

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
380 NORTH FIRST STREET RESIDENTIAL PROJECT**

FILE NOS: H23-007 & ER23-075
PROJECT APPLICANT: MSASA PROPERTIES, LLC
(ATTN: ERIK SHOENNAUER)
APN: 249-44-088

Project Description: The project includes a Site Development Permit to allow the demolition of an existing 12,000-square-foot commercial building and the removal of 20 trees (including 10 ordinance-size trees) for the construction of a seven-story, 118-unit multifamily residential building, subject to the State Density Bonus Law, including 18 units affordable to very-low-income, low-income, and moderate-income households and 74 parking spaces, on an approximately 0.48-gross acre lot.

Location: The approximately 0.48-acre project site (APN 249-44-088) is located at 380 North 1st Street on the north side of Basset Street between North 1st Street and North 2nd Street in San José. The existing zoning and general plan designation of the site is Transit Residential.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) 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. 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 environmental public Scoping Meeting information.

An online joint community and environmental public scoping meeting for this project will be held:

When: Monday, September 11, 2023 from 6:00 p.m. to 7 p.m.

Where: Via Zoom (instructions to be provided on www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects to 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. The City will accept comments on the scope of the EIR until **5:00 p.m. on Wednesday, September 27, 2023**. 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: Nhu Nguyen, Environmental Project Manager

200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: nhu.nguyen@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

August 28, 2023

Date

Tina Jarg

Deputy

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August 2023

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.

An 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 an EIR to address the environmental effects of the 380 North 1st Street Residential Project.

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

- A summary of the project;
- A project description, including project objectives;
- A description of the existing environmental setting, probable environmental impacts, and mitigation measures; 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.

The EIR also will discuss a reasonable range of alternatives to the project that could reasonably attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant environmental effects of the project (CEQA Guidelines Section 15126.6[a]).

Project Location

The approximately 0.49-acre project site (APN 249-44-088) is located at 380 North 1st Street on the north side of Basset Street between North 1st Street and North 2nd Street in San José. The project site is currently developed with an existing two-story office building (approximately 12,000 square feet), a surface parking lot, and landscaping. There are 22 existing trees on-site, of which 12 are ordinance sized.

Surrounding land uses include a Santa Clara Valley Transportation Authority (VTA) utility yard and residential uses to the north, a law library and bus station to the south, and residential and commercial uses to the east and west. Regional, vicinity, and aerial maps of the project sites are shown on Figure 1, Figure 2, and Figure 3, respectively.

Envision San José 2040 General Plan and Zoning Designation

The site is designated Transit Residential under the City's General Plan and has a zoning designation of Transit Residential. The Transit Residential designation allows for high-density, mixed-use residential development in proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals and private community gathering facilities.

Project Description

The project would demolish the existing office building and surface parking lot and construct a seven-story apartment building with up to 118 dwelling units. The building would have a maximum height of up to 85 feet to the roofline and 95 feet to the top of the elevator and stair enclosure. The project would provide approximately 74 vehicle parking spaces in three levels of stackers, including one basement level, and 30 bicycle spaces (12 short-term and 18 long-term) and four motorcycle spaces on-site. A conceptual site plan and elevations are shown on Figures 4 and 5, respectively.

Proposed amenities for residents include a ground floor bike café¹, third floor deck, and a club room and roof deck located on the sixth floor.

The project would remove 20 of the existing on-site trees, including 10 ordinance sized trees. The project would replant six 15-gallon trees and five 24-inch box trees in accordance with the City's tree replacement ratios.

¹ The bike café could include a repair station, coffee machine, and bike storage. It would be open 24 hours only to residences of the building.

Required Project Approvals

1. Site Development Permit
2. Demolition Permit(s)
3. Grading Permit(s)
4. Building Permit(s)
5. Department of Public Works Clearances

Potential Supplemental Environmental Impacts of the Project

The EIR 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 EIR will discuss the project's significant environmental impacts on the topic areas described below.

- **Aesthetics** – The proposed development would demolish the existing two-story office building and construct a seven-story residential building. The EIR 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 EIR will also discuss possible light and glare issues from the development.
- **Air Quality** – The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and thresholds.
- **Biological Resources** – The project site is currently developed with an office building and a surface parking lot. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will address the loss of trees within, and adjacent to, the construction zone. In addition, the EIR will identify and discuss the project's biological impacts during construction and operation and the project's consistency with the Santa Clara County Habitat Conservation Plan.

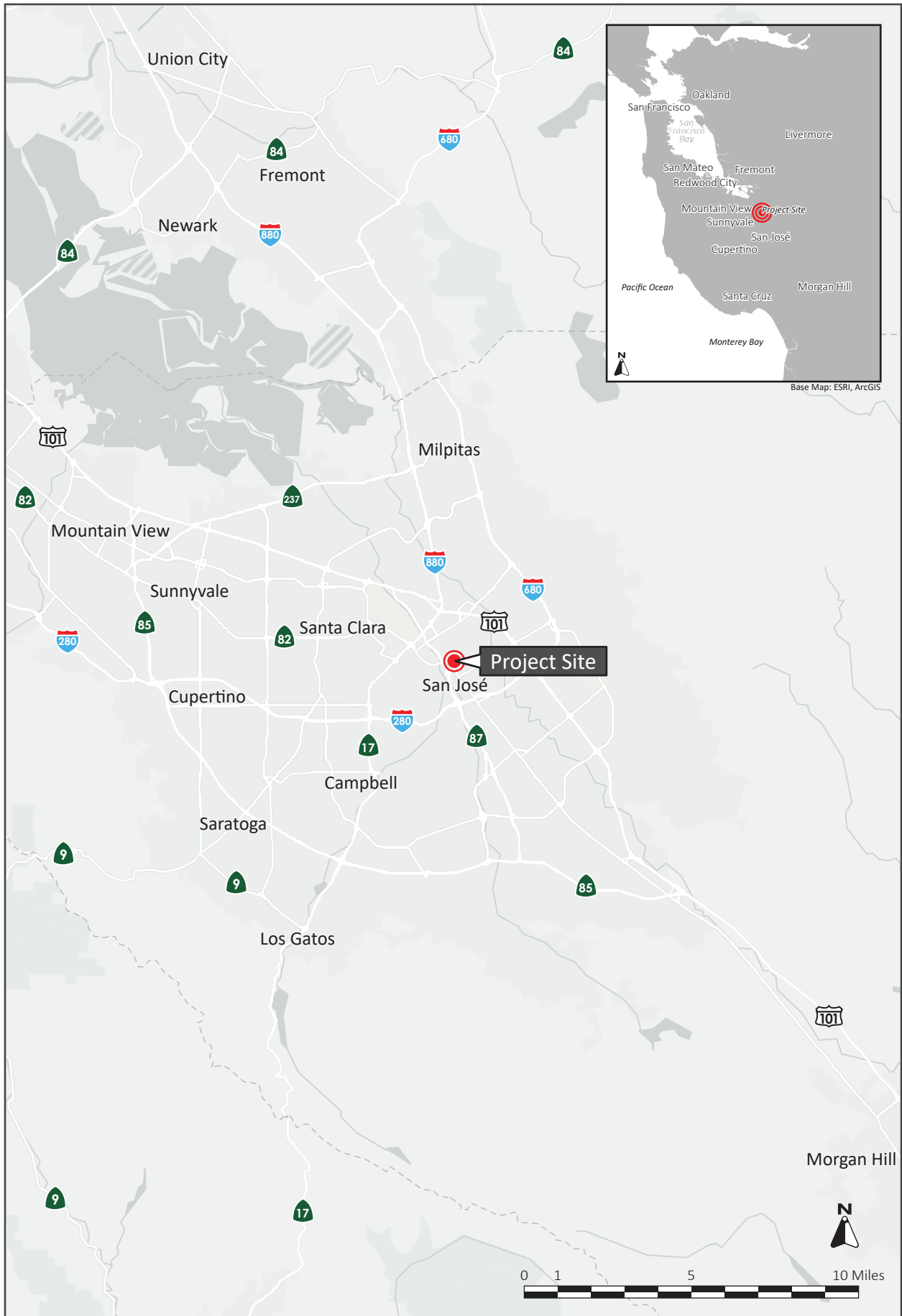
Cultural Resources – The project site is located in an archaeologically sensitive area of San José. The EIR will identify potential archeological resource impacts from construction of the project based on an Archaeological Literature Review. The existing office building on-site was constructed in 1964 and has been identified as a Candidate City Landmark under Criterion 6 of Chapter 13.48.110 (H) of the City of San José's Historic Preservation Ordinance and Municipal Code. The EIR will evaluate whether the office building is eligible for listing on the California Register of Historical Resources, and identify the potential impacts to the structure, and recommend mitigation measures, as applicable.

- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The EIR will discuss the increase in energy usage on-site and energy efficiency measures proposed by the project.

- **Geology and Soils** – The EIR will describe the existing geologic and soil conditions and discuss the possible geological impacts associated with seismic activity and the existing on-site soil conditions.
- **Greenhouse Gas Emissions** – The EIR will address the project’s contribution to regional and global greenhouse gas (GHG) emissions based on consistency with policies adopted by the City of San José for reducing GHG emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.
- **Hazards and Hazardous Materials** – The EIR will address existing hazardous materials conditions on and adjacent to the project site based on a Phase I Environmental Site Assessment, and will address the potential for hazardous materials impacts to result from implementation of the proposed project.
- **Hydrology and Water Quality** – The EIR will address the project’s impact to the storm drainage system. The project’s groundwater supply, site drainage, and storm water quality consistent with the requirements of the Regional Water Quality Control Board, and risk due to inundation, will also be discussed.
- **Land Use** – The project site is located within a developed, urbanized area of San José surrounded by residential and commercial land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.
- **Noise and Vibration** – Noise levels in the project area are primarily influenced by vehicular noise on surrounding roadways and the nearby light rail and freight train tracks. The EIR will discuss noise and vibration that would result from the construction and operation of the proposed project (including noise from project-generated traffic) and its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable noise standards and guidelines. Additionally, the EIR will evaluate the effects of vibration during project construction on nearby historic structures and adjacent buildings of conventional construction.
- **Population and Housing** – The project would develop up to 118 dwelling units. The EIR will discuss existing population and housing conditions within the City and if the project would induce substantial growth.
- **Public Services** – Implementation of the proposed project would increase the resident population of the City, which could result in an increased demand on public services, including school, police and fire protection, libraries, and recreational facilities. The EIR will address the availability of public facilities and services and the project’s potential to result in adverse physical impacts to the service facilities.

- **Transportation** –The EIR will evaluate the project’s transportation impacts pursuant to the City’s Transportation Analysis Policy (Council Policy 5-1). The City’s Transportation Analysis Policy uses project Vehicle Miles Traveled as the metric for determining transportation impacts. The project’s consistency with programs, plans, ordinances, or policies addressing the circulations system (including transit, roadway, bicycle, and pedestrian facilities) will also be discussed in the EIR.
- **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 could result in an increased demand on utilities and service systems compared to existing conditions. The EIR will examine the impacts of the project on utilities and service systems, including the sanitary sewer and storm drainage systems, water supply, and solid waste management.
- **Wildfire** –The proposed project is located within a developed area of San José. The EIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- **Cumulative Impacts** – Pursuant to CEQA Guidelines Section 15130, the EIR will discuss the cumulative impacts of the project in combination with other past, present or reasonably foreseeable projects.
- **Alternatives to the Project** – Pursuant to CEQA Guidelines Section 15126.6, the EIR will evaluate a range of reasonable alternatives to the project, based on the results of the environmental analysis. A No Project Alternative will 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 EIR (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 EIR will address the project’s impacts on agricultural, mineral resources, and recreation. The EIR will also include all other sections required under the CEQA Guidelines including significant and unavoidable impacts, significant irreversible environmental changes, and growth-inducing impacts.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



Source: Studio T-SQ, Inc., February 27, 2023.

CONCEPTUAL SITE PLAN

FIGURE 4



Source: Studio T-SQ, Inc., February 27, 2023.