

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
ALMADEN OFFICE PROJECT**

FILE NO: H19-004
PROJECT APPLICANT: BOSTON PROPERTIES
APN: 264-28-019, -022, -023, -024, -025, -028, -149, -152, -
153, -160, -167, -168, -169, -172, -173, -174, -175, and -
176

Project Description: Site Development Permit to allow for the demolition of on an existing parking lot and the construction of an up to 17-story, approximately 2.6 million-square foot building on a 3.67-gross acre site. As proposed, the project would include approximately 2,111,000 square feet of office space in two towers (North Tower and South Tower), 35,200 square feet of ground floor commercial space, and up to 1,815 below-grade parking spaces. Both towers would be connected via a podium building on floors one to five. **Location:** Northwest corner of South Almaden Boulevard and Woz Way

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.

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

When: Monday, June 10, 2019 from 6:00 p.m. to 7:30 p.m.

Where: The Lee and Diane Brandenburg Theatre, Children's Discovery Museum at 180 Woz Way, San Jose, CA 95110

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

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

5/24/19

Deputy

Date

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ALMADEN OFFICE PROJECT

May 2019

Introduction

The purpose of an EIR is to inform decision makers and the general public of the environmental effects of the 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.

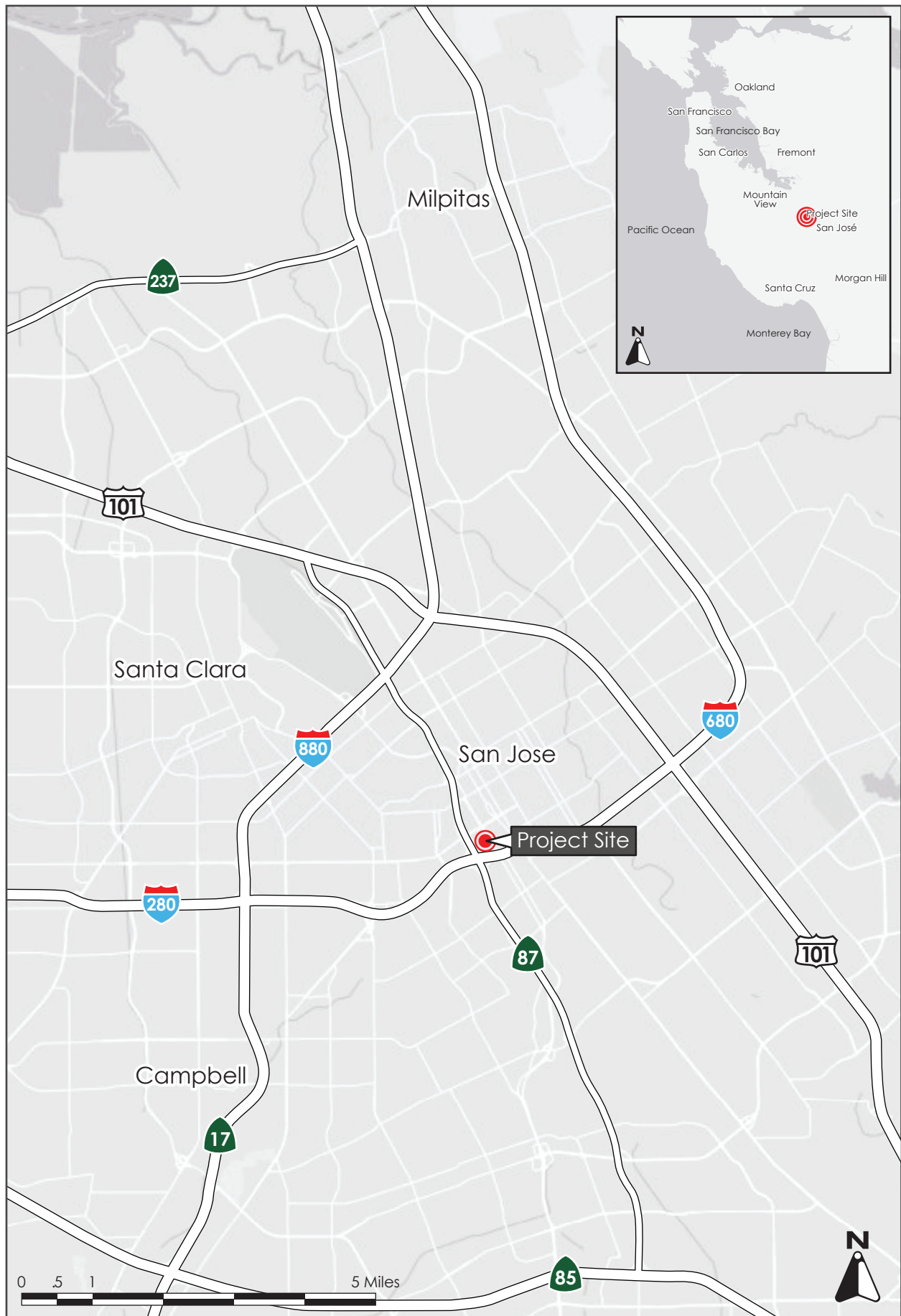
An SEIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare an SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of the proposed Almaden Office 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 (IS) 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

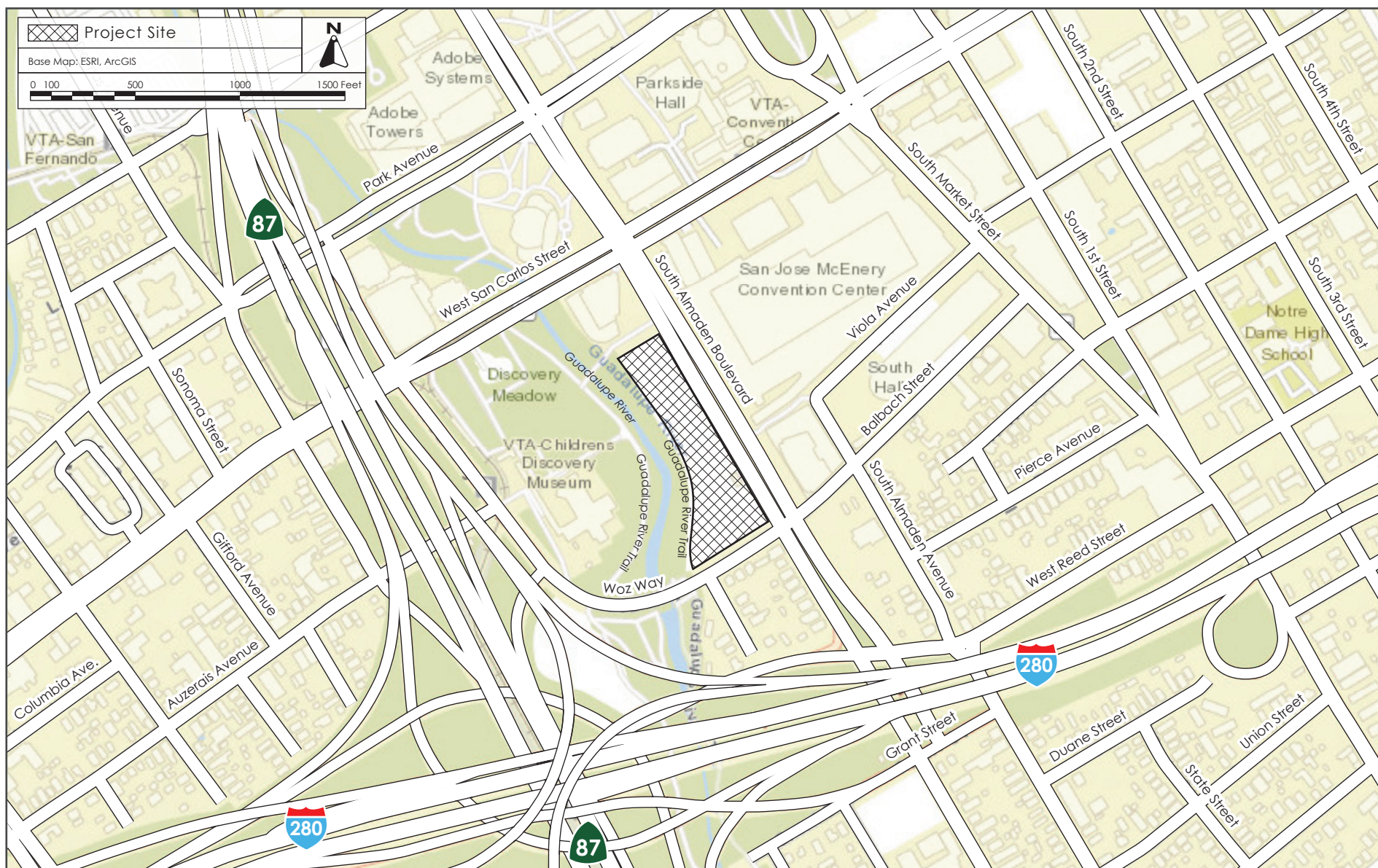
Project Location

The approximately 3.57-acre project site is located at the northwest corner of South Almaden Boulevard and Woz Way/Balbach Street in downtown San José (APNs 264-28-019, -022, -023, -024, -025, -028, -149, -152, -153, -160, -167, -168, -169, -172, -173, -174, -175, and -176). Regional and vicinity maps of the project site are shown in Figure 1 and Figure 2, respectively.



REGIONAL MAP

FIGURE 2.4-1



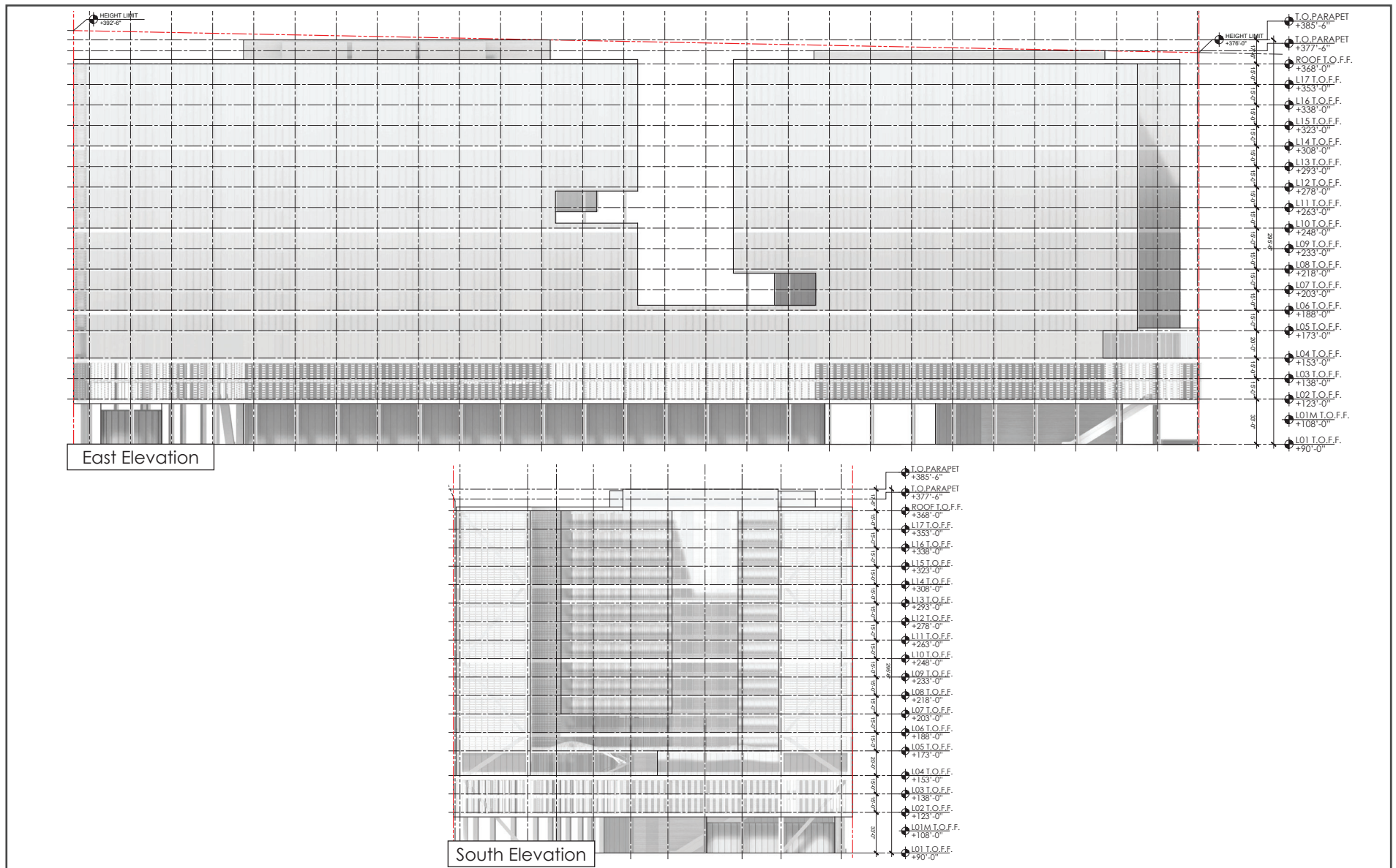
VICINITY MAP

FIGURE 2.4-2



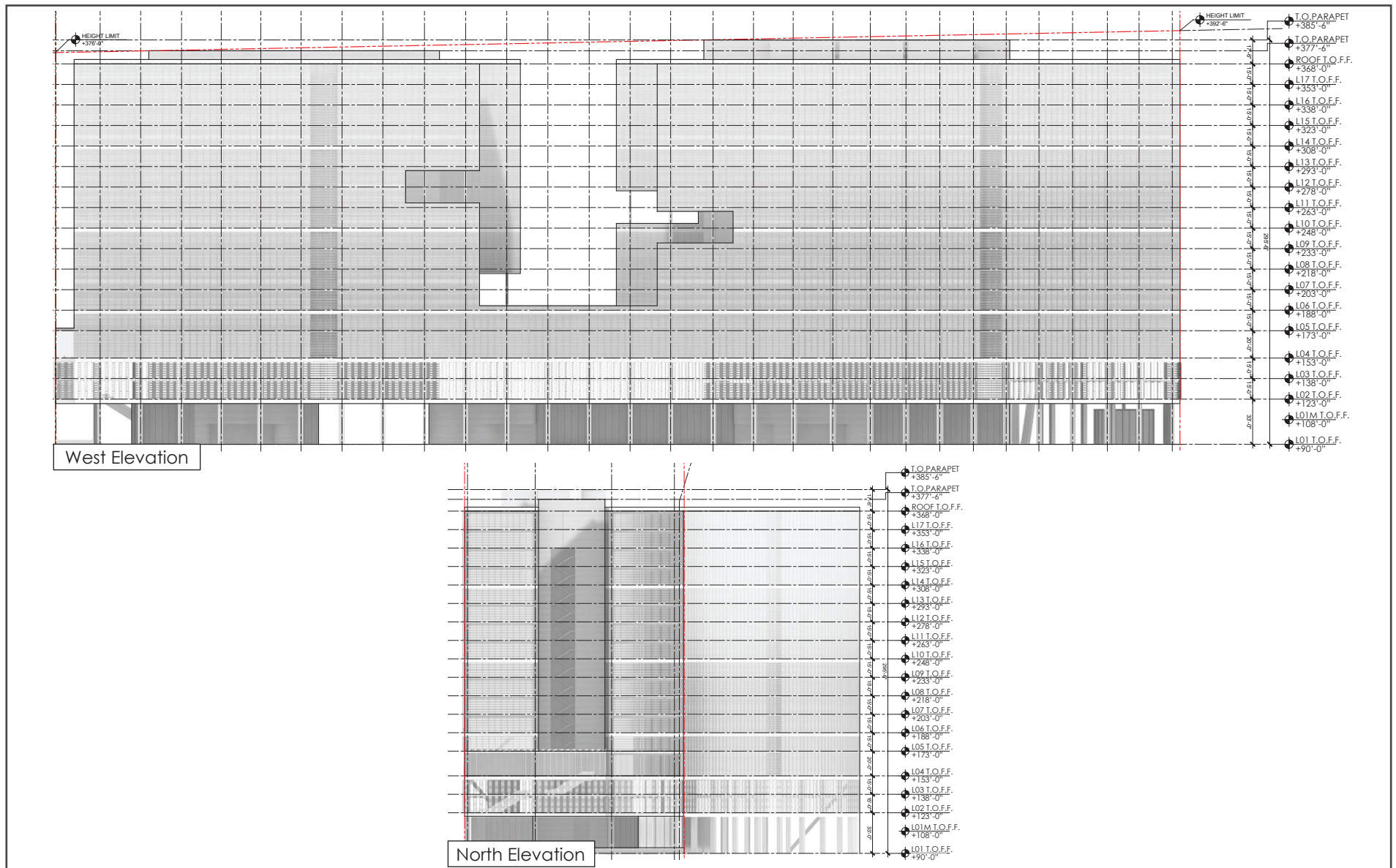
SITE PLAN

FIGURE 3



EAST & SOUTH ELEVATIONS

FIGURE 4



WEST & NORTH ELEVATIONS

FIGURE 5



AERIAL VIEW FROM SOUTHWEST FACING DOWNTOWN SAN JOSE

FIGURE 6



VIEW FROM WOZ WAY LOOKING NORTH

FIGURE 7



VIEW OF GUADALUPE FROM DISCOVERY MEADOW

FIGURE 8

Project Description

The project site is currently developed with a public parking lot. As proposed, the project would remove the existing parking lot and develop an approximately 2.6 million square foot building with approximately 2,111,000 square feet of office space in two towers (North Tower and South Tower). The North Tower (approximately 860,000 square feet) would have a maximum height of 289 feet to the parapet (up to 17 stories) with approximately 11,110 square feet of ground floor amenity/food and beverage space. The South Tower (approximately 1,251,000) would have a maximum height of 296 to the parapet (up to 17 stories) with approximately 24,100 square feet of ground floor amenity/food and beverage space. The project would include privately-owned/publicly accessible open space and proposes improvements in the public right-of-way along the Guadalupe River. Both buildings would be connected via a podium building on floors one to five and would have a combined total floor area ratio (FAR) of approximately 13.6.¹ Please refer to Figures 3 to 8 above for the site plan, elevations, and renderings.

The project proposes three levels of below-grade parking with up to 1,815 parking spaces. Vehicular access to the site is proposed via two driveways on South Almaden Boulevard and one driveway along Woz Way. The proposed driveway on Woz Way would be located adjacent to the Guadalupe River trail.

The City's Riparian Corridor Policy typically requires new development to have a 100-foot set-back from the top of bank of an adjacent waterway. Due to the size of the project site, the project is proposing a reduced setback.

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
4. Demolition Permit
5. Building Permit
6. Grading 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 2,111,000 combined square footage of both towers / 155,509 square feet of site area = 13.6 FAR

1. Aesthetics

The proposed development will replace a public surface parking lot with two office towers on a podium in the downtown area of San José. The SEIR will include a shade and shadow diagram and a discussion of any shade and shadow impacts that may occur. 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.

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

The project site is located adjacent to the Guadalupe River riparian corridor. The SEIR will address the loss of trees on and adjacent to the site and will identify and discuss potential biological impacts on the riparian corridor and the wildlife that utilizes the riparian habitat resulting from construction and operation of the project.

4. Cultural Resources

Due to the site's proximity to Guadalupe River and the Second Pueblo de San José de Guadalupe, subsurface resources may be located on-site. The project site is located approximately 0.08 miles northwest of the Market-Almaden Conservation Area. In addition, the project site is located approximately 0.06 mile north of a residence located at 533 Locust Street, which is currently listed as a Structure of Merit in the City's Historic Resources Inventory. There are no historic structures on or immediately adjacent to the project site. The SEIR will address the impacts to known and unknown buried archaeological resources on-site, as well as impacts to potential 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 the most seismically active region in the United States. The SEIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on-site.

7. *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 for reducing GHG emissions adopted by the City of San José. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

8. *Hazards and Hazardous Materials*

Development in the project area consists of single-family residences, offices, a hotel, a parking garage, and the Guadalupe River and the Guadalupe River Trail. 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*

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the SEIR will address the possible flooding issues of the site as well as 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).

10. *Land Use*

The project site is located in a developed urbanized area surrounded by a variety of land uses. The SEIR will describe the existing land uses adjacent to and within the project area. Land use impacts that will occur as a result of the proposed project will be analyzed, including the consistency of the project 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 will result from operation of the proposed project, as well as temporary construction noise. 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 other heavy equipment. The SEIR will evaluate the effects of vibration during project construction on nearby structures.

12. *Public Services*

Implementation of the proposed project would increase the employee population of the City which will result in an increased demand on police and fire protection 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 traffic operations analysis will be completed to evaluate the proposed site access/circulation and intersections in the project area to identify any necessary improvements.

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 will result in an increased demand on utilities and public facilities compared to existing conditions. The SEIR 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.

16. Wildfire

The proposed project is located within a developed area of downtown San José. The SEIR will discuss project impacts on 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 reduced development alternatives (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 include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area, including Invicta Towers, Garden Gate, Gateway Tower, development in the SoFa district, 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 IS will be prepared and provided as an appendix to the SEIR. The IS will include an analysis of the resource areas that have no new significant impacts or no increase in previously identified impacts.



June 3, 2019

Kara Hawkins
City of San Jose
200 E Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Hawkins,

Thank you for submitting H19-004 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. **Streets and Roads:** Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department

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West Sacramento, CA 95691 Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



June 7, 2019

Kara Hawkins
City of San Jose
200 E Santa Clara St; 3rd Floor Tower
San Jose, CA 95113



RE: SCH# 2019050020 Almaden Office Project, Santa Clara County

Dear Ms. Hawkins:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Gayle.Totton@nahc.ca.gov.

Sincerely,



for

Gayle Totton
Associate Governmental Program Analyst

cc: State Clearinghouse

File: 26457
Guadalupe River

June 26, 2019

Ms. Kara Hawkins
Environmental Project Manager
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905.

Subject: Notice of Preparation of a DEIR for the Almaden Office Project- City File H19-004

Dear Ms. Hawkins:

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of a DEIR for the Almaden Office Project- City File H19-004, received by the Valley Water on May 30, 2019.

The Guadalupe River runs along the westerly property line and Valley Water has an easement over portions of the river and fee title property over the areas located directly adjacent to the project site. As per Valley Water's Water Resources Protection Ordinance any work proposed on Valley Water's easement, fee title property or that may impact the Valley Water facilities, including the Guadalupe River, will require a Valley Water encroachment permit be issued prior to the start of construction. Additionally, as issuance of an encroachment permit is a discretionary act, Valley Water is to be considered a responsible agency under California Environmental Quality Act (CEQA) if a permit may be required.

Based on our review of the proposed project as shown on the above referenced plans we have the following comments:

1. The NOP notes that the project "proposes improvements in the public right-of-way along the Guadalupe River." As noted above if these improvements are proposed on Valley Water right of way a Valley Water permit will be required.
2. The project area includes a portion of land that has no Assessor Parcel Number (APN) and is located between APNs: 264-28-160, 162, 019 and 153. Please note Valley Water has a flood control easement over this entire parcel, including the portion to be developed. Development of this area appears to be in conflict with

the purpose of the easement. Valley Water staff needs to evaluate the plans showing Valley Water's easement and the proposed improvements to determine impacts to our facility. The easement deed is available upon request.

3. The proposal is large enough to require the preparation of a Water Supply Assessment (WSA) by San Jose Water Company for incorporation into the EIR. The water supply analysis should determine if the proposal fits within the growth projections of the Downtown Strategy 2040 and associated WSA. Valley Water requests the opportunity to review the draft WSA to comment on the consistency with countywide water supply planning efforts; especially if future growth will be relying on the groundwater basin, which is managed by Valley Water.
4. Development of the site should minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City and applicant should consider the following:
 - Require landscaping that exceeds the requirements of the City's water efficient landscape regulations;
 - Weather- or soil-based irrigation controllers;
 - Dedicated landscape meters;
 - The installation of dual plumbing to facilitate and maximize the use of alternative water sources for irrigation, toilet flushing, cooling towers, and other non-potable water uses should recycled water lines be extended in the future to serve the site. In addition, onsite reuse of water may be appropriate now or in the future.
 - Maximize the use of alternative water sources for non-potable uses including stormwater, rainwater, and graywater.
 - Installation of separate submeters to each residential unit and individual spaces within commercial buildings to encourage efficient water use.
 - Be consistent with the City's Green Vision to reduce water use and associated greenhouse gas emissions
5. Development has the potential to result in new sources of polluted runoff. While soil has some natural filtering ability, it is not infinite, and not all contaminants bind to soil. Development should include natural or engineered pretreatment, if needed, to minimize the risk of surface and groundwater degradation.

6. The NOP notes that the project is proposing a reduced riparian corridor setback due to the size of the project. Development of the site provides an excellent opportunity to provide additional buffer area between development and the Guadalupe River. The City's Riparian Policy encourages the City to provide adequate buffer area between development and creeks. With a greater buffer there would be room for the multi-benefit features such as allowing space for creek restoration, flood protection efforts, or recreational use if needed in the future.
7. Landscaping at the site needs to be in conformance with the Guidelines and Standards for Land Use Near Streams which includes guides for projects whose landscaping goals are larger scale revegetation or mitigation projects (Design Guide 2) and guides for ornamental landscape where the goals are geared toward human aesthetics (Design Guide 3). If the main goal of landscaping at this site is for aesthetics and there is no required mitigation, Design Guide 3 should be used. Design Guide 3 will help ensure landscaping will be maintained in a manner consistent with the goals of protecting the local natives and replacement plants consistent with this guide are commercially available. This guide provides options for use of either non-invasive, drought-tolerant, non-native ornamental plants that will not have the potential to cross pollinate with native riparian species or else choosing non-invasive, drought-tolerant, non-local California natives (ornamental natives) with no potential to cross-pollinate with the local native species.

Design Guide 2 requires use of locally native riparian species grown from propagules collected from the local watershed which are not available at conventional nurseries nor are they available in large container sizes. Such plants typically require a custom nursery contract to collect and grow the plants with a one-year lead time with resulting plants, including trees, smaller than 1 gallon in size. As noted above this is more suited for mitigation/ restoration sites, not ornamental landscaping within a development.

To protect the genetic integrity of the riparian habitat along the river, trees planted at the site should conform with Design Guide 3 and box size oaks and other local native riparian species should not be planted at the site.

The DEIR should include a discussion of landscaping at the site and what measures will be taken to ensure the native local riparian plantings within the Guadalupe River, both adjacent to the site and downstream will not be negatively impacted, by the proposed landscaping, including replacement trees.

8. Generally, runoff from the site is to be directed to the existing public storm drain system that drains into the Guadalupe River. Valley Water has received a request to review options for relocating an existing storm drain and specific comments regarding the options will be provided separately after review of the information provided.
9. Please note that Valley Water records indicate there are active wells on APNs: 264-28-160, 167, 168 and 173. There is also an active well located on the portion of land that has no APN located between APNs: 264-28-160, 162, 019 and 153. If the wells continue to be used following development of the site, they must be protected so that they do not become lost or damaged during construction. If any of the existing wells are not needed following development of the site, they must be properly destroyed under a separate well permit from Valley Water.

While Valley Water has records for most wells located in Santa Clara County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the site during development, they must be properly destroyed under a well permit from Valley Water or registered with Valley Water and protected from damage. For more information, please contact Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

Please forward a copy of the DEIR to Valley Water when available for public comment. Reference Valley Water File Number 26457 on further correspondence regarding this project. If you have any questions or need further information, you can reach me at chaggerty@valleywater.org or at (408) 630-2322.

Sincerely,



Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: U. Chatwani, C. Haggerty, M. Martin, File



BAY AREA
AIR QUALITY
MANAGEMENT
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James Spering
Lori Wilson

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



June 28, 2019

Kara Hawkins

Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905

RE: Almaden Office Project – Notice of Preparation

Dear Ms. Hawkins,

Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) for a draft Environmental Impact Report (DEIR) for the proposed Almaden Office Project (Project). This Project would remove an existing public parking lot and develop an approximately 2.6 million square foot building on a 3.67-gross acre site in downtown San Jose. The building would be up to 17 stories containing 2,111,000 square feet of office space in two towers connected via a podium building, 35,200 square feet of ground floor commercial space, and up to 1,815 below-grade parking spaces.

Because the Project includes over two million square feet of office and commercial space and no housing, it is quite likely that increases in vehicle trips will impact air quality and greenhouse gas (GHG) emissions. Air District staff recommends the DEIR include the following information and analysis regarding potential regional and local air quality impacts and GHG emissions in the San Francisco Bay Area Air Basin:

- **The DEIR should quantify the Project's potential construction and operational impacts to local and regional air quality.** The Air District's California Environmental Quality Act (CEQA) Guidelines provide guidance on how to evaluate a project's construction, operational, and cumulative air quality and GHG impacts. The CEQA Guidelines can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>.
- **The Air District recommends that a significance determination for GHG emissions be based on an evaluation of the Project's consistency with the most recent draft of the SB 32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals.** The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 greenhouse gas targets, which are now superseded by the 2030 targets for greenhouse gases established in SB 32.

- **The DEIR should evaluate the Project's consistency with the Air District's 2017 Clean Air Plan (2017 CAP).** The 2017 CAP can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.
- **The DEIR should estimate and evaluate the potential health risk to existing and future sensitive populations within the Project area from toxic air contaminants (TAC) and fine particulate matter (PM_{2.5}) as a result of the project's construction and operation.** Air District staff recommends that the DEIR evaluate potential cumulative health risk impacts of TAC and PM_{2.5} emissions on nearby sensitive receptors.
- **The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts.** These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>. If the Project requires a site-specific analysis, please contact Air District staff to obtain more recent data.
- **If any aspects of the Project may require a permit from the Air District (for example, back-up diesel generators), then the Air District may be a responsible agency for CEQA purposes.** Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or byoung@baaqmd.gov to discuss permit requirements.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Josephine Fong, Environmental Planner, at (415) 749-8637 or jfong@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director Margaret Abe-Koga
BAAQMD Director Cindy Chavez
BAAQMD Director Liz Kniss
BAAQMD Director Rod G. Sinks

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

www.dot.ca.gov

*Making Conservation
a California Way of Life!*

June 28, 2019

SCH # 2019050020
GTS # 04-SCL-2019-00593
GTS ID: 15784
SCL-280- 2.208

Kara Hawkins
San Jose Public Works
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Almaden Office Project – Notice of Preparation

Dear Kara Hawkins:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Santana West Development Local Transportation Analysis (LTA). In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the May 2019 Notice of Preparation (NOP). The project is accessed from SR 87 using the San Carlos Street/Auzerais Avenue off-ramp, adjacent to the project.

Project Understanding

As proposed, the project would remove the existing parking lot and develop an approximately 2.6 million square foot building with approximately 2,111,000 square feet of office space in two towers (North Tower and South Tower). The North Tower (approximately 860,000 square feet) would have a maximum height of 289 feet to the parapet (up to 17 stories) with approximately 11,110 square feet of ground floor amenity/food and beverage space. The South Tower (approximately 1,251,000) would have a maximum height of 296 to the parapet (up to 17 stories) with approximately 24,100 square feet of ground floor amenity/food and beverage space. The project would include privately-owned/publicly accessible open space and proposes improvements in the public right-of-way along the Guadalupe River. Both buildings would be connected via a podium building on floors one to five and would have a combined total floor area ratio (FAR) of approximately 13.6. The project proposes three levels of below-grade parking with up to 1,815 parking spaces. Vehicular access to the site is proposed via two driveways on South Almaden Boulevard and one driveway along Woz Way. The proposed driveway on Woz Way would be located adjacent to the Guadalupe River trail.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility: A Call to Action for the New Decade*, the project site is identified as being in **Place Type 1a: Urban Core** where location efficiency factors, such as community design, are strongest and regional accessibility is strongest. The measures listed below will promote smart mobility and reduce regional VMT.

- Preferential parking for carpools and vanpools;
- Participation in a Guaranteed Ride Program;
- Providing incentives or subsidies that increase the use of modes other than single-occupancy vehicles;
- Employee carpool matching services;
- Parking for car sharing vehicles;
- Project design to encourage walking, bicycling and convenient transit access;
- Providing transportation and commute information kiosk(s);
- Provide telework options;
- Limiting or eliminating parking supply;
- Designated bicycle parking;
- Bike lockers and bike racks;
- Showers and clothes lockers for bicycle commuters;
- Charging stations and designated parking spaces for electric vehicles;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

Multimodal

Multimodal access including transit, bike, and pedestrian should be encouraged. Fair share contributions need to be considered for projects potentially affecting the STN. Two projects are identified in the MTC's Regional Transportation Plan 2040:

- SR-87 Express Lanes: I-880 to SR-85 (17-07-0082)
- I-280 Express Lanes: US-101 to Magdalena (17-07-0084)

Active Transportation

The Caltrans *District 4 Bike Plan* (Plan) for the San Francisco Bay Area was developed within the framework of *Toward an Active California*, the California State Bicycle and Pedestrian Plan. This framework includes an overall vision, goals, objectives, and strategies to improve bicycle safety and mobility throughout the State. The Plan, the first of its kind in the State, evaluates bicycle needs on and across the Bay Area's State transportation network and identifies infrastructure improvements to enhance bicycle safety and mobility and remove some of the barriers to bicycling in the region. This Plan will guide District 4 and its partners to develop an integrated bicycle network for the Bay Area.

Many of the improvements identified in the Plan are conceptual and will require further study and coordination with local jurisdictions and stakeholders. The Plan will be updated regularly as future needs and opportunities are identified and evaluated. Fair share contributions need to be considered for the projects listed below:

- SR-87 Azueras Ave Minor interchange improvements (signage and striping)- Class IV (SC-87-X07)
- SR-280 Almaden Blvd Minor interchange improvements (signage and striping)- Class IV (SC-280-X10)

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To obtain the permit application and obtain more information, please contact Amjad Naseer at (510)-286-4423.

Lead Agency

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This includes any required improvements to the STN or reductions in VMT. Any required improvements should be completed prior to issuance of the Building Permit. We strongly recommend the City of San Jose pursue early coordination with Caltrans to address any potential issues relating to increased traffic flow on Caltrans facilities resulting from this project. Since this project meets the criteria to be deemed statewide, regional, or areawide significance per CEQA Section 15206 the project's Draft Environmental Report (DEIR) should be submitted to both Valley Transportation Authority (VTA) and MTC for review and comment.

Kara Hawkins, City of San Jose Public Works

June 28, 2019

Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Mark Leong at 510-622-1644 or mark.leong@dot.ca.gov.

Sincerely,



WAHIDA RASHID

Acting District Branch Chief

Local Development - Intergovernmental Review

July 1, 2019

Angela Wang
City of San Jose, Planning Division
200 E. Santa Clara Street
San Jose, CA 95113

RE: Almaden Office – File No. H19-004

Dear Angela:

On behalf of the Board of Directors of the Guadalupe River Park Conservancy (GRPC), I am submitting the following comments related to the Notice of Preparation for the Almaden Office project proposed for the northwest corner of the intersection of S. Almaden Blvd. and Woz Way in Downtown San Jose. The project site is located adjacent to the Guadalupe River Trail, a city and regional Class I trail located within the Guadalupe River Park. The GRPC is the City's non-profit partner in the activation and development of the Guadalupe River Park and as such, is the governing entity for projects within the park, which is adjacent to the project site.

GRPC generally supports development that activates, engages with, and respects the park and river. We find the currently proposed design to be interesting and unique within the Downtown. However, we have some comments that should be considered during preparation of the Draft Environmental Impact Report (DEIR). Our comments are as follows:

1. We are concerned that the project has been designed prior to the determination of an appropriate riparian setback in this location. The City's Riparian Corridor Policy allows reduced setbacks in Downtown only with consultation with and approval by a qualified biologist. In the public meeting, it was stated by the project applicant that the setback proposed is four feet off the property line. The riparian corridor setback must be determined based on the location of the river's top of bank or dripline of the trees, whichever is greater. Property lines are irrelevant and it is highly doubtful that the biologists will deem four feet as sufficient in an area where the river's habitat value is apparent. We are hopeful that the applicant will revise the plans once the appropriate riparian setback has been determined.
2. We are concerned that the project would result in safety conflicts along the Class I (roadway separated) Guadalupe River Trail which is heavily used by bicycling commuters and pedestrians. We support park serving amenities and commercial uses along the trail; however, with the open ground-floor concept, it is not clear how trail users, office workers, and commercial shoppers will interact. Further, it looks as though the trail would be impacted by trucks and delivery vehicles at the loading docks proposed to be accessed from Woz Way. This would also adversely affect the use of the recreational trail from a safety perspective. We ask that solutions to these issues be included in the

proposed project, including perhaps locating loading docks/delivery locations on S. Almaden Blvd.

3. Given the riparian habitat and required setback, we ask that the building be stepped back more from the river. We understand that the project includes a “reduced scale alternative”, which we believe can be achieved in the proposed building heights of up to 17 stories, while also increasing the riparian corridor setback and distance between the buildings and the trail. Stepping the building away from the river would still allow for the unique design while reducing environmental impacts associated with respecting the riparian habitat and allowing for safe trail travel.
4. Figure 7 of the NOP appears to show a drive aisle on the ground floor between the trail and what we were told are the proposed ground-floor commercial uses within the central portion of the project. This is concerning for all of the previously described reasons and would effectively eliminate the trail’s Class I status. It would also affect trail users and would not allow workers to safely access the trail or Discovery Meadow on the west side of the river. It also would put the “back” of the project along the trail and Discovery Meadow – something we do not support. Too many Downtown structures were built this way which has significantly affected our ability to activate the parks along the trail. It should also be noted that the figure is inaccurately labeled. The view is not from Woz Way and does not look to the north.
5. We fully support the use of bird safe design as required by the City of San Jose. This includes reducing the use of reflective glass and window coverings. Again, stepping the building back from the river would also assist in allowing a more bird-friendly environment.

In closing, Boston Properties met with GRPC staff and board members several months ago and the above concerns were raised. We were led to believe that the project plans would be modified somewhat to address our concerns. However, that does not appear to have occurred. To move forward on a DEIR when plans should change does not seem prudent. Either that, or there was never an intent to strive to meet our expectations. We hope it was not the later.

Sincerely,



Jodi Starbird
President
Guadalupe River Park Conservancy Board of Directors



COMMITTEE FOR
GREEN FOOTHILLS



CALIFORNIA
NATIVE PLANT SOCIETY



July 1, 2019

via email

Kara Hawkins, Environmental Project Manager
Department of Planning, Building and Code Enforcement
City of San Jose
Attn: Kara.Hawkins@sanioseca.gov

Re: Notice of Preparation for the Almaden Office Project (File No. H19-004)

The undersigned organizations submit the following comments in response to the City of San Jose Notice of Preparation of a Draft Environmental Impact Report for the Almaden Office Project (Project).

The project proposes to replace an existing parking lot with an up to 17-story tall and 3 story basement, approximately 2.6 million-square foot building on a 3.67-gross acre site along a 0.16 mile curve of the Guadalupe River at the Northwest corner of South Almaden Boulevard and Woz Way. As proposed, the project would include approximately 2,111,000 square feet of office space in two towers (connected via a podium building on floors one to five), 35,200 square feet of ground floor commercial space, and up to 1,815 below-grade parking spaces as well as possibly parking in up to 4 levels above ground (not mentioned in the NOP) for another 1,200 to 2,400 cars.

Project Description

- Project Description information should be provided for both temporary dewatering during construction and any ongoing dewatering that may occur during operations and occupancy of the building, including
 - Depth to groundwater (as documented in a Hydrogeological Study)
 - Flooding risk (as documented in a Hydrogeological Study)
 - Please include information about the amount of dewatering that will be required for the project and how the water will be disposed of.
 - What dewatering technique will be used: 1) groundwater exclusionary techniques (e.g., secant or cut-off wall), 2) controlled groundwater

- pumping, otherwise known as drawdown well dewatering, or 3) open pit dewatering?
 - Where will pumped water be discharged: 1) to the storm drain, 2) directly into the creek, or 3) into the sanitary sewer system?
 - What is the calculated discharge per minute and duration (and total groundwater pumping in acre feet) to accomplish the dewatering?
 - Please include both groundwater dewatering and dewatering of rainwater if it has accumulated at the bottom of the excavation site.
- Please include preliminary landscape and storm water plans so the impacts of these project elements on the riparian corridor can be evaluated.
 - Please include information about soil removal, where it will be stored and how it will be disposed of. Please identify and analyze the capacity of storm water retention infrastructure.
- Please provide information on where staging will be located and machinery stored.
- Please provide in-depth description and characterize the baseline of the stream aquatic and riparian ecosystems and existing biological conditions along the Project reach of the Guadalupe River. Please note that surveys conducted by experts from the undersigned groups show a robust and diverse native riparian forest adjacent to the project site.

Aesthetics

- Please provide visual depictions and analyze the visual impacts of this dominant structure on park users at Discovery Meadows Park, trail users along the Guadalupe River, and users of the Children Discovery Museum - during the day and at night.
- Please analyze the impacts of Artificial Night Lighting and of Daytime Glare on park users at Discovery Meadows Park, trail users along the Guadalupe River, and visitors to the Children Discovery Museum.
- Please analyze the impacts of shading on park users at Discovery Meadows Park, trail users along the Guadalupe River, and visitors to the Children Discovery Museum
- Please analyze the impacts of reflected sunlight and glare on drivers on 87 and 280, and on air traffic.
- Please provide depictions of impacts to the San Jose view-shed from the Lick observatory, and discuss the impact of any visible light on the night sky.

Hydrology and Water Quality

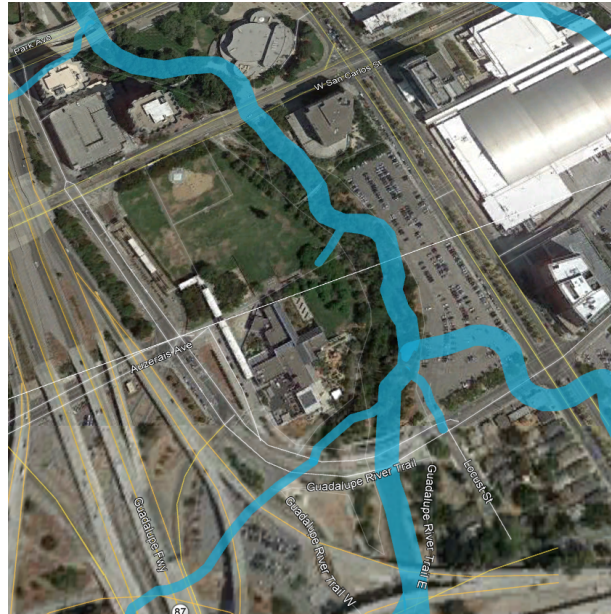
Dewatering and Below Ground Construction

- Please analyze the following potential impacts:

- Surface water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged?
 - Ground water quality. Do samples show any potentially harmful contaminants that need to be removed with a treatment system before being discharged? Please test and analyze for the presence of mercury compounds in sediment and in groundwater.
 - Impacts of groundwater pumping on the site and surrounding area (Hydrogeological Study). The Study should include the radius of influence (i.e. extent of cone of depression) from each dewatering well as a function of time, based on local soil and groundwater conditions. Will groundwater depletion occur due to dewatering and could this impact adjacent sites and result in land subsidence at those sites or impact trees and plants on those sites that rely on groundwater?
 - Impacts of groundwater pumping on the surface water in Guadalupe River (Hydrogeological Study). Will the interaction between groundwater and surface water be impacted?
 - Impacts of groundwater pumping on the capacity of the City's storm drain system or sanitary sewer system, especially during the rainy season from November through March.
 - The impacts of energy used for groundwater pumping should be included in the Energy analysis.
 - The impact of the noise generated during groundwater pumping should be included in the Noise analysis.
 - The potential for trash from the site accumulating in the river (including during construction).
- Impacts of the completed belowground structure.
The underground parking garage wall will be within a few feet from the river edge. Moreover,
The Oakland Museum Historical Creeks map for the area shows a historical tributary (see figure below).
 - Existing conditions: does the tributary continue to flow underground? Or was it captured into a culvert? Please provide a study and analysis for this tributary.
 - Will underground construction block the flow of groundwater through the project site? (Please analyze underground flows into the river and along the river).
 - How will the belowground structure impact the water table in the surrounding area? Once the belowground structure is constructed, will the water table rise and result in surface flooding on nearby streets or properties (especially those which also have below-ground structures)?
 - How will the potential for flooding of the underground parking be addressed? During the Coyote Creek flood, trash and chemicals were also released. In the event of a flood event, how will belowground structures be

safeguarded and what pumping techniques will be used to prevent contamination of groundwater and the Guadalupe River?

- Please describe the proposed construction process for rerouting the natural underground water flows.
- What is the mitigation required for the environmental impacts of rerouting the natural underground water flows.



- Proposed mitigations
 - Install a groundwater monitoring well at the farthest feasible point on the site from the underground structure.
 - Provide a list of potential actions and solutions should groundwater monitoring program indicates problems.
 - Test groundwater discharged into a storm drain for contamination per Regional Water Quality policies. In addition, test discharged water for contamination by mercury compounds.
 - Meter extracted groundwater.
 - During dewatering, submit periodic reports showing current groundwater levels, pumping rates, and water quality standards.
 - Avoidance measures to minimize the flow rate and duration of the pumping.
 - Install a sediment settling tank system and/or treatment system to improve discharged water quality.
 - If feasible, percolate the discharge onto the construction property rather than into the storm drain system.
 - Provide a Fill Station to provide the City and nearby residents and business owners the opportunity to use the pumped groundwater to minimize the amount discharged to the storm drain system.
 - Limit dewatering during the rainy season (between November and March) due to stream or storm drain capacity issues.

- The project should engineer the post-construction groundwater flow to match the pre-construction groundwater flow through the site

Geology

The project site is located in a seismically active site along a river, thus it may be susceptible to liquefaction or uncertain seismic action.

- Please conduct geomorphic modeling to determine the near bank shear stress values, and to determine the potential of the Project (especially underground elements) to contribute to greater erosion along the Guadalupe River and greater need for bank stabilization treatments of the Guadalupe River channel in this reach.
- Please analyze potential risks of flooding if the structure collapses into the Guadalupe River in the event that a magnitude 6 or more earthquake occurs during the rainy season.
- Please evaluate the additional risk of liquefaction due to the presence of an underground historical waterway onsite.

Biological Resources

The Project will stretch along an entire block and form a wall along the river, the Guadalupe River trail and Discovery Meadow Park. It will cast a shadow over the Guadalupe River and its entire riparian corridor in the morning and reflect light to produce glare in the afternoon. At night, ambient light will increase. Thus, this project is likely to cause significant harm to riparian and aquatic life in the Guadalupe River riparian corridor.

- Please describe the Beneficial Uses of the Guadalupe river near the Project site and characterize their significance in the Project or how the Project actions would impact the beneficial uses. Please provide adequate mitigation.
- Please provide complete inventory of all native trees (of all sizes) in the adjacent riparian corridor. Please analyze the biological impact of shading during the day and increased ambient lighting during the night on the riparian forest.
- Please provide information on tree removal of any California native tree species and identify potential impacts to roots of any additional native trees. Because mid-story trees provide critically important resources to resident and migratory fauna in the riparian area, please provide information for all native trees, not only ordinance size trees.
- Please provide analysis of how reflected sunlight and/or glare may impact creek temperatures and the aquatic ecosystem, including Steelhead and light-sensitive aquatic species.
- Please analyze impacts to animal movement due to increased ambient lighting in the creek corridor. Please consider both indoor and outdoor lighting.
- Please find attached bird species list for avian species that have been observed along the Guadalupe River Trail in Downtown San Jose. Please provide analysis for impacts to resident and migratory avian species in the creek corridor.

- The risk of collision with glass. Please note that we believe that compliance with the San Jose Downtown Design Guidelines is important, but may not reduce the impact to a less than significant level due to the height of the building and its proximity to the River.
 - Impact of increased ambient lighting in the creek corridor due to indoor and outdoor lighting.
- Please mitigate for use of outdoor LED lighting by using fixtures that produce Correlated Color Temperature (CCT) of no more than 3000. See <https://www.led-professional.com/resources-1/articles/hazard-or-hope-leds-and-wildlife> for additional recommendations.
- Use of Pesticides and Fertilizers: The use of herbicides, pesticides, rodenticides and fertilizers can cause direct and secondary harm to aquatic and terrestrial wildlife. This risk is heightened at this location so near to riparian habitat.
 - Mitigation: Do not allow the use of pesticides or fertilizers during construction or operation of this project
 - Mitigation: Identify alternatives to biocides and require the use of Integrated Pest Management techniques for this project

Energy

- The NOP acknowledges that implementation of the project would result in an increased demand for energy on-site, and propose that the SEIR will propose design measures to reduce energy consumption.
 - The EIR should provide the anticipated electric and gas utility demand during construction and operation of the Project, and provide a seasonal break down to analyze summer (July-August) and winter (December-January) demands of heating and cooling.
 - Will the Project be a ZNE (zero net energy) commercial building as is required by San Jose's Climate Action Plan in order to meet the city's carbon reduction goals (Page 151, Climate Smart San Jose)?
 - The Project proposes a large glass wall surface to volume ratio. Please analyze the optimum of glass surface needed for minimizing energy use while allowing adequate internal daylight penetration.
- Mitigation should require:
 - The Project should be required to be certified by an independent third party to meet the ZNE (zero net energy) certification and verification requirements.
 - The Project should be required to reduce the glass surfaces to no more than 40% to comply with a Wall to Glass/Window Ratio recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (see <https://www.ashrae.org/technical-resources/ashrae-handbook>)

Riparian Corridor Policy

We strongly believe that the 100-ft setback recommended by 2016 San Jose Riparian Corridor Policy should be maintained.

- Please analyze the significance of non-compliance with this Policy, including incentive to develop in the riparian corridor and growth-producing impacts within the riparian corridor elsewhere in San Jose.

Water Supply

Please provide a Water Supply Assessment and evaluate cumulative impacts including the Adobe expansion and all other anticipated large downtown development projects in the pipeline.

Water Supply

With so many projects in San Jose either under construction or in development review, the cumulative impacts on water supply may be significant and need to be reassessed and tracked.

- Please provide an updated Water Supply Assessment and include cumulative impacts. Here is a partial list of projects in the pipeline that should be considered:
 - SP18-016 27 South First Street Mixed-Use Project
 - HP18-002 & H17-062 West Santa Clara St & Almaden Ave Development
 - SP18-020 & T17-064 440 West Julian Street Office Project
 - PDC16-036 4300 Stevens Creek Boulevard Mixed-Use Project
 - H14-011 237@First Homewood Suites Hotel
 - H16-036, T16-048 300 South Second Street Student Housing
 - H18-026 477 South Market Street Mixed-Use Project
 - H18-037 Adobe North Tower
 - H18-038 Almaden Corner Hotel Project
 - PDC15-058 & PD15-053 America Center Phase III Project
 - C17-009, SP17-016 & T17-015 Auzeris Avenue Residential Project
 - PDC17-056 Avalon Expansion Project
 - PDC17-040 Cambrian Park Plaza Project
 - GP06-04-01 and PDC03-108 Flea Market General Plan Amendment and Rezoning
 - SP18-001, T18-001 Garden Gate Tower
 - GP17-006, GPT17-008 & C17-031 Julian Street General Plan Amendment, Diridon Station Area Plan Text Amendment & Rezoning
 - CP19-006 Meridian Residential Project
 - SP17-031 and T16-024 Museum Place Mixed Use Project
 - HA14-009-02 and HPA14-002-02 Park View Towers Revised
 - HA14-023-02 Post Tower Amendment
 - H17-006 and T16-061 Ruby Avenue Residential Project
 - PDC17-051 San Jose Flea Market Southside Rezoning
 - H16-042 and HP17-003 San Jose Tribute Hotel Project
 - SP17-009 and T16-056 SJSC Towers Mixed-Use Project

convention centers. This one building would have more office space than the entire Salesforce tower in San Francisco. To really put it in perspective, it would be the **second largest office building on the West Coast** (second to Apple Park) and the **27th largest in the world.”**

The NOP states that parking is a 3-level underground garage with 1,815 spaces. However, it is our understanding that in addition to the 3 levels of underground parking, there are 4 levels of above ground parking with another possibly 2,400 plus spaces. The size of the parking garage is significantly larger than the current parking lot and will generate significantly more traffic to this block than anticipated.

Therefore, the EIR needs to study the impact of the greatly increased traffic in this block and in the neighborhood. In addition, the site is adjacent to residential neighborhoods that will be affected by the added traffic.

The EIR should include a new traffic study for all the intersections, for several blocks around the proposed development, including the nearest freeway on and off ramps for I-280 and 87. Traffic needs to be studied cumulatively with the Convention center which also has special traffic needs and 1,140 parking spaces.

- Active Transportation: The City of San Jose adopted a Vision Zero plan in 2015 and continues to strive towards safer streets. One statistic that stands out is that 70% of deaths in 2016 in San Jose were on major streets, of which Almaden Blvd is one. Therefore, bicycle lanes and pedestrian sidewalks must meet the requirements in the Vision Zero Plan. Additionally, scooters, electric vehicles, and Zip cars, are all part of the San Jose Climate Action Plan to reduce the carbon footprint, and therefore these elements should be included in plan review. Please describe bicycle lanes (widths and traffic signals) and pedestrian facilities that are needed to service the cumulative traffic anticipated with this proposed development as part of the traffic analysis. If the parking for the building is reduced below what is required by the planning code, the facilities needed for the increased active transportation can be taken into account.
- Mid-block crossing: The project envisions the ground plane to be a public area with an open area in the middle of the block, directly across from the convention center parking garage entrance and exit. There is a mid-block crosswalk for the public to cross from the convention center to the plaza. Please have the traffic analysis include the mid-block pedestrian crossing traffic signal.

Traffic-Related Pollutants on Roadway

- This project will result in an exponential increase in traffic on Woz Way. Studies show runoff from highways contains detectable levels of zinc, lead, copper, and nitrate/nitrite.
- Please study the following impacts:
 - Pollutants from motor vehicles include oils and grease (from leaks) and heavy metals (from car exhaust, worn tires and engine parts, brake pads,

rust, or used antifreeze). Vehicle-related particulates in highway runoff come mostly from tire and pavement wear (~ 1/3 each), engine and brake wear (~ 20%), and exhaust (~ 8%) (EPA 1996). Each year, approximately 185 million gallons of improperly discharged used motor oil pollute streams, lakes, and coastal areas (Indicators of the environmental impacts of transportation. Updated Second Edition. Publication # EPA 230-R-99-001, Office of Policy, Planning and Evaluation. Washington, D.C.).

- Although not identical to a highway, the additional traffic on Woz way will substantially increase the accumulation of contaminants on the roadway. The impact of these toxins on water quality in the Guadalupe River needs to be analyzed. How will all the additional pollutants from cars impact runoff from Woz Way into the Guadalupe River?
- Mitigation
 - Install green street infrastructure on Woz Way to mitigate this impact.

Displacement and homelessness impacts

The Project proposes approximately 2,111,000 square feet of office space. At 150sf - 250sf per employee, this translates to 8,500 - 14,000 employees, which generates a demand for around 10,000 new housing units. This puts additional pressure on existing housing. San Jose is already experiencing spiraling upwards housing prices and an increasing homeless population (the 2017 census showed 4350 homeless individuals; the 2019 census identified 6,172).

- Please analyze the effect of the proposed development on housing availability and on increased commuting from distant locations due to the housing shortage in San Jose.
- Please analyze the potential environmental impacts (trash, biological waste, hazardous waste) of an increased homeless population along San Jose waterways.

Utilities

The NOP states, *“Implementation of the proposed project will result in an increased demand on utilities and public facilities compared to existing conditions. The SEIR 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”*

- Please include Low Impact Development (LID) strategies, including onsite storm water management, in order to meet Green Infrastructure requirements given the proximity to the Guadalupe River.

Mitigation and Monitoring

- Please publish all test results and monitoring reports online during construction and for at least 25 years after construction so all results are available for public review. This should include all impacts to air, water, and biological resources,
- Please include in mitigation a transparent and verifiable Transportation Demand Management program.

Alternatives

The EIR requires that an alternative be studied that has a reduced environmental impact. This would be a development with a different massing, wider set back from the river, as required by the City riparian corridor guidelines, and with less glass in the facade to reduce bird strikes in this bird-rich riparian corridor and to improve energy efficiency.

Please include the following alternatives:

- A reduced scale alternative that provides an adequate setback from the river and staggers development height. This would be a much smaller project than the one proposed.
- A reduced energy use alternative that uses no more than 40% glass in the building envelope and achieves ZNE certification.
- An alternative that combines a reduced scale and reduced energy use.

We thank you for the opportunity to provide scoping comments for this project

Respectfully,

Shani Kleinhaus,
Environmental Advocate
Santa Clara Valley Audubon Society

Gita Dev,
Land Use Committee Chair
Sierra Club Loma Prieta Chapter

Steve Holmes,
Executive Director
South Bay Clean Creeks Coalition

Linda Ruthruff,
Conservation Chair
California Native Plant Society, Santa Clara Valley Chapter

Deb Kramer,
Executive Director
Keep Coyote Creek Beautiful

Alice Kaufman,
Legislative Advocacy Director
Committee for Green Foothills

eBird Field Checklist

Guadalupe River Trail--downtown San Jose

Santa Clara, California, US

ebird.org/hotspot/L1316518

93 species (+9 other taxa) - Year-round, All Years

This checklist is generated with data from eBird (ebird.org), a global database of

Go to ebird.org to learn more!

Waterfowl

Canada Goose

Mallard

Hooded Merganser

Common Merganser

Grebes

Pied-billed Grebe

Pigeons and Doves

Rock Pigeon

Eurasian Collared-Dove

Mourning Dove

Swifts

Vaux's Swift

White-throated Swift

Hummingbirds

Anna's Hummingbird

Allen's Hummingbird

hummingbird sp.

Rails, Gallinules, and Allies

American Coot

Shorebirds

Killdeer

Gulls, Terns, and Skimmers

Ring-billed Gull

California Gull

Herring Gull

Glaucous-winged Gull

gull sp.

Cormorants and Anhingas

Double-crested Cormorant

Hérons, Ibis, and Allies

Great Blue Heron

Great Egret

Snowy Egret

Green Heron

Black-crowned Night-Heron

Vultures, Hawks, and Allies

Turkey Vulture

Cooper's Hawk

Red-shouldered Hawk

Red-tailed Hawk

Kingfishers

Belted Kingfisher

Woodpeckers

Acorn Woodpecker

Downy Woodpecker

Nuttall's Woodpecker

Hairy Woodpecker

Downy/Hairy Woodpecker

Northern Flicker

Falcons and Caracaras

American Kestrel

Peregrine Falcon

Tyrant Flycatchers: Pewees, Kingbirds, and Allies

Pacific-slope Flycatcher

Empidonax sp.

Black Phoebe

Ash-throated Flycatcher

Western Kingbird

Shrikes

Loggerhead Shrike

Vireos

Cassin's Vireo

Warbling Vireo

Jays, Magpies, Crows, and Ravens

Steller's Jay

California Scrub-Jay

American Crow

Common Raven

Martins and Swallows

Northern Rough-winged Swallow
Tree Swallow
Violet-green Swallow
Barn Swallow
Cliff Swallow
swallow sp.

Tits, Chickadees, and Titmice

Chestnut-backed Chickadee

Oak Titmouse

Penduline-Tits and Long-tailed Tits

Bushtit

Nuthatches

White-breasted Nuthatch

Treecreepers

Brown Creeper

Wrens

House Wren

Bewick's Wren

Kinglets

Ruby-crowned Kinglet

Parrotbills, Wrentit, and Allies

Wrentit

Thrushes

Western Bluebird

Hermit Thrush

American Robin

Catbirds, Mockingbirds, and Thrashers

Northern Mockingbird

Starlings and Mynas

European Starling

Wagtails and Pipits

American Pipit

Waxwings

Cedar Waxwing

Finches, Euphonias, and Allies

House Finch

Purple Finch

House/Purple Finch

Lesser Goldfinch

American Goldfinch

Spinus sp. (goldfinch sp.)

New World Sparrows

Chipping Sparrow

Dark-eyed Junco

White-crowned Sparrow

Golden-crowned Sparrow

Song Sparrow

Lincoln's Sparrow

California Towhee

Spotted Towhee

sparrow sp.

Blackbirds

Bullock's Oriole

Red-winged Blackbird

Brown-headed Cowbird

Brewer's Blackbird

Great-tailed Grackle

blackbird sp.

Wood-Warblers

Orange-crowned Warbler

Common Yellowthroat

Yellow Warbler

Yellow-rumped Warbler

Townsend's Warbler

Wilson's Warbler

Cardinals, Grosbeaks, and Allies

Western Tanager

Old World Sparrows

House Sparrow

This field checklist was generated using eBird (ebird.org)

bird sightings from birders like you. If you enjoy this checklist, please consider c

contributing your sightings to eBird. It is 100% free to take part, and your observ

ations will help support birders, researchers, and conservationists worldwide.



July 1, 2019

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Kara Hawkins

Subject: City File No. H19-004 Notice of Preparation of a Draft Environmental Impact Report for the Almaden Office Project

Dear Ms. Hawkins:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Notice of Preparation (NOP) for an Environmental Impact Report for an Almaden Office Project. We have the following comments.

Intersection Analysis

VTA recommends including the following intersections in the project's Transportation Operations Analysis as part of the Supplement Draft Environmental Report (SEIR):

- Woz Way/Auzerais Avenue
- San Carlos Street/Almaden Blvd.
- San Carlos Street/Woz Way

VTA is interested in understanding how the project will affect operations at these intersections. These intersections all include light rail crossings. VTA recommends clearly documenting any potential effects or mitigations strategies in the SEIR related to effects on transit operations at these intersections.

Bicycle and Pedestrian Accommodations

Given the increased pedestrian volumes associated with the project, VTA recommends that the City work with the project sponsor to provide exceptional pedestrian accommodations on the project frontages and connections to the Children's Discovery Museum VTA Light Rail Station. VTA recommends clearly documenting pedestrian and bicycle ingress/egress points on the project site plan. The NOP and site plan do not provide details regarding the location of the bicycle parking spaces or other bicycle-supportive facilities. VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle

Page 2 of 2

parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from www.vta.org/bikeprogram.

Construction Impacts

VTA strongly recommends that the SEIR analyzes how construction impacts will affect transit operations/delay, haul routes, and queuing at the intersections noted above (Intersection Analysis). VTA also recommends clearly documenting any potential mitigation strategies during construction to mitigate for any identified impacts caused by construction.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 546-7985.

Sincerely,



Brent Pearce
Transportation Planner

cc: Ryan Do, San Jose Development Services

SJ1916