

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
MARK RESIDENTIAL TOWER PROJECT**

FILE NO: SP20-021  
PROJECT APPLICANT: Urban Catalyst  
APNs: 467-47-057, 467-47-092

**Project Description:** The project includes a Special Use Permit to allow the demolition of three residential structures totaling approximately 7,427 square feet and allow construction of a 21-story multi-family residential building consisting of 222 dwelling units with an alternative parking design (four levels of car stackers, including one basement level). The building would have a maximum height of up to 250 feet to the top of the parapet with a proposed roof deck and lounge on an approximately 0.45-gross acre site. **Location:** 459-485 South Fourth Street near the northwest corner of East William Street and South Fourth Street in Downtown San José.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 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.

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

**When:** Thursday, September 17, 2018 from 6:00 p.m. to 8 p.m.  
**Where:** Via Zoom (see instructions below)

The live meeting will be recorded. You will be muted upon entry to the meeting. Please do not unmute yourself until the presenter has called on you to speak. If you have not participated in a Zoom meeting before, we encourage you to download the Zoom application to your phone, tablet, or computer and feel free to log in early to troubleshoot any technical issues that may arise. Participants who are unable to install Zoom on their computer or mobile device can join a meeting through their computer's web browser. Meeting function maybe limited on a web browser. Zoom currently works best with Google Chrome, Apple Safari, Mozilla Firefox, and Chromium Edge. Members of the public may view and listen to the meeting by following the instructions listed on page 4. Additional instructions are provided on page 4 to those members of the public who would like to comment.

Electronic device instructions:

For participants who would like to join electronically from a PC, Mac, iPad, iPhone or Android device, please click this URL: <https://sanjoseca.zoom.us/j/92833967687>  
Please ensure your device has audio input and output capabilities. During the session, if you would like to comment, please use the 'raise hand' feature in Zoom conference call or click \*9 to raise a hand to speak.

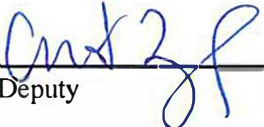
1. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+.  
Certain functionality may be disabled in older browsers including Internet Explorer.
2. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.

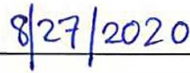
3. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
4. If you wish to speak during open forum, click on "raise hand." Speakers will be notified shortly before they are called to speak.
5. When called, please limit your remarks to the time limit allotted.
6. Telephone device instructions:  
For participants who would like to join telephonically please dial +1-877-853-5257 and when prompted, enter meeting ID: **928 3396 7687**. You may also click \*9 to raise a hand to speak.
7. Public Comments prior to meeting:  
If you would like to submit your comments prior to the meeting, please e-mail [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov). Comments submitted prior to this meeting will be considered as if you were present in the meeting.

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](http://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: Maira Blanco, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-7837, e-mail: [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov)

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

  
Deputy

  
Date

**NOTICE OF PREPARATION OF  
A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
FOR THE MARK RESIDENTIAL PROJECT**

**August 2020**

**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 (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. As the Lead Agency, the City of San José will prepare an SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of The Mark Residential Project.

An Initial Study (IS) will be prepared (which will be incorporated in the SEIR as an appendix) to focus the SEIR on potentially significant issues pursuant to CEQA Guidelines Section 15178. In accordance with Sections 15120 et seq. of the CEQA Guidelines, the SEIR will include the following:

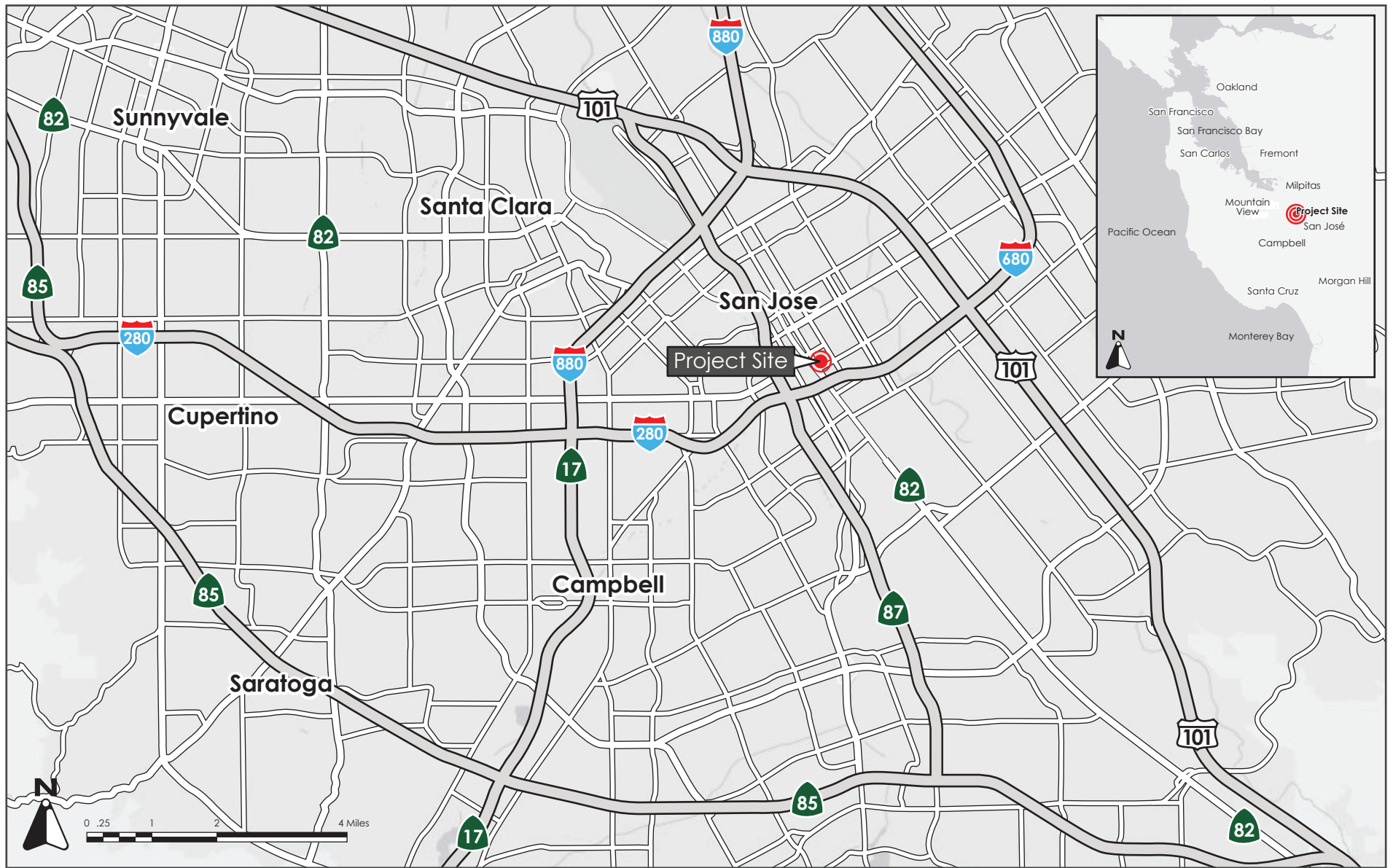
- A summary of the project;
- A project description;
- A description of the existing environmental setting, probable environmental impacts, and mitigation measures;
- Alternatives to the project; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided 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 0.45-gross acre project site is comprised of two parcels (Assessor Parcel Numbers [APNs] 467-47-057 and -092) located at 459-485 South Fourth Street near the northwest corner of East William Street and South Fourth Street in Downtown San José.

Currently, the site is developed with two apartment buildings and a single-family residence. Regional and vicinity maps, as well as a conceptual site plan and elevations, are provided in Figures 1 to 4, respectively.





REGIONAL MAP

FIGURE 1





VICINITY MAP

FIGURE 2





FLOOR 1



FLOOR 1 MEZZANINE



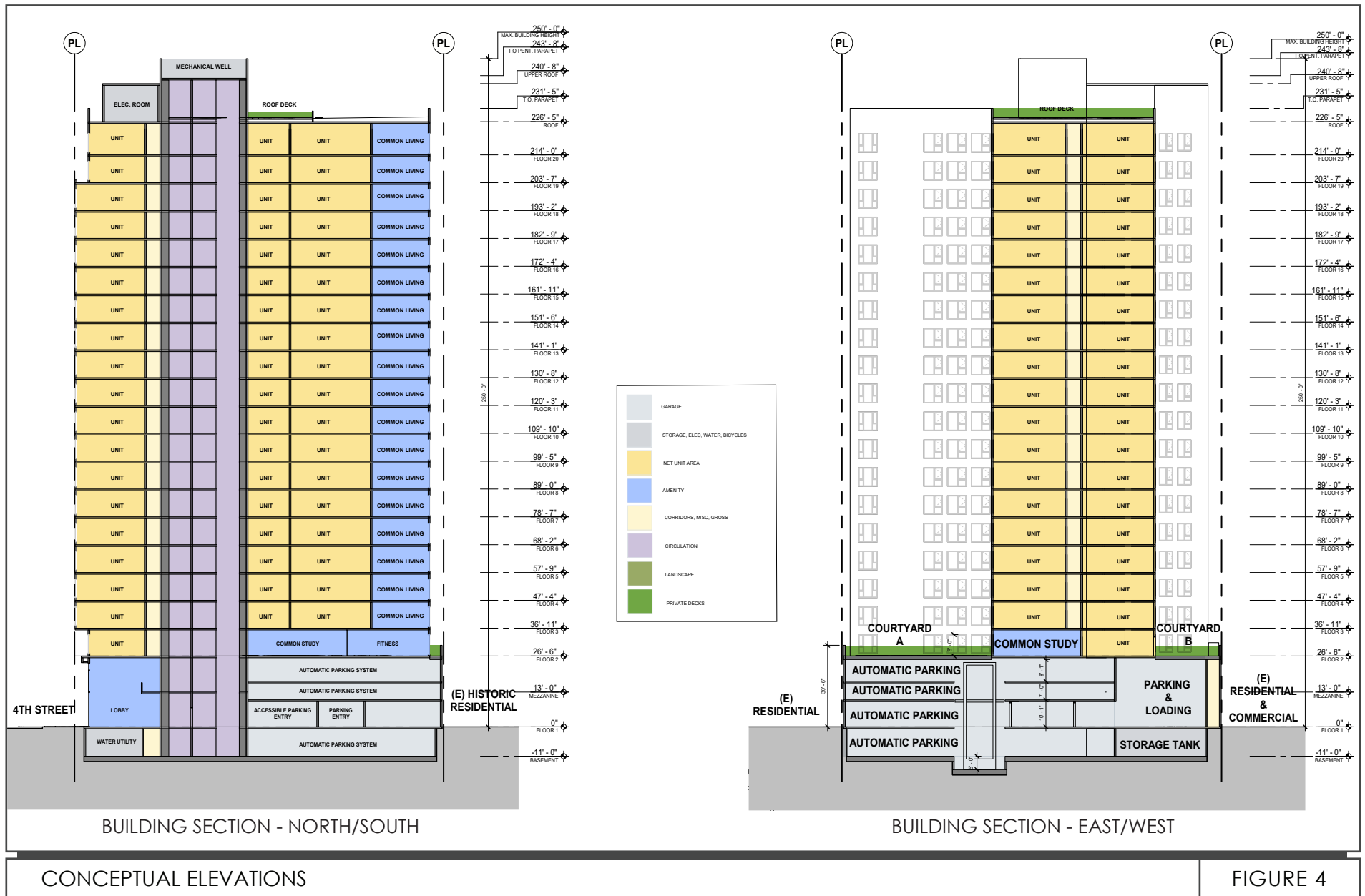
FLOOR 2



FLOOR 4-20 TYP



ROOF



## **Project Description**

The project would demolish the three buildings on-site and construct a 21-story tower with up to 222 dwelling units. The building would have a maximum height of up to 250 feet to the top of the parapet. The project would be programmed for student living and provide 95 parking spaces in four levels of stackers, including one basement level, and 60 bicycle spaces on-site.

Proposed amenities for residents include a second-floor common amenity space (including fitness and community spaces) and two courtyards. Common study space would be located on each residential floor. The project proposes a roof deck and a roof lounge.

## **Required Project Approvals**

1. Tentative Map
2. Demolition Permit(s)
3. Grading Permit(s)
4. Building Permit(s)
5. Site Development Permit
6. Special Use Permit
7. Department of Public Works Clearances

## **Potential Supplemental 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 discuss the project's significant environmental impacts on the topic areas described below.

- **Aesthetics** – The proposed development would demolish the existing one- to- two story structures on-site and construct a 21-story residential tower. 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.
- **Air Quality** – The SEIR 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** – 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 within, and adjacent to, the construction zones. In addition, the SEIR 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 the downtown area which has extensive prehistoric historic due to Native American occupation of the Santa Clara Valley. The SEIR will identify and discuss potential archeological resource impacts from construction of the project. The project site may contain historic buildings and is located in proximity to multiple historic structures. The SEIR will address the potential impacts on historic structures on and adjacent to the project site.
- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The SEIR will discuss the increase in energy usage on-site and energy efficiency measures proposed by the project.
- **Geology and Soils** – The SEIR 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 SEIR will address the project’s contribution to regional and global greenhouse gas (GHG) emissions based on BAAQMD thresholds and 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 SEIR will address existing 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.
- **Hydrology and Water Quality** – The SEIR will address the project’s impact to the storm drainage system. In addition, the SEIR will address the possible flooding issues and the projects 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 and commercial land uses. The SEIR 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. The SEIR 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 SEIR will evaluate the effects of vibration during project construction on nearby historic structures and adjacent buildings of normal conventional construction.

- **Population and Housing** – The project would develop up to 222 dwelling units. The SEIR will discuss existing population and housing conditions 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 SEIR 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 project site is located within the downtown area and transportation impacts in the area were previously evaluated in the Downtown Strategy 2040 Final EIR. The SEIR will evaluate the project’s transportation impacts pursuant to Senate Bill 743 and the City’s Transportation Analysis Policy (Council Policy 5-1). The project’s consistency with programs, plans, ordinances, or policies addressing the circulations system (including transit, roadway, bicycle, and pedestrian facilities) will be discussed in the SEIR.
- **Tribal Cultural Resources** – The SEIR 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 SEIR 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 SEIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- **Other CEQA Sections** – In addition, the SEIR will address the project’s impacts on Agricultural Resources and Mineral Resources consistent with the CEQA checklist. The project’s Significant Unavoidable Impacts and potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the development area will also be identified in the SEIR. The SEIR will also provide, alternatives to the proposed project which could reduce project impacts identified in the environmental document.