday through Friday and 7:00 a.m. to 7:00 p.m. on Saturdays. **Location:** Southwest corner of E. San Salvador Street and S. 2nd street; located at 409 S. 2nd Street in Downtown San Jose.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

When: Thursday, September 9, 2021 at 6:00pm.
Where: This meeting will be held virtually over Zoom. Link to be made available on project webpage at www.sanjoseca.gov/activeeirs

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Kara Hawkins, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-7852, e-mail: Kara.Hawkins@sanjoseca.gov

Christopher Burton, Director
Planning. Building and Code Enforcement

08/31/2021
Deputy

Date

NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE BO TOWN MIXED-USE PROJECT

August 2021

1.0 INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of reducing adverse impacts, and to consider alternatives to the project.

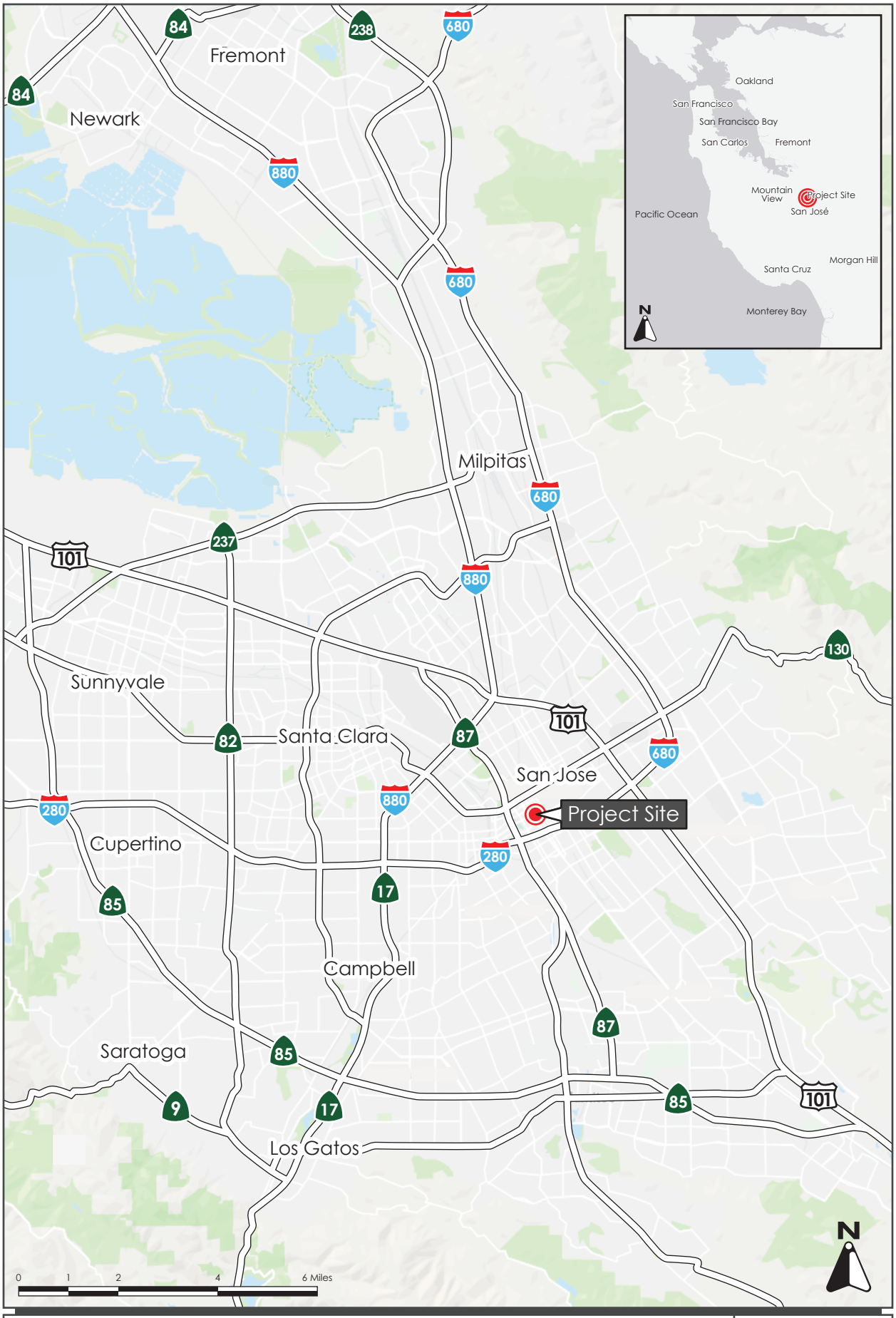
A Supplemental EIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare a Supplemental EIR to the certified Downtown Strategy 2040 Final EIR to address the environmental effects of the proposed Bo Town Mixed Use project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

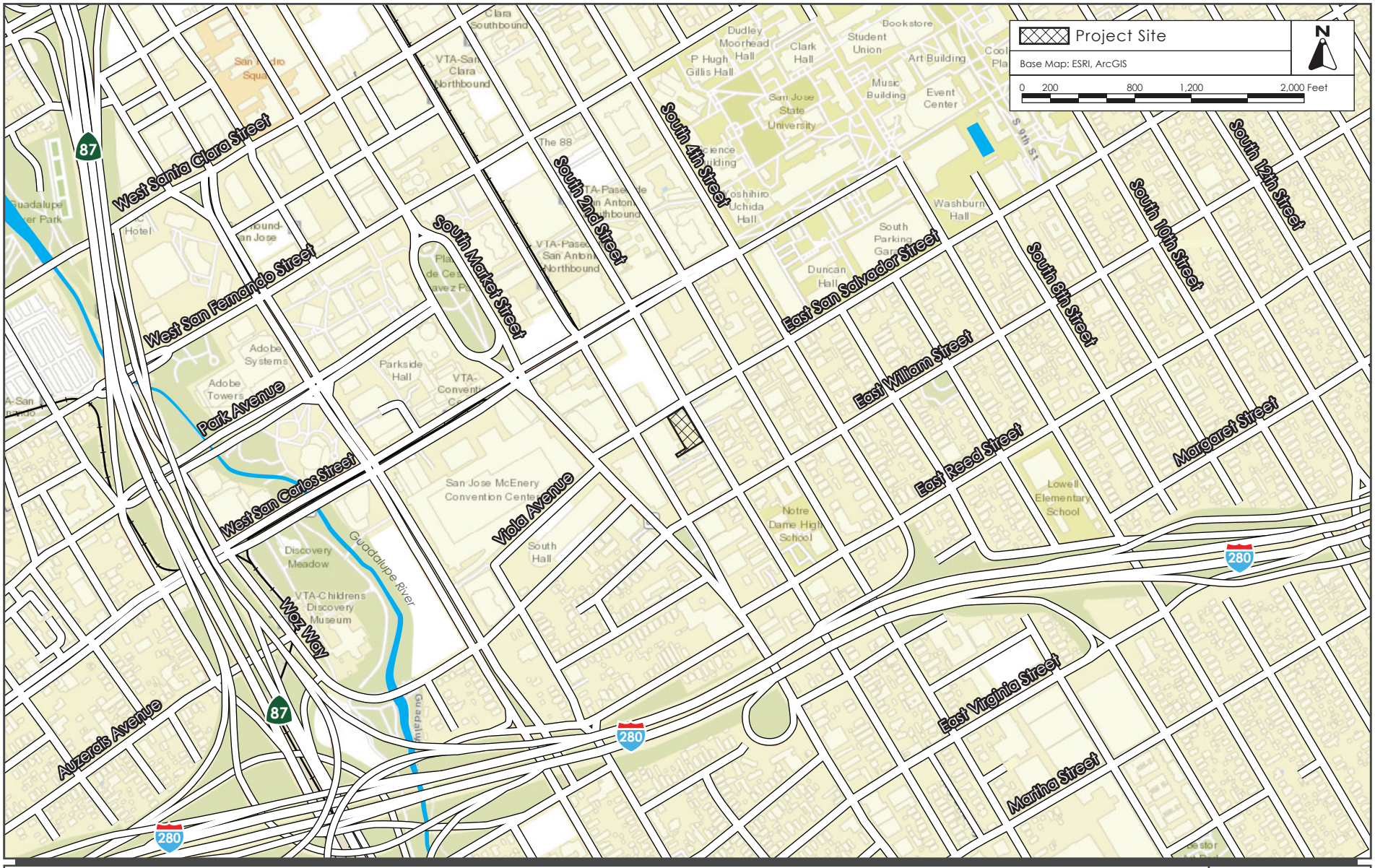
- A project description;
- A description of the existing environmental setting, probable environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; and (d) cumulative impacts.

2.0 PROJECT LOCATION

The 32,737 square foot (0.75 acre) project site is located at 409 South 2nd Street, in downtown San José (Assessor Parcel Numbers [APNs] 467-47-097, 467-47-020, and 467-47-019). The site is zoned Downtown Primary Commercial and is designated Downtown in the General Plan. The existing on-site structures include a 5,283 square foot restaurant building with a 55-space parking lot and a two-story storage structure. There are several mature trees on the site. Regional, vicinity, and aerial maps of the project site are provided in Figures 1-3.



REGIONAL MAP | FIGURE 1



VICINITY MAP

FIGURE 2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3

3.0. PROJECT DESCRIPTION

The proposed project would demolish the existing one-story restaurant structure, two-story storage structure, and surface parking lot to construct a mixed-use development comprised of a 29-story (293 foot) high rise with up to 520 residential units, approximately 9,875 square feet of amenity space, and 7,535 square feet of ground floor retail space. The residential density would be 692 dwelling units/acre (DU/AC). The building would provide multiple indoor and outdoor residential amenities.

As proposed, the facades on all sides of the structure would have trees planted in raised planter boxes on balconies associated with each of the residences.

Parking for the proposed project would be provided by a four-level, below grade parking garage containing 194 parking stalls. 162 bicycle parking spaces would be available on the first floor. No parking would be provided for the commercial uses. The parking garage for the proposed project would be accessible by a two-way driveway located on the northwest corner of the site, on East San Salvador Street leading into two loading bays and the underground parking.

The proposed project includes extended construction hours for the duration of construction. Construction would occur:

- 7:00 a.m. and 10:00 p.m. Monday through Friday
- 7:00 a.m. and 7:00 p.m. on Saturdays

4.0 POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT

The SEIR will address the environmental impacts associated with the proposed project. As explained above, the SEIR need contain only the information necessary to make the previous San José Downtown Strategy 2040 EIR adequate for the project as revised. The City anticipates that the SEIR will focus on the following issues:

- **Aesthetics –** The proposed development would demolish the commercial building and some accessory structures on-site. The SEIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project.

- **Air Quality** – The SEIR will describe the existing air quality conditions in the Bay Area and will evaluate the air quality impacts of the project, based on a detailed air quality analysis prepared for the proposed project. Construction and operational air quality impacts will be evaluated. Mitigation and/or avoidance measures will be identified for significant air quality impacts, as appropriate.

- **Biological Resources** – The project site is currently developed with a commercial building and a parking lot. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The SEIR will include a description of the existing biological setting and an analysis of impacts to biological resources including trees on the project site. The analysis will also discuss the project's consistency with the Santa Clara County Habitat Conservation Plan. The SEIR will provide mitigation measures necessary to reduce potentially significant impacts to less than significant levels under CEQA.

- **Cultural Resources** – Because of the early occupation and development in the project vicinity, there is the potential for subsurface resources associated with this early development to be located on-site. In addition, the building on-site is more than 50 years old. The potential for cultural resources, including archeological and historic resources, to be affected by the project will be evaluated based on a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS). Additionally, a Historic Resource Evaluation will be prepared for the project to determine significance of the on-site structure. Mitigation measures will be identified for significant cultural resource impacts, as appropriate.

- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The SEIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption.

- **Geology and Soils** – The project site is located in a liquefaction zone. The SEIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

- **Greenhouse Gas Emissions** – The SEIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

- **Hazards and Hazardous Materials** – There is potential for soil and/or groundwater contamination in the project area from previous land uses in surrounding areas. The SEIR will address the potential for hazardous materials contamination on the project site based on a Phase I Environmental Site Assessment report to be prepared for the site. Mitigation measures will be identified to minimize significant hazardous material impacts, as appropriate.

- **Hydrology and Water Quality** – Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps the project site is Zone D is an area of undetermined but possible flood hazard. The SEIR will address the effectiveness of the storm drainage system and the project's effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).

- **Land Use** – The project site is located within a developed urbanized area of San José surrounded by residential, office, and commercial land uses. The EIR will describe the existing land uses adjacent to and within the project area. The EIR will also include a shade and shadow diagram and a discussion of any shade and shadow impacts that will occur with the proposed project. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan, zoning code, and compatibility of the proposed and existing land uses in the project area.

- **Noise and Vibration** – Because the project site is located in the downtown area and is within close proximity of sensitive receptors, a noise and vibration analysis will be prepared for the project. The analysis will describe the existing noise environment and address potential noise and vibration impacts related to the construction and operation phases of the project.

Mitigation measures will be identified to reduce noise and vibration impacts to a less than significant level, as necessary.

- **Public Services –** Implementation of the proposed project would not increase the population of the City; however, it would result in an increased demand on public services, including police and fire protection. The EIR will address the availability of public facilities and services.

- **Transportation** – The project site is located within the downtown core. Transportation impacts in the project area were previously evaluated in the Downtown Strategy 2040 Final EIR. A Local Transportation Analysis (LTA) will be completed to evaluate the proposed site access/circulation and intersection operations in the project area to identify any necessary improvements.

- **Tribal Cultural Resources** – The EIR will discuss the project's potential for impacts to tribal cultural resources under Assembly Bill 52.

- **Utilities and Service Systems** – Implementation of the proposed project would result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public services, including utilities such as sanitary sewer and storm drains, water supply/demand, and solid waste management.

- **Cumulative Impacts** – Pursuant to CEQA Guidelines Section 15130, the SEIR will discuss the cumulative impacts of the project in combination with other past, present or reasonably foreseeable projects. Mitigation measures will be identified to reduce and/or avoid significant impacts, as appropriate.

- **Alternatives to the Project** – Pursuant to CEQA Guidelines Section 15126.6, the SEIR will evaluate a range of reasonable alternatives to the project, based on the results of the environmental analysis. A No Project Alternative shall also be evaluated along with its impacts. The alternatives discussion will focus on those alternatives that could feasibly accomplish most of the basic objectives of the proposed project and could avoid or substantially lessen one or more of the significant environmental effects identified in the SEIR (CEQA Guidelines Section 15126.6). The environmentally superior alternative(s) will be identified based on the number and degree of associated environmental impacts.

In addition, the SEIR will address the project's impacts on agricultural resources, population and housing, mineral resources, recreation, and wildfire. The SEIR will also include all other sections required under the CEQA Guidelines (e.g., Significant Irreversible Environmental Changes, References, and EIR Authors). Relevant technical reports will be provided as appendices.