

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
SOUTH 4<sup>th</sup> STREET PROJECT**

FILE NO: H17-004  
PROJECT APPLICANT: 439 South 4<sup>th</sup> Street, LLC (Attn: Nelly Amas)  
APNs: 467-47-058 and 467-47-096

**Project Description:** A Site Development Permit to allow the applicant to demolish the existing buildings and hardscape on the project site and to construct a 25-story, 448,474-square-foot multi-family residential building. The project would provide up to 210 residential units. The proposed building would have a maximum height of 274 feet, and a floor area ratio (FAR) of approximately 18.7.

**Location:** The project site is located at 439 South 4<sup>th</sup> Street, on the west side of South 4<sup>th</sup> Street approximately 170 feet south of East San Salvador Street.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project summarized 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:

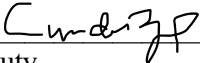
**When:** Monday, March 21, 2022 from 6:00 to 7:30 p.m.

**Where:** Via Zoom (see [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs))

The project description, location, and probable environmental effects to be analyzed in the SEIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the SEIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00 p.m. on Friday, March 25, 2022**. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement  
Attn: Reema Mahamood, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113-1905  
E-mail: [reema.mahamood@sanjoseca.gov](mailto:reema.mahamood@sanjoseca.gov)

Christopher Burton, Director  
Planning, Building and Code Enforcement

  
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Deputy

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**February 2022**

***Introduction***

The purpose of an EIR is to inform decision makers and the general public of the environmental effects of a proposed project that an agency may 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.

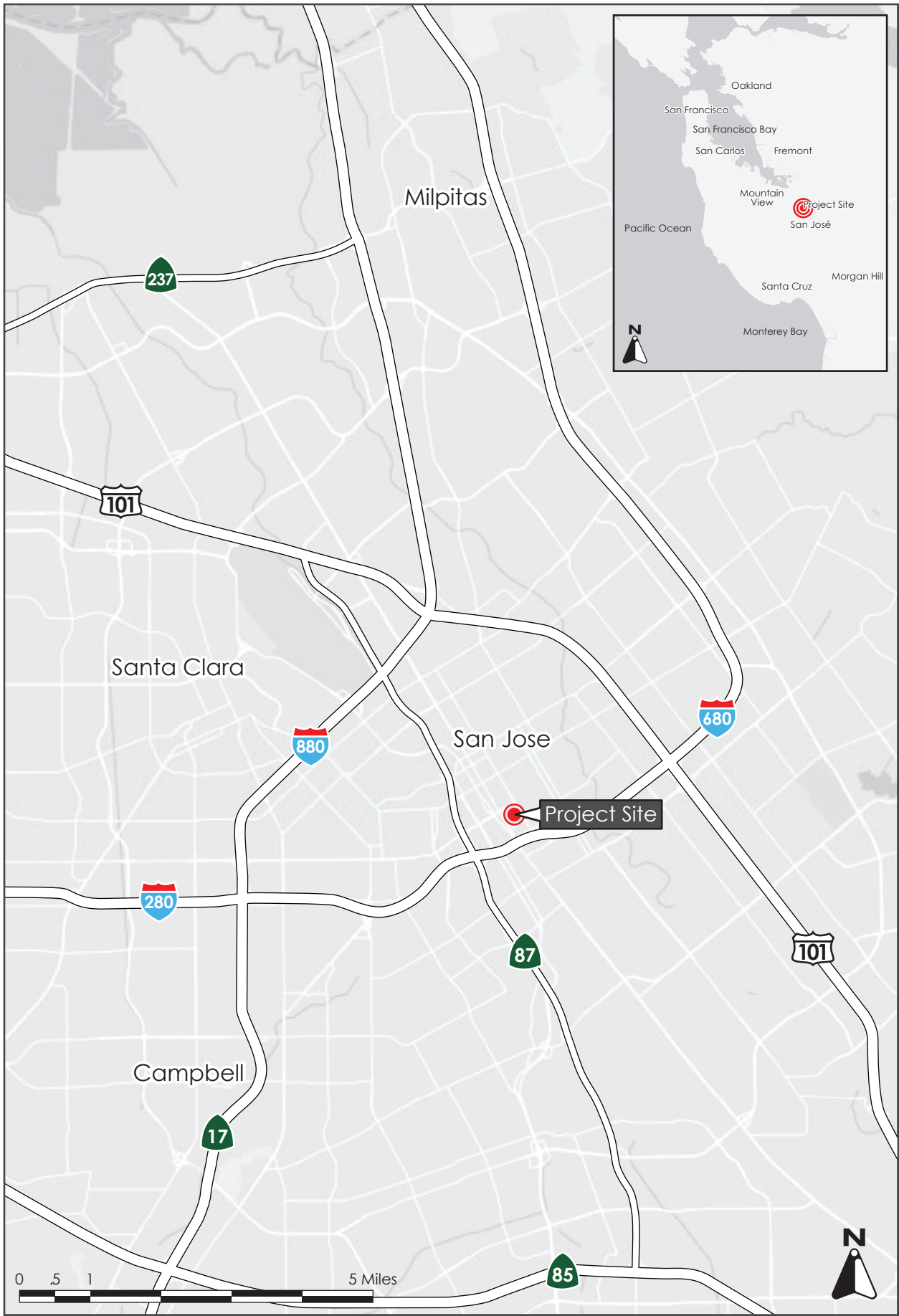
An SEIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. Based on the proximity of historic resources and sensitive receptors to the project site, there is a possibility that one or more significant, unavoidable impacts could result from project construction. Specifically, air quality, cultural resources, and/or noise impacts. Because of this, the City of San José as the Lead Agency, will prepare an SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of the proposed South 4th Street project.

The SEIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. An Initial Study will be prepared (which will be incorporated into the SEIR as an appendix) to focus the SEIR on potentially significant issues pursuant to CEQA Guidelines Section 15178. In accordance with the requirements of CEQA, the SEIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- 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

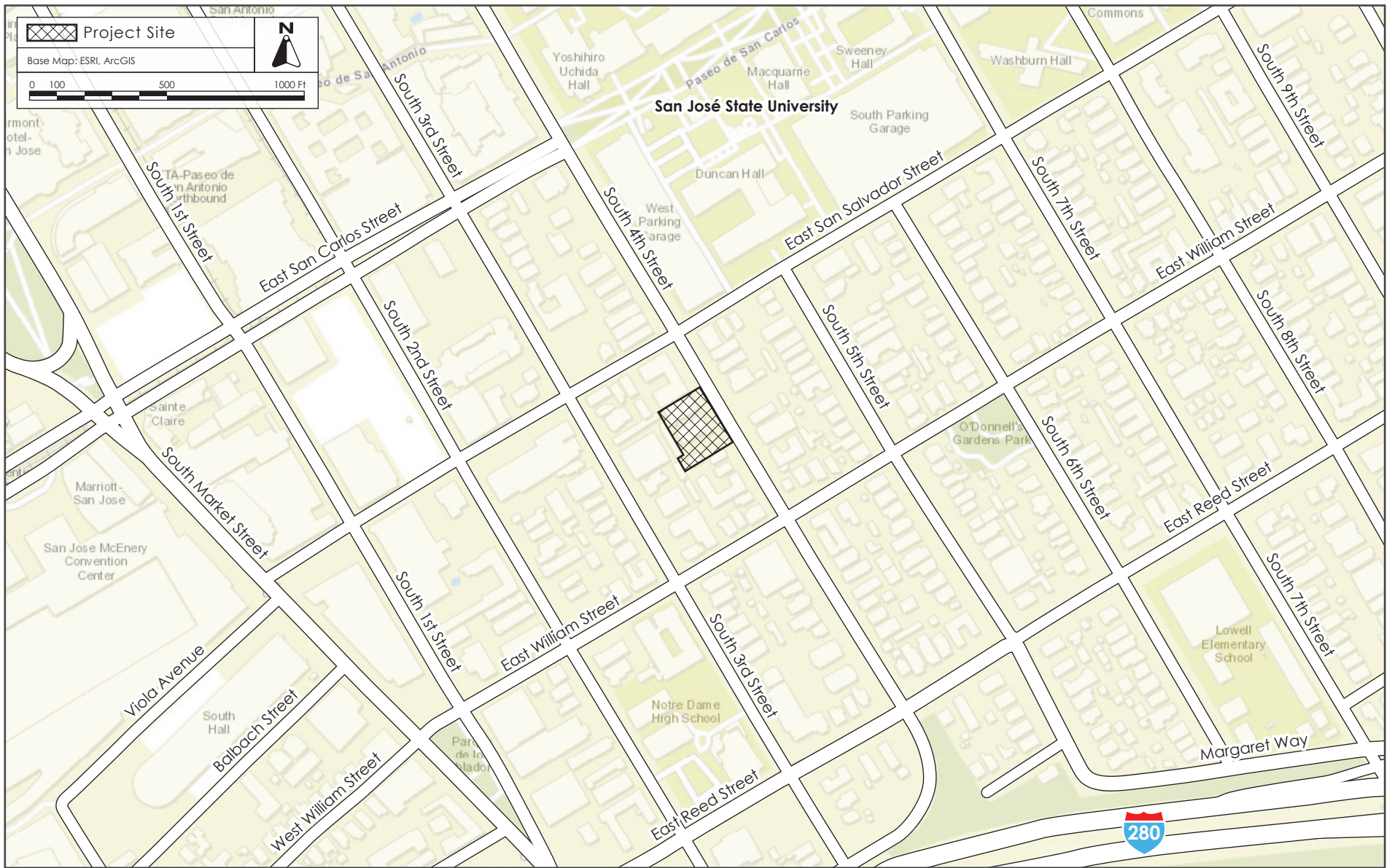
***Project Location***

The approximately 0.52-acre project site is located on two parcels (APNs 467-47-058 and 467-47-096) at 439 and 451 South 4th Street in the City of San José. Regional and vicinity maps of the project site are shown in Figure 1 and Figure 2, respectively.



REGIONAL MAP

FIGURE 1



VICINITY MAP

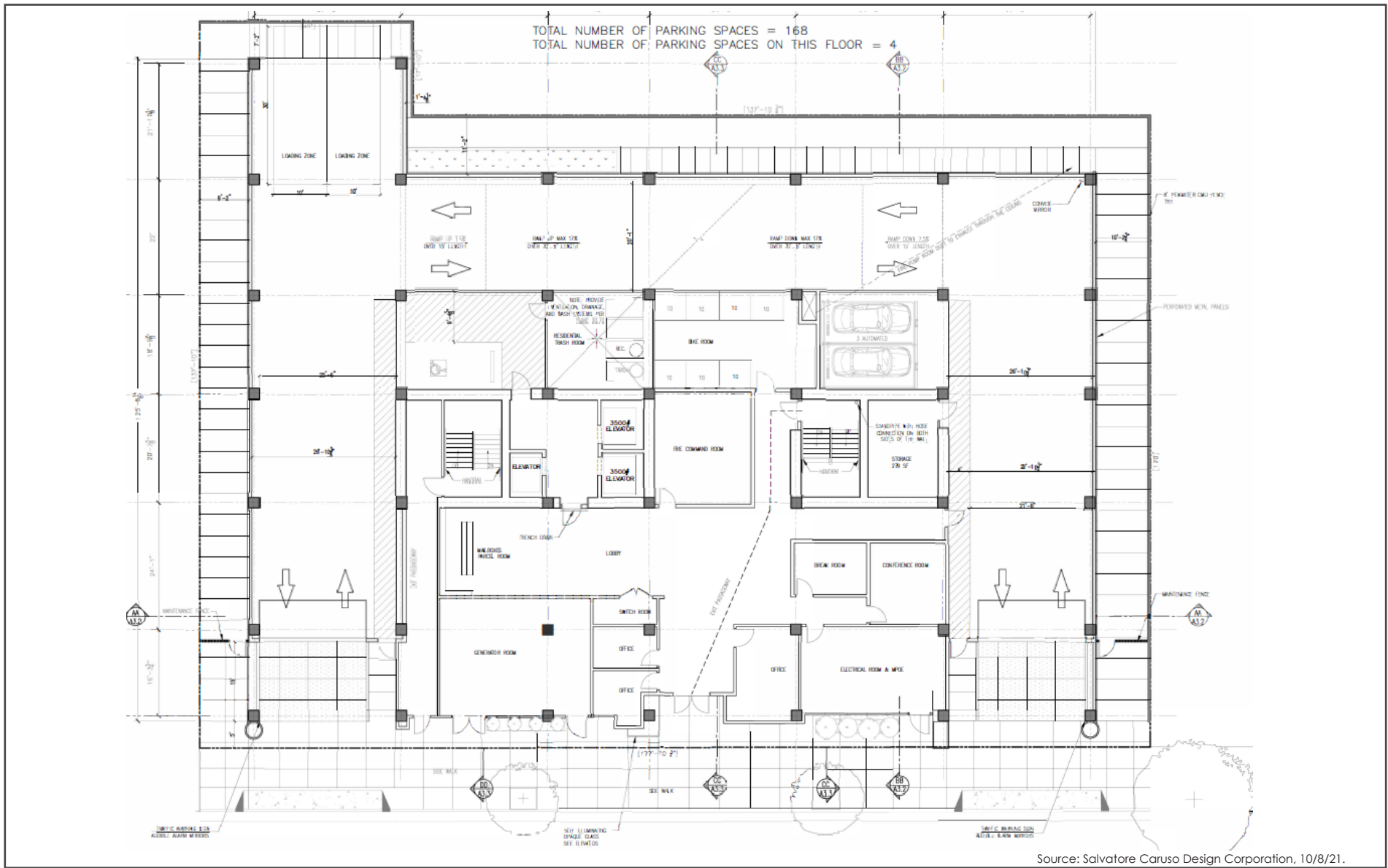
FIGURE 2



PHOTO 1 - View of project site at 451 South Fourth Street



PHOTO 2 - View of project site at 439 South Fourth Street



CONCEPTUAL SITE PLAN - GROUND FLOOR

FIGURE 3



Source: Salvatore Caruso Design Corporation. 10/8/21.

CONCEPTUAL VIEW OF SITE FROM SOUTH FOURTH STREET

FIGURE 4



## ***Project Description***

The project site is currently developed with a large three-story apartment complex with a gated driveway on the northern parcel and a two-story single-family residence with a surface parking lot and a gated front driveway on the southern parcel (please refer to Photos 1 and 2 above). As proposed, the project would demolish the existing buildings and hardscape on-site and construct a 25-story multi-family residential building totaling 448,474<sup>1</sup> square feet. The project includes up to 210 residential units. The proposed building would have a maximum height of 274 feet. The project would have a floor area ratio (FAR) of approximately 18.7.<sup>2</sup>

The project proposes a five-level parking garage with one level underground and four levels above grade on floors one to four. The parking garage would have a total of 168 parking spaces. The project site can currently be accessed via four existing driveways along 4th Street. The project proposes to remove all existing driveways and construct one right-turn in/out driveway on 4th Street, approximately 150 feet south of San Salvador Street. Please refer to Figures 3 and 4 above for the conceptual site plan and conceptual rendering.

The project site is designated *Downtown* under the City's General Plan and is zoned *DC – Downtown Primary Commercial*.

### ***Possible Required Project Approvals:***

1. Site Development Permit
2. Tentative Map
3. Tree Removal Permit

### ***Potential Environmental Impacts of the Project***

The SEIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The SEIR will include the following specific environmental categories as related to the proposed project:

#### *1. Aesthetics*

The proposed development will demolish the existing buildings on-site and construct a 25-story, multi-family residential building in the downtown area of San José. 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. The SEIR will also discuss possible light and glare issues from the development.

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<sup>1</sup> This total includes approximately 17,736 square feet of basement.

<sup>2</sup> 424,606 square feet of proposed development (without basement and rooftop) / 22,651 square feet of lot area = 18.7 FAR

## 2. *Air Quality*

The SEIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational emissions impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds.

## 3. *Biological Resources*

Habitats in the project area are low in species diversity and include predominately urban-adapted birds and animals. The SEIR will address the loss of trees on and adjacent to the site and will identify and discuss potential impacts to biological resources resulting from construction of the project.

## 4. *Cultural Resources*

Due to the site's location to Guadalupe River and the Second Pueblo de San José de Guadalupe, there would be a moderate potential for encountering historic and/or prehistoric archaeological deposits during construction activities. The project site is located on a block with six historic and potentially historic buildings, including two City Landmarks on South Third Street.

The SEIR will address the potential impacts to unknown buried archaeological resources on-site, as well as impacts to historic structures near the site.

## 5. *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.

## 6. *Geology*

The project site is located in a seismically active region of the United States. The SEIR will discuss the possible geological hazards associated with seismic activity and the existing on-site soil conditions.

## 7. *Greenhouse Gas Emissions*

The SEIR will address the project's consistency with the City's 2030 Greenhouse Gas Reduction Strategy (GHGRS). Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will also be discussed

## 8. *Hazards and Hazardous Materials*

Development in the project area consists of retail/commercial and residential land uses. The SEIR will summarize known hazardous materials conditions on and adjacent to the project site and will

address the potential for hazardous materials impacts to result from implementation of the proposed project.

#### *9. Hydrology and Water Quality*

The SEIR will evaluate the project's consistency with water quality standards and waste discharge requirements. Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the SEIR will address the potential for flooding at the site as well as the effectiveness of the proposed storm drainage system consistent with the requirements of the San Francisco Bay Regional Water Quality Control Board.

#### *10. Land Use*

The project site is located in a developed urbanized area surrounded by a mix of retail/commercial and residential land uses. The SEIR will describe the existing land uses adjacent to and within the project area and analyze the land use impacts that would occur as a result of the proposed project. The SEIR will also address the project's consistency with the City's General Plan and zoning code and compatibility of the proposed and existing land uses in the project area.

#### *11. Noise and Vibration*

The SEIR will discuss noise that would result from construction and operation of the proposed project. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José.

Due to the size of the proposed building, it is reasonable to assume that construction of the project would require the use of heavy equipment. The SEIR will evaluate the effects of vibration during project construction on nearby historic structures and adjacent buildings of normal conventional construction.

#### *12. Public Services*

Implementation of the proposed project will increase the resident population of the City which could result in an increased demand on police and fire protection, schools, libraries, and recreational facilities. The SEIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

#### *13. Transportation*

The project site is located within the Downtown Core. As a result, transportation impacts in the project area were previously evaluated in the Downtown Strategy 2040 Final EIR and a full transportation impact analysis is not necessary. A transportation analysis will be completed to evaluate the proposed site access/circulation and intersections in the project area to identify any necessary improvements that may be required as a result of the proposed project.

14. *Tribal Cultural Resources*

The SEIR will discuss the project's potential for impacts to tribal cultural resources.

15. *Utilities*

Implementation of the proposed project could result in an increased demand on utilities and public facilities compared to existing conditions. The SEIR will examine the impacts of the project on sanitary sewer and storm drains, water supply/demand, and solid waste management.

16. *Wildfire*

The proposed project is located within a developed area of downtown San José. The SEIR will discuss the potential for impacts on the project from wildfire.

17. *Alternatives*

The SEIR will examine alternatives to the proposed project including a "No Project" alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include a reduced development alternative (e.g., smaller project), alternative land uses, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

18. *Significant Unavoidable Impacts*

The SEIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

19. *Cumulative Impacts*

The SEIR will assess the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area and build out of the Downtown Strategy 2040 Plan.

In conformance with the CEQA Guidelines, the SEIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

An Initial Study will be prepared and provided as an appendix to the SEIR. The Initial Study will include an analysis of the resource areas that have no new significant impacts or no increase in previously identified impacts.